

**PLANNING COMMITTEE**
**12 DECEMBER 2023**

<b>APPLICATION NO:</b>	22/00402/FUL
<b>ADDRESS:</b>	Land South of A127, East of M25 Junction 29, Codham Hall, Codham Hall Lane, Great Warley, Essex
<b>APPLICATION DETAILS:</b>	<p>Full planning permission for the following development at Land South of A127, East of M25 Junction 29, Codham Hall, Codham Hall Lane, Great Warley, Essex (also known as 'Brentwood Enterprise Park')</p> <p><i>Full planning application seeking detailed planning permission for demolition of existing buildings and structures; ground works to enable creation of development plots; highways works including construction of new A127 overbridge, access to B186, site roads and construction of M25 J29 to B186 link road (phase 1), erection of buildings for Class B8 (Storage and Distribution) and/or Class B2 (General Industrial) use within ancillary office space (within Class E); landscaping, infrastructure and enabling works including diversion of public rights of way. The further information relates to the Environmental Statement, including a Statement of Conformity Letter considering the implications for the changes to the red line boundary of the proposed development for the following topics: Socio-economics, Waste and Resources, Traffic and Transport, Air Quality, Noise and Vibration, Ground Conditions, Water Resources and Flood Risk, Ecology, Climate Change and Greenhouse Gas Emissions, Landscape and Visual Impact Assessments and Built Heritage</i></p>
<b>SITE PLAN:</b>	Attached
<b>APPLICANT:</b>	St. Modwen

<b>WARD:</b>	Warley
<b>PARISH:</b>	N/A
<b>CASE OFFICER:</b>	Emma Doyle

**REPORT SUMMARY**

**Report structure**

This committee report is structured as follows:

- 1. Proposed development
- 2. Site description and relevant history
- 3. Policy context
- 4. Neighbour responses
- 5. Consultation responses
- 6. Full planning application
- 7. Planning assessment
- 8. Conclusion
- 9. Recommendation

- Appendix A: List of submitted drawings and documents
- Appendix B: Conditions
- Appendix C: Glossary

**Scope of this Report and its Recommendation**

Planning Committee members are required to consider this full planning application for the proposed development of Site Allocation E11 (Brentwood Enterprise Park) in the Local Plan. The proposal would generate approximately 1,580 gross construction jobs and up to 2,370 gross direct full-time equivalent jobs equivalent to over 10 years' worth of targeted employment growth for Brentwood borough.

The proposal has been subject to extensive discussions with officers, key stakeholders/consultees and the local community to resolve any important issues that may have been raised in consultation responses. The suite of plans, documents and technical reports submitted in support of the application by the applicant, St.Modwen,

which includes an Environmental Statement (ES) given that the proposal meets the criteria for Environmental Impact Assessment (EIA) development has been reviewed by the Council and relevant consultees. The ES has been reviewed by the Council's appointed third party consultants. As a result, any potential fundamental issues that were raised throughout the process have been investigated and where required, further supporting information or scheme amendments have been provided by the applicants. In some cases, matters have been addressed through planning conditions and/or planning obligations.

**RECOMMENDATIONS**

Grant Full Planning Permission subject to Conditions and Completion of an agreement under section 106 of the Town and Country Planning Act 1990 and the Secretary of State not wishing to intervene.

**REASONS FOR RECOMMENDATION**

The proposed development has been assessed in relation to relevant material planning considerations. It is considered that the proposal would be acceptable and compliant with the Brentwood Local Plan and relevant national planning policy.

**SUPPORTING INFORMATION**

**1.0 PROPOSED DEVELOPMENT**

1.1 The full planning application is accompanied by the following plans, drawings and supporting documentation.

<b>PLANS/DRAWINGS:</b>	See Appendix A
<b>SUPPORTING DOCUMENTS:</b>	See Appendix A  All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed on the council's website at: <a href="https://www.brentwood.gov.uk/-/applicationsviewcommentandtrack">https://www.brentwood.gov.uk/-/applicationsviewcommentandtrack</a>

## 2.0 SITE DESCRIPTION AND RELEVANT HISTORY

2.1 The site comprises an approximately 44ha part brownfield and part greenfield irregularly shaped plot of land located approximately 3 miles southwest of the town of Brentwood. The northern and southern parts of the site are used as follows:

- a) The northern part of the site comprises predominantly industrial uses located on previously developed land. It contains roads, hard standing, compacted aggregate, scrub, work cabins, caravans, construction materials and equipment, open storage and vegetated bunds. It contains a range of businesses associated with the M25 including traffic and highways maintenance services, aggregates manufacturing, utility services and scaffolding facilities understood to be operating under a temporary lease. It also contains a recycling facility known as the Ferns Aggregates Recycling Facility. Part of the northern area of the site also comprises a link road (Codham Hall Lane) located to the north of the A127. It runs east-west between the M25 Junction 29 and the Warley (A127/B186) Interchange and connects to the southern part of the site via a new vehicular overbridge proposed in this application.
- b) The southern part of the site contains open space comprising agricultural land.

2.2 Most of the site falls within **Site Allocation E11 (Brentwood Enterprise Park)** in the Brentwood Local Plan (adopted 2022). Two small areas of both the northern and southern halves of the site fall within the Green Belt as indicated in the plan extract below.



2.3 The site is located to the south of the A127, to the east of the M25 Junction 29, to the west of the B186 (Warley Street) and to the north of agricultural land. In terms of the immediate surrounding area, it lies adjacent to the following:

- a) To the east, the site lies predominantly adjacent to open space. The northern section of the eastern boundary is formed by a ditch, vegetation, vegetated bunds and small agricultural holdings that extend back to Warley Street (B186), which links Brentwood to South Ockenden. The southern section of the site's eastern boundary lies adjacent to Warley Street, beyond which lies housing (including Jax Folly and Gladstone Cottages) and a farm (Great Warley Hall).
- b) To the west, the site lies adjacent to vegetation, the M25 and part of the M25 Junction 29 roundabout. The M25 intersects the A127 via a fully grade separated junction (M25 J29) comprising the M25 passing above

the A127 gyratory. The gyratory is partially signalised. The western boundary adjoins a small stream and a woodland known as Hobbs Hole (a Local Wildlife Site due to it being ancient woodland). A bridleway (path 183) runs north/south along the western boundary of the site.

- c) To the south, the site lies adjacent to open space comprising agricultural land which extends further to the south towards a small stream and a railway line.
- d) To the north, the site lies partly adjacent to the A127, open space and Codham Hall Lane (a link road between the M25 Junction 29 roundabout and the Warley (A127/B186) Interchange). Further north comprises an industrial estate and Codham Hall Farm, part of which lies in Site Allocation E10 (Codham Hall Farm).

- 2.4 There are no statutory or locally listed buildings either within or immediately adjacent to the site. The nearest listed buildings comprise 'Brick House Hotel' and 'Hulmers' (both Grade II listed) and located to the north beyond the A127 on Warley Street. The site is not located within a Conservation Area. The nearest Conservation Areas comprise the Great Warley Conservation Area located circa 1.3km to the north of the site and the Cranham Conservation Area located within 1.5km of the site. There are also no non-designated built heritage assets within the site.
- 2.5 A watercourse runs alongside the site's north-western boundary, and another watercourse flows through the site from Warley Street (B186) to the east to the site's western side, where it joins a stream. The site is located within Flood Zone 1 (low risk of flooding) despite a small watercourse crossing part of the site from east to west.
- 2.6 Ground levels vary across the site. The natural topography of the site comprises areas of high ground at circa 30m Above Ordnance Datum (AOD) at the southern part of the site. A natural valley associated with a small watercourse is shown in the central area of the site, and the topography rises up again to the north of this.
- 2.7 There are no trees covered by a Tree Preservation Order (TPO) located within the site boundary.
- 2.8 The site does not form part of any statutory or non-statutory designated nature conservation site and there are no land-based statutory designated sites within

2km. Hobbs Hole Local Wildlife Site (LWS) is located adjacent to the southwestern boundary of the site. Hobbs Hole LWS is a parcel of ancient woodland a Habitat of Principal Importance, lowland deciduous woodland, adjacent to the western boundary of the site. The site lies within the Impact Risk Zone (IRZ) of Thorndon Park SSSI located 2.4km to the north-east.

2.9 Vehicular access to the site is currently available from two different points:

- a) An access road to the south of the A127 gyratory directly from M25 Junction 29 (from a signalised junction) via the south-east quadrant of M25 Junction 29.
- b) An access road on the north-east quadrant of M25 Junction 29, where access and exit (from a priority junction) is possible at M25 Junction 29 and from here, access to the site is provided by crossing the existing A127 bridge. This is a farm access bridge linking commercial buildings on Codham Hall Lane to the north of the A127 with the site. It is too narrow to accommodate two-way vehicular traffic. It accommodates a public bridleway.

2.10 With regard to public footpaths, public footpath 179 runs in an east/west direction through the site between the bridleway and Warley Street. Public footpath 180 turns south off footpath 179 and crosses the railway line. Public footpath 176 is also located to the north side of the A127.

2.11 The site is situated at a gateway location to the Borough and to Essex and will enable businesses to capitalise on the strategic connections of the South Brentwood Growth Corridor to key economic centres in the region, including Tilbury Port, Southend Airport and those in Greater London. In terms of transport connections, the site has access to the M25, which connects to the A12 at Junction 28 to the north and the A13 at Junction 30 to the south. It is also roughly equidistant to Upminster, West Horndon, Brentwood and Ockendon railway stations. Upminster is served by trains connecting London Fenchurch Street to Southend Central, and by Great Eastern trains to / from Romford. The site is also close to West Horndon train station, which provides rail services to London Fenchurch Street, Stratford, Basildon and Southend. It is also connected to local bus services with the No. 269 having bus stops on the B186 just to the east of the site, which provides bus connections to Grays, South Ockendon and Brentwood. The location of BEP provides excellent connectivity to the East Coast ports. Felixstowe is within 69 miles and a 1 hour 18-minute drive time. In

addition, the deep seaport at London Gateway is within 15 miles. The South Coast ports are within 114 miles and the creation of a second Thames crossing will offer a further route between the East and South coasts.

### **Relevant planning history**

#### 2.12 Brentwood Borough Council planning applications:

- a) 21/01125/EIASO - EIA Scoping opinion for a mixed-use commercial and supporting amenity development in Brentwood, known as Brentwood Enterprise Park. Scoping opinion issued on 5 November 2021.
- b) 22/00587/FUL: Regulation 25 submission - further information under town and country planning (environmental impact assessment) regulations 2017. application seeking full planning permission for engineering works on land situated to the south of Brentwood Enterprise Park, west of the B186 (Warley Street), north of the railway line and east of the M25 motorway. works to comprise the stripping and storage of topsoil, the movement, spreading and compacting of earthworks material from the adjacent Brentwood Enterprise Park development, and the respreading and levelling of the stored topsoil. the further information relates to the environmental statement and environmental statement addendum, including the non-technical summary, ecology, built heritage, effect interactions and conclusions chapters (including amended and additional ecology information and ground level tree assessment). Application withdrawn 18 Sep 2023

#### 2.13 Essex Minerals and Waste Planning Authority (MWPA) applications (as noted in the consultation response from the MWPA):

- a) ESS/40/12/BRW - Retrospective application for the use of the site as a material storage, recycling and distribution facility. Approved 30 August 2012
- b) ESS/07/13/BRW - The use of the site as a material storage, recycling and distribution facility (second submission with revised access). Approved 27 June 2014



## 3.0 POLICY CONTEXT

### National Planning Policy Framework (NPPF)

- 3.1 The National Planning Policy Framework (NPPF) is a material planning consideration. Paragraph 9 states 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. Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 3.2 Paragraph 12 of the NPPF clarifies 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. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

### Development Plan

- 3.3 The Development Plan comprises the **Brentwood Local Plan 2016-2033** adopted on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.
- 3.4 The following policies from the Brentwood Local Plan (2022) are considered relevant to the determination of the application:
- Policy MG01: Spatial Strategy
  - Policy MG02: Green Belt
  - Policy MG04: Health Impact Assessments (HIAs)
  - Policy MG05: Developer Contributions

- Policy BE01: Carbon Reduction and Renewable Energy
- Policy BE02: Water Efficiency and Management
- Policy BE04: Managing Heat Risk
- Policy BE05: Sustainable Drainage
- Policy BE07: Connecting New Developments to Digital Infrastructure
- Policy BE08: Strategic Transport Infrastructure
- Policy BE09: Sustainable Means of Travel and Walkable Streets
- Policy BE11: Electric and Low Emission Vehicles
- Policy BE12: Mitigating the Transport Impacts of Development
- Policy BE13: Parking Standards
- Policy BE14: Creating Successful Places
- Policy BE15: Planning for Inclusive Communities
- Policy BE16: Conservation and Enhancement of Historic Environment
- Policy PC01: Safeguarding Employment Land
- Policy NE01: Protecting and Enhancing the Natural Environment
- Policy NE02: Green and Blue Infrastructure
- Policy NE03: Trees, Woodlands, Hedgerows
- Policy NE08: Air Quality
- Policy NE09: Flood Risk
- Policy NE10: Contaminated Land and Hazardous Substances
- Policy NE11: Floodlighting and Illumination
- Policy E11: Brentwood Enterprise Park

3.5 The following documents and guidance are considered to be material considerations:

- National Planning Policy Framework (NPPF) (2023)
- National Planning Practice Guidance (NPPG)
- The Essex County Council Developers' Guide to Infrastructure Contributions (Revised Edition 2016)
- Sustainable Drainage Systems Design Guide (2015)
- Essex County Council Parking Standards Design and Good Practice (2009)
- Urban Place Supplement SPD (2007)
- Essex and Southend-on-Sea Waste Local Plan 2017

3.6 The site is not in an area covered by a Neighbourhood Plan.

## **Site Allocations**

- 3.7 The majority of the site benefits from a Strategic Employment Allocation in the Brentwood Local Plan (2022) as follows:

### ***POLICY E11: BRENTWOOD ENTERPRISE PARK***

*Land southeast of M25 Junction 29 is allocated for around 25.85 ha of land for employment development (principally for offices, light industrial and research and development, B2 and B8 and other sui generis employment uses). Other ancillary supporting development within classes C1, E and F1 or other sui generis ancillary supporting development may be permitted as a means of supporting these principal employment uses.*

#### ***1. Development Principles***

*Proposals should:*

- a. be accompanied by a high-quality landscaping scheme (including a scheme of maintenance) for the site as a whole with the objective also to provide improved visual amenity between the site and adjoining Green Belt;*
- b. be of a high quality in terms of its design and layout to reflect its status as a key gateway site;*
- c. protect and where possible enhance the adjoining Local Wildlife Site (Hobbs Hole);*
- d. preserve and where possible enhance the Public Right of Way through the site.*

#### ***2. Infrastructure Requirements Proposals should provide***

- a. access via M25 Junction 29 and/or Warley Street (B186) and associated slip roads;*
- b. well-connected internal road layouts which allows good accessibility for bus services;*
- c. new public transport or Demand Responsive Travel links with the surrounding area; and*
- d. good walking and cycling connections within the site and to the surrounding area.*

#### ***3. Infrastructure Contributions***

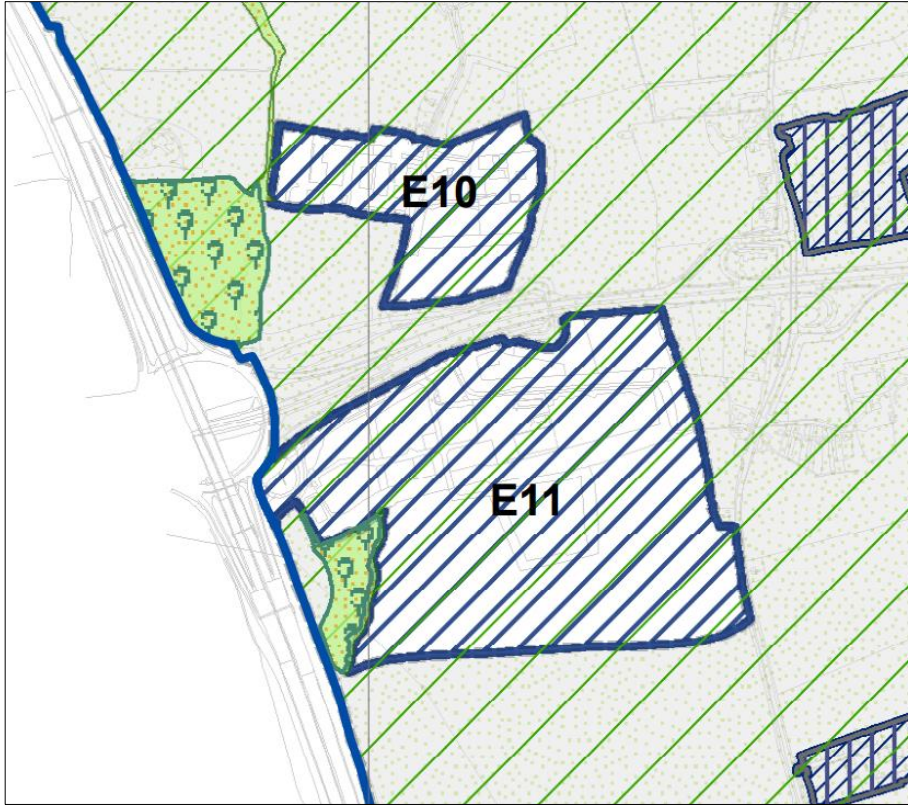
*Applicants will also be required to make necessary financial contributions via planning obligations towards:*

*a. off-site highway infrastructure improvements as may be reasonably required by National Highways (M25, J28 and J29) and Essex County Council (A127 and B186) in accordance with policies MG05 and BE08 (the planning obligation will determine the level and timing of payments for these purposes) unless, in the case of the Junction 29 mitigation and A127/B186 works, the applicant enters into a s.278 Agreement for its timely construction, if more appropriate;*

*b. improvements to West Horndon Station in accordance with policy BE08 to increase its capacity and utility in line with anticipated demand generated by each phase of the development.*

3.8 The extent of site allocation E11 is shown in the plan extract below from the adopted Policies Map. The following designations apply to the site as indicated in the Policies Map.

- a) Employment Site Allocations [MG01; PC01]
- b) Green Belt (part of site only) – the site was previously located within the Green Belt in the now superseded Local Plan (2005). However, the current Brentwood Local Plan (adopted 2022) removed most of the site from the Green Belt and allocated it for employment use.



Extract from the Council's adopted Policies Map

3.9 In addition, paragraph 3.14 of the Local Plan (2022) states that the site lies within the '**Southern Brentwood Growth Corridor**' which is described as follows:

*“The South Brentwood Growth Corridor runs along the southern transit axes up to the borough boundary. This location has traditionally played an instrumental role in delivering the borough’s economic growth, with the location of employment sites due to the good transport connections to wider markets. The spatial strategy continues to enhance employment land in this location, and delivers two strategic allocations, one brownfield allocation at West Horndon Village and a new settlement at Dunton Hills Garden Village, providing new residential-led mixed-use development. A strategic employment allocation at M25 junction 29 (Brentwood Enterprise Park) will provide for most of the new employment land needed, bringing forward a modern business park in the south-west of the borough with excellent access to the M25. This will also act as a focus for a wider M25/A127 employment cluster considering existing employment uses in the area.”*

3.10 The Local Plan at paragraph 7.19 also confirms that:

*“The proposed land at Brentwood Enterprise Park and land south of East Horndon Hall will accommodate mixed office, light industrial and research and development and B-uses. The excellent access onto the strategic highway network, makes them a very desirable place for certain businesses. In addition, the size of Brentwood Enterprise Park provides benefits by way of supplying for a large amount of employment need while bringing along new infrastructure and supporting services. Brentwood Enterprise Park will provide an opportunity for high-end modern premises at a key gateway to the borough and into Essex. Appropriate accompanying uses will be considered appropriate where these meet local needs, such as hotel and associated restaurant options. Retail will not be considered appropriate, in line with the retail strategy and sequential approach.”*

### **Planning designations nearby**

3.11 The following designations lie in proximity to the site:

- a) Green Belt to the north, east, south and west
- b) Ancient Woodland to the west and northwest
- c) Local Wildlife Site to the west and northwest
- d) Employment site allocation E10 (Codham Hall Farm) to the north. Policy E10 states the following about site allocation E10:

#### ***E10 (Codham Hall Farm)***

*Land at Codham Hall Farm, north east of M25 Junction 29 is allocated for around 9.6 ha of land for employment development which may comprise offices, light industrial, research and development employment uses. Other ancillary supporting development may be permitted as a means of supporting these principal employment uses.*

*1. Development Principles Proposals for development (including the redevelopment of existing developed areas) should: a. provide access via M25 Junction 29 and Warley Street (B186); b. protect and where possible enhance the adjoining Local Wildlife Site (Codham Hall Wood); c. preserve and where possible enhance the Public Right of Way through the site; d. provide good walking and cycling connections within the site and to the surrounding area; and e. be accompanied by an appropriate landscaping treatment scheme for the site as a whole to improve visual amenity on site, and safeguard and*

*where possible and appropriate, enhance the visual amenity of the adjoining green belt.*

*2. Infrastructure Contributions Applicants will also be required to make necessary financial contributions via planning obligations towards:*

- a. necessary off-site highway infrastructure improvements as may be reasonably required by National Highways (M25, J28 and J29) and Essex County Council (A127 and B186) in accordance with policies MG05 and BE08 (the planning obligation will determine the level and timing of payments for these purposes) unless, in the case of the A127/B186 works, the applicant enters into a s.278 Agreement for its timely construction, if more appropriate;*
- b. phased improvements to West Horndon Station in accordance with policy BE08 to increase its capacity and utility in line with anticipated demand generated by each phase of the development. (within Class E), B2, B8 or sui generis.*

#### **4.0 NEIGHBOUR RESPONSES**

- 4.1 The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link:  
<http://publicaccess.brentwood.gov.uk/online-applications/>

##### **Letters of support**

- 4.2 One letter of support has been received from a residential occupier and one letter of support from the Essex Chamber of Commerce:
- 4.3 *"I strongly support the application to redevelop an ugly piece of land that is currently a mess. It will bring thousands of jobs and associated economic benefits to the area."*
- 4.4 A letter has been received from Essex Chamber of Commerce (26 September 2022) supporting the scheme. They are of the view that deliver much needed high quality employment floorspace at a gateway location to Brentwood and Essex. The proposed development will deliver much needed high quality employment floorspace at a gateway location. The site is Brentwood's largest strategic employment allocation, and its delivery will enable business to capitalize on the region's strategic connections and economic centres, including Tilbury Port and Southend Airport. The scheme will deliver significant economic and

social benefits for Brentwood and Essex. These include jobs and provision of employment opportunities and also training and skills, and apprenticeships for local people. The development of the Enterprise Park will deliver highways infrastructure that will benefit the Borough and wider area. This includes a new link road that connects J29 of the M25 to the B186(which includes a new bridge over the A127) and other highway improvements.

### **Letters of objection**

- 4.3 A total of 8 objection letters to the proposal have been received. A summary of the comments is provided below, along with the Council's response.

### **Detailed objections and officer response**

1. **Objection to proposed use of the site:** Objection to the site not being cleared and restored to a greenfield site / agricultural land rather than remaining as a brownfield site. Until 2009 this was a greenfield site designated as agricultural land within the Metropolitan Green Belt. Temporary permission was granted for it to be used by contractors for the M25 widening scheme. At that time the Department for Transport and Highway Agency gave written assurances that the site would be returned to agricultural use.
- **Officer response:** The application brings forward a scheme that is in line with Strategic Site Allocation E11 in the Local Plan, which removes most of the site from the Green Belt and allocates it for 25.85 hectares of employment development that will provide significant economic and social benefits for Brentwood. The scheme carefully considers the neighbouring Green Belt land and to give emphasis to strategic landscaping across the site. The proposed transport infrastructure requires a Green Belt location in accordance with NPPF paragraph 150c) due to the application site being surrounded by Green Belt land on all sides. The proposed transport infrastructure located immediately to the north and south of the application site on Green Belt land, which facilitates site access and pedestrian, vehicular and cycling connectivity into the site, which are integral to the operation of the site. As such, there is no alternative option other than to build some transport infrastructure on Green Belt Land.
2. **Objection on highways grounds, and traffic generation:**
  - Concern over possible traffic queues at the new A127 junction traffic lights.
  - Concern over how long articulated vehicles will be able to turn right out from



Church Lane, at least without blocking the southbound Warley St traffic while waiting for the queue to move.

- This project should not have any access to Warley Street whatsoever, this will simply become a superhighway through the estate when the A127/M25 is backed up.
- Objection to the Warley Street B186 access/exit. Widening and reinforcement work to Warley Street flyover/junction & parts of the B186 will make no difference to drivers breaking weight restrictions as they are already defied. Would part of the B186 have to be closed whilst the above works are carried out. After road widening etc., would large vehicles be able to turn into the B186 with ease. Would there be traffic queues entering the BEP entrance on the B186, causing traffic jams especially when there are lots of recreational visitors. Would road widening encroach on residents properties. Would BEP be accessed 24 hours a day 365 days/year & have 24 hour security patrols
- The B186 is a "B" road but some days doesn't feel like it with little night lighting reported potholes and protruding metal covers not mended in years. The road is already a crash hazard at the A127 junction, the proposed exit onto Warley Street is immediately on a steep incline, this will result in traffic pulling out into fast moving traffic and accidents
- Locating the entrance here increases risks of accidents.
- Getting out from Upminster Trade Park into Warley street is already hazardous due to existing traffic speed and poor visibility.
- Traffic Brentwood-bound on Warley Street can regularly back up one mile to St. Mary's Lane at peak times. Additional traffic lights and traffic (mainly lorries) on the B186 will increase congestion. The B186 is a country 'B' road and such major changes prove that it is unsuitable for HGV's. Lorry entrance needs to be restricted to the main J29/M25 entrance away from housing.

**Officer response:** The proposed improvements to the Warley Interchange B186 junction with the A127 and the proposed new BEP access off the B186 have both been designed to accommodate forecast traffic demand. The proposed improvements to the Warley Interchange substantially increase capacity at this junction. Consequently, the applicant has confirmed that traffic queues at these junctions when there is a red stop light will not, under normal operating conditions, extend back as far as Church Lane and will fully clear every time the traffic lights turn green.

The proposed traffic signals at both the Warley Interchange and at the new access off the B186 will introduce gaps in the traffic flows along the B186,

which will increase the opportunities for long articulated vehicles to safely enter and exit Church Lane. Therefore, the applicant has confirmed that the proposal will not result in any obstruction of access to Church Lane and potentially improves the situation for vehicles accessing Church Lane. Furthermore, the existing 'Keep Clear' road marking on the B186 at its junction with Church Lane will be retained.

The proposed access to the application site via the new A127 overbridge and off the B186 are required to deliver the site and to enable wider growth arising out of the development. BEP will be operational 24 hours a day, 365 days a year and will have round-the-clock security. HGVs accessing the BEP will respect the existing weight limit on the B186 to the north of the Warley interchange and will not use this section of the B186 for access.

It is unlikely that the B186 will need to be closed whilst works are carried out, other than for occasional very short-term overnight works when prior notification will be given. Certain elements of the highway works may need to be completed on Sunday, during Bank Holidays or overnight to limit the impact on traffic flows. Again, prior notification will be given in this event.

With regard to congestion impact at B186 Warley Street, the scheme is anticipated to have a negligible effect on traffic congestion and delay for the travelling public. The new vehicular access on the B186 Warley Street will be signal controlled in conjunction with a reduction in the speed limit from 60mph to 40mph. These improvements will prevent any additional congestion and delay due to the development. In order to mitigate congestion, the scheme incorporates embedded measures to reduce its traffic and transport related impacts. These include:

- Off-site highway improvements
- Code of Construction Practice
- Enhanced facilities for non-motorised users
- Speed limit reduction on the B186 Warley Street
- Car-parking provision in accordance with ECC
- Secure and covered cycle parking
- Charging points for electric vehicles.

It is predicted that around half of employees will travel to the site via sustainable means of travel, limiting potential levels of congestion. The scheme is accompanied by a Workplace Travel Plan, which includes a

package of measures to ensure sustainable means of travel are available to all employees.

With regard to concern over accidents on the B186 Warley Street, the introduction of traffic signals at the Warley Interchange and site access junction, in combination with a reduction in the speed limit along Warley Street from 60mph to 40mph is anticipated to reduce the risk of accidents. The proposed highway improvements have all been subject to independent road safety audits that have not identified any road safety concerns.

With regard to impact on residential properties by the B186 Warley Street, the proposals would have a moderate adverse effect on the properties adjacent to the B186 Warley Street between the proposed site access and the Warley Interchange, as confirmed by the Transport Assessment. However, the offsite highway improvements including signal-controlled motorised user crossings across the B186 at the Warley Interchange and a reduction in the speed limit on the B186 Warley Street will mostly mitigate the adverse impacts. In addition, the scheme is bringing a host of wider wellbeing and amenity improvements that will benefit local residents.

With regard to the proposed road widening (at B186 Warley Street), the widening works will not encroach on residential properties.

3. **Objections to access** Concern over farm access from Church Lane CM13 3EP. Free access for HGVs and long/wide/articulated farm vehicles in and out is essential. The development requires extensively redoing the road past Gladstone cottages and down Gladstone hill to facilitate the new park entrance down by Upminster Trading Park. We farm the land along the east side of that road - please note we have established field gateways immediately adjacent to Gladstone Cottages on the North and South sides. We would obviously want to keep the access points and would be grateful if you could account for this in the highways works, providing whatever measures - dropped kerb etc - may be required

**Officer response:** See response above regarding access to Church Lane. The existing farm accesses off Church Lane at Gladstone Cottages will be maintained.

4. **Objections to noise:** At present access to the site is via ATS controlled road on south-east quadrant of junction 29 (M25) with an additional access road on

north-east quadrant. This proposal moves the main entrance to B186 (Warley Street). This is a narrow country road with the site access on west side between the humpback railway bridge, Upminster Trading Park and the hill leading up to Jax's Folly. This entrance will be used by HGVs, vans and vehicles of workers to the site. Currently there is easy and safe access for M25 traffic as well as east/westbound traffic on A127. The plans show that the Warley Street flyover and junction will have to undergo major work in widening and reinforcement. Parts of the B186 will also have to be widened. I cannot understand why the site designers are pushing traffic off major roads onto a narrow rural road. This will create extra noise and pollution for the local residents (mainly in Church Lane). The site seems designed to be used with articulated lorries and will no doubt be utilised 24/7. There will be a heavy noise impact for locals, including the origin of Great Warley, Church Lane

**Officer response:** The submitted Planning Statement and accompanying Environmental Statement (ES) considers noise and vibration matters. With regard to construction phase noise, existing noise context is already significant due to the heavily trafficked surrounding road network. This includes the adjacent M25, A127 and B186 Warley Street. A Noise Survey was carried out by the applicant in May/June 2021 where this noise exposure was noted. The ES reiterates that road traffic from the M25 and A127 are dominant sources of noise across the entire site, whilst noting that air traffic and rail noise were also a contributing factor. The ES notes that the impact of noise and vibration during construction has been assessed as having a temporary minor adverse effect. The CEMP submitted with the application sets out several measures that will be utilised to minimise the disturbance caused by construction activities. With regard to operational phase noise, the main entrance will remain off the A127 with secondary access from the B186 Warley Street. The ES notes that the predicted changes in road traffic noise are likely to give rise to minor temporary adverse effects to receptors to the east of the site. Based on the distance from receptors to road links and the existing noise levels of the surrounding road network, it is unlikely that receptors will experience the full changes predicted. The development will not give rise to any undue levels of noise, in accordance with national and local policy.

- 5. Objections to design:** The development site exceeds the already industrialised site by a large margin and should be restricted to the already occupied area. Unit 1 will be a monstrous 72-foot-high building perched on a hill, on green belt land. It will be visible from Canary Wharf, Tilbury Area of

Essex and beyond the River Thames into Kent. Openly visible to all. A blot on the landscape. Such a building and its situation does not belong here, in such as prominent/visible location. Similar in size to the 'Amazon' warehouse in Tilbury Essex, it belongs in a similar site i.e. next to an already substantial industrial area, away from housing. It will be a complete eyesore on the landscape, not in keeping with Brentwood and certainly not with Great Warley Village. Surely utilise the already 'brown' site of Codham Hall, North of the A127 for any additional building (s). also heavily camouflaged with greenery. Thus a common, short, entrance from J.29 roundabout of the M25 can be used. Codham Hall Lane could then be used as 'visitors only' (non-HGV) entrance. The layout of the scheme could be better to reduce the impact on neighbours.

**Officer response:** The proposal is in line with Strategic Site Allocation E11, which removes most of the site from the Green Belt and allocates it for 25.85 hectares of employment development. It will provide significant economic and social benefits for Brentwood. A Landscape Visual Impact Assessment (LVIA), alongside the impact of the site from a number of views, is provided as part of the submission package and assesses the sensitivity of the site and its capacity for change alongside any impact of the development on the local and wider landscape and any mitigation. The proposed units will sit alongside the existing highways infrastructure, whilst the integration of the site's southern edge into the wider landscape will provide strategic planting and offer benefits including ecological connectivity and new recreational opportunities. The development will marginally alter the existing landscape character of the site in the local vicinity. However, as set out within the LVIA, the site can accommodate the changes proposed without significant adverse effects on landscape character. Given the scale of the proposed buildings, views of the upper sections of the new buildings would be visible above the boundary tree belts. However, they would provide effective screening of the lower sections of the new buildings, as well as providing screening of the day-to-day working activities taking place within the Site. The LVIA notes that despite landscape and visual effects impacting on the immediate surroundings of the site, wider effects are limited.

- 6. Concern over employment generation and economic benefits:** BEP would generate employment for 2,300 Brentwood residents (40%), as well as £3.7 million/year for Brentwood Borough Council but it would not be of benefit to the local residents living in close proximity.

**Council response:** The proposal will provide much-needed floor space in a highly accessible strategic location. It would deliver over half (55%) of Brentwood's employment land allocation as set out within the adopted Local Plan, which will help to address undersupply of employment land in the short and medium term (as set out in the emerging Local Plan and the Economic Futures 2013- 2033 Document). The development will have significant economic benefits relating to job creation (both construction and operational phases) and local expenditure, in addition to social value. The impact of these will be felt across the community such as facilitating opportunities for creation and enhancement of skills among the workforce, which carry substantial weight in the planning balance. The scheme will provide training opportunities, including apprenticeships, for locals. Brentwood has the lowest proportion of inhabitants on apprenticeships within Essex and attracting inward investment and new businesses to provide local jobs and training opportunities would improve that. There will also be a host environmental, and community benefits available to the local community. These include: a community orchard, an outdoor gym and a fitness trail.

7. **Security query:** Will there be security patrols?

**Officer response:** The scheme promotes Secured By Design principles and incorporates design measures such as fencing, lighting, CCTV provision, access controlled internal and external accesses/doors alongside natural surveillance across the Site's car parks and cycle parking from the office areas. Such measures will encourage security and work to deter crime through the creation of a safe environment.

8. **Adjacent land ownership objection:** The application includes our land, without our agreement or consent and will affect Hulmers, Netherstone and our Agricultural business severely. As well as our surrounding neighbours. Our brief initial (not limited to) view is that we will be overlooked, have security, highway safety, transport and access issues, suffer from increased noise, disturbance, pollution, and our agricultural business, setting and listed building will be severely affected, all of which will require significant mitigation, not included in the plans. We would suggest the layout of the scheme could be better to reduce the impact on its neighbours. Due to the severity of the impact of the scheme on us we have therefore engaged professionals to look at the detail of the application on our behalf. However, given the size and complexity of the submission, this will take some time. We therefore expect to be making a detailed representation within a few weeks time. I would be

grateful if you would acknowledge that you will accept our more detailed response that will follow.

The detailed response referred to in point 8 above raised the following additional concerns which are addressed by officers:

**9. Data issues:**

- The data collected is from one day in 2019. From a different development scheme? **Officer response:** It is standard practice to use traffic data collected on a single day for junction traffic modelling, providing the day chosen is representative of traffic conditions on a typical day. The traffic data collected is also validated against other observed traffic data over longer time periods. This includes from Department of Transport (DfT) fixed traffic counters on the M25 and A127 and an automatic traffic counter (ATC) on the B186 that was in place for two weeks. As the purpose of the traffic data collected is to establish the baseline existing situation, it is irrelevant that it was collected for another scheme.
- Has there been significant development including at Codham Hall since the survey in 2019 which would directly impact the modelled network? **Officer response:** The applicant has confirmed that the traffic data was collected prior to the Covid-19 pandemic. Ongoing traffic monitoring data for the local and strategic road network in the vicinity of the site indicates that current traffic flows remain below the 2019 baseline scenario. In addition, pre-Covid traffic growth forecasts have been applied to the 2019 baseline flows using DfT growth factors and additional traffic forecast to be generated by Brentwood Local Plan proposed developments has been added. The traffic impact of the BEP has therefore been evaluated against a significantly robust forecast cumulative scenario that accounts for the impacts of traffic generated by other schemes locally but also does not factor in reduced baseline traffic levels and lower than anticipated traffic growth following the pandemic.
- The data quality is not from a wide enough number of days for a site with these flows and safety issues and which can see changes caused by other networks (say congestion on the M25 and A127, which is a regular occurrence.) It is unclear if the applicant has allowed for the regular scenario when the M25 and A127 are congested and the traffic flow on the B186 increases. Or collected data from such days. **Officer response:** Guidance on undertaking Transport Assessments (TA) for

new developments is that they are based on typical or average traffic flows on the road network and not based on atypical conditions due to road works, accidents, or other incidents. Both National Highways and Essex County Council (ECC) have fully reviewed the BEP Transport Assessment and are satisfied that the baseline data on which it is based is appropriate and robust.

- The data/ modelling provided does not ring true with local experience. More reliably locals have seen huge queues form from simple 2-way roadwork traffic lights placed both outside PERI on B186 Warley St. and on Gladstone Hill in the location of the proposed B186 access signalised junction, which held traffic back beyond the mini roundabout at Puddledock from Gladstone Hill and Back to Bird Lane from PERI. Queues of more than ½ mile. (Before adding in the extra traffic BEP will generate) The lights had to be moved on Gladstone Hill during their first day to the south side of the rail bridge as the forming queue presented a hazard to those travelling north unsighted by the humpback rail bridge. **Officer response:** The operation of traffic signals for road works are likely to be set using very different parameters to those that will be used for the proposed junction, so they cannot be compared. ECC has checked and reviewed the traffic modelling for the proposed off-site highway works and is satisfied that it is robust.
- The queue data which has now been used in the modelling is not sourced. Is it from the existing data count day? It appears to bear no relation to real world. If the queue lengths shown were representative, why was ECC proposing junction works B186/A127 in 2019 to sort a queuing problem onto the A127? **Officer response:** The queue data for the A127 off-slip roads at Warley Interchange was provided by ECC. It is based on tracking of journey times (Teletrac data) and, thus, represents queues on a typical weekday. The baseline traffic modelling for the Warley Interchange was modified to reflect the observed traffic queues on the A127 off-slip roads as indicated by the queue length data supplied by ECC. This revised baseline traffic modelling, therefore, shows queuing on the off-slip roads. The ECC previously proposed improvements to Warley Interchange were designed to address this problem and also to improve safety where clusters of accidents have been recorded at the junctions of the B186 with the slip roads.
- The applicant has modelled the Do minimum results in 15-minute segments but not the Do something. **Officer response:** The junctions



at Warley Interchange in the Do-minimum situation are priority give-way junctions, whereas in the Do-something scenario the junctions are signal controlled. Consequently, different software is used to model the operational performance of the junctions in the two different scenarios. The modelling software for priority give-way junctions applies a small peak within the peak hour. However, the modelling software for signal-controlled junction assumes a flat profile of traffic demand throughout the peak hour. Therefore, the operational performance of the junction for the Do-something scenario during the peak 15-minutes of the peak hour is likely to be slightly worse than that presented in the TA, which is based on the whole peak hour assuming a flat profile. Furthermore, the traffic impact of the BEP has been evaluated against a very robust forecast cumulative scenario that accounts for the impacts of traffic generated by other schemes locally but does not factor in reduced baseline traffic levels and lower than anticipated traffic growth following the pandemic. Essex County Council (ECC) has fully reviewed the traffic modelling and are satisfied that it is appropriate and robust.

- The modelling now does not include pedestrian crossing times asked for by ECC. **Officer response:** The proposed improvements at Warley Interchange provide the opportunity to introduce signal-controlled pedestrian crossings but these are not required to support the proposed development. The pedestrian crossings will operate on an on-demand basis that will call an 'all-red' phase when all traffic is stopped at a red light whilst pedestrians can cross. Given the remoteness of the junction and the BEP from any significant conurbations, pedestrian demand at the junction is forecast to be minimal. Therefore, the 'all-red' pedestrian phase at the junction is likely to be called insufficiently frequently to materially impact on the operational performance of the junction. Nonetheless, a sensitivity test of the traffic modelling with the pedestrian phase being called has been undertaken and supplied to ECC. This shows that there would be some intermittent traffic queuing when the pedestrian phase is called, but this would very quickly disperse over a few following signal cycles.
- They appear to have modelled junctions with straight on and turning elements together to achieve an acceptable % capacity, i.e. 3/1 and 3/2 on the B186 southern junction have known flows, they have an idea of the direction the traffic would take at the junction. They should be shown separately. **Officer response:** Where traffic heading in different directions share traffic lanes or where a single lane flares into two or more lanes over a short distance, then this is best replicated in

the traffic modelling by modelling them together. This is standard best practice.

## **10. Safety Issues**

- Safety issue areas include Northbound on the B186 below the proposed BEP junction the traffic is seriously unsighted by the humpback rail bridge. Stopped traffic for the proposed Enterprise Park to B186 junction mean traffic will queue on the northbound B186 in the blind spot of the rail bridge. The DMRB requires sightlines to be taken to the back of the queue. The proposed BEP B186 access is not a good place for a stop signalled junction with these flows. **Officer response:** The new junction on the B186 is located midway between the hump-back bridge to the south and the crest of a hill to the north to optimise driver's forward visibility to any traffic queues stopped at the traffic lights. The vertical alignment of the B186 will also be altered such that the road will be approximately 1m higher at the new junction, which will improve drivers' forward visibility. In addition, the speed limit on the B186 will be reduced to 40mph, which reduces driver's forward visibility requirements for the junction. The junction has been designed to operate within capacity during peak periods, accounting for forecast traffic demand. This means that under normal conditions all traffic queuing at a red light will pass through the junction when the lights turn green, leaving no residual traffic queues. The junction has also been designed to meet relevant forward visibility design standards and this has been checked by ECC. Nonetheless, the design will also include advanced warning signs for the junction and high-friction surface dressing on the B186 approaches to the junction to reduce braking distances. Furthermore, the proposed junction design has been subject to an independent road safety audit which found that there were no safety concerns, other than minor issues that could be addressed at detailed design
- From a safety point of view an unsighted queue on the rail bridge would form in under 5 minutes and therefore the modelling should be based on 5min or under timeframes. From existing data this would result in much higher peaks. **Officer response:** The new junction on the B186 is located midway between the hump-back bridge to the south and the crest of a hill to the north to optimise drivers forward visibility to any traffic queues stopped at the traffic lights. The vertical alignment of the B186 will also be altered such that the road will be approximately 1m higher at the new junction, which will improve

drivers' forward visibility. In addition, the speed limit on the B186 will be reduced to 40mph, which reduces driver's forward visibility and safe stopping distance requirements for the junction. The junction has been designed to operate within capacity during peak periods, accounting for forecast traffic demand. This means that all traffic queuing at a red light will pass through the junction when the lights turn green, leaving no residual traffic queues. The junction has also been designed to meet relevant forward visibility design standards that account for maximum anticipated traffic queue lengths at the traffic signals during each signal cycle, and this has been checked by ECC. Nonetheless, the design will also include advanced warning signs for the junction and high-friction surface dressing on the B186 approaches to the junction to reduce braking distances. Furthermore, the proposed junction design has been subject to an independent road safety audit which found that there were no safety concerns, other than a few minor issues that will be addressed at the detailed design stage.

- As there are highway safety implications it would not be acceptable to downplay the movements generated. **Officer response:** All the proposed off-site highway improvements have been subject to independent road safety audits, with identified issues having been addressed.

#### **11. Transport assessment issues:**

- The applicant has suggested to now be using LTC data but has (as far as I can see) not attached this data for analysis. **Officer response:** Forecast traffic data for the baseline 2033 scenario has been obtained from the LTC team at National Highways and is directly abstracted from the strategic traffic modelling undertaken for the LTC scheme. This information can be made available upon request, but this requires prior authorisation by the LTC team at National Highways
- The applicant has not used the existing peak periods B186 Northbound to model the proposed peak resulting in lower peak flows at the A127 south junction and BEP entrance. Existing comes in 7-8am they model 8-9am. (Due to safety issue should they use the actual 5-minute peak?). **Officer response:** The scope of the Transport Assessment was discussed and agreed with both National Highways and ECC prior to its preparation. This included agreement on the peak hours for assessment. Peak hour traffic flows vary by day of the week and section of the road network and the variation is typically less than 5%. This is insufficient to materially alter the conclusions drawn from the

traffic modelling, especially since this is based on a comparison of the Do-something scenario with the development and a Do-minimum scenario without the development. Therefore, higher baseline peak hour flows would apply equally to both these scenarios and the comparative conclusions remain the same.

**12. Travel issues:** In the real world will those expected to arrive by means other than car do so? Bear in mind there are traffic safety issues from underestimating the reality, however noble the intention of sustained transport. Is there any methodology to limit motor transport other than providing an alternative and restricting parking to limit traffic to the site? One only needs to visit any modern industrial estate to see verge parking outside. Not acceptable for modelling where there are highway safety issues and such a located site. **Officer response:** The applicant has confirmed that the forecast trip generation for the BEP is based on recorded data from other similar existing developments elsewhere in the UK. The existing sites chosen for this generally have ample parking provision and do not promote commuting by alternatives to the private car. Consequently, the traffic assessment for BEP is based on a reasonable worst-case forecast of vehicle trip generation that does not account for restrictions on parking provision and promotion of alternative modes of transport for commuting. A Framework Travel Plan has been prepared and submitted with the planning application. This outlines the measures that will be implemented to encourage commuting by modes of transport other than the private car, including the provision of additional bus services linking the site to Upminster, West Horndon and Brentwood stations. A detailed Travel Plan will also be prepared prior to occupation of the development when the tenants are known so that it can be tailored to their specific requirements. The Travel Plan will set targets for commuting trips by modes of transport other than the private car and it will be subject to prior approval by ECC and ongoing monitoring and evaluation throughout the lifetime of the Travel Plan. Bus improvement contributions will be made to Essex County Council via a s106 Agreement. The developer will pay a contribution of £850,000 towards the funding of bus services between BEP and West Horndon (and/or such location(s) from where staff working at the BEP travel to work). The developer will also pay a contribution of £1,150,000 towards the funding of bus services between BEP and Brentwood Grays (and/or such location(s) from where staff working at the BEP travel to work).

### **13. Access issues**

- ECC clarity required on gradient of B186 at proposed junction. It doesn't appear to comply as drawn with the Essex Design Guide. Para 6.11. Namely that the gradient should not exceed 2.5%. **Officer response:** The junction has been designed to meet relevant design standards and has been subject to an independent road safety audit, which did not identify any issues of concern that cannot be addressed at detail design. The gradient on the B186 is currently steeper than 2.5%. However, the vertical alignment of the B186 will be altered such that the road will be approximately 1m higher at the new junction, which will reduce the gradients along the B186 to an acceptable level. ECC have reviewed the design of the junction and is satisfied that it complies with applicable design standards. The only exception to this is a minor and justified relaxation for the slightly steeper gradient on the B186 northbound downstream of the junction than that ideally required to fully meet design standards and represents an improvement on the existing situation.
- It will be a very difficult junction for tractors and trailers, cyclists, older vehicles etc to anticipate and stop at southbound due to the slope. Cyclists are also in particular unlikely to approach slowly as there is a significant climb beyond the junction on the rail bridge that they will try to carry energy to. **Officer response:** The proposed junction has been designed to meet relevant design standards and this has been checked by ECC. The design will also include advanced warning signs for the junction and high-friction surface dressing on the B186 approaches to the junction to reduce braking distances. Furthermore, the proposed junction design has been subject to an independent road safety audit which found that there were no safety concerns, other than minor issues that could be addressed at the detailed design stage.
- Is the two-lane section proposed northbound north of the B186/BEP junction an overtaking section? It doesn't appear to comply with DMRB. It will in effect be such a section as lorries come slowly out of BEP and climb the hill. **Officer response:** The two-lane northbound section north of the proposed access has been developed to allow vehicles to safely merge back into a single lane downstream of the junction. This is required because northbound traffic approaching the junction is likely to queue in both lanes when the traffic lights are red. The lane direction arrows shown on the current drawing will be amended to reflect this, with a left turn and straight-ahead arrow for the nearside lane.
- It is also unclear if the current access to Netherstone will comply, have sufficient sight lines and allow a right turn into the traffic. Again, a keep clear box or a new entrance may be required. The applicant has shown no

detail. **Officer response:** A keep clear box can be considered at detailed design stage, subject to agreement with Essex County Council. The introduction of traffic signals at Warley Interchange is likely to result in a reduction in traffic speed along the B186 and the changes to the junction layout will improve visibility for the Nether stone access. Therefore, the proposed highway improvements should make access to and from Netherstone safer. Furthermore, platooning of traffic flow due the introduction of traffic signal control at Warley Interchange will create gaps in the northbound traffic flow making it easier for traffic to enter and leave the Netherstone access than is currently the case

**14. Link Road issues:** The applicant suggested during the local plan process that they did not need our land as they had a route around us beside the A127. Our own consultant questions if it complies. It now seems not to be mentioned. ECC comment please. The applicant has included our land in their application without our consent and yet is seemingly not clear as to why our green belt land is specifically included in their application. I would suggest that the scheme affects our home, our agricultural business, our family and our neighbours on a life changing scale and the fact the applicant has chosen to submit their application and deal with us in this way does them no credit. Quite frankly we don't bite! The applicant should be providing proper data and modelling (as professionals, they know what's required and could have done from the start?) and coming to talk to us rather than making statements such as "due to the need for 3rd party land. **Officer response:** Following further discussions between the Council, the applicant and ECC, the red line boundary of the planning application for BEP and the description of development have been amended to remove the Phase 2 link road from the proposed development (i.e. the outline element of the hybrid application).

**15. Impact on existing businesses:** Will bridge and Gladstone Hill works affect existing businesses? No detail of the implementation of these works is provided. **Officer response:** Details of the method of construction of the proposed off-site highway works are currently being developed, but will not require any full road closures, other than occasionally for short periods during the night or over weekends. All the proposed temporary traffic management arrangements will be subject to prior approval by ECC or National Highway

**16. Heritage impacts** There is also no detail on how the applicant intends to mitigate the effect of the development on our and other listed buildings. Or on us or our neighbours. **Officer response:** In line with the heritage statement,

the consultation responses from Historic England and BBC heritage officer confirm that there are no above ground heritage assets upon which direct harm would result by way of development.

**17. NPPF Paragraph 185** developments should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life. The scheme may have missed this. Not only are they proposing to run HGV's all night upwind of residential areas, but they also propose to raise the link road section north of the A127 to cross the bridge which makes it hard to mitigate. We currently have earth banks to cut traffic noise but would require a much higher structure to block the noise from this. The scheme has made no attempt to mitigate this either along the link road or B186 to protect the residents of Warley Street or those in Church Lane. What mitigation does the applicant propose? What mitigation does the applicant propose to prevent the effect on our children and other residents, some of them elderly during the extensive proposed highway / bridge works much of which presumably will be at night? It seems unlikely we would be able to stay in our homes during this period, particularly if our children's schooling at such a crucial period is to be unaffected. I would draw experience of the night disturbance even surveying works for the previously proposed scheme here caused, (I was on several occasions forced out of bed to have words) let alone the proposed bridge and road building works. The applicant also makes no detail of works yards or their locations for the bridge works. The applicants comment that there are no residential receptors within 75m of the phase 2 link road and therefore effects from construction will be negligible would be laughable if it's impact on residents were not likely to be so severe. **Officer response:** An assessment of the noise impacts of the proposed development is contained in the ES. This includes an assessment both during construction and operation of the proposed development. Planning conditions will be used to control any noise or disturbance from the site. Due to the removal of the outline element of the planning application, there will be no construction activities or impacts associated with the Phase 2 link road.

**18. NPPF Paragraph 187** Planning policies and decisions should ensure new development can be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Lack of mitigation for existing businesses and occupiers. Queuing traffic on the B186

outside will restrict tractors and long trailers and vehicles entering and exiting at Hulmers, we would suggest perhaps long keep clear boxes will be required to mitigate this. **Officer response:** The access for Hulmers is sufficiently far (approx. 160m) from the Warley Interchange that a keep clear box will not be required.

## 5.0 CONSULTATION RESPONSES

### **Health And Safety Executive**

**Comment Date: 12 Sep 2022, 20 October 2022, 22 June 2023**

From the information provided for this planning application it does not appear to fall under the remit of HSE planning gateway one because the use condition of a relevant building is not met.

The proposed development, being storage (B8) and industrial use (B2) does not appear to be of a type that would store or process hazardous substances in quantities relevant to the potential for industrial major accidents with respect to The Planning (Hazardous Substances) Regulations 2015. If Brentwood Council does receive any planning applications for hazardous substances planning consent, please consult HSE on the hazardous substances planning consent applications at this email address [HazSubCon.CEMHD5@hse.gov.uk](mailto:HazSubCon.CEMHD5@hse.gov.uk)

The development is not located within a safeguarding zone of an Explosives site licensed under the Explosives regulations 2014 or the Dangerous goods in harbour area regulations 2016.

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines and has provided planning authorities with access to the HSE Planning Advice Web App.

I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- residential accommodation;
- more than 250m<sup>2</sup> of retail floor space;
- more than 500m<sup>2</sup> of office floor space;
- more than 750m<sup>2</sup> of floor space to be used for an industrial process;



- transport links;
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology: [www.hse.gov.uk/landuseplanning/methodology.htm](http://www.hse.gov.uk/landuseplanning/methodology.htm)

NB. On 1 August 2021 HSE became a statutory consultee with regard to building safety (in particular to fire safety aspects) for planning applications that involve a relevant building.

A relevant building is defined in the planning guidance at gov.uk as:

- containing two or more dwellings or educational accommodation and
- meeting the height condition of 18m or more in height, or 7 or more storeys

### **Transport For London**

**Comment Date: 2 Aug 2022 and 30 June 2023**

TfL have carried out an initial review of the model files and scheme drawings supplied by the transport consultants and are satisfied that the models are fit for purpose. They therefore have no outstanding issues in relation to the potential impacts on the TfL Road Network, taking into account proposed junction improvements, and are content for the application to be determined.

TfL had no further comments in relation to the amended proposals or the additional documentation referred to in the revised development description. They confirmed that their comments sent in response to earlier consultations still stand.

### **Planning Gateway One**

**Comment date: 21 June 2023**

Relevant building is defined as:

- contains two or more dwellings or educational accommodation and
- meets the height condition of 18m or more in height, or 7 or more storeys

"Dwellings" includes flats, and "educational accommodation" means residential accommodation for the use of students boarding at a boarding school or in later stages of education (for definitions see article 9A (9) of the Town and Country Planning Development Management (England) Procedure Order 2015 as amended by article 4 of the 2021 Order.

However, from the information you have provided for this planning application it does not appear to fall under the remit of planning gateway one because the purpose of a relevant building is not met.

Further information is available on the HSE website here. Once again thank you for your email, if you require further information with regards to this application, please do not hesitate to contact the planning gateway one team quoting our reference number (pgo-3437) in all future correspondence

### **Chelmsford City Council**

**Comment Date: 28 March 2022 and 19 October 2022**

No objection to the proposal. The Council supports the principle of the proposal which will support development and economic growth, alongside infrastructure improvements in the region.

Chelmsford City Council would not wish to make any comments on detailed matters such as heritage, biodiversity, geology, drainage, utilities and visual impact since these are more relevant for the host authority.

### **Forestry Commission**

**Comment Date: 25 March 2022 and 1 December 2022**

As a Non-Ministerial Government Department, the Forestry Commission provides no opinion supporting or objecting to an application, rather they are including information on the potential impact that the proposal would have on the ancient woodland known as Hobbs Hole.

- Ancient woodlands are irreplaceable and great value because they have a long history of woodland cover, are very biodiverse and often have many heritage features remaining undisturbed. It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "there are wholly exceptional reasons and a suitable compensation strategy exists" (NPPF paragraph 175 amended July 2018).
- The proposed parking area on the south side of Unit 2 is within 10m of Hobbs Hole. Government policy requires ancient woodland to be protected with a minimum 15m buffer zone. Building and parking areas around Unit 1 should also be at least 15 m from the woodland.

If the Council takes the decision to approve an application which may impact on Ancient Woodland sites, they may be able to give further support in developing appropriate conditions in relation to woodland management mitigation or compensation measures.

However, the Standing Advice states that "Ancient woodland or veteran trees are irreplaceable, so you should not consider proposed compensation measures as part of your assessment of the benefits of the development proposal".

## **Natural England**

**Comments date: 8 April 2022, 29 September 2022, 1 November 2022, 17 March 2023, 5 July 2023, 7 July 2023, 19 October 2023.**

### **8 April 2022**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

## **SUMMARY OF NATURAL ENGLAND'S ADVICE**

### **NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Sites of Special Scientific Interest Impact Risk Zones. The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w).

### **29 September 2022**

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

### **1 November 2022**

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

### **17 March 2023**

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

### **5 July 2023**

The advice provided in our previous response applies equally to this Amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

The information we requested is still needed by Natural England to determine the significance of impacts on designated sites/landscapes/best and most versatile land (delete as appropriate). Without this information Natural England may need to object to the proposal.

Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response. Please re-consult Natural England once this information has been obtained.

### **7 July 2023**

The advice provided in our previous response applies equally to this Amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

The information we requested is still needed by Natural England to determine the significance of impacts on designated sites/landscapes/best and most versatile land (delete as appropriate). Without this information Natural England may need to object to the proposal.

### **19 October 2023**

The advice provided in our previous response applies equally to this Amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

### **Basildon Fire Station**

**Comment Date: 4 Apr 2022**

Subject to the following conditions being confirmed the Authority has no further observations on the proposal at this time.

- Emergency Response Arrangements - The proposal may have an impact on the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority's Integrated Risk Management Plan (IRMP). Therefore, the Authority should be kept informed as the proposal evolves.
- Access - Fire Service access to all relevant areas of the development should comply with relevant Building Regulations. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.  
Other matters:
- Flood Plain Risk Despite Essex County Fire and Rescue Service (ECFRS) not having a statutory flood response duty, they will always respond to a flooding emergency based on a risk assessed approach. Due to the limited availability of required resources, ECFRS must limit their response to 'life threatening situations' only. They would therefore not support proposals that are likely to increase this situation or add to the volume of calls received.
- Water Supplies - Should the application be successful, additional water supplies, fire hydrants for firefighting purposes will be required. The architect / applicant is therefore urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344 to discuss further.
- Sprinkler Systems – The ECFRS urges developers to consider the installation of Automatic Water Suppression Systems (AWSS), even where not required under Building Regulations due to them being effective in the rapid suppression of fires.

### **Essex Fire and Rescue**

**Comment Date: 4 Apr 2022**

No objection - detailed design and building regulation stage considerations to note in respect of access, water supplies/fire hydrants and sprinklers

**Mr Tom McCarthy, Essex County Council as Minerals and Waste Planning Authority (MWPA)**

**Comment Date: 18 Aug 2022**

The MWPA does not seek to raise any comments specifically in terms of application ref: 22/00402/FUL as it is not considered to fall within their jurisdiction. The MWPA does however comment on application ref: **22/00587/FUL (NB. This relates to the earthworks application, which was withdrawn on 18 September 2023)** with reference to the Strutt & Parker note, dated 3 August 2022 as follows. Application reference is the earthworks application that is linked to this application and is also currently under consideration by the Council:

- Disposal appears the reason/justification behind the proposal. However, the MWPA believes it should be considered as landfill/landraising (waste management) rather than disposal (despite the material proposed to be deposited on the land comprising subsoil and topsoil) given the quantity of material, and lack of justification/need. The MWPA therefore requests reference to this as engineering works in the development description.
- It is suggested that the earthworks are intrinsically linked to the main BEP scheme and that planning conditions/obligations will be imposed to ensure they can never be delivered in isolation from BEP. Also, had this option been available at the time of submission of the hybrid application, it would have been included within the red line. Without prejudice, if a legal agreement could tie the two applications together it could be accepted that Brentwood BC could continue determination of both applications. The MWPA requests to review the wording of any proposed obligation.
- The Strutt and Parker report fails to consider the actual impact of the disposal. The MWPA maintains that this is a waste management activity, unless the Council is satisfied that the development represents a genuine engineering operation. The fact that the material is only proposed to come from the BEP development does not change the position that the waste arising is being disposed of. The MWPA would also consider that this element of the BEP would be inappropriate development (waste development not engineering) in the Green Belt.
- There is no benefit to the land raising other than a means to dispose of the excess spoil from the BEP. Whilst there may be benefits for the BEP development (lorry movements and reductions in noise and air quality impacts associated), there is no suggestion of any agricultural or engineering need or other benefits resulting.

- No optioneering in terms of that achievable from different quantities of material is provided, or how the material and levels being created could be used to improve the landscape character of the site, biodiversity and/or contribute to the wider BEP development. The proposal simply seeks a blanket land level increase.
- The proposed earthworks at BEP would result in surplus subsoil and topsoil, which will be stockpiled at locations within the development site. However, concerns are raised if the quantity of material differs from the calculations on the cut and fill drawings. For example, will material be imported from elsewhere if less material is realised to achieve the approved land levels.
- No justification for is provided for landraising as required by policy. Even as a waste disposal strategy for a 'planned' development, in the view of the MWPA, makes compliance with the WLP currently difficult to demonstrate.
- A design rationale for the landraising needs to be created and the reasoning for the proposal needs to be clear and cannot be just to deposit of unwanted spoil. This would allow the proposals to be understood and assessed with a greater degree of clarity. The premise for any application/proposal, on this scale, simply can't be as a waste disposal strategy. If it is, the MWPA have concerns over its compliance with the WLP.

**Anglian Water Services Ltd**

**Comment Date: 4 Apr 2022**

Records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. The proposal is considered acceptable in terms of foul drainage/wastewater treatment and sewerage system capacity impact and surface water disposal (which does not relate to Anglian Water operated assets). Five informatives are recommended and included within this committee report.

The foul drainage from this development is in the catchment of Upminster Water Recycling Centre that will have available capacity for these flows

This response has been based on the following submitted documents: DRAINAGE STRATEGY LAYOUT 20- 081D\_300 Jan 22 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations

(part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

### **Thames Water Development Planning**

**Comment Date: Mon 21 Mar 2022 and 22 June 2023**

The location for this application is just outside Thames Water catchment area however Thames Water Development Planning has no comments to make. We believe this area is covered within the Essex & Suffolk Water area, you can contact them if you have any queries in relations to the above applications.

### **County Archaeologist**

**Comment Date: Wed 23 Mar 2022, 6 December 2022, 20 June 2023 and 16 August 2023**

Areas in the northern and south-western extents of the site have already been investigated archaeologically (in 2008-2009 and 2021 respectively) and found to contain multi-period remains. It is likely that the remainder of the proposed development site will also contain archaeological remains which will require recording prior to development. In view of this, the Archaeologist recommends a Programme of Trial Trenching, and Open Area Excavation, and recommends attaching 5 planning conditions (which have been included in the draft list of conditions). The work will initially comprise a trial trenching evaluation of the previously unevaluated areas of the site, followed by an archaeological mitigation strategy. As well as the area of new trial trenching, the mitigation strategy should also incorporate the south-west of the site, which was previously evaluated in 2021 but has not, as yet, been the subject of mitigation. No further archaeological work is required on the northern part of the development site that was both evaluated and previously mitigated in 2008-2009.

The County Archaeologist confirmed that the submitted Written Scheme of Investigation (WSI) for a trial-trench evaluation satisfactorily outlines the methodology for further archaeological investigation of the proposed development site, the need for which was established in their previous letter. However, they would like an alteration to the



proposed trench plan. A small number of additional trenches should be added to the south-east of the scheme to assess the proposed route of the access road onto Warley Street. If a WSI is submitted with these alterations, the County Archaeology confirmed that they would be happy to amend their recommended conditions to preclude the need for a WSI to be submitted post-determination.

### **Updated response – 20 June 2023**

The County Archaeologist's response on 20<sup>th</sup> June 2023 states:

Having reviewed the amended documents, this office continues to recommend that the following conditions are attached to any consent, in line with National Planning Policy Framework, paragraph 205:

**RECOMMENDATION: A Programme of Trial Trenching, and Open Area Excavation**

1. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the approved Written Scheme of Investigation and confirmed by the Local Authorities archaeological advisors.
2. A mitigation strategy detailing the excavation/preservation strategy of the archaeological remains identified shall be submitted to the local planning authority following the completion of the archaeological evaluation.
3. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
4. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). 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.

On 16 August 2023, Essex County Council Archaeology confirmed by email that the revised WSI is acceptable.

### **Economic Development Department**

**Comments date: 11 January 2023**

This application helps to achieve on the Council's Economic Development Strategy 2021-2025:

- Attract employers looking to relocate from other areas
- Increase the number and range of job and training opportunities that can be made available to local people
- Support apprenticeship opportunities in the borough
- Seize supply chain opportunities for employment and upskilling

They are supportive of St Modwen's plans for Brentwood Enterprise Park (BEP), which will provide most of the new employment land needed within the borough as per the newly adopted Local Plan, bringing forward a modern business park in the southwest of the borough with excellent access to the M25. This will also act as a focus for a wider M25/A127 employment cluster considering existing employment uses in the area. The location of BEP is well-positioned to take advantage of M25 connectivity and the development of the Lower Thames Crossing

Once fully occupied the proposed development is expected to accommodate an estimated 2,370 gross full-time equivalent jobs (FTEs) with manufacturing (B1/B2) and warehousing/logistic firms (B8). The actual number of jobs created may be closer to 2,660 jobs when accounting for part-time working patterns. They acknowledge the current issues around recruitment and therefore think it not prudent to impose a mandatory level of local recruitment. However, they would strongly encourage the applicant to aim for 20% of labour coming from within the borough.

They would like to see some of the s106 contribution going towards helping to fund employment training to give local residents the best chance of securing jobs at Brentwood Enterprise Park. They would also ask St Modwen to work closely with the Brentwood Chamber of Commerce and the Brentwood Business Partnership to promote vacancies and to liaise with the JobCentre to provide work opportunities for those who are the furthest from the labour market.

Linking to local secondary schools could provide apprenticeships, work experience and skills training for our younger residents. The council can support the applicant to make connections with schools.

The development will generate approximately 1,080 gross construction jobs over a 23-month period. During the construction phase, they would expect the applicant to create local supply chain opportunities; work closely with SECTA, a government-funded training academy that is working to boost construction skills across multiple academies in South Essex; and to liaise with the emerging South Essex Technical University.

## **Environment Agency**

**Comments Date: 11 May 2022, 27 Sep 2022, 7 July 2023 and 19 October 2023**

On 11 May 2022, the Environment Agency confirmed that there are no constraints with this application, so the Environment Agency confirm that they have no comments to make. However, on 27 September 2022 the EA responded stating that planning permission could be granted if subject to ground water protection planning conditions (which are included in the list of draft planning conditions for this application in this committee report). Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and the EA would object to the application.

Comments posted on the Council's website dated 7 July 2023, state that the Environment Agency have reviewed the additional documents and would like to refer to their previous letter ref: AE/2022/127455/01-L01

Land Contamination – The Environment Agency state that the only new document of relevance to this application since their last consultation was the revised V4 version of the HDR Bradbrooke Consulting Phase 1 Geo-Environmental Study of 26 May 2023 (ref: 20-081). No significant changes were made to this document that altered the conclusions and as such the conditions they previously recommended and technical comments still apply.

Their only comment is that they are disappointed that this document still refers to out-of-date guidance despite us highlighting the out-of-date guidance (CLR11) being referred to in their previous letter of 26 September 2022 (ref: AE/2022/127455/01-L01). This guidance was withdrawn in October 2020 so should not be followed, instead, please refer to their Land Contamination Risk Management guidance.

No objection - conditions to note on Groundwater Protection

### **Comments dated 19 October 2023**

Thank you for your consultation we have reviewed the updated sections of the V5 version of the HDR Bradbrooke Consulting Phase 1 Geo-Environmental Study of 17 August 2023 (ref: 20-081).

We are satisfied with the updating of the document references to the current guidance. No other significant changes were made to this document that altered the conclusions and as such the conditions we previously recommended and technical comments still apply, and the next document we would expect is an intrusive investigation with associated risk assessment, to include an assessment of the risk to the water environment

## **Environmental Health & Enforcement Manager**

**Comments date: 20 April 2022 and 31 January 2023**

### **Comments dated 20 April 2022:**

Noise: The current CEMP advises of working hours 07:00-19:00 Monday to Friday and 07:00-16:00 on Saturday. Construction activities are to be restricted to the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with none on Sundays and Public Holidays. Any changes to these times should be agreed with the local Environmental Health Officer.

Contaminated Land: Following the recommendation within section 6.8 of the Phase 1 Geo-Environmental Study, we would like to see a Phase 2 report including:

- Trial pits to establish shallow ground conditions.
- Boreholes to enable geotechnical in-situ testing, water sampling and gas monitoring
- Laboratory chemical analysis of soil and groundwater samples.
- Laboratory geotechnical testing.

If this Phase 2 report identifies risks unacceptable to receptors, a suitable and detailed remediation scheme should be submitted to the Local Planning Authority to bring the site into an acceptable condition for its intended use. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation.. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Any asbestos containing materials within the existing buildings should be removed by an appropriately licensed contractor before demolition commences.

In order to avoid causing disturbance to the nearest noise sensitive receptors, best practicable means should be implemented to minimise noise and vibration from the site. In accordance with the Noise and Vibration Strategy, this should be as follows, but not limited to:

- Careful selection of construction plant, construction methods and programming;
- Suitable siting of plant and equipment so as to minimise noise impact on sensitive receptors
- Use of site enclosures, and temporary stockpiles to provide acoustic screening;

- Careful programming so that activities which may generate significant noise would be planned with regard to local occupants and sensitive receptors;
- Hoarding would be of a height and extent to achieve appropriate noise attenuation.
- When implemented, such measures are capable of reducing the impact of noise and vibration from the site to a negligible effect.

**Comments dated 31 January 2023:**

Noise and vibration from construction:

(The following draft was constructed prior to the movement of the internal roadway within the site, which may cause a greater impact on nearby residential properties. When Environmental Health are able to see the addendum, it would also be useful to be provided with an updated Noise and Vibration Impact Assessment reflecting any changes, to determine to what extent nearby properties will be impacted by any changes and what mitigation measures will be implemented to control this).

Best Practicable Means should be implemented including but not limited to:

- Careful selection of construction plant, construction methods and programming;
- Suitable siting of plant and equipment so as to minimise noise impact on sensitive receptors;
- Use of site enclosures, and temporary stockpiles to provide acoustic screening;
- Careful programming so that activities which may generate significant noise would be planned with regard to local occupants and sensitive receptors;
- Hoarding would be of a height and extent to achieve appropriate noise attenuation;
- Unnecessary revving of engines should be avoided, and equipment switched off when not in use;
- Internal haul routes should be kept well maintained;
- Drop heights of materials should be minimised;
- Plant and vehicles should be sequentially started up rather than all together;
- As far as reasonably practicable, sources of significant noise should be enclosed;
- Plant should always be operated and maintained in accordance with manufacturers' instructions;
- Care should be taken to locate equipment away from noise-sensitive areas
- Where possible, loading and unloading should also be carried out away from such areas;

- Regular and effective maintenance by trained personnel should be undertaken to keep plant and equipment working to manufacturers' specifications.

The Environmental Statement also states that in addition to Best Practicable Means measures, impacts of noise and vibration should be managed through a Control of Pollution Act 1974 Section 61 application. Environmental Health agree with this stance and would like to condition the following

In line with the Noise and Impact assessment, Environmental Health also wish to condition the following two points:

- A risk assessment identifying the probability of vibration from compaction and excavation activities should be carried out prior to commencement of construction activities, to determine the need for periodic or continuous vibration monitoring. The contractor should use techniques least likely to cause vibration or impact damage to the surrounding properties.
- In accordance with the Construction Environmental Management Plan, construction activities at the site should not exceed the following hours:
  - · 07:00 – 19:00 Monday to Friday.
  - · 07:00 – 16:00 Saturday.
  - · None on Sundays or Public Holidays.
- Noise from operation: Noise from the operation of the Proposed Development (including mechanical plant and equipment associated with commercial properties) could potentially generate noise impacts. Environmental Health are not aware of detailed information on the proposed noise generating plant to be used on site once operational, or of proposed hours of operation. Brentwood Borough Council require the site to comply with noise limits as set out in BS 4142. When further information on hours of operation, predicated noise levels from vehicles and plant entering, operating and leaving the site, and noise generating plant required should be submitted to the Local Planning Authority along with a noise impact assessment including specific methods of mitigating noise where this may be necessary. This should be submitted and approved before operation commences at the site. Overnight between 23:00hrs and 07:00hrs, noise from the site should not exceed 5dB below background levels at noise sensitive receptors.
- Contaminated land: The following condition will be applicable to both the site of the Brentwood Enterprise Park and the area to the south to where the earth will be moved. Following the recommendation within section 6.8 of the Phase 1 Geo-Environmental Study, we would like to see a Phase 2 report including:
  - Trial pits to establish shallow ground conditions.

- Boreholes to enable geotechnical in-situ testing, water sampling and gas monitoring,
- Laboratory chemical analysis of soil and groundwater samples.
- Laboratory geotechnical testing

If this Phase 2 report identifies risks unacceptable to receptors, a suitable and detailed remediation scheme should be submitted to the Local Planning Authority to bring the site into an acceptable condition for its intended use.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Any asbestos containing materials within the existing buildings should be removed by an appropriately licensed contractor before demolition commences.

Air quality and dust: In accordance with the Brentwood Enterprise Park Earthworks Disposal Strategy Air Quality Assessment (April 2022) Ref: 'T4685: Brentwood Enterprise Park – Southern Site' and subsequent errata, mitigation measures are recommended accounting for the cumulative effects of dust and emissions, although the impact of the construction-related activities associated with the development are low and residual effects not significant. Environmental Health agree with the recommended mitigation measures and wish to condition the following:

Display the name and contact details of the person(s) accountable for air quality and dust issues on the site boundary. This may be the environment manager/ engineer or the site manager. This should also include the head or regional office information.

Environmental Health believe the contents of the Brentwood Enterprise Park Construction Environmental Management Plan (February 2022) are appropriate and condition for this to be implemented. In addition, a Dust Management Plan, which may include measures to control other emissions, should be submitted and approved by the Local Authority. This should be implemented following approval.

- All dust and air quality complaints should be recorded, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken. A log of complaints should be made available to the Local Authority when requested.
- Record any exceptional incidents that cause dust and/or air emissions, either on- or off- site, and the action taken to resolve the situation in the logbook.
- Undertake daily on-site and off-site inspection, where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to the local authority when asked. This should include regular dust soiling checks of surfaces such as street furniture, cars and window sills within 100 m of Site boundary, with cleaning to be provided if necessary.
- Carry out regular site inspections to monitor compliance with the DMP, record inspection results, and make an inspection log available to the local authority when asked.
- Increase the frequency of site inspections by the person accountable for air quality and dust issues on site when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions.
- Plan site layout so that machinery and dust causing activities are located away from receptors, as far as is possible.
- Erect solid screens or barriers around dusty activities or the Site boundary that are at least as high as any stockpiles on site, unless not necessary due to the presence of an existing barrier.
- Fully enclose site or specific operations where there is a high potential for dust production and the site is active for an extensive period.
- Avoid site runoff of water or mud.
- Keep site fencing, barriers and scaffolding clean using wet methods.
- Remove materials that have a potential to produce dust from site as soon as possible, unless being re-used on site. If they are being re-used on-site cover as described below.
- Cover, seed or fence stockpiles to prevent wind whipping.
- Ensure all vehicles switch off engines when stationary - no idling vehicles where practicable.
- Avoid the use of diesel- or petrol- powered generators and use mains electricity or battery powered equipment where practicable.
- Impose and signpost a maximum-speed-limit of 15 mph on surfaced and 10 mph on un- surfaced haul roads and work areas (if long haul routes are required these speeds may be increased with suitable additional control measures provided, subject to the approval of the nominated undertaker and with the agreement of the local authority, where appropriate).



- Ensure an adequate water supply on the site for effective dust/particulate matter suppression/mitigation, using non-potable water where possible and appropriate.
- Ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out, unless this is required for a particular process, in which case ensure that appropriate additional control measures are in place.
- There are to be no bonfires on site.

### Lights

On-site lighting should be angled as such to sufficiently prevent the direct illumination of residential properties.

### **Gas Pipeline**

**Comment Date: 13 Sept 2022 and 26 April 2023**

Cadent have now removed the holding objection on both 22/00587/FUL and 22/00402/FUL. We will require involvement at the construction stage for the assessment of any works within 15m proximity to the high pressure pipeline

### **Brentwood Public Health Health Impact Assessment (HIA) Steering Group**

**Comments date: 12 October 2022 and 9 October 2023**

The HIA Steering Group welcomes the Health Impact Assessment (HIA) submitted as part of this application. Areas of potential concern include:

- Unclear as to the number of jobs that are likely to be created in each sector.
- Limited information has been provided on how pedestrian and cyclist safety will be managed to encourage active travel. Furthermore, details on how the site will connect with the existing wider cycling network should be considered to promote employees and customers to utilise active travel to and from the site.
- Information on the maintenance and management of the open space provision proposed will need to be discussed and agreed with the Council.
- The application makes no reference to access to food (the council's preference would be for access to healthy food choices should be provided on site).
- A number of concerns and considerations were raised under the crime reduction and community safety section above. These concerns should be address through the planning process in conversation with the relevant council officers and other statutory consultees.
- It has been predicted that there will be an increase in noise pollution. The recommendations outlined by the Environmental Health Officer and other statutory consultees should be agreed to help reduce these impacts.

### **Additional comments received dated 9 October 2023**

The applicants have utilized the Essex Planning Officer Association (EPOA) guidance for HIAs and the Essex Design Guide, this method is welcomed. The original HIA response was completed on 12 October 2022 and raised the concerns, which the applicants have responded to:

The HIA Steering Group have been requested to provide a further response to address the further information provided by the applicants on the six core areas outlined above. The below table sets out this response.

Access to work and training - We note your comments and have no further requests for information at this stage. We would like to work closely with applicant to ensure that employment opportunities are maximised.

Access to open space and nature - An agreed maintenance and management of the open spaces are proposed to be dealt with through planning conditions. This approach is suitable and accepted by the HIA Steering Group.

Accessibility and active travel - The HIA Steering Group is aware that further work is currently being undertaken on what pedestrian and cycle routes are required for this application in lines with the council's Infrastructure Delivery Plan (IDP). Essex County Council (ECC), who are the local highway authority, are also involved with this process. Therefore, the steering group expects that there will be ongoing co-operative working between the applicants, Brentwood Borough Council (and our consultants who are experts in this field), ECC and any other relevant consultees to ensure that there is a satisfactory outcome which is formally agreed through the planning process. Therefore, the steering group defers this to the relevant consultees and no further comments are raised at this stage.

Access to healthy food - The proposed site is a fair distance from other amenities and there will likely be a need for on-site catering. As a result of this, the developer should consider their end-user/ tenant to provide food that has healthier options or alternatives in terms of less salt, sugar, fats and calories. Further to this any vending machines on site should be supplied with foods containing reduced sugar and salt.

Crime reduction and community safety There is a need for ongoing discussion with the relevant council officers and other consultees. The Community Safety Officer from the police responsible for enforcing the design out crime principles has provided the following high level comments:

- In principle we are happy with the amendments made to the design and layout in terms of crime reduction/ designing out crime / health and wellbeing(HIA) agenda.
- Content with the planning conditions and will continue to monitor these throughout construction/ build phase. We will not discharge the condition until completion and final

inspection.

- Would strongly advocate ongoing liaison regarding discussion for CCTV monitoring and data sharing with applicant and Brentwood Borough Council, to ensure that it is fit for purpose and provides quality imagery.
- We will still be advocating that SBD Commercial accreditation is essential.

We are cognisant of the potential issues that may impact this development if the Lower Thames Crossing receives its Planning consent. We are similarly working on the scheme and will take matters into account regarding this road junction.

Any further discussion on community safety should include the relevant council officer(s) and the Essex Police, Strategic Design Out Crime Officer.

### Environmental Sustainability

There were no further comments from the Environmental Health Officer regarding noise pollution. The applicants are encouraged to address any other issues related to environmental sustainability that may arise through the planning application process directly with the relevant council officers and consultees.

### Conclusion

It is recognized that most of the issues raised within the HIA process will be dealt with through the planning process, including planning conditions and obligations. The applicants are expected to engage positively with the Council and other relevant consultees to ensure a satisfactory outcome. The key concern still being raised by the group at this stage is the need to provide access to healthy food on site, especially given the sites location and distance in relation to the existing services. The applicants are therefore required to give this further consideration, keeping in mind who their likely tenants / users of the sites will be, and where appropriate seek further advice from the council's Environmental Health team responsible for food health and safety.

Detailed comments have been provided by the Essex Police Design Out Crime Officer. These should be taken into consideration and any further engagement needed to resolve any outstanding issues should be held with the appropriate council officer and the Essex Police Design Out Crime Officer.

Finally, the HIA Steering Group notes that there is currently ongoing work being undertaken on pedestrian and cycle routes required, based on the required projects identified within the council's IDP. Therefore, the HIA Steering Group have recommended that the applicants engage with the Council, its transport consultants

involved with this piece of work, and ECC who are the local highway authority through the planning process to reach a positive outcome.

### **Active Travel England**

**Comment Date: 12 July 2023**

Active Travel England (ATE) has no comment to make on this consultation as its statutory consultee remit applies only to qualifying consultations that were made valid by the local planning authority (LPA) on or after 1st June 2023. However, ATE has attached its standing advice note where this would assist the LPA in assessing the application.

### **Historic England**

**Comment Date: 6 April 2022, 28 September 2022, 1 February 2023 and 30 June 2023**

#### **6 April 2022 response**

There is high potential that the proposed development would be visible in views from the designated heritage assets located within its vicinity. Such changes to the setting of these designated heritage assets could adversely affect the manner in which they are appreciated and result in harm to their significance.

The large scale and mass of the proposed development means that it would potentially be visible over long distances in the surrounding landscape. The proposed development site lies at approximately 30m OD. The proposed Unit 1 building has a height of 24m which places its parapet height at c.54m OD

The natural topography of the area surrounding the proposed development site rises to the north, reaching a height of 50m OD c.800m to its north and rising to 100m OD within c.2km. Consequently, the elevated locations to the north of the proposed development site would potentially have clear and unobstructed southward views of the proposed development. One example, the Grade I listed Church of St Mary the Virgin at Great Warley Street (1197210) which lies 1.3km to the north of the proposed development site is situated at c.67m OD, only just above the roof height of the proposed Unit 1. Consequently, there is a high potential that the proposed development would appear as a prominent landscape feature in any southward views from this highly designated heritage asset.

However, it is not only views from designated heritage assets that form part of their settings, but potentially also wider landscape views that would incorporate both the heritage asset and the proposed development in the same vista. The inclusion of large-scale modern infrastructure, such as the proposed development, in wider landscape views of designated heritage assets can also result in harm to their significance through

an adverse change in their wider setting. We note from the submitted Heritage Statement, there are no designated heritage assets within the proposed development site boundary. The Heritage Statement makes no reference to non-designated heritage assets with archaeological interest. Potential may exist for non-designated archaeological remains to be present at the application site and for these to be adversely affected by the proposed development.

### Historic England's Position

In our EIA Scoping response, we stated that the cultural heritage chapter of the Environmental Statement should consider designated heritage assets within an area of at least 1.5km from the proposed development. The submitted Heritage Statement has opted to take this as an absolute limit of the necessary assessment area rather than as a minimum. In doing so it has failed to consider all of the designated heritage assets whose settings could potentially be affected by the proposed development. This includes designated heritage assets that we specifically mentioned in our Scoping response – namely the scheduled monument of 'Old Thorndon Hall and gardens' and the registered parks and gardens of Thorndon Hall (GII\*) and Warley Place (GII) – and potentially other designated heritage assets as well

Irrespective of the suggested minimum assessment area mentioned in our Scoping response, NPPF paragraph 194 places the onus on the applicant to identify and fully assess all designated heritage assets in the surrounding landscape whose settings could potentially be affected by the proposed development. Section 6.1.1 of the submitted Heritage Statement refers to a Zone of Theoretical Visibility (ZTV) for the proposed development having been produced by Liz Lake Associates (who also produced the submitted LVIA). The ZTV does not form part of the LVIA and does not appear to have been submitted as a separate document for the current planning application. We request that the ZTV is submitted as part of the planning application to clearly demonstrate the extent to which the proposed development would be visible in the surrounding landscape. Notwithstanding this, the submitted LVIA does reveal that due to the scale and mass of the proposed buildings, and the rising topography of the land to their north, the proposed development would potentially be visible over long distances in the surrounding landscape. Having reviewed the information provided in the LVIA, Historic England is of the opinion that there is need for further assessment of the number of designated heritage assets whose settings might potentially be adversely affected by the proposed development. Although the Heritage Statement references the ZTV, it appears that it may have selected only the designated heritage assets within its chosen 1.5km study area, rather than utilising the ZTV to identify and assess all designated heritage assets in the wider landscape that might potentially be affected.

In view of this, we consider that the Heritage Statement needs to be revised to consider a wider study area to identify and assess the impact on all designated heritage assets that might potentially be affected in order for it to comply with the requirements of NPPF paragraph 194.

The illustrative material in the LVIA comprises only of photographic views indicating the location and lateral extent of the proposed development. No wireframes or actual visualisations of the proposed development in its landscape context are included in the LVIA.

Historic England is of the view that that the level of information is presented in the LVIA is insufficient to enable the visual impact of the proposed development on the surrounding landscape assessed. We note that an aerial CAD visualisation of the proposed development is included on page 39 of the Design and Access Statement. This clearly demonstrates the large scale and mass of the proposed development and underlines the need for further assessment.

The LVIA does not include any viewpoints specifically from designated heritage assets in the surrounding landscape making it difficult to accurately assess the impact of the proposed development on their settings and the level of harm that would arise as a consequence. The absence of any heritage specific viewpoints and visualisations in the LVIA means that the conclusions reached in the Heritage Statement about the setting of the range of designated heritage assets that it considers are not based on full visualisations of the proposed development.

Historic England considers it to be essential that the LVIA is accompanied by the ZTV and is revised to provide further clear information about how, and over what distances, the proposed development would be visible in the surrounding landscape. The ZTV should be used to inform further assessment of which designated heritage assets in the surrounding landscape may potentially have their settings affected by the proposed development and appropriate heritage specific viewpoints identified.

It is not necessarily just views from designated heritage assets that form part of their settings, but potentially also wider landscape views that would incorporate both the heritage asset and the proposed development in the same vista.

We request that the LVIA is updated to include new viewpoints (including appropriate heritage specific ones) and also, crucially, visualisations of the proposed development in its landscape context with any proposed landscaping and mitigation planting (for both new and existing viewpoints) to enable the level of impact to be fully assessed.

The visualisations in the revised LVIA should be used to inform an updated Heritage Statement including an assessment of all designated heritage assets that would be adversely affected by the proposed development and the level of harm to their significance that would occur.

### Recommendation

Historic England has serious concerns about the application on heritage grounds. We are concerned that there is potential for the proposed development to have an adverse impact on the setting and significance of a number of designated heritage assets due to

the large scale of the buildings and the impact they could have on the wider landscape. We request that a revised LVIA is produced that clearly illustrates views of the proposed development from the designated heritage assets listed with visualisations of the proposed buildings in their actual landscape context.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 7, 8, 9, 189, 194, 197, 199, and 200 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. We recommend that you also consult with you specialist archaeological and conservation advisors as appropriate.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

### **28 September 2022 response:**

Historic England raised serious concerns about the application in their letter dated 6 April 2022 and are concerned that the amendments now submitted do not address their concerns and recommendations set out in our earlier letter. Concerns raised are as follows:

- There is potential for the proposed development to have an adverse impact on the setting and significance of a number of designated heritage assets due to the large scale of the buildings and the impact they could have on the wider landscape.
- Historic England have recommended that a revised LVIA is produced that clearly illustrates views of the proposed development from the designated heritage assets listed with visualisations of the proposed buildings in their actual landscape context with any proposed landscaping and mitigation planting (for both new and existing viewpoints) to enable the level of impact to be fully assessed. The visualisations in the revised LVIA should be used to inform an updated Heritage Statement.

### **1 February 2023 response:**

Historic England are concerned that the amendments submitted in August 2022 did not address the concerns and recommendations set out in their earlier letter (6 April 2022). They note that the amendments comprised minor changes to access, parking, and

landscaping. Their primary concern, that of the quantum of development proposed for Brentwood Enterprise Park, remained unchanged compared to the original submission.

Having visited the site with BBC's Principal Conservation, Place & Development officer, discussed the heritage issues in detail with her and had sight of her formal response dated 28 January 2023 to these major development proposals, Historic England have now considered the comprehensive additional information that has been submitted.

Historic England agrees that, as stated in the Heritage Statement produced by PCA Heritage, *'There are no structures of heritage value on the site; in consequence, there will be no direct impacts on built heritage assets.'* Due to the scale, height and location of the proposed development within the landscape, the main consideration is its indirect impact.

### Policy considerations

Historic England's response states the following with regard to policy considerations:

As the proposals affects the setting of listed buildings the statutory requirement to have special regard to the desirability of preserving the setting of a listed building (s.66(1),1990 Act) must be taken into account by the local planning authority when making its decision.

Historic England's advice reflects guidance in the good practice advice notes produced by Historic England on behalf of the Historic Environment Forum in GPA 2; Managing Significance in Decision-Taking in the Historic Environment and GPA 3; The Setting of Heritage Assets.

The NPPF at paragraph 189 states that Heritage Assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 197 encourages local authorities to sustain and enhance the significance of heritage assets consistent with their conservation and asks that they take into account "the desirability of new development making a positive contribution to local character and distinctiveness." It establishes that great weight should be given to an asset's conservation and the more important that asset, the greater that weight should be (paragraph 199). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, (paragraph 200).

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the



public benefits of the proposal, including securing its optimum viable use (paragraph 202).

Setting is then defined in the Framework as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.

Elements of a setting may make a positive or negative contribution to the significance of an asset and may affect the ability to appreciate that significance or may be neutral'.

#### Historic England's position on the proposals:

Historic England confirms that the primary issue in relation to the impact of the proposals on the historic environment is that of setting. They are firmly of the view that the impact of the development will result in more than temporary harm.

Overall, they concur with BBC's Principal Conservation, Place & Development officer that the level of harm to the significance of the Heritage Assets in the vicinity will be at a moderate level of less than substantial, due to the contextually inappropriate scale of the development within the surrounding landscape.

Historic England state that cumulative indirect impact of the development on heritage assets including the grade I listed Church of St Peter, grade II\* listed Little Warley Hall; Thorndon Park Registered Park and Garden and Thorndon Park Conservation Area is such that the application should be considered in light of paragraph 202 of the National Planning Policy Framework; where the level of harm identified should be weighed against the public benefits of the proposal.

Historic England maintains their concerns regarding the application on heritage grounds. They state that the scale, location and monolithic elevational design of the buildings will result in a moderate level of less than substantial harm to heritage assets in the vicinity.

In determining this application Historic England states that the Council should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan should also be borne in mind unless material considerations indicate otherwise. Historic England state that the Council should take these representations into account and seek amendments, safeguards or further information as set out in their advice.

### **30 June 2023 response:**

With regards to Historic England's latest response on the Regulation 25 submission which included updates to the Heritage Statement, Historic England note the following, in summary:

- The new buildings of the scale and massing proposed would be disruptive in views within this landscape. Long ranging views of the Thames Valley contribute importantly to the significance of several surrounding heritage assets: the grade II\* registered Thorndon Hall Park and Garden, the Scheduled Monuments of Old Thorndon Hall and Gardens and the remains of the former parish church and churchyard of St Nicholas, and the grade II\* listed Church of All Saints. The new buildings would further erode the rural character that contributes to the setting of these historic structures and impact on their prominence. This would result in harm to their significance.
- Historic England are concerned about the cumulative impact on the historic landscape character of the wider valley site and the suburbanisation effect that would result from the development of a number of sites along the A127 as currently envisaged; this includes nos. **22/01390/OUT** and **21/01525/OUT**. We have highlighted our concerns on the individual applications but consider these would also need to be assessed jointly.
- Because the proposal will cause harm to important designated heritage assets, it will need to be considered in line with paragraphs 199 and 202 of the NPPF. When it comes to weigh this harm up to heritage, the council will need to consider whether any public benefits of the development delivers outweigh the harm and that they can only be delivered in this particular location and with this particular intensity.
- When making this balanced judgement, we also ask you to ensure all impacts are appropriately understood - including cumulative impacts - and whether enough has been done to minimise and mitigate such harm. In heritage terms, there are no benefits with this application, and therefore, Historic England is content to retain their concerns.

### **Essex County Council – Sustainable Urban Drainage Systems (SUDS)**

**Comment Date: 27 Jun 2022, 16 November 2022, 14 December 2022 and 14 July 2023**

Further to emails of 19th June 2023 submitting proposed amendments to the above application, namely:

1. Minor layout amendments to accommodate ECC Highways requirements for visibility splays at junctions, and
2. Regulation 25 application for removal of Phase 2 of the Junction 29 to Warley Interchange link road, and amendment of the project red-line boundary.

Having reviewed the proposed amendments, ECC SUDS consider that neither will have any impact on the drainage provision of the development, and accordingly we do not wish to comment on them.

No objection to the granting of planning permission subject to conditions:

- Condition requiring development to be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy by HDR2 Bradbrook Consulting and the mitigation measures detailed within the FRA.
- A condition requiring a maintenance plan detailing the SUDS maintenance arrangements.
- A condition requiring maintenance of yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan

### **National Highways (Previously Highways England)**

**Comments date: 12 April 2022, 17 April 2022, 15 November 2022, 20 December 2022, 14 February 2023, 11 April 2023, 6 June 2023, 10 July 2023, 4 September 2023, 26 October 2023 and 7 November 2023**

The application has been subject to extensive discussion with the Highway Authorities. These meetings have included guidance and advice to the applicant, National Highways. As a result both National Highways have recommended Conditions be attached to any grant of planning permission on this site within their Comments dated 7<sup>th</sup> November 2023. Departures identified in the J29 mitigation design have been applied for on an Approval in Principle basis but will need to be confirmed during the detailed design process. A summary of the discussions is detailed below:

As mentioned in the Transport Assessment submitted with the application (Atkins, dated February 2022), there has been liaison between the applicant and the Lower Thames Crossing (LTC) team to ensure the two projects can co-exist both during construction and the operational phases, and those discussions will continue separately from consideration of the application. LTC will be asked to comment before a final response is submitted.

We note that the site of the proposed development is allocated in the Brentwood Local Plan (Strategic Site Allocation E11), which was adopted on 23 March 2022. It is our understanding that Brentwood Borough Council will be undertaking an immediate review of their Local Plan. Policy MG06 of the adopted Local Plan states that the

immediate review will include "a review of transport and highway issues to cater for Local Plan growth throughout the period of the review (in consultation with National Highways and Essex County Council" including "the need to provide improvements to and around A12 Junction 12, M25 Junction 28 and M25 Junction 29". In our understanding, this review has to include all Local Plan growth because at the 2021 EiP for the Local Plan, the mitigation for the SRN was left incomplete. National Highways (then Highways England) agreed to a review on the condition that it would include all non-consented development at that time; that is non-consented development within the plan at that time together with any additional development included as part of the review. Until we have further clarity on Brentwood Borough Council's Local Plan review, we are unable to consider the individual impacts of this planning application.

In the meantime, unless or until you hear otherwise from us, please assume that we consider that the application has yet to demonstrate that it will not materially affect the safety, reliability and/or operation of the strategic road network. It is therefore assumed not to accord with national planning and transport policy set out in DfT Circular 02/2013 (particularly paragraphs 9 & 10), and MHCLG NPPF (particularly paragraph 111). Our recommendation is therefore as follows:

#### Recommendation

National Highways recommends that Brentwood Borough Council do not determine App Ref: 22/00402/FUL for a period of 56 days from the date of this recommendation. This recommendation should therefore be in place until 2 June 2022 or until National Highways issues an alternative recommendation.

Reason: To provide sufficient time for National Highways and Brentwood Borough Council to agree any implications of the Council's Local Plan review on the SRN and to allow National Highways to subsequently develop an informed position as to the application's impacts on the M25 around Junction 29.

#### National Highways further comments

Thank you for your email dated 17th March regarding the above application.

In the case of this proposed development, National Highways are interested in the potential impact that the development might have upon the M25 around Junction 29, which lies adjacent to the site. We are interested as to whether there would be any

adverse safety implications or material increase in queues and delays on the SRN as a result of this proposed development.

We note that the site of the proposed development is allocated in the Brentwood Local Plan (Strategic Site Allocation E11), which was adopted on 23 March 2022. It is our understanding that Brentwood Borough Council will be undertaking an immediate review of their Local Plan. Policy MG06 of the adopted Local Plan states that the immediate review will include "a review of transport and highway issues to cater for Local Plan growth throughout the period of the review (in consultation with National Highways and Essex County Council" including "the need to provide improvements to and around A12 Junction 12, M25 Junction 28 and M25 Junction 29".

In our understanding, this review has to include all Local Plan growth because at the 2021 EiP for the Local Plan, the mitigation for the SRN was left incomplete. National Highways (then Highways England) agreed to a review on the condition that it would include all non-consented development at that time; that is non-consented development within the plan at that time together with any additional development included as part of the review.

Until we have further clarity on Brentwood Borough Council's Local Plan review, we are unable to consider the individual impacts of this planning application.

Consequently, we therefore ask that you do not determine the application, other than a refusal for a period up to 56 days from the date of this recommendation. This recommendation should therefore be in place until 1 June 2022 or until National Highways issues a further alternative recommendation. If the authority wishes to permit the application or it goes to appeal, please contact us and we will provide our formal response as it stands at that point in time.

In the meantime, unless or until you hear otherwise from us, please assume that we consider that the application has yet to demonstrate that it will not materially affect the safety, reliability and/or operation of the strategic road network. It is therefore assumed not to accord with national planning and transport policy set out in DfT Circular 02/2013 (particularly paragraphs 9 & 10), and MHCLG NPPF (particularly paragraph 111).

We will continue the regular meetings with the applicant and Brentwood Borough Council as already agreed.

### **National Highways further comments**

Please find attached a formal 'holding' recommendation.

As mentioned in the Transport Assessment submitted with the application (Atkins, dated February 2022), there has been liaison between the applicant and the Lower Thames Crossing (LTC) team to ensure the two projects can co-exist both during construction and the operational phases, and those discussions will continue separately from consideration of the application. LTC will be asked to comment before a final response is submitted.

We note that the site of the proposed development is allocated in the Brentwood Local Plan (Strategic Site Allocation E11), which was adopted on 23 March 2022. It is our understanding that Brentwood Borough Council will be undertaking an immediate review of their Local Plan. Policy MG06 of the adopted Local Plan states that the immediate review will include "a review of transport and highway issues to cater for Local Plan growth throughout the period of the review (in consultation with National Highways and Essex County Council" including "the need to provide improvements to and around A12 Junction 12, M25 Junction 28 and M25 Junction 29". In our understanding, this review has to include all Local Plan growth because at the 2021 EiP for the Local Plan, the mitigation for the SRN was left incomplete. National Highways (then Highways England) agreed to a review on the condition that it would include all non-consented development at that time; that is non-consented development within the plan at that time together with any additional development included as part of the review. Until we have further clarity on Brentwood Borough Council's Local Plan review, we are unable to consider the individual impacts of this planning application.

In the meantime, unless or until you hear otherwise from us, please assume that we consider that the application has yet to demonstrate that it will not materially affect the safety, reliability and/or operation of the strategic road network. It is therefore assumed not to accord with national planning and transport policy set out in DfT Circular 02/2013 (particularly paragraphs 9 & 10), and MHCLG NPPF (particularly paragraph 111). Our recommendation is therefore as follows:

### Recommendation

National Highways recommends that Brentwood Borough Council do not determine App Ref: 22/00402/FUL for a period of 56 days from the date of this recommendation. This recommendation should therefore be in place until 2 June 2022 or until National Highways issues an alternative recommendation.

Reason: To provide sufficient time for National Highways and Brentwood Borough Council to agree any implications of the Council's Local Plan review on the SRN and to allow National Highways to subsequently develop an informed position as to the application's impacts on the M25 around Junction 29

### **National Highways comments dated 1 September 2022**

National Highways are working with the applicant to enable them to provide the appropriate information to enable us to form a view as to whether the proposed development will have an adverse impact on the safe and efficient operation of the SRN. We are currently reviewing new information recently provided by the applicant which included an updated transport assessment, and we will continue to liaise with the applicant to establish the potential impacts from the proposed development on the SRN that will require the identification of a deliverable package of mitigation. This work is ongoing.

In the meantime, unless or until you hear otherwise from us, please assume that we consider that the application has yet to demonstrate that it will not materially affect the safety, reliability and/or operation of the strategic road network. It is therefore assumed not to accord with national planning and transport policy set out in DfT Circular 02/2013 (particularly paragraphs 9 & 10), and MHCLG NPPF (particularly paragraph 111).

Our recommendation is therefore as follows:

#### **Recommendation**

National Highways recommends that Brentwood Borough Council do not determine App Ref: 22/00402/FUL for a period of 56 days from the date of this recommendation. This recommendation should therefore remain in place until 27 October 2022 or until National Highways issues an alternative recommendation. This recommendation supersedes any, and all, recommendations issued by National Highways in respect of this application.

### **National Highways comments dated 4 October 2022**

I am following up on previous correspondence regarding this planning application and the telephone conversation between us on 1 September.

The position of National Highways has changed since the previous holding recommendation was issued at the end of July. We are in the process of undertaking a full review of the Transport Assessment submitted as part of the supporting information submitted with the application. During this process we will continue to liaise with the applicants through regular planned meetings and email exchanges as necessary to clarify information or seek further supporting documentation as needed.

Consequently, we therefore ask that you do not determine the application, other than a refusal for a period up to 56 days from the date of this recommendation. This recommendation should therefore be in place until 27 October 2022 or until National Highways issues a further alternative recommendation. If the authority wishes to permit the application or it goes to appeal, please contact us and we will provide our formal response on information available to us at that point in time. Our position is also set out in the NHPR form attached with this email.

In the meantime, unless or until you hear otherwise from us, please assume that we consider that the application has yet to demonstrate that it will not materially affect the safety, reliability and/or operation of the strategic road network. It is therefore assumed not to accord with national planning and transport policy set out in DfT Circular 02/2013 (particularly paragraphs 9 & 10), and MHCLG NPPF (particularly paragraph 111).

We will continue the regular meetings with the applicant and Brentwood Borough Council as already agreed.

#### **National Highways comments dated 15 November 2022 (letter)**

Having reviewed the transport assessment, we have held a meeting with the applicant and their consultants. National Highways stated that further information is required to enable determination of whether mitigation will be required for the M25 Junction 29 southbound diverge.

There has been no assessment of a scenario with the forthcoming Lower Thames Crossing scheme. The scheme is committed in national policy and is likely to change traffic patterns at Junction 29 where the northern section of LTC commences. A meeting was held with the LTC project team on Friday 11 November to agree release of data to facilitate an assessment. We await results of the assessment.

Furthermore, we require a DMRB GG142 Walking, Cycling and Horse Riding



Assessment and Review and a RSA Stage 1 Report in accordance with DMRB GG119. These assessments for proposed mitigation at M25 Junction 29 will require agreement before National Highways can submit a final formal response to the application.

### Service Provider Comments

The current site for the proposed Brentwood Enterprise Park, facilitates access for Connect Plus Services (CPS) to access a pond and the M25 embankment for inspection and routine maintenance work. National Highways suggests contact between the applicant team and CPS to discuss future access options. CPS are currently responsible for the surface of a part of the existing site access to information and confirmation about ceasing these works would form part of the discussion. There is also some concern about embankment settlement due to disturbance during construction work. The developer should therefore undertake a settlement assessment of any proposed bunds in this area to ensure it doesn't result in any settlement issues at the base of our embankment which might cause defects such as settlement induced tension cracking.

### Recommendation

National Highways recommends that Brentwood Borough Council does not determine the planning application (Ref: 22/00402/FUL) for a period of 56 days, allowing the applicant sufficient time to respond and address our outstanding concerns regarding the developments impact on the SRN.

### **National Highways comments dated 15 November 2022 (accompanying email)**

As you are aware from our previous correspondence we have been considering the planning application in detail, particularly the supporting evidence relating to impacts on the SRN contained within the Environmental Statement Volume 4 Appendix C Transport Assessment. We have the following comments in relation to the evidence provided.

We are generally content with much of the assessment for the SRN insofar as it relates to the quantity of B8 and B2 development assumptions (of approximately 90000 and 22500sqm GIA respectively). We had been involved in pre-application discussions with the applicant in relation to vehicle trip generation and distribution characteristics in 2021 and were content with the proposed approach to these fundamental aspects of the transport assessment. We are content that the approach taken with the transport assessment is consistent with the approach previously agreed. However, we are unable to establish that the assumed B2 and B8 quantities assessed are fixed within the

application. Additionally the B8 assumption includes a proportion of parcel distribution use that produces significantly higher vehicle trip generation than more traditional warehouse activity.

We have examined the mode split assumptions for the proposed development. Table 6.6 from the Transport Assessment assumes 85% of arrivals and departures by car, LGV and OGV. 2011 Census data for the Brentwood 008 MSOA in which the site is situated suggests that the commutes driving a car or van or arrival by taxi accounted for 85% of all arrivals with 4% by train and 3% by bus. Given the proposed nature of the site, a heavy OGV use in peak hours would also be expected. This suggests that the mode share proposed by car, LGV and OGV is underestimated.

Notwithstanding this we have examined the junction modelling and merge and diverge assessments for M25 Junction 29. In terms of the junction modelling for the roundabout as presented we are content with the assessment and mitigation requirements based upon the assessed flows with and without the development proposals for a full opening year of 2026. We are content that the mitigation to include partial signalisation of the northbound M25 off slip and circulatory and eastbound A127 off slip and circulatory will offset any increase in queueing and delay from increased traffic volumes at the roundabout.

For the merges and diverges, our main concerns are the four M25 arms. We are content that there is insufficient evidence to require mitigation for the northbound merge and diverge and southbound merge. We have also examined the impacts of additional flow at M25 Junctions 28 and 30 and similarly there is not enough evidence of impact to warrant any mitigation.

For the southbound diverge, it is apparent that the development seemingly adds approximately 89 vehicles in the morning peak hour. Even without the development, the 2026 assessment indicates that the diverge should be a Type D ghost island lane drop or parallel lane drop. This indicates that the development will add a significant amount of traffic to a diverge that is already substandard. This will increase the risk of queueing or slow moving traffic at and upstream of the diverge along the main carriageway and increase the risks of vehicle shunts on high speed network. Ordinarily this quantity of additional development related traffic added to a substandard diverge would require mitigation to accommodate the additional traffic, noting also in this case that the mode share potentially underestimates overall vehicular movements for the development.

In this instance there may be some potential to reduce the additional traffic at the southbound diverge by fine tuning the trip generation to better reflect the peak hour

vehicle movements to and from the development. Modifying the modelled B8 proportions of parcel distribution and commercial warehousing may see a reduction of additional vehicles on this approach (and the balance of in/out trips in the morning peak hour). These comments are not meant to be prescriptive and we will await a response from the applicant about how they propose to address this concern. This has been discussed at successive meetings with the applicants Team.

We are also aware through additional transport modelling work undertaken last year (prior to the recommencement of the Local Plan Examination) of the need to mitigate the impacts of the Local Plan related traffic changes at the M25 Junction 28 southbound diverge. This mitigation would likely be the same mitigation as required for this development. Additionally, there is wider mitigation identified in the Infrastructure Delivery Plan at the Junction 29 roundabout and approaches that goes further than the mitigation proposed for this development. Should any required mitigation for the Local Plan as a whole not be provided through relevant planning applications from allocations, we will be looking for timely delivery through the Plan itself to facilitate further Local Plan development as required.

We will require a DMRB GG142 Walking, Cycling and Horse-Riding Assessment and Review (WCHAR) to be submitted prior to authorisation of a RSA Stage 1 assessments in accordance with DMRB GG119 for agreed SRN mitigation. The RSA 1 will need to be closed out prior to a final formal recommendation from National Highways.

We note also that there has been no assessment of a scenario with the forthcoming Lower Thames Crossing scheme. The scheme is committed in national policy and is likely to change traffic patterns at Junction 29 where the northern section commences. A meeting was held with the LTC project team on Friday 11 November to agree release of data to facilitate an assessment. We await results of the assessment.

Comments have come forward from the M25 Service Provider relating to access to M25 assets adjacent to the proposed BEP site. The comments are included in the attached NHPR, that sets out the remaining actions. This forms a continuation of our position that the application should not be determined until the remaining actions have been closed out.

We will continue to work with the applicant and their consultants to find solutions to outstanding issues and to progress assessment requirements and mitigation reviews as quickly as possible.

You will keep up to date with progress on the continuation of the National Highways

review of this application through the regular diarised meetings with the applicant team. The next one is scheduled for 14 December.

### **National Highways further comments**

We have been involved in ongoing discussions with the applicant throughout 2022 and have made progress towards the resolution of outstanding issues in relation to the planning application. Our most recent meeting was on 13 December 2022 when outstanding issues were discussed.

### **Outstanding Issues**

To date we are still seeking further information covering mitigation requirements for the M25 Junction 29 southbound diverge. Following our meeting of 13 December the applicant's consultants have sent indicative plans showing the carriageway layout.

We require further time to establish whether the indicative plans are sufficient to demonstrate that the proposals will mitigate development impacts. Additional road safety audits in accordance with DMRB GG119 will be required following agreement that the mitigation is acceptable.

At the meeting of 13 December, we agreed to commence the road safety audit process for mitigation proposals on the M25 Junction 29 roundabout in isolation. This was on the understanding that further road safety audits would be required on the Junction 29 southbound diverge and the Junction 29 to B186 link road in whatever format is agreed (currently subject to further investigation, see below). This audit (agreement of brief and appointment of suitably qualified auditors in accordance with DMRB GG119) is ongoing.

The design and status of and requirement for the Junction 29 to B186 link road to mitigate this development and Local Plan development is currently uncertain. We understand that Essex County Council have commissioned study work to examine the impacts with and without the development. We await the findings of this work before commenting further as any flow changes could impact upon the operation of the Junction 29 roundabout and approaches.

Finally, the Planning Inspectorate recently confirmed it has accepted National Highway's application for a Development Consent Order for detailed examination of the Lower Thames Crossing scheme. This scheme includes proposals at M25 Junction 29 and is expected to change flow patterns adjacent to the development location. National Highways have provided traffic flow information to the applicant's consultants to allow

assessment of a future year scenario of development related traffic changes with Lower Thames Crossing in place. This assessment is currently ongoing and we await the outcome of this assessment.

### Recommendation

National Highways recommends that Brentwood Borough Council does not determine the planning application (Ref: 22/00402/FUL) for a period of 56 days from the date of this recommendation, so that will be 14 February 2023, allowing the applicant sufficient time to respond and address our outstanding concerns regarding the developments impact on the SRN.

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up. Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption. These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

### **National Highways comments dated 11 April 2023 - Holding objection accompanying email**

We have been involved in ongoing discussions with the applicant throughout 2022 and 2023 and have made progress towards the resolution of outstanding issues in relation to the planning application. Our most recent meetings were on 8 March 2023 to discuss overall progress when outstanding issues were discussed in relation to the application and on 24 March concerning the road safety audit requirements including departures due to required mitigation at the M25 Junction 29 roundabout and B186 link road.

### Outstanding Issues

Mitigation proposals at the M25 Junction 29 roundabout are ongoing and the applicant's consultants are in dialogue with National Highways SES concerning departures from standard at the existing roundabout and in relation to proposed roundabout mitigation. Additional road safety audits in accordance with DMRB GG119 will be required following agreement that the departures from standard are acceptable and formal

departure applications have been submitted.

The design and status of and requirement for the Junction 29 to B186 link road to mitigate this development and Local Plan development is currently uncertain. We understand that Essex County Council have commissioned study work to examine the impacts with and without the development. We await the findings of this work before commenting further as any flow changes could impact upon the operation of the Junction 29 roundabout and approaches.

In the absence of phase two of the link road connecting to the B186 (included in the application as requiring outline permission) an interim connection is required through the applicant site in lieu of phase two, part of the detailed application. We are uncertain of Essex County Council's position in relation to the interim solution and in the absence to date of their willingness to adopt the interim solution as part of their highway network, there is no certainty of how this link would operate as it would remain in private ownership. At our meeting of 8 March the applicant agreed to provide further evidence as to how this interim solution would operate satisfactorily at all times given that it would lie outside the control of either Essex County Council or National Highways. We await this additional evidence.

Finally, as mentioned in our last correspondence the Planning Inspectorate recently confirmed it has accepted National Highway's application for a Development Consent Order for detailed examination of the Lower Thames Crossing scheme. This scheme includes proposals at M25 Junction 29 and is expected to change flow patterns adjacent to the development location. National Highways have provided traffic flow information to the applicant's consultants to allow assessment of a future year scenario of development related traffic changes with Lower Thames Crossing in place.

The applicant has provided a transport addendum with details of this assessment, and it has been submitted as supporting evidence for the planning application. We have reviewed the addendum and are generally in agreement with its findings subject to some further supporting evidence as set out below.

The addendum assessment appears to rely on an improvement to M25 Junction 29 to be delivered through the Brentwood Local Plan as mitigation for cumulative Local Plan development. Further details are required to confirm that the mitigation in the assessment is accurate as we are unable to trace the mitigation to evidence available from the Local Plan evidence base. Secondly, the merge and diverge assessments mentioned within the addendum have been subsequently supplied by the applicant to National Highways. The assessments have not been supplied in the correct units of

vehicle flow. At our meeting of 8 March we mentioned this and requested that the merge and diverge assessments are resubmitted in the correct units of flow (vehicles per hour). We are awaiting these assessments for review.

### Recommendation

National Highways recommends that Brentwood Borough Council does not determine the planning application (Ref: 22/00402/FUL) for a period of 56 days, allowing the applicant time to respond and address these outstanding matters relating to the potential for the development to have an impact on the SRN. This further recommendation should be in place from the date of this NHPR until at least 6 June 2023 or until such time as National Highways are able to submit an alternative response.

### **National Highways comments dated 6 June 2023 holding objection accompanying email**

We have been involved in ongoing discussions with the applicant throughout 2022 and 2023 and have made progress towards the resolution of outstanding issues in relation to the planning application. We have been meeting regularly throughout April and May to discuss overall progress and concerning the road safety audit requirements including departures due to required mitigation at the M25 Junction 29 roundabout and B186 link road.

### Outstanding Issues

Mitigation proposals at the M25 Junction 29 roundabout are ongoing and the applicant's consultants are in dialogue with National Highways SES concerning departures from standard at the existing roundabout and in relation to proposed roundabout mitigation. Additional road safety audits in accordance with DMRB GG119 will be required following agreement that the departures from standard are acceptable.

The design and status of and requirement for the Junction 29 to B186 link road to mitigate this development and Local Plan development is currently uncertain. We understand that Essex County Council have commissioned study work to examine the impacts with and without the link road. Given that the link road replaces the A127 eastbound off slip at the Warley Interchange we are concerned about traffic volumes from the A127 potentially blocking back to Junction 29. We await the findings of this work before commenting further as any flow changes could impact upon the operation of the Junction 29 roundabout and approaches, potentially affecting the evidence in

support of this planning application and/or any planning conditions.

In the absence of phase two of the link road connecting to the B186 (included in the application as requiring outline permission) an interim connection is required through the applicant site in lieu of phase two, part of the detailed application. We are uncertain of Essex County Council's position in relation to the interim solution and in the absence to date of their willingness to adopt the interim solution as part of their highway network, there is no certainty of how this link would operate as it would remain in private ownership. Further evidence has been provided on its operation and management that looks feasible and are determining whether further detailed information is required prior to submitting a final formal response. We are also in the process of confirming whether such a private road connection is in principle acceptable and should shortly have a definitive position.

### Recommendation

National Highways recommends that Brentwood Borough Council does not determine the planning application (Ref: 22/00402/FUL) for a period of 56 days until 1 August 2023, allowing the applicant sufficient time to respond and address our outstanding concerns regarding the developments impact on the SRN.

### **National Highways comments dated 10 July 2023**

We have been involved in ongoing discussions with the applicant throughout 2022 and 2023 and have made progress towards the resolution of outstanding issues in relation to the planning application. We have been meeting regularly to discuss overall progress and concerning the road safety audit requirements including departures due to required mitigation at the M25 Junction 29 roundabout and B186 link road.

This notice replaces the previous notice of 6 June 2023 prior to the removal of the phase 2 link road from the planning application and modification to the red line boundary associated with the application site. We have read the additional documentation submitted in evidence in relation to transport matters. We will be ensuring that all outstanding matters below related to the amended planning application rather than the original application.

### Outstanding Issues

Mitigation proposals at the M25 Junction 29 roundabout are ongoing and the applicant's consultants are in dialogue with National Highways SES concerning departures from



standard at the existing roundabout and in relation to proposed roundabout mitigation. Additional road safety audits in accordance with DMRB GG119 will be required following agreement that the departures from standard are acceptable.

Essex County Council have commissioned study work to examine the impacts with and without the link road (Phase 2 now removed from the planning application). Given that the introduction of the Phase 2 link road was intended to replace the A127 eastbound off slip at the Warley Interchange we are interested in further detailed evidence on the operation of the network in this location in the absence of the formal link to the B186 from M25 Junction 29. We have met with Essex County Council who have agreed to share the findings of their study and await the findings of this work before commenting further as any flow changes may impact upon the operation of the Junction 29 roundabout and approaches, potentially affecting the evidence in support of this planning application and/or any planning conditions. Please note however that this additional evidence is not being treated as essential in terms of determining the application. Should the evidence become available prior to determination then we will assess any findings alongside the application.

In the absence of Phase 2 of the link road connecting to the B186 (now removed from this planning application) the connection to the B186 will be through the applicant site, part of the detailed application. We are uncertain of Essex County Council's position in relation to this section of road and the Phase 1 section. Further evidence has been provided on its private operation and management by the applicant site that looks feasible and we are determining whether further detailed information is required prior to submitting a final formal response. We are also in the process of confirming whether National Highways Planning Response (NHPR 22-12) December 2022 such a private road connection is in principle acceptable and should shortly have a definitive position.

### Recommendation

National Highways recommends that Brentwood Borough Council does not determine the planning application (Ref: 22/00402/FUL) for a period of 56 days, to 4 September 2023, allowing the applicant sufficient time to respond and address our outstanding concerns regarding the developments impact on the SRN.

**National Highways comments dated 7<sup>th</sup> November 2023 – formal recommendation that Conditions should be attached to any Planning Permission that may be granted**

National Highway's have reviewed the planning application on its own merits looking at how it contributes to traffic conditions at M25 Junction 29 at the proposed development year of opening.

The transport assessment identified additional queues and delays at M25 Junction 29 under a 2026/27 full opening scenario and the proposed design improvements were satisfactorily modelled to demonstrate that the impacts of additional traffic at the roundabout could be mitigated. The assessment also covered merges and diverges with the main M25 carriageway using the Design Manual for Roads and Bridges CD122 - The Design of Grade Separated Junctions. For the M25 southbound off slip the evidence suggested that the diverge would be operating with flows markedly higher than the design standards and the development site traffic would add a sizeable additional amount of traffic at the diverge, thereby creating a safety concern for National Highways. This indicated the need to improve the diverge or reduce the amount of additional traffic from the development, prior to additional evidence being available. This is covered again further into this response.

The planning application was first submitted to include phases one and two of the B186 link road from M25 Junction 29 to the B186 north of A127. This comprised a one-way link along the existing Codham Hall Lane alignment from junction 29 to a new roundabout at the head of a proposed new access road over the A127 as part of the detailed application. Also included in the application was an option for phase two that formed a two-way link with the B186. All traffic to and from the application site from the west was assumed to use this access, leaving via the B186 and A127 to return westbound. It was originally envisioned that Essex County Council would adopt the route as part of its local highway network although there were issues with the status, and land procurement, of the phase two section. For the detailed application the phase one link connected to the development site via a bridge to allow traffic to flow through the site to the B186 via a different access and egress point south of the A127. There have been discussions around whether Essex County Council would adopt this route and we have to date received no firm and written confirmation of their intentions.

In view of this the possibility remains that the phase one link road and development spine road to the B186 could operate under private ownership for its entire length. National Highways queried how this new link between the M25 Junction 29 roundabout and B186, south of the A127, would operate as it would effectively form a private link road for through traffic. Furthermore, it would have potential implications for the M25 if

the link were to be closed either for routine or emergency maintenance or for other emergencies, potentially leaving through traffic stranded as it would not be able to reverse to J29 or there could be potential queues tailing back onto the J29 circulatory carriageway for vehicles in the one-way section of Codham Hall Lane. As part of the application review process, and at the request of National Highways, the applicant's transport consultants produced a management plan setting out how incidents would be managed should the phase one link road and/or the site spine road remain in private ownership. We have also received assurances on the measures to be put in place during emergencies forcing closure to include opening of existing gates, within Codham Hall Farm, to allow any "trapped" traffic to exit via the unadopted part of Codham Hall Lane and on to the adopted section connecting to the B186. We are content that a detailed management plan can be agreed prior to first occupation of the site (Recommended Condition 8 below).

The transport assessment has also been supplemented by additional consideration of impacts under a scenario with Lower Thames Crossing (LTC) in place. This was undertaken due to the submission of the LTC DCO during the timeline of the planning application review. LTC proposes a package of changes at J29 and A127/B186. Separate discussions have been, and are still, ongoing between the developers team and the LTC project Team. This response has been written up independently of any and all discussions between the Brentwood Enterprise Park developers Team and the LTC Project Team and is WITHOUT PREDJUDICE to any conversations and agreements to each of those parties.

To undertake assessment scenarios with LTC, the evidence submitted in support of the planning application has been supplemented by evidence on future traffic flows supplied by National Highways from work undertaken as part of the Lower Thames Crossing DCO. The additional evidence has been based on a much more detailed and comprehensive forecasting methodology involving bespoke transport modelling over a wide geographical area. This, in our opinion, provided more robust evidence of future year traffic flows to that presented as part of the planning application. The forecasts for the planning application have been based upon growth applied to existing traffic count data whereas the LTC forecasts allow for rerouting of traffic.

A sensitivity test has been undertaken looking at traffic impacts of the development site's traffic under a scenario with the Lower Thames Crossing scheme. The assessment looked at a 2033 scenario to broadly cover the end of the Brentwood Local Plan period to 2033, written up as a transport assessment addendum. Under these conditions additional modelling and merge and diverge assessments (using Design

Manual for Roads and Bridges CD122 methodology) were undertaken. These additional assessments demonstrated that the development could be accommodated in a 2033 scenario with Lower Thames Crossing.

Given the more robust evidence produced for the DCO, we have also been able to reassess the need for mitigation at the Junction 29 southbound diverge for the opening year of 2026 and concluded that the addition of traffic associated with the planning application would not require mitigation on safety grounds.

The planning application was amended in 2023 to remove the outline application element for the phase two link road to the B186 north of the A127. This was in part because of complications associated with the Stage 1 Road Safety Audit requirements as a design had not been advanced as part of the planning application and there was nothing to include in the safety audit brief for phase two of the link road.

The Brentwood Enterprise Park development site is fully allocated in the adopted Brentwood Local Plan. As mentioned before, further work is required to finalise the infrastructure requirements to be undertaken as part of the local plan review. This implies that local plan infrastructure requirements at M25 Junction 29 and elsewhere may be subject to change when the full cumulative impacts of the adopted local plan and the additional development included in the review are revisited. Accordingly, the local plan review will be required to update the Infrastructure Delivery Plan, including costs and funding sources.

Our assessment of this planning application has necessarily looked at the requirements to accommodate the development independently of the local plan. The mitigations to accommodate the development are not guaranteed to accommodate all local plan growth and further measures may be required as part of the local plan review. We would recommend that Brentwood Borough Council make suitable provisions for the financing of all infrastructure required to accommodate cumulative development in the local plan as adopted, and the forthcoming local plan review, including the development in this planning application.

The applicant's consultants have had regular meetings with National Highways in relation to the mitigation designs at M25 Junction 29. These meetings have included guidance and advice to the applicant through the departures from standard process including identification and reporting of departures. Departures identified in the J29

mitigation design have been applied for on an Approval in Principle basis but will need to be confirmed during the detailed design process.

A Stage 1 Road Safety Audit report was issued to the applicants design team on 22 August 2023. Following this, a Designers Response was received by National Highways on 11 September 2023 and was agreed by the Design Team and National Highways on 26 September 2023. A copy of the RSA Stage 1 Report and the Designers Response is submitted with this formal response from National Highways.

**National Highways comments dated 26 November 2023 – holding objection accompanying email**

Further to recent discussion between us I am extending our current holding recommendation by a further week, to Friday 3 November 2023, by agreement and an exchange of emails. This further extension of time is to allow draft conditions to be finalised between Brentwood Borough Council and National Highways. Comments have been received from the Council and National Highways has responded.

National Highways recommends that Brentwood Borough Council does not determine the planning application (Ref: 22/00402/FUL) until at least after 3 November 2023.

Any changes to the draft conditions do not impact on the two pre-commencement conditions already notified to the applicants team and for which National Highways has received their approval.

**National Highways Conditions issued 27th October 2023**

List of planning conditions from national highways received on 27<sup>th</sup> October 2023

**National Highways comments dated 7<sup>th</sup> November 2023 – formal recommendation that Conditions should be attached to any planning permission that may be granted**

The transport assessment identified additional queues and delays at M25 Junction 29 under a 2026/27 full opening scenario and the proposed design improvements were satisfactorily modelled to demonstrate that the impacts of additional traffic at the

roundabout could be mitigated. The assessment also covered merges and diverges with the main M25 carriageway using the Design Manual for Roads and Bridges CD122 - The Design of Grade Separated Junctions. For the M25 southbound off slip the evidence suggested that the diverge would be operating with flows markedly higher than the design standards and the development site traffic would add a sizeable additional amount of traffic at the diverge, thereby creating a safety concern for National Highways. This indicated the need to improve the diverge or reduce the amount of additional traffic from the development, prior to additional evidence being available. This is covered again further into this response.

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In view of this the possibility remains that the phase one link road and development spine road to the B186 could operate under private ownership for its entire length. National Highways queried how this new link between the M25 Junction 29 roundabout and B186, south of the A127, would operate as it would effectively form a private link road for through traffic. Furthermore, it would have potential implications for the M25 if the link were to be closed either for routine or emergency maintenance or for other emergencies, potentially leaving through traffic stranded as it would not be able to reverse to J29 or there could be potential queues tailing back onto the J29 circulatory carriageway for vehicles in the one way section of Codham Hall Lane. As part of the application review process, and at the request of National Highways, the applicant's transport consultants produced a management plan setting out how incidents would be managed should the phase one link road and/or the site spine road remain in private ownership. We have also received assurances on the measures to be put in place during emergencies forcing closure to include opening of existing gates, within Codham Hall Farm, to allow any "trapped" traffic to exit via the unadopted part of Codham Hall Lane and on to the adopted section connecting to the B186. We are content that a detailed management plan can be agreed prior to first occupation of the site (Recommended Condition 8 below).

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undertaken due to the submission of the LTC DCO during the timeline of the planning application review. LTC proposes a package of changes at J29 and A127/B186. Separate discussions have been, and are still, ongoing between the developers team and the LTC project Team. This response has been written up independently of any and all discussions between the Brentwood Enterprise Park developers Team and the LTC Project Team and is WITHOUT PREDJUDICE to any conversations and agreements to each of those parties.

To undertake assessment scenarios with LTC, the evidence submitted in support of the planning application has been supplemented by evidence on future traffic flows supplied by National Highways from work undertaken as part of the Lower Thames Crossing DCO. The additional evidence has been based on a much more detailed and comprehensive forecasting methodology involving bespoke transport modelling over a wide geographical area. This, in our opinion, provided more robust evidence of future year traffic flows to that presented as part of the planning application. The forecasts for the planning application have been based upon growth applied to existing traffic count data whereas the LTC forecasts allow for rerouting of traffic.

A sensitivity test has been undertaken looking at traffic impacts of the development site's traffic under a scenario with the Lower Thames Crossing scheme. The assessment looked at a 2033 scenario to broadly cover the end of the Brentwood Local Plan period to 2033, written up as a transport assessment addendum. Under these conditions additional modelling and merge and diverge assessments (using Design Manual for Roads and Bridges CD122 methodology) were undertaken. These additional assessments demonstrated that the development could be accommodated in a 2033 scenario with Lower Thames Crossing.

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The planning application was amended in 2023 to remove the outline application element for the phase two link road to the B186 north of the A127. This was in part because of complications associated with the Stage 1 Road Safety Audit requirements as a design had not been advanced as part of the planning application and there was nothing to include in the safety audit brief for phase two of the link road.

The Brentwood Enterprise Park development site is fully allocated in the adopted Brentwood Local Plan. As mentioned before, further work is required to finalise the infrastructure requirements to be undertaken as part of the local plan review. This implies that local plan infrastructure requirements at M25 Junction 29 and elsewhere may be subject to change when the full cumulative impacts of the adopted local plan and the additional development included in the review are revisited. Accordingly, the local plan review will be required to update the Infrastructure Delivery Plan, including costs and funding sources.

Our assessment of this planning application has necessarily looked at the requirements to accommodate the development independently of the local plan. The mitigations to accommodate the development are not guaranteed to accommodate all local plan growth and further measures may be required as part of the local plan review. We would recommend that Brentwood Borough Council make suitable provisions for the financing of all infrastructure required to accommodate cumulative development in the local plan as adopted, and the forthcoming local plan review, including the development in this planning application.

The applicant's consultants have had regular meetings with National Highways in relation to the mitigation designs at M25 Junction 29. These meetings have included guidance and advice to the applicant through the departures from standard process including identification and reporting of departures. Departures identified in the J29 mitigation design have been applied for on an Approval in Principle basis but will need to be confirmed during the detailed design process.

A Stage 1 Road Safety Audit report was issued to the applicants design team on 22 August 2023. Following this, a Designers Response was received by National Highways on 11 September 2023 and was agreed by the Design Team and National Highways on 26 September 2023. A copy of the RSA Stage 1 Report and the Designers Response is submitted with this formal response from National Highways.

### **Essex County Council Highways (Highway Authority)**

**Comments dated 27 June 2022, 24 September 2022, 9 November 2022 and 23<sup>rd</sup> October 2023.**

#### **Walking and Cycling**

As per NPPF, the provision of good walking and cycling accessibility are an essential requirement for any new planning applications. It is also a policy requirement within the Local Plan for this site. To that end, ECC would expect full compliance with LTN1/20 guidance both within the development and, where possible, outside it too. If it's not possible outside it, we would expect an audit to detail why it's not possible and what can, nevertheless, be provided.

New provision, as described in the Transport Assessment (TA), outside the site would appear to be limited to a short joint walking / cycling facility alongside the B186 from just south of Jax Folly to the junction of the A127 / B186. This is shown to be 2m in width on



the approach to the A127 junction, which is below Essex's minimum width of 3.0m for a shared facility. A 2m facility is likely to lead to pedestrian / cyclist conflict.

We would firstly request that the full extent of the highway boundary in this area is established by contacting Essex Highways' Highway Records team at [Highway.status@essexhighways.org](mailto:Highway.status@essexhighways.org) This will allow a detailed understanding of what land is available for improvements.

It is also important that any highway improvement proposals are accompanied by a drawing showing the full extent of scheme. At the moment, the only available drawing relates to the A127 / B186 upgrades.

Regardless of its dimensions, the proposed footway / cycleway facility is seemingly designed to link in with the A127. It is hard to see how this route will be an attractive and safe proposition for pedestrians or cyclists considering the amount of traffic that uses the A127, prevailing speeds and the proximity of the path alongside it. It needs to be considered how these issues can be overcome?

It is also noted that the TA does not detail the provision of a pedestrian access at the main B186 site access or a pedestrian crossing facility by the southbound bus stop near Jax Folly. Pedestrian access can be expected in these locations and safety needs to be the priority.

Local Plan Policy states that proposals should include "good walking and cycling connections within the site and to the surrounding area." Currently the provision is substandard. It therefore needs to be shown that the development site can link with the surrounding area in a safe, suitable and attractive manner for these sustainable modes of travel.

### Public Transport

Considering the issues relating to pedestrian / cycle accessibility and the remoteness of the site, public transport will have to play a major role in making BEP a sustainable destination. ECC's public transport team have thus considered the bus strategy submitted in the Framework Travel Plan. The concern lies in the fact that ECC has no experience of any Demand Responsive Travel scheme becoming financially viable. There is also no detail provided on how the BEP scheme would operate. DRT is certain to be very expensive given how remote the site is and the danger is that it will prove to be unsustainable. That is not to say that DRT can't play its part, but it will need to be supported by other services if BEP can become sustainable in the long term.

The Local Plan IDP identifies “New bus infrastructure provision serving sites on the South Brentwood Growth Corridor. Options include early adoption of Demand Responsive Transport (DRT) routes in the short / medium terms, additional bus routes and other appropriate infrastructure to connect to West Horndon Transport Interchange.”

It is therefore considered that east-west services linking the site to Upminster, West Horndon, Dunton Hills and Basildon will ultimately need to be provided. Given the TA’s evidence that there will be a strong demand to access the site from the south, the PT team also envisage the existing 269 service from Grays to Brentwood north-south service being upgraded too

It is indicated that many employees would be attracted by the C2C line stations. Therefore a 20-minute frequency link to West Horndon should initially be provided at peak periods. It’s possible that this could be 30 minutes at times with lesser demand.

With regard to the 269 service, this should be improved to at least an hourly service throughout the day and into the evening. It has been indicated that BEP is expected to be a 24/7 operation, so services need to be made available at less social times as well.

### Travel Plan

Comments and advice on your submitted Framework Travel Plan have been provided by ECC’s Sustainable Travel team. They are as follows;

1.2.4 The quantum of development shows that there will be 1050 car parking spaces. With shift work / part time workers etc amongst the advertised FTE of 1793 jobs, car parking spaces may be plentiful. The Travel Plan needs to be implemented and promoted prior to occupation to ensure people are aware of choices and don’t just get into their car on their own.

2.2.7 The map isn’t very clear. Please could you indicate what settlements fall in the 0-10, 11-20 and 21-30 minute cycling catchment. This is the most realistic active travel mode for people to use. To aid longer cycle journeys, a fleet of electric bikes could be provided for people to borrow and try before they buy.

3.1.3 If the site is occupied by different organisations, travel surveys should be conducted for each one within 3 months of first occupation.

4.1.2 Car sharing should be included in the list of sustainable modes of transport.

4.2.1 Car sharing should be included in the list of modes that will be facilitated.

Table 5.1 Include companies participating in Cycle to Work schemes. Cycle training is provided by ECC's Cycle Training team. Visit <https://saferessexroads.org/road-users/cycling/> for more information.

5.3 DRT is an extremely expensive service to provide and run. How will this be funded? Will it be funded through developer contributions? How long would the funding be for? It would need to be in place at the start of occupation before people get used to driving to the site. Information about the service needs to be ready to provide to occupiers before they recruit staff to work there.

5.3.7 Also include cycle routes from local stations in case people want to take their bikes on the train and then cycle to BEP.

5.4 Car sharing on this development could be a good solution if the scheme is run well and has a lot of promotion. ECC has an Essex wide liftshare group that we would encourage signing up to. The is a public group and can be found at <https://liftshare.com/uk/community/essex>. Alternatively, for the number of employees on the site it could be worth setting up your own scheme. There are also other providers in the market such as You.Smart.Thing which should be investigated. Regardless of whether a car share provider is used or if you set up your own informal scheme, a guaranteed ride home should be implemented as well as a number of car share parking bays in preferential locations.

5.6.1 Maybe include something like Amazon delivery lockers for parcel delivery as well?

5.8.1 Please notify the Sustainable Travel Planning team at Essex County Council of the name and contact details of the TPC. This can be done via email to [travelplanteam@essex.gov.uk](mailto:travelplanteam@essex.gov.uk)

5.8.3 Also include set up and manage car sharing scheme.

5.10.1 Include details of DRT and car sharing scheme.

Table 5.3: No. 9: It's concerning that the cost and where the funding will come from is missing for DRT. This is one of the main measures that is being proposed. When will the cost and funding source be available?

## No. 12: Change “residents” to staff or employees

6.1.1: Monitoring should be done in conjunction with the Sustainable Travel Planning team at Essex County Council. Please work with the team on this including survey writing and setting. It is recommended that Brentwood Enterprise Park become members of the Smarter Travel for Essex Network (STEN) – a membership programme for establishments within Essex who are regularly promoting active and sustainable travel options. By joining STEN, BEP would benefit from regular e-newsletters promoting active and sustainable travel which can be disseminated to staff; there'd be access to a team of experienced Travel Plan officers to provide advice and support, there's benefits from promotional material for a sustainable travel campaign and it would also be able to get national accreditation for your travel plan through Modeshift Stars. Please email [travelplanteam@essex.gov.uk](mailto:travelplanteam@essex.gov.uk) for further information.

6.1.5 & 6: The targets and final travel plan both need to be agreed and approved by Essex County Council.

There are a couple of things that are missing that should be included. The first is car park management strategy. This probably can't be done until the final travel plan when the occupiers are in place, but thought needs to be given to it. Will people be charged to park, for example? The second is travel plan funding; where is the money coming from for initiatives?

### Traffic Modelling

Some spot checks have been carried out on the traffic flows used in the base models compared to the raw data that has been provided. This has shown a discrepancy in the northbound movement of the B186 at the A127 westbound offslip / onslip (southern) junction in the AM peak. This may partly explain why there is little queuing shown in the base model on the offslip arm when, in reality, notable queues occur in the peak hour in this location.

Irrespective of the above however, just inputting traffic flows straight from a traffic count does not model a junction accurately where congestion occurs as it doesn't consider latent demand. Both A127 offslips suffer from queuing in the peak periods, especially the westbound offslip in the AM peak. That is why a signalisation scheme was previously devised by ECC to ensure queues wouldn't continue to extend back and onto the main A127 carriageway. The demand therefore needs to be incorporated into all the traffic models to ensure a robust assessment is achieved.

Once the demand is included, please could updated traffic flow diagram(s) and/or matrices be provided for all movements in all scenarios on the modelled network to enable easy checking of the models.

With regard to the LinSig models, the assessments have been completed without pedestrian stages at either the A127 / B186 junction or the B186 main site access junctions. These must be included in the signal cycle.

There are also a couple inputs on the LinSig models that appear inaccurate. Firstly, at the B186 site access junction, the northbound Lane 1 has been modelled as having a 15.8 PCUs physical length when it should be no more than about 9 PCUs. Similarly, on the BEP exit arm, Lane 2 has been modelled with 11.1 PCUs physical length when it should be no more than 7 PCUs.

Secondly, at the A127 / B186 junction, the A127 eastbound offslip Lane 2 flare should be no more than 9 PCUs physical length – it's been modelled as 11.3 PCUs.

Lastly on traffic modelling, it is noted that traffic growth has been applied. However, it's not clear what dataset in TEMPRO has been used. The figures shown in Table 5.1 do not correspond to the figures that ECC have obtained. Please can you provide details of how these figures were reached.

#### Road Safety Audits

Road Safety Audits have only just been received. These will be reviewed shortly.

#### **Additional comments received 24 September 2022**

#### Sustainable Transport - NMUs

ECC's earlier response to the planning application expressed concern at the provision for NMUs in the area surrounding the proposed development. BEP have argued that there are improvements including a pedestrian / cyclist links at M25 Junction 29, Codham Hall Lane, the existing accommodation bridge, a link to the existing path along the south side of the A127 and reducing the speed limit on the B186. It is, however, notable that almost all the proposals are directly linked to trying to increase highway capacity and developing vehicular access to the site. The aforementioned NMU improvements are effectively a by-product of that process.

Specifically though, ECC previously expressed concern about the 2m combined footway / cycleway being proposed on the western side of the B186 and asked that drawings of

the highway boundary be provided to check if a wider facility could be provided. The drawings have shown that there is indeed considerable scope. It's possible that the area outside Jax Folly may have to be narrower than the optimum width, but a pinchpoint on the network would still be acceptable. We would therefore request that this item is revisited.

ECC also expressed concern about how pedestrians can cross the B186, especially from the southbound bus stop on the B186. Given the apparent space within the highway and the need to ensure pedestrian safety at all times, a pedestrian island should be provided with localised widening of the carriageway. The suggested simple dropped kerb cannot be considered safe in a busy area at peak times and where speeds will still be relatively high regardless of a reduced limit being introduced.

Lastly on NMUs, there is reference to the South Brentwood Growth Corridor in your previous response and connecting to the A127 shared-use route. This is not a policy document, but does recognise the possibilities for improving pedestrian / cycle infrastructure in the area. The likes of West Horndon station and the proposed Dunton Hills Garden Village are within cyclable distance of BEP, as confirmed in the cycling catchment drawing. It is therefore very important that, as a major employer, BEP helps to facilitate these modes of travel. As previously agreed, the existing A127 path is poor and not attractive for pedestrians or cyclists. However, there may be scope to develop an improved east-west facility on the A127. This may be a conversation that needs to be had together with Brentwood, but it would be expected that BEP would contribute towards such proposals. Ultimately, it is a key aim for both Brentwood and ECC to link up the major developments of the Local Plan.

#### Sustainable Transport – public transport provision

This subject has been the subject of further internal discussions at ECC. We would be happy to meet regarding how this is to be provided. Nevertheless, in the meantime, I will again outline what ECC sees as a requirement and a rough idea of the costs involved.

Firstly, it can be agreed that DRT can play a role in supporting public transport for BEP. However, it is still maintained that, given the location, it would be extremely expensive and therefore unsustainable.

Consequently, it is considered necessary to upgrade the existing north-south Brentwood to Grays service to a permanent hourly operation during the day (Monday to Sunday) and half-hourly at weekday peak periods. With regard to east-west movements, there should be a 20 minute service for weekday peak periods between the site and West Horndon station which can be reduced to half-hourly at other times. Both services could

be reduced to a couple of services in the evening. The route needs still to be assessed, i.e. A127 or possibly via St Mary's Lane (parallel to the A127).

I have been given a rough estimate that the cost of ECC providing these services would come to approximately £850k for the West Horndon link, i.e. single decker-type bus, and around £1.15m for the Brentwood to Grays link.

### Road Safety

Section 4.3.2 of the RSA highlights a safety issue with having two straight on lanes on the B186 at the signals with the A127. This needs to be reflected in an updated junction arrangement drawing and the LinSig assessment will also have to be updated as a result.

Section 4.4.7 details that two-stage signal controlled crossings should be staggered. The Atkins response is that can be countered by an all-red stage. Given the width of the carriageway, that stage will be lengthy. It is accepted that the stage may not be called every cycle, but given the number of new employees in the area and the fact that that pedestrians have been included in your trip generation calculations, it is safe to assume it will be called reasonably regularly. This should therefore be reflected in the traffic modelling.

Also, following on from the point of the 2m combined footway / cycleway mentioned in the NMU section above, the same issue is raised in the submitted road safety audit (Section 4.4.6) for the proposed A127 / B186 intersection. This should be addressed and may be possible through addressing Section 4.3.2 above.

### Traffic Modelling

I still need to go through your updated submission in terms of checking traffic flows etc at the A127 / B186 junction. However, in light of the road safety comments, the modelling will have to be revisited to reflect an updated layout and pedestrian demand.

Finally, as you know, the proposed link road is the subject of review by Essex Highways currently. I will await their comments before considering the implications on the BEP application specifically. I will also provide feedback shortly on the recently submitted drawings in respect of the site's internal layout. I am awaiting internal consultation responses on those.

### **Internal Layout comments received 9 November 2022**

I've now received general comments regarding the internal layout of BEP from our Development Management team. The following needs to be considered in the context that, even if the design may be to adoptable standards for an industrial estate, it is probably not for a strategic route. As such, it wouldn't be suitable to accommodate rerouted traffic should the A127 eastbound offslip at the B186 interchange be removed (as suggested by Nick Kay in our last meeting). In that regard, ECC are now looking at an urgent exercise to assess the retention of the offslip given the various complications of delivering the eastern section of the proposed link road. It should also be said that, should the internal roads eventually just serve the site / Codham Hall North and not serve a strategic purpose, it is possible that the Highway Authority would not wish to take on the responsibility for them.

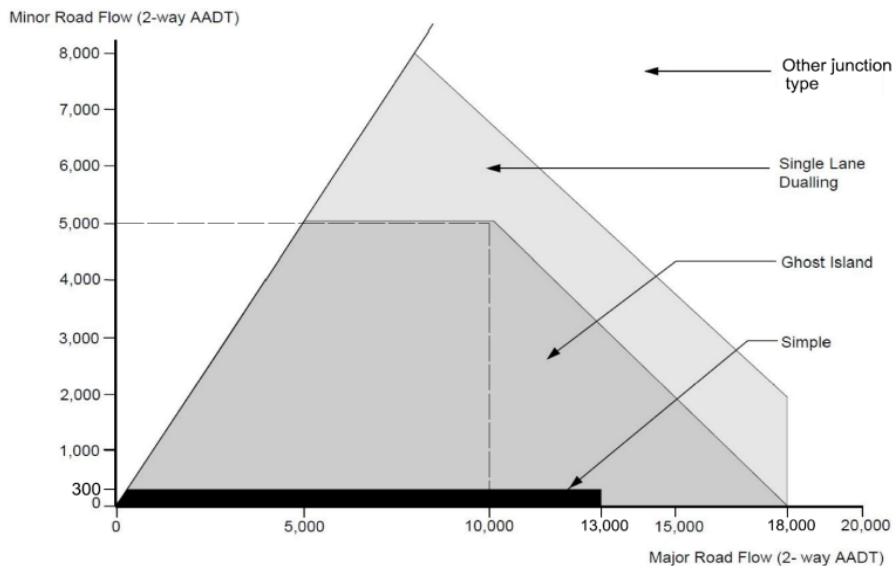
### General Comments

- There are a number of structures indicated on the submission (concrete culvert, retaining walls) which may be subject to an AIP and technical review by the EH Structures Team.
- A TRO will be required to implement the parking restrictions which are proposed throughout the internal road layout.

### For DMRB compliance

The visibility splays provided indicates a 30mph speed limit and therefore junctions provided align with DMRB. In line with DMRB CD123 and depending on the traffic flow data, junction layout may have to be upgraded in line with Figure 2.3.1.

**Figure 2.3.1 Approximate priority junction provision on single carriageway roads based on flows only**





## **Suitability for Adoption – acceptable with the following consideration**

### Footpath and PROW connectivity

Industrial roads should typically be designed with two footways, however, where low usage and good connectivity can be demonstrated the HA may consider one footway.

Pedestrian and cycle connectivity should be reviewed at the B186 Warley Street junction. There is currently a discrepancy between the Atkins (S278) and Bradbrook (S38) submissions.

PRoW no. 272\_179 and 272\_180 will need to be incorporated into the design. The layout provided appears to terminate the footpaths at various points and there is no indication what provision has been made to retain / divert / extinguish.

### Visibility

Junction, pedestrian, and forward visibility provided should be in accordance with DMRB CD109. For a 30mph speed limit, the desirable minimum in the Y direction is 70m, which is shown on layout provided.

Visibility splays should remain unobstructed in perpetuity if offered to the HA for adoption. Areas where visibility splays provided extends over allocated parking spaces, these have to remain unobstructed at all times.

### Turning Heads

Turning heads should be provided at the end of each non-through route and in accordance with one of the diagrams shown in Appendix B Figure 4 of the EH Development Construction Manual.

Non-through routes will be accepted up to a maximum length of 400m with intermittent turning heads being provided at 200m intervals in line with the DCM. However, if the roundabout at western end of Link Rd2 is included in area offered for adoption, provision of turning heads at 200m intervals may not be required. Our preference is to include this roundabout to areas offered for adoption.

## **Comments received dated 1 June 2023**

ECC's response to the original RSA Designer's Response is as follows. Please bear in mind that these are obviously based on documents / drawings from pre-June 2022. Rather than attempt to edit the original pdf, comments are bullet-pointed below under the RSA Design Organisation Responses

### 1.6.1 (RSA Problem 4.1.1)

Design Organisation Response; VRS to be confirmed at detailed design stage with appropriate set back and approach lengths to bridge parapets, shall be designed according to DMRB CD127 & CD377 based on risk assessment.

- Agree with Designer's Response – for review on the completion of Detailed Design (Stage 2 RSA). Full detail of VRS with product details / dimensions specified.

#### 1.6.2 (RSA Problem 4.2.1)

Design Organisation Response; Design of VRS has not been undertaken at this stage but will be confirmed at detailed design to consider appropriate set back to ensure visibility, approach/departure lengths to bridge parapets and shall be designed according to DMRB CD127 & CD377 based on risk assessment.

- Agree with Designer's Response – for review on the completion of Detailed Design (Stage 2 RSA). Visibility and sight lines to be provided on DD drawings and commensurate with current standards.

#### 1.6.3 (RSA Problem 4.3.1)

Design Organisation Response; Agreed. To be updated at detailed design.

- Agree with Designer's Response – to be updated at Detailed Design stage. Carriageway marking detail to be provided as part of Series 1200 dwgs.

#### 1.6.4 (RSA Problem 4.3.2)

Design Organisation Response; Agreed. Confirmed that the staging indicated on the drawing is misleading and does not reflect the staging used for the traffic modelling which does not have conflicting movements running concurrently. The staging of the signals will be reviewed at detailed design stage eliminating this risk.

- Agree with Designer's Response – to be updated at Detailed Design stage. Updated signal staging / phases to be provided.

#### 1.6.5 (RSA Problem 4.3.3)

Design Organisation Response; Noted, the radius on the left turn from B186 to A127 slip has been increased & swept paths verified. These will be further developed at detailed design.

- Agree with Designer's Response – updated detail to be reviewed at Stage 2 RSA. Updated cross-section / radii to be detailed (full swept path analysis to be provided at completion of DD).

#### 1.6.6 (RSA Problem 4.3.4)

Design Organisation Response; A swept path has been complete for an articulated vehicle travelling straight through the junction along the B186 northbound, a straight

vehicle path with no left or right adjustments required. Please see drawing: BEP-ATK-HML\_ZZ-DR-CH-000017.

- Agree with Designer's Response.

#### 1.6.7 (RSA Problem 4.4.1)

Design Organisation Response; Agreed. Holding areas will be incorporated at detailed design.

- Agree with Designer's Response – updated detail to be reviewed at Stage 2 RSA. (Holding pen detail to be reviewed at RSA2)

#### 1.6.8 (RSA Problem 4.4.2)

Design Organisation Response; The bridleway (PROW 272/ path number 183) runs across the existing accommodation bridge and crosses the existing Codhall Hall lane to run parallel and to the north of the Lane in a westerly direction. A separate right of way (footpath 176) meets the bridleway as it crosses Codham Hall lane and travels in a northeasterly direction. Refer figure 4.4.2 below. As this section of ROW is classified as footpath only, an equestrian crossing/holding area is not required at L adjacent the new roundabout. A further equestrian crossing/holding area is not proposed at K on the existing Codham Hall access as there are no proposed changes to the road alignment at this location.

- Location L (New Roundabout) - Agree with Designer's Response
- Location K (Codham Hall Lane) - Disagree with Designer's Response (provision for holding pen should be proved if crossing point proposed)

#### 1.6.9 (RSA Problem 4.4.3)

Design Organisation Response; A Pegasus crossing has been provided to accommodate crossing the carriageway so that equestrians can follow the existing public bridleway. Equestrians will follow the route of the existing public bridleway, across the grassed area, rather than continue alongside the road and will therefore be separated from other NMU groups. Whilst the public bridleway may not be marked out on the ground, it is expected that equestrians will continue to ride on the grass, rather than a hard surface adjacent the carriageway and the provision of the 3.0m NMU route, with 0.5m separation from the carriageway (as per CD143, for roads <40mph) is made both on this basis and that the later extents of the public bridleway are not affected by the proposals.

- Disagree with Designer's Response. Clarification of desired routes for different users groups is suggested. Routes by user group should be signed / marked appropriately. The review of route signage will be undertaken at Stage 2. Whilst it is "expected" that Equestrian users will follow the Bridleway it's suggested that suitable route guidance features are incorporated to deter accidental / injudicious

usage. Inadequately signed / marked routes could result in the realisation of the issues described associated with insufficient separation of user groups. For review at Stage 2 RSA. It is suggested that a facility is provided in accordance with the guidance stated within CD 143).

#### No RSA Problem 4.4.4

##### 1.6.10 (RSA Problem 4.4.5)

Design Organisation Response; Agreed. To be considered at detailed design.

- Agree with Designer's Response – updated detail to be reviewed at Stage 2 RSA. NMU route continuity (revised detail) to be reviewed at completion of DD (RSA2).

##### 1.6.11 (RSA Problem 4.4.6)

Design Organisation Response; In and around Warley interchange is heavily constrained by adjacent properties, existing structures and the watercourse running parallel to the B186. There are also several existing hedges of potential environmental value. A 0.5m separation has been provided from the B186 carriageway in line with the minimum required by Table 6-1 of LTN 1/20, a 1m verge has also been included at the back of the footway. LTN 1/20 is guidance and not a design standard that must be achieved in all circumstances. Given the site constraints, a 2m shared path is considered appropriate to accommodate the low predicted NMU flows and preferable to not providing segregated facilities for NMUs. Consideration will be given at detailed design to increasing the width of the footway to minimise the risk of conflicting movements if this can be achieved within the boundary of the public highway.

- Disagree with Designer's Response. Shared use facilities should only be provided where sufficient lateral width exists to accommodate all users safely (including dynamic / kinetic envelopes). Proposed 2m facility is deemed insufficient. This would be raised by an Audit Team and would likely be escalated to Exception Report requiring Project Sponsor Statement. Problem / Recommendation reaffirmed (remains unresolved based on DR, as presented). Excerpt from LTN 1/20:

##### 1.6.12 (RSA Problem 4.4.7)

Design Organisation Response; The pedestrian phase will be a called on demand all red phase (i.e. all traffic movements held on red). Therefore, staggered crossings are not required.

- Partially agree with Designer's Response. 'See-through' issue acknowledged as being mitigated against with 'all red' phase. However, staggered crossing is recommended due to length of crossing and 2-stage provision. A staggered

arrangement would also provide enhanced stacking capacity for NMUs crossing in 2-stages. Clarification of ITS phase diagrams, stagings and timings for review at Stage 2 RSA (completion of detailed design)

In respect of Problem 4.4.7 above, it is noted that the modelling does not currently incorporate an 'all red' stage.

**Consultation response received dated 23 October 2023 - proposal acceptable to the Highway Authority subject to planning Conditions**

The extensive number of documents submitted with the planning application have been duly considered and a number of site visits have been carried out during the course of reviewing the application.

The proposals involve the provision of two accesses off the highway; one via M25 Junction 29 and upgraded Codham Hall Lane, and the other via a signalised junction on the B186 Warley Street approximately 700m south of the A127.

The proposals have also been the subject of a robust and extensive Transport Assessment and were modelled by Brentwood Borough Council's own transport consultants as part of the Local Plan process. The Highway Authority is satisfied that, with a substantial upgrade to the A127 / B186 interchange, plus pedestrian and cycling infrastructure improvements and a notable contribution towards public transport serving the site, the impact of the development can be mitigated without detriment to highway safety and efficiency. The accesses and infrastructure improvements have all been the subject of safety audit and comply with current highway standards.

**Network Rail Property**

**Comment Date: Mon 20 Jun 2022 and 25 October 2022**

Network Rail have no objections to the proposed scheme subject to informatives. The wording in the response document are generic informatives from the asset protection team to ensure safety of the railway.

Network Rail strongly recommends the developer contacts the Asset Protection Team [AssetProtectionAnglia@networkrail.co.uk](mailto:AssetProtectionAnglia@networkrail.co.uk) prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>

## **Historic Buildings and Conservation Officer**

**Comment Date: 1 February 2023**

Further to the re-consultation of Built Heritage on this application on the additional information received, the following comments were provided.

The scope of the additional documentation included the identification of Heritage Assets, wireframe modelling and viewpoints, which together with the more recent on 'site assessment' have been taken into the assessment process.

On matters of procedure firstly:

- Section 5.1.7 of the Heritage Report refers to the Brentwood Local Heritage List not being adopted, this List was adopted (October 2022) and is a 'live list', for the avoidance of doubt meaning it is not all encompassing at the time of this assessment; whether a building, place or feature is regarded as an NDHA by Brentwood Borough Council or neighbouring Boroughs remains a matter for consideration at each individual assessment period.
- Secondly, a desktop review of the Essex Historic Environment Record (EHER) evidences archaeological interest within the site and the immediate context, upon which the County Archaeologist will provide advice.

Having assessed the submitted information and further to my on-site assessment of Heritage Assets highlighted with the EIASO, I concur with Section 8.1.1 of the applicant's Heritage Report in that there are no above ground Heritage Assets upon which direct harm would result by way of development and that due to the scale and spread of the proposed development, indirect impact is the main consideration.

Section 8 of the Heritage Report offers a precis of each Heritage Asset within an established zone of influence. I share common ground with the applicants Heritage Advisor that there is impact upon setting by way of the proposals; although these are not readily tabulated, from my onsite assessment I am satisfied with the level of information and the viewing corridors as experienced.

It was unfortunate the rigidity of the study area identified clusters which (whilst part of a scoping exercise) have no meaningful intervisibility to the subject landscape and setting; for example the northern aspect of the settlement of Great Warley is studied, whereas more easterly aspects of Thorndon Park and the curtilage of the Grade II\* listed building of All Saints Church which are both located near to the transit corridor and have intervisibility and diurnal impact were not studied; however further to my onsite

assessments I am able to offer advice.

Overall there is limited intervisibility of these more elevated heritage assets to and from the proposed development site, as setting is more than a visual judgement I consider there is a level of impact by way of the scale of the proposals upon the setting of the Thorndon Park Conservation Area which is also a Grade II\* RPG but in agreement with the applicant that there is no impact upon the setting of the Grade I listed building of Thorndon Hall.

As stated in the report *'The park occupies high ground in south-west Essex and from its south-western fringe (where the scheduled monument of Old Thorndon Hall and Gardens is situated) there are commanding views to the south and east'*. I agree the wider setting does contribute by way of openness and legibility of an agrarian landscape and it is accepted that this has changed, but the scale of the buildings proposed will visually detract from this landscape to a degree that is material; to be clear it should not be argued that due to presence of the arterial, M25 or the Dartford Crossing in the distance the harm is no greater. Ultimately there will be a level of impact at viewing points within Thorndon Park (viewpoint 4).

My on-site assessment went further east to land neighbouring and adjacent to Thorndon Park itself, this is a high vantage point with commanding views from the Grade II\* listed building of All Saints Church List (Entry Number: 1197184), there are only glimpsed vistas of the arterial transit corridor, and although this is not commented upon and falls outside of the study zone, these views from the Church should have been studied though I am satisfied the significance is not compromised.

From the return view towards this Grade II\* listed building my standpoint was taken from in between HA022 and HA017 (adjacent to Gladstone Cottages directly east of the red line boundary) and a long view of the Church of All Saints is important to note, however I am satisfied that there is no impact upon setting through this viewing corridor that would be harmful in relation to the Church's significance.

Further assessment was carried out at the Grade II\* listed building of Little Warey Hall (List Entry 1197230) and the Grade I listed building of Church of St Peter (List Entry 1207397), the submitted viewpoints were taken from Little Warley Lane (viewpoints 1 and 2) these were considered insufficient in analysis and warranted an onsite inspection, subsequently I find both immediate settings have been compromised through more recent additional built form and the agrarian landscape has endured a degree of material change. It is therefore key to note a recent diminution to setting but a level of impact remains.

The Heritage Report correctly identifies a high level of harm to Gladstone Cottages (NDHA) and Great Warley Hall (NDHA) both visually and diurnally. It is at these aspects the level of impact is high, the proposed scale and encroachment in no way ideal and unable to be fully mitigated (see Viewpoint 10 and viewpoint 7). A lower scale range of buildings with meaningful landscaping would address this to a degree. This must then be balanced with the designations themselves, which are material but can be taken into the planning balance. Paragraph 203 to the NPPF thereby becomes relevant as it outlines that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

With regard to more immediate heritage assets to the north of the site, Hole Farm (HA008) is referred to in the report, correctly identified as one with historic interest to the site and agrarian landscape, equating to significance, the Heritage Report concludes 'This change would have a negligible adverse impact on the legibility of the relationship between the farmhouse and its agricultural setting'. I find no impact in respect of this Designated Heritage Asset.

### Conclusion

As set out in the opening section of the submitted report, it is common ground the matter in question is that of setting, which without doubt will be impacted upon, setting is more than a visual judgement and other diurnal matters are considerations of the assessment process, it is clear from my assessment the level of impact goes further than transient harm.

Collectively and through a balance of all Heritage Assets (excluding Archaeology) within my remit to the LPA, I find there to be material harm to the setting of Heritage Assets, when weighed in the balance I find this to be at a moderate level, in terms of the National Planning Policy Framework less than substantial.

Most pertinent in terms of indirect impact are the Non- Designated Heritage Place Service Assets of Great Warley Hall and Gladstone Cottages, the Grade II\* listed building of Little Warley Hall, the Grade I listed building of Church of St Peter and Thorndon Park Registered Park and Garden and Thorndon Park Conservation Area.

Cumulatively this application therefore engages Paragraph 202 of the NPPF. The Local Planning Authority are reminded that the NPPF identifies heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their



significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 189).

Paragraph 197 of the NPPF states that when determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 199 also states that when considering impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of the level of harm on the significance of a designated heritage asset. Paragraph 200 states that any harm to, or loss of, significance of a designated heritage asset should require clear and convincing justification.

I strongly advise in the interests of the Historic Environment notable viewing corridors and archaeological data for interpretation is drawn into Placemaking together with rigorous landscaping, whilst these matters cannot mitigate the harm I have identified, these are considerations consistent with Best Practice Placemaking as set out in the National Design Guide. The most appropriate option in respect of the Historic Environment would be to address the matter of scale which is the source if the level of impact I have identified.

### **Essex Police – ‘Designing Out Crime Officer (DOCO)’**

**Comment Date: 20 Jun 2022**

The Essex Police Crime Team (DOCT) would welcome further consultation as part of the planning process. The following comments are raised:

- Road Layout: Recommends liaison with the Essex Police regarding the outline planning proposals for road infrastructure to ensure that design and construction will have minimal impact on the community, emergency service provision and crime.
- Access Roads and Service yards: the design of the proposed access road and service yard for the proposed development should reduce opportunity for cargo crime.
- Perimeter Protection: Request further clarity and discussions regarding the 2.4m Paladin Fence, Timber Knee Rails, Access Control, Protective Barriers and Bollards.
- Gatehouse: Prior to the reserved matters stage, we would welcome consultation on the proposed specification of the Gatehouse buildings.

- Public Realm Space: Welcome the opportunity to liaise regarding an appropriate landscaping plan, to ensure safe and secure access to all public realm space, landscape and lighting proposals should not impact on the CCTV quality.
- CCTV Operation and supporting policies: CCTV should be always monitored and have suitable policies and procedures.
- Landscape Management and Maintenance: Request for reassurance regarding the ongoing management and maintenance including the management of public realm spaces.
- Health Impact Assessment (HIA): Request for consultation to discuss and satisfy the requirements relating to crime prevention in the HIA
- Parking Provision: Request for clarification regarding the proposed parking provision to the east. Concerns raised regarding the potential abuse of this car park facility if not carefully designed and managed. Request for ongoing consultation regarding proposed measures to mitigate against criminal activity. It will be imperative for the developers to assess the risk and utilise 'crime prevention through environmental design' (CPTED) principles to mitigate the risk.
- SBD Commercial: Welcome the inclusion of Secured by Design (SBD) Commercial Guidance as best practice. Essex Police advocate both the application and accreditation to SBD Commercial. As part of process, the DOCO would insist on utilising applicable security standards across all components of the proposal wherever appropriate.

## **Essex Police**

**Comments date: 8 November 2022 and 12 December 2022**

As key social infrastructure providers Essex Police consider the M25 to B186 link Road (Phase 2) scheme and associated Brentwood Enterprise Park development is likely to have a significant impact on its operations, service capacity and resources (staff, vehicle fleet & estate assets) requiring appropriate mitigation and management measures to be identified and secured to address the likely impacts arising from the scheme. Such measures are likely to incorporate:

- Developer funding to support the policing provision to increase capacity, response capability and project preparations for resourcing, vehicle fleet and estate assets.
- Developer support for Essex Police for the duration of the construction period to ensure effective engagement with the Developer and blue light partners, supporting the creation of emergency procedures, community liaison and membership at appropriate working groups.

- Establishing appropriate Terms of Reference, Membership and a Communications Strategy for a Transport, Community Safety, Health & Wellbeing Working Group - to include Essex Police as an emergency service provider, along with its health and blue light partners such as East of England Ambulance Service (EEAST) and Essex Fire and Rescue Service (ECFRS).

A written submission (Relevant Representation) to follow under separate cover.

### **Comments dated 12 December 2022:**

The 'Essex Police - Designing Out Crime Office'(DOCO) have welcomed the early consultation for the above proposed development, ensuring that a risk commensurate approach towards the security has been appropriately addressed and that such matters will be incorporated into the whole development.

Perception of crime and the fear of crime can be an influential factor in determining the synergy and ongoing sustainability of the wider community and working in collaboration promotes the creation of safe, sustainable, and inclusive places for communities to thrive. Good design and early coordination can avoid the conflicts that may be expensive or impossible to resolve once construction is complete.

In relation to the letter dated 28th September 2022 from Suzanne Crawford, (Strutt and Parker), we acknowledge the developer's ambition to create a 'safe and secure environment through the incorporation of adequate security measures and features to deter crime, disorder and anti-social behaviour.'

We welcome the proposed conditions to ensure that the security management and CCTV provision is adopted across the broader estate common areas and the individual units. The incorporation of robust management and maintenance plan will be pivotal for the successful operation of the scheme. A robust layered management plan to self-police should provide a level of clarification as to the means to mitigate any unwanted activity.

It is imperative to consider future maintenance requirements and budgets at the design stage with management programmes in place to ensure that the landscape fulfils the aims of the original design. Failure to maintain planting may encourage the potential for crime.

It is vital that any enforcement strategies (such as parking enforcement and low speed limits) are self-policing and enforceable. Emergency Services should not be

overburdened to overcome inadequacies in safety management, access control or enforcement.

Prior to the submission of the reserved matters application, we would request a joint partnership meeting with our Roads Policing and Strategic Change department to ensure that there is minimal impact upon emergency service provision and ensure safe provision for all users.

**Response below from the Commercial Vehicle Unit Sergeant Dearsley in regards to HGV's moving in and out of the site.**

This is a development comprising of four separate units and none of these make any specific mention of providing any facilities for the drivers using them. It ignores that the life blood of a distribution centre are vehicles and drivers coming and going. Vehicles and drivers do require space and facilities to have a lawful break either before or after loading/ unloading.

Are the planners assuming these facilities are provided by the local councils ? In this industrious part of England the problem is really acute. Police patrols even now are regularly having to move on drivers who are parked on the hard shoulder or slip roads which present a very real danger to other road users. If you look for the legal lorry park provision in the area the closest is Moto services at junction 31 of the M25. These facilities are already oversubscribed, and the result is drivers having to park along the entrance and exit roads, in the car parks for cars and even the coach park.

By placing another four distribution centres in the locality it will result in more HGV's having to use this already heavily congested and underdeveloped (in terms of rest facilities) in this part of Essex. Unless the site provides toilet and rest facilities for drivers using this site to minimise this demand more vehicles will be forced to stop in the hard shoulders and surrounding road network whilst they wait to load/ unload and conduct any lawful breaks required.

Local Councils and National highways already have to remove faecal matter and a large amount of litter from where drivers stop to rest now due to the lack of facilities. This comes as a cost to the taxpayer but also risks the health and safety of their employees in cleaning this up.

As for access and egress from the site. I can see how vehicle traffic will arrive from the m25 but strangely I cannot see how it will return. What I do notice is that the hatched area from the roundabout will become a lorry park due to the earlier point I raise about a

lack of facilities. Again, it will require policing in order to ensure that it is not parked on, prevent crime (tilt slashings). I think this needs further thought and clarification.

Response from Heather Gurden, Essex Police: 22 Nov 2023

\* Thank you for being accommodating about inclusion a Secured by Design Condition. It makes sure that the due diligence continues through the life cycle of the development, especially in interests of safety and security not only of the design of the scheme but more holistically in the wider area.

\* Regarding the response from the applicant Highway Engineer, from an operational policing perspective it has not afforded any reassurance that our original points have been considered or understood. Unaware whether there has been a communication issue.

\* Suggested by applicant that matters cannot be progressed until the finalised post determination of the planning application, which will result in this becoming a problem. There is a real concern that lorries will be parked illegally and therefore increase the chances of another vehicle crashing into the back of a parked HGV. In the interests of road safety and road deaths we would suggest another meeting. The emergency services should not become overburdened because of road design that has identified significant roadsafety issues.

### **Landscape and Ecology Advisor**

**Comment Date: Tue 13 Sep 2022 and 15 March 2023**

Further information is to be provided and so these are the Council's Landscape officer's initial comments based on the information submitted to date.

- The applicant has now provided plans in support of the LVIA showing the zone of theoretical visibility which were previously missing.
- The character assessment is considered appropriate. Views of the site are contained in part by the transport corridors, topography, existing vegetation and by the ridge running east-west in the field immediately south of the site.
- Accurate Visual Representations (AVR) have now been prepared. The proposed landscape mitigation will provide increased screening as planting develops however the top of the main building would remain visible from these locations. While the significance of the effect will be reduced it will still be Permanent Major or Major-moderate Adverse effects on receptors such as residential properties and users of the public rights of way.

- Embedded mitigation measures include retaining and enhancing boundary hedgerows and trees and the use of recessive materials on new buildings. Careful thought should be given to how the materials will help reduce their adverse visual effects.
- It is agreed that the scheme will not have significant cumulative landscape or visual effects.
- Unit 2 and its car park have been moved northwards to ensure that a minimum 15m buffer will be provided to the ancient woodlands.
- The ES Ecology chapter has assessed the quality of the other habitat features as mainly of Site or Local value based on the survey results. These values are considered appropriate.
- An outlier badger sett was recorded within the site and four active setts outside the boundary. It is essential that appropriate mitigation measures are adopted to ensure animals are not harmed during construction and operation of development. Surveys for trees identified as having potential to support roosting bats are to be carried out in summer 2022. Two ponds were found to have great crested newts through eDNA analysis, and another pond had an 'excellent' HSI score. These ponds were to be surveyed in spring/early summer 2022. The results of these surveys should be submitted as soon as possible to enable the LPA to determine the potential effects on these protected species and what mitigation is required. Initial embedded mitigation measures in the ES include using a CEMP to require appropriate method statements to be adopted. These will require a detailed review once the complete suite of survey reports have been submitted; however in principle they are considered appropriate.
- Final biodiversity net gain assessment to be calculated.
- It is agreed that that a Landscape and Ecological Management Plan (LEMP) should be submitted to and approved by the LPA and secured by means of a planning condition.
- The AIA confirms that one Category A tree (T19) would require removal unless the road layout could be amended. While the tree is an excellent specimen it is not visible from public viewpoints and therefore its removal would not have a wider effect on landscape character. On balance the loss of this tree can be justified on this occasion; however suitable mitigation is required
- The loss of seven Category B groups and one hedge will be mitigated by proposed new tree and hedge planting.
- It will not be possible to fully screen the development; however, over time the new planting along the southern boundary will provide increased softening of Unit 1. The landscaping approach is considered appropriate in principle; however, at this stage little detail has been provided regarding the design of key elements and the proposed planting palette.

- The proposal seeks to minimise levels of light spill, which will not be significant over more sensitive areas such as along the central open space, which could have some potential for bats. Lighting measures should help minimise light spill onto the buffer area and the increased separation will ensure that the woodland is not adversely affected.

**Further comments received on 15 March 2023 from Landscape and Ecology Advisor / Steve Plumb:**

The scheme layout has been revised to take account of concerns raised by ECC Highways concerning maintaining unrestricted views along visibility splays. This requires the removal of some of the trees proposed as part of the landscape masterplan. I have reviewed the latest iteration of landscape plan and am satisfied that the proposed changes are minor and will not have a significant effect on the overall scheme.

The BNG calculation has been revised following a proposed increase in the amount of wildflower grassland and a reduction in the amount of woodland creation. The changes have been calculated as increasing the BNG for habitat units from 9.62% to 13.51% and for hedgerows from 214.45% to 239.12% so that these elements now conform to the target set in the Environment Act 2021 which is due to become mandatory in November 2023. No increase has been proposed for river units; however proposals to enhance the quality of the watercourse running through the open space area should achieve this.

There is no objection to the reductions in woodland planting in most parts of the site; however proposed grassland surrounded by new woodland in the northwest corner of the site could be difficult to maintain in the future. It might be better to retain this area as woodland which would benefit Hobbs Hole although it is recognised that this might affect the BNG scores. I am happy however for the detailed landscape scheme to be finalised through a condition.

**Further comments from Council Landscape and Ecology Advisor / Steve Plumb**

Since previous response of 9th September 2022, further ecological survey results have been submitted.

- **Bats** - The bat survey has been completed and the report confirms that 8 species were recorded. Bats were recorded foraging along all the linear features within the site on at least one occasion; however most activity was identified close to Hobbs Hole and the northeast and northwest site boundaries. Three species

were assessed as likely to be roosting in the vicinity; however no specific surveys of potential roosts were undertaken. The assessment considered that without mitigation the scheme would result in direct and indirect impacts on roosting, foraging and commuting bats. The assessment sets out potential mitigation and enhancement measures; however it recognises that further surveys of potential roosts are required to inform the need for Protected Species licence and to inform mitigation and compensation measures.

- **Badgers** - Further badger surveys have been undertaken. This recorded a total of 10 setts. Nine are within Hobbs Hole and would be more than 30m from any development. With appropriate precautionary measures it should be possible to undertake construction without significant adverse effects on any animals. There is one outlier sett is within the site which may require closure to facilitate development which would be carried out under licence. There is potential loss of foraging temporarily if the earthworks are undertaken in the arable field south of the main application site. The surveys however found limited evidence of this field being used for foraging as the animals appear to primarily use the woodland areas. The survey report recommends that areas of amenity grassland are created to mitigate for any loss of habitat as a precaution. It will be necessary to ensure that the updated survey as set out in 4.23 of the Badger Survey report is undertaken.
- **Landscape and Ecological Management Plan** - As stated in my previous response, the LEMP is an important document that will be needed to ensure the delivery and ongoing maintenance of all the mitigation, compensation and enhancement measures that have been proposed. This plan must be informed by the additional surveys that have been identified.
- **Chapter 17 - Residual Effects and Conclusions** The chapter assesses the opportunities to mitigate the effects of the scheme during construction and operation through embedded and additional mitigation. Subject to the implementation of the measures identified it is considered that residual effects on ecology can largely be addressed, although there could be effects on barn owls during construction. It is recognised that visual effects on residents living in properties on Great Warley Street and users of public rights of way close to the site will be Major Adverse during construction and in most cases will remain Major Adverse during operation. The effects for users of some of the rights of way could lessen as landscape mitigation measures develop however these are still considered likely to remain Major-Moderate Adverse. The wider landscape effects can be mitigated and improved due to the current poor condition of the site. I consider this assessment of residual effects on ecology and landscape character and visual amenity to be appropriate.



### **Mr Gordon Park – Trenitalia C2CD Rail**

**Comments dated: 22 February but received Oct/Nov 2022**

- Trenitalia C2C Rail is supportive of Sustainable Development that generates economic growth for South Essex and beyond.
- Concerns relate to the ability of West Horndon Railway Station having adequate facilities to service any significant increase in passenger numbers.
- To do this the station would require a review and likely upgrade to its gate line provision and also a new over-bridge/lifts or similar to make the station accessible for people with restricted mobility and would likely require S106 funding to improve these.
- Further considered detail is set out in the West Horndon Interchange – PACE Strategic Development and Project Selection Report.
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### **Essex Badger Protection Group**

**Comments date: 5 April 2022, 19 September 2022 and 27 June 2023**

The comments below relate to both the current application and the engineering operations application (reference 22/00587/FUL)

- The Essex Badger Protection Group currently holds records of 8 active badger setts within a 1km radius of the application site. Some of these are located within the adjacent Hobbs Hole local wildlife site, with one sett on the application site itself. This was further confirmed within the original Environmental Statement from 2020 and again by the latest 2022 survey data which revealed at least ten setts in total, 9 within Hobbs Hole and one on the application site. It is noted that there is no intention to close any of the setts within Hobbs Hole and we welcome this confirmation.
- Badgers living in Hobbs Hole are ecologically isolated to a large extent being bordered by the M25, the A127, the B186 and the railway line. Survey evidence suggests that the clan territory is confined to Hobbs Hole and the development area and does not extend any further.
- The design of the proposal in application reference 22/00402/FUL results in minimal badger habitat loss and disturbance to badgers. Construction noise is not of concern due to the badgers being used to constant noise from the surrounding roads. The loss of one outlier badger sett (sett G) is not ideal but, given the retention of the setts within Hobbs Hole, there is no objection to this especially as the sett is modest and was only partially used at the time of the survey. Construction related mitigation measures are essential for the safe

completion of this project. These are addressed in one of the draft planning conditions included in this committee report.

- The bulk of the Essex Badger Group's concerns revolve around the engineering works application (reference 22/00587/FUL) which will cover the bulk of the badgers' territory for at least six months, with an indeterminate amount of time required thereafter before it returns to its current state. They state that the engineering works are not essential for the completion of the enterprise park. They are instead an "alternative" method of dealing with excavated soil which was originally going to be removed from site and taken elsewhere. Therefore, a refusal of permission for application 22/00587/FUL should not necessarily preclude an approval for application 22/00402/FUL.
- Depending on food availability, badger territories will often extend to 4km<sup>2</sup> whereas the Hobbs Hole badgers are already confined to less than 1km<sup>2</sup> unless they cross a road or a railway track. Removing a large proportion of that space, even temporarily, is not something we can support despite the arguments made in the latest survey.
- As stated, there is currently no direct evidence that the badgers commute to and from the site. As such, we must assume that the badgers are totally reliant on the application sites and the woodland/hedgerow spaces immediately surrounding them. The Essex Badger Group therefore objects to the proposed engineering works (22/00587/FUL) and do not believe that the proposed mitigation provides adequate compensation for the stated impact. They would nevertheless be happy to reconsider their stance if presented with a bait marking survey which confirms that the badgers do commute beyond the site, either via crossing the railway line or using the culvert under the M25.
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### **27 June 2023 comments:**

As confirmed in the latest Wildlife and Countryside Link Report, the badger remains the most persecuted protected mammal in the UK and it is therefore imperative that the location of any badger setts remains strictly confidential and is not published on public forums. As the commentary which follows relates to the location of known badger setts, we ask that it is not uploaded to the planning portal and instead treated with the utmost sensitivity.

Badgers and their setts are fully protected in the UK by the Protection of Badgers Act 1992 and by Schedule 6 of the Wildlife and Countryside Act (as amended), and Section 40 of the Natural Environment and Rural Communities Act 2006 places a public duty on all public authorities in England and Wales to have regard, in the exercise of their

functions, to the purpose of conserving biodiversity. The presence of badgers is therefore of material consideration when it comes to planning applications.

Our concerns regarding this development have been stated previously and largely remain unchanged by the provision of any new documents or changes to the original proposals. It remains vital that an updated badger survey is carried out as close to the commencement of works as practicable. It is also essential that works are carried out strictly in accordance with section 14 of the CEMP. Provided these points are complied with, we have no additional comments to make at this time.

We continue to strongly object to the concurrent application 22/00587/FUL which would see the temporary loss of available foraging space to the immediate South of the construction site. It is surprising that this aspect of the overall proposals has yet to be determined and we would stress that our overall views regarding the Brentwood Enterprise Park scheme will change to one of strong opposition should application 22/00587/FUL be given the go ahead.

**Note:** Following review by the Council's Arboricultural, Landscape and Ecology Department (Mr. Steve Plumb), the Council considers the concerns of the Essex Badger Group to have been addressed following the additional badger surveys undertaken. With appropriate precautionary measures it should be possible to undertake construction without significant adverse effects on any animals. There is one outlier sett within the site which may require closure to facilitate development which would be carried out under licence.

There is potential loss of foraging temporarily if the earthworks are undertaken in the arable field south of the main application site. The surveys however found limited evidence of this field being used for foraging as the animals appear to primarily use the woodland areas. The survey report recommends that areas of amenity grassland are created to mitigate any loss of habitat as a precaution. It will be necessary to ensure that the updated survey as set out in 4.23 of the Badger Survey report is undertaken.

### **Essex Quality Review Panel (EQPR) Report**

**Comments date: 29 September 2022**

The panel raised the following concerns and recommendations:

#### **Urban Design:**

- Explore the site opportunities and constraints before producing a masterplan, to allow the constraints within the boundary to forge a working layout.

- Consider the sense of arrival and how people will experience the development, particularly with reference to crossing the bridge access to the site, where visitors are met by the back of service yard. The bridge or separate bridleway and vehicle bridges are not described, or drawn, the arrival experience is not considered. The entrance arrangement should be reconsidered to have a more welcoming and preferably a more active frontage
- Consider back-to-back servicing between buildings which will allow active frontage as entrance features.
- Is it possible to split the southern warehouse into two.
- Better develop the spaces between units and the amenity spaces within the development including considering repositioning of the roads.
- Consider decked parking and how this will free up space for landscape

#### **Transport:**

- Given the location of the site, it is unfortunately going to be difficult to get away from employees using cars. The Panel requests that the applicant team show a masterplan that outlines the cycle routes and how people will cycle to each block.
- The applicant team should produce a management plan for the 1000+ parking spaces to be provided, exploring how these spaces may be successfully developed into green space if/when car usage drops in the future.
- Not enough exploration of connectivity to the nearest community to the site on the other side of the M25 has been explored and that investment in creating safe pedestrian and cycle routes to the local residential areas be considered. The improvement could be funded through S106 or other means by both the local authorities affected.
- The applicant team should explore facilities that can be incorporated on site and/or within each block, such as food vendors and/or commercial amenities (for example Costa Coffee) that are accessible for all employees across the site, limiting car journeys where possible.

#### **Architecture:**

- Create a sense of place and arrival, avoid pandering to style and branding.
- Explore the façade treatments and window hierarchy. Partner up blank facades where possible.
- Reduce the percentage of hard standing across the site where possible and break up long lengths of parking with further landscaping

- Improve overlooking and security to public amenity area to heightened natural surveillance

### **Environment & Sustainability:**

- Look to incorporate the roofs into the biodiversity and sustainability approach.
- Continue to explore recycled concrete.
- Aim to ensure the deliverability of the sustainability initiatives

### **Landscaping:**

- Develop the landscape design narrative to create a more distinct place through the use of more extensive woodland and large tree planting. Looking at flooding the site and adjacent field to the south with extra trees to increase the landscaping scale.
- Aim for 20% biodiversity net gain.
- Look to reduce hardstanding across the site through further landscaping that links well to all 4 units.
- Consider two warehouses at the southern end of the site rather than one to facilitate servicing between these units, and the removal of the perimeter servicing and access road.
- Further develop the landscaping amenity spaces and explore how they are used day-to-day; these spaces must work harder.
- Explore the St Modwen Park code further and implement this across the site

### **Design officer**

**Comments date: 8 February 2023 and 30 May 2023**

My advice within this letter is based on the current proposals and their Placemaking merit given this is an allocated site within the adopted Local Development Plan, the location is a strategic transit corridor within South Essex designated as Employment Land.

Turning firstly to the matter of site arrangement, the land parcel is essentially proposed to be subdivided by the placement of 4 buildings; Unit 1 being of considerable footprint and scale (approx. 21m x 24m) this is the most dominant built form, Unit 2 to the south of the site, is of a lesser footprint and Units 3 and 4 relatable in scale at approx. 18m in height. In all, the site as shown on the masterplan, is broadly filled with built form for logistics operations, incorporating hard surfacing and landscaped elements at the outer edges and buffers of the 'red line' area.

My opinion of the submitted layout, finds the rationalisation of buildings proposed uncontentious as a principle, given the future usage for logistics. However, Unit 1 has no 'break' in its visual solidity nor a 'suggested break' to offer relief in what is essentially a form of considerable length and height. Clearly this is driven by the end use and not a context or end user led decision, nor can I locate within the submitted information this architectural design response has been driven by a fabric first buildings approach. Units 3 and 4 adjacent to Unit 1 in layout have a 'break' by their separation, and although they remain to be substantial buildings, the break offers relief across the site; had this been continued and reflected upon Unit 1, a meaningful centralised space with the opportunity to draw green infrastructure and public realm through the heart of the site could have been established; a truer 'landscape led' response with greater placemaking opportunity.

Should an operational constraint be demonstrated to the LPA that Unit 1 must remain as a continuous building of this scale and footprint, I advise implementing a meaningful element of landscaped public realm between Unit 3 and 4 both a visually and experientially this space could be improved in an area which is currently dominated by hard surfacing. Please also refer to advice from the Landscape and Ecology Consultee for detailed advice in this regard. To reinforce this advice I draw on the applicants own Development Principle which states the scheme was to 'Consider the built form, landscape and communal spaces to ensure a high quality, holistic approach', green spaces are currently very much located to the perimeter with one north/south linear zone for planting, but small 'pockets' of green amenity space will enhance the users experience of Place and soften at pedestrian level the spaces around the buildings.

The scale is dominant and as I have already highlighted this is driven by the operations proposed, the LPA should ensure this is critical to delivery as such scale is not comparable to the context. Furthermore, details of any roof level plant, mansafe systems etc must be clearly shown at this stage to mitigate visual clutter in this open and highly visible site location.

In terms of colourways for the buildings, the 'banding' is not objectionable, however, a 'greener' colourway as backdrop to this landscape setting is requested, whilst no physical landscape can mitigate such scale; colourways bring identity which is important given this gateway location. The current colourway serves only to accentuate the weight of form which as I have already stated pushes the limits of contextual appropriateness.

In summary, I find the scale of the buildings at odds to context and as a result are visually intrusive; it is however appreciated this is proposed as a logistics site and as

such this matter will be weighed against delivery of employment, economic benefit and based on viability.

Notwithstanding the above point, I urge a review of the length and height of Unit 1 and remain encouraging of a visual break alongside improved public realm around frontages where end users interact with the buildings e.g., pedestrian access/egress.

Given the current nature of the site and the views from it, interpretation of the wider context of the 'South Essex Boroughs' to enhance sense of place is advised, please see Built Heritage advice in this regard.

### **Essex County Council (ECC) Green Infrastructure, Environment and Climate Action**

**Comments date: April 2023 and 28 September 2023**

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 the Environment Act 2021 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 ES/ Design and Access Statement/Landscape plans/EIA/Masterplans and the associated documents and amendments which

accompanied the planning application, we do not object to the granting of 22/00402/FUL subject to the following planning conditions which have been summarised, as follows:

**Condition 1** - No works shall take place until a detailed Green Infrastructure Strategy / Landscape Strategy for the site based on the Essex Green Infrastructure Strategy and Essex Green Infrastructure Standards 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

**Condition 2** The ECC GI Team welcomes the inclusion of a CEMP in the planning documents, however, we recommend that no development shall take place until a 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.
- 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** - 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.

**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.

Other Recommendations by ECC Green Infrastructure, Environment and Climate Action:

#### Ancient Woodland

In terms of the planning application 22/00402/FUL Boarding Ancient Woodland (Hobbs Hole, to the South of Unit 2 and to the West of Unit 1), paragraph 180(d) of the National Planning Policy Framework (NPPF) states that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran



trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists". ECCs GI team expects this ancient woodland to be protected. Developments that infringe upon these locations are expected to be designed to avoid detrimental direct and indirect impacts with the appropriate landscape buffers applied. This includes, risk of water-borne pollution, air pollution, dust deposit, change to local hydrology, increased recreational pressure and informal access points and soil compaction. Government regulations stipulate that there must be at least a 15m buffer between parking areas and the perimeter of ancient woodland.

### Biodiversity Net Gain (BNG)

The ECC GI team welcomes the inclusion of a BNG assessment within the Environmental Statement. It states in paragraph 3.7 that at the time of the calculation the BNG metric was in BETA form and undergoing an update and therefore further calculations may be necessary. The Biodiversity Metric 4.0 was released in March 2023 and we recommend that a new calculation is conducted before any development takes place. This would enable a more accurate BNG figure. We also recommend that the development strives for 10% as a minimum gain, rather than aiming for the 9.5% figure stated within the planning documents, and therefore we recommend that an updated landscape strategy is required in order to deliver this.

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 4.0 was published in March 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.

### Access and Public Rights of Way

ECCs GI team supports the retention of existing and the provision of new an access networks which encourages and supports active travel. Green infrastructure can be integrated along the network to enhance nature through the delivery of biodiversity net-gain, habitats, and green corridors. Therefore, ECCs GI team recommends that routes are designed to include wildlife corridors and stepping-stones GI features along sustainable transport routes such as paths, cycle, and bridleways.

### Sustainable Design

ECCs GI team support a strategy that seeks to maximise opportunity for habitat retention. It is positive to see proposals for a community orchard, and community 'well' gardens' on page 35 of the DAS. To ensure the integration of nature into development, ECCs GI team recommends further features of sustainable design are explored. Therefore, ECCs GI team recommends consideration of the following:

- Green Roofs/Walls: The provision of these features allow ecosystems to function and deliver their services by connecting urban, peri-urban and rural areas. Alongside biodiversity habitat creation, green roofs and walls can provide water storage capacity, flood alleviation and energy saving potential. In addition to buildings, these features can be provided on sustainable transport infrastructure (such as on bus stop/ cycle storage facilities).
- Wildlife Bricks: The provision of wildlife bricks creates habitats for invertebrates.
- Dual street furniture/seating (i.e., a bench including a planter): The design of the street furniture can contribute to the landscape character, reduce clutter of an area or street and act as a green corridor/link to the wider landscape scale GI network.

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.

A list of informatives is also provided by ECC Green Infrastructure, Environment and Climate Action.

### **Comments received from ECC Green Infrastructure, Environment and Climate Action\_dated 28 September 2023**

Thank you for your email on 14 September 2023 and for letter from Strutt & Parker responding to the Green Infrastructure (GI) team's conditions and recommendation regarding the planning application 22/00402/FUL.

We do not object to the granting of 22/00402/FUL, as stated in the ECC GI Team's letter of response dated 14 April 2023, and we appreciate the chance to comment on your response to our suggested planning conditions and recommendations.

Our response to your comments and your suggested condition amendments is provided below:

#### Condition 1 - Detailed Green Infrastructure Strategy/Landscape Strategy

- Condition Points 1, 2 and 3

The ECC GI Team are satisfied that points 1, 2 and 3 set out for this suggested condition has been addressed within the detail landscaping plans accompanying the application.

The ECC GI Team welcomes the addition of Plan JSL4059-RPS-XX-EX-DR-L-9036\_P01 by RPS to this submission. As a result, we are satisfied that Point 2 has been met for identifying the various functions landscape strategy provides in relation to chapter 5.1 of the Essex GI Strategy.

- Condition Point 4

Point 4 focused more on ensuring that the site, despite being an employment scheme, offers opportunities for active and sustainable travel for its employees, customers, and visitors to cycle or walk to the site. To also promote more local employment opportunities, which will then all contribute to reducing the carbon footprint from the

development. The ECC GI Team is aware that the M25 is connected to important transportation routes, and acknowledge that for this proposal, a car-sharing programme may be more appealing to those coming from farther afield.

According to Plan JSL4059-RPS-XX-EX-DR-L-9036\_P01, there will be green travel routes with access to cycle ways, cycle shelters, and connecting footpaths that connect existing public rights of way across the south and north-west. This in some way should theoretically meet Point 4's requirement. However, the ECC Sustainable Travel Planning (STP) Team has advised us that they would also recommend good sustainable links. ECC STP Team provided comments on this proposal on 20 2022, requesting for more details regarding which settlements fall within the catchments for cycling for 0–10, 11–20 and 21–30 minutes, which would be the most practical active travel mode for people to use. A cycle-to-work programme was also suggested, along with cycle routes from nearby stations in case anyone wanted to ride their bikes to BEP after taking the train. Since then, the ECC STP Team has not been contacted again regarding this proposal.

The ECC STP advises that ECC must agree and approve both the targets and the final travel plan. Together with the ECC STP team, monitoring should be done. Please send an email to [travelplanteam@essex.gov.uk](mailto:travelplanteam@essex.gov.uk) for more information.

The ECC GI Team welcomes the provision of green travel routes and agrees for the GI condition to be removed, with the caveat that the recommendations from the ECC STP Team be taken into account in relation to the cycling connections and that any new or improved cycling/ green travel routes incorporate GI in the design.

- Condition Point 5

There was no expectation for a play park to be present because of the nature of the site. Point 5 focused more on ensuring that employees and customers had access to green spaces for their health and wellbeing and that these provisions did not exclude any employees through workplace diversity and inclusivity. The ECC GI Team welcomes the inclusion of a trim trail that will be accessible to different users, and it was noted in Plan JSL4059-RPS-XX-EX-DR-L-9036\_P01 that resting green spaces will be provided all over the site to promote healthy lifestyles, including active and recreational living. It is assumed the provision of seating will be provided. We are satisfied that this condition point has been provided these proposals are delivered.

- Condition Point 6

We agree with your points and have noted that, in the most recent additional Regulation 25 submission, a full Detailed Landscaping Scheme has been submitted, along with a submission of an Arboricultural Impact Assessment regarding the preservation and protection of existing trees as well as tree planting proposals. Point 6 is of an informative statement than a requirement. There are opportunities to collaborate with the Essex Forest Initiative in this regard, including through funding and advice, to support the planting of trees for new developments. Please get in touch with Tom.Moat@essex.gov.uk for more details; he is very interested in talking more.

### Conclusion

ECC GI Team agree to the removal of this condition with the caveat mentioned in response to Point 4 regarding active and sustainable travel. Taking into consideration the recommendations from the ECC STP Team in relation to cycling connectivity and incorporating GI into any new or improved cycling/green travel routes.

### Condition 2 – Green Infrastructure Plan

The detailed planting plans have satisfied the ECC GI team that Points 1 and 2 have been met. Due to seasonal planting and the potential impact of the construction programme the ECC GI Team acknowledges that committing to specific timeframes for the implementation of each aspect of GI and phased delivery as set out in Point 3 could be difficult, due to the nature of the development (for instance, this approach may be more suitable for residential developments), This was more so to ensure that, when opportunities for phased implementation arise, substantive GI is secured as early as possible in the initial phases of delivery to enable early establishment. Recognise, however, that in this case it is crucial to install the landscape buffering when the plant will thrive the most to prevent poor growth and potential plant failure.

### Conclusion

ECC GI Team are happy for this condition to be removed.

### Condition 3 – Landscape Ecological Management and Maintenance Plan and Work Schedule for a minimum of 10 years.

The ECC GI Team agree and welcome the suggested amendment to condition 3 to add in the monitoring programme for the condition of the Hobbs Hole.

### Condition 4 – Yearly Logs of Maintenance

The proposed condition/amendment to condition 4 regarding the need for yearly maintenance logs to correspond with the LEMP's 10-year lifespan is welcomed by the ECC GI Team. The following proposed condition was approved by the ECC GI Team:

“The applicant or any successor in title must maintain yearly logs of maintenance for a 10 year period of LEMP 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. “

#### Recommendations - Ancient Woodland

No additional action is necessary. We appreciate that this has been recognised as an important issue and proposing a 15-metre buffer in accordance with Forestry Commission specifications, along with mitigating measures in the Environment Statement.

#### Recommendations - Biodiversity Net Gain (BNG)

No further action is required. ECC GI Team welcomes the ambition to delivery 16% Biodiversity Net gain beyond the mandatory 10%.

The 20% Biodiversity Net Gain is currently being examined and explored by the Essex Local Nature Partnership Biodiversity and Planning Working Group. Additionally, they are urging LPAs to think about adopting a higher percentage than the Environment Act's (2021) minimum requirement of 10%. This ambition will be further supported by this development's delivery of 16% BNG.

The recommendation to recalculate using the latest Biodiversity Metric 4 was in response to the Environment statement paragraph 3.7 that 'at the time of the calculation the BNG metric was in BETA form and undergoing an update and therefore further calculations may be necessary'. The Planning Advisory Service has stated that there is no requirement for developments to recalculate their BNG using the most recent metric since the ECC GI Team's advice as stated in our letter on 14 April 2023. The most recent version of the Biodiversity Metric will, however, only be expected to be used by new planning applications beginning in November 2023. Any development that is in the planning stages before this date and wishes to recalculate using the most recent metric may do so at their discretion.

#### Recommendation - Access and Public Rights of Way

No additional action is necessary. It is welcomed that this recommendation has been noted and agreed subject to no conditions being required as part of the proposal.

### Recommendation - Sustainable Design

It is encouraging that the proposal will apply low-energy design principles to sustainable design and that it will be evaluated using the Building Research Establishment (BRE) Environmental Assessment Method (BREEAM). The challenges of green and brown roofs have been noted.

The suggestions for environmentally friendly/ sustainable design in relation to GI was not an exhaustive list and were more of a list of concepts to consider incorporating, such as wildlife bricks, bird boxes, any dual furniture for seating or bike storage for staff (such as planters and seats). It is welcomed that, despite the difficulties associated with green roofs, the use of GI as a component of sustainable design has been noted. The ECC GI Team agree that it is not subject to any extra conditions in relation to further recommendations.

### Just for Information

The proposal may be interested to explore and apply the Building with Nature standards and achieves an accreditation to highlight what 'good' looks like at each stage of the green infrastructure lifecycle. It strengthens the development and demonstrate the development goes beyond the statutory minima, to create places that really deliver for people and wildlife. The Building with Nature Standards has been developed by practitioners and policy makers, academic experts, and end-users, and has been tried and tested in multiple schemes from Cornwall to Scotland and is endorsed by Natural England, who is reviewing the current national green infrastructure standards. For more information, please visit here: <https://www.buildingwithnature.org.uk/about>.

### Informatives

A list of informatives is also provided by ECC Green Infrastructure, Environment and Climate Action

The following consultees were consulted on the planning application but not response was received by the Council:

**BT Open reach** - Consulted. No response received.

**UK Power Networks** - Consulted. No response received.

**Great Warley Conservation Society** - Consulted. No response received.

**Basildon Council** - Consulted. No response received.

**Brentwood Leisure Trust** - Consulted. No response received.

**Community Safety Manager** - Consulted. No response received.

**Epping Forest District Council** - Consulted. No response received.

**Essex & Suffolk Water** - Consulted. No response received.

**Thurrock Council – Planning** - Consulted. No response received.

**Havering Borough Council** - Consulted. No response received.

**National Grid** - Consulted. No response received.

**Mr Alan Twine** - Consulted. No response received.

**Public Rights of Way** - Consulted. No response received.

**Planning Policy** - Consulted. No response received.

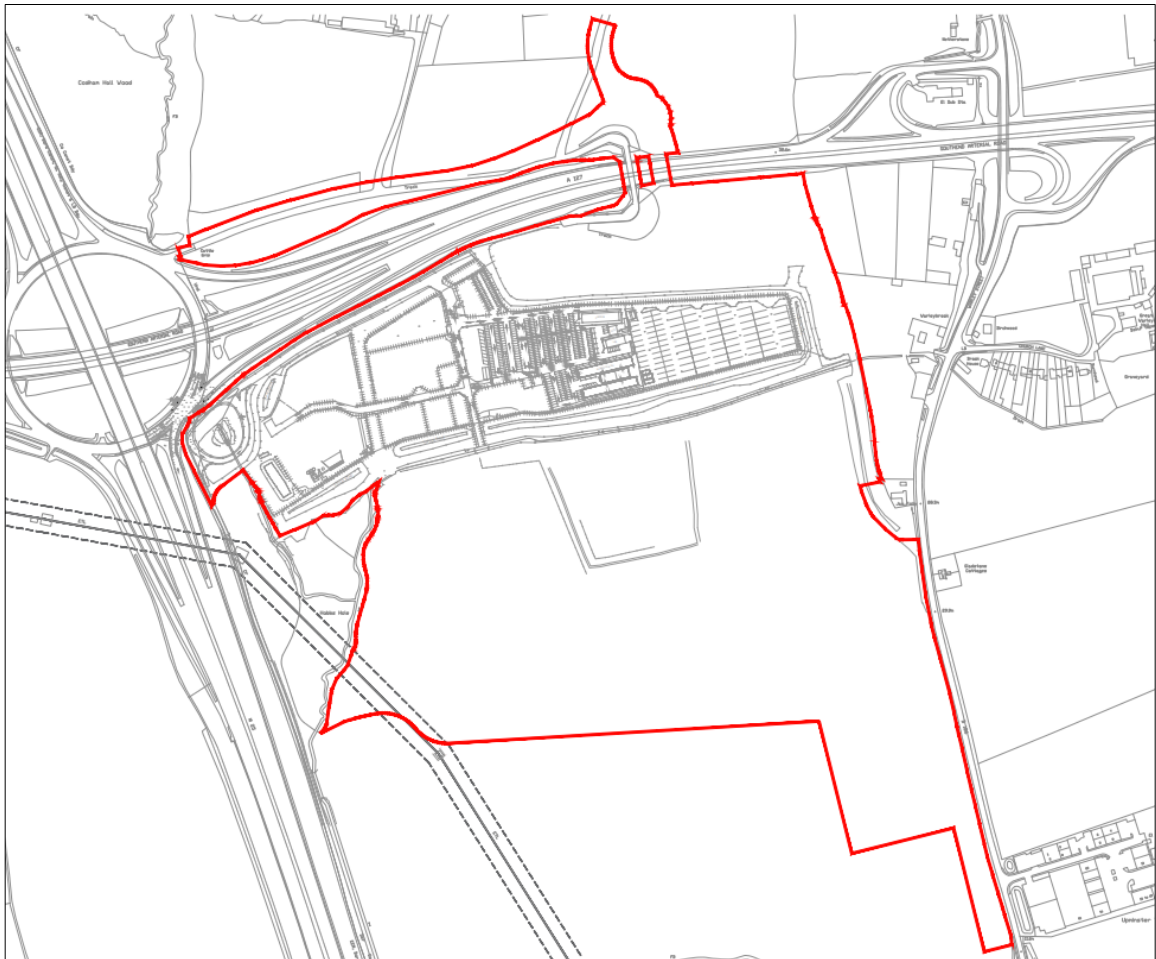
**Essex Wildlife Trust** - Consulted. No response received.

**Bats – Mrs Jiggins** - Consulted. No response received.



## 6.0 FULL PLANNING APPLICATION

6.1 Full planning permission is being sought for the proposed development set out below. The application site covers an area of approximately 44 ha. A site location plan is provided below showing the site outlined in red.



6.2 Full planning permission is sought for:

1. Demolition of existing buildings and structures on the site ready for its redevelopment.
2. Construction of four detached buildings providing a total of 112,466 sqm (Gross Internal Area) floorspace. The buildings will be used for Class B8

(Storage & Distribution) and Class B2 (General Industrial) use (up to 20% of the total floorspace only; to be secured via a planning condition). Ancillary office space (within Class E) is also proposed. Units 1 and 4 have been identified for B8 use and units 2 and 3 for B2 use. All units will be clad in predominantly grey, anthracite and white cladding. The proposed employment floorspace breakdown by use class is shown below.

**Table 5.2: Maximum GIA by Use Class for the Proposed Development**

Use Class	Option A Maximum Gross Internal Area (GIA) m <sup>2</sup>	Option B Maximum Gross Internal Area (GIA) m <sup>2</sup>
<b>Detailed Application</b>		
B2 Space	0	22,493
B8 Space	112,466	89,973

*Extract from the Environmental Statement*

6.3 The proposed employment floorspace breakdown by building is shown below.

Unit	Proposed Use	Floorspace (GIA, sq.m.)
Unit 1	Warehouse (Class B8)	63,628
	Office (Class E)	3,347
	Plant deck	1,629
	Transport office (Class E)	592
	Gatehouse	24
		<b>69,220</b>
Unit 2	Warehouse (Class B8/B2)	6,929
	Office (Class E)	482
	Plant deck	387
		<b>7,798</b>
Unit 3	Warehouse (Class B8/B2)	11,607
	Office (Class E)	670
	Transport Office (Class E)	296
	Plant deck	576
		<b>13,149</b>
Unit 4	Warehouse (Class B8)	19,956
	Office (Class E)	1,373
	Transport office (Class E)	296
	Plant deck	650
	Gatehouse	24
		<b>22,299</b>
<b>Total</b>		<b>112,466</b>

*Extract from the Planning Statement*

6.4 The maximum height of each unit is shown in the table below.

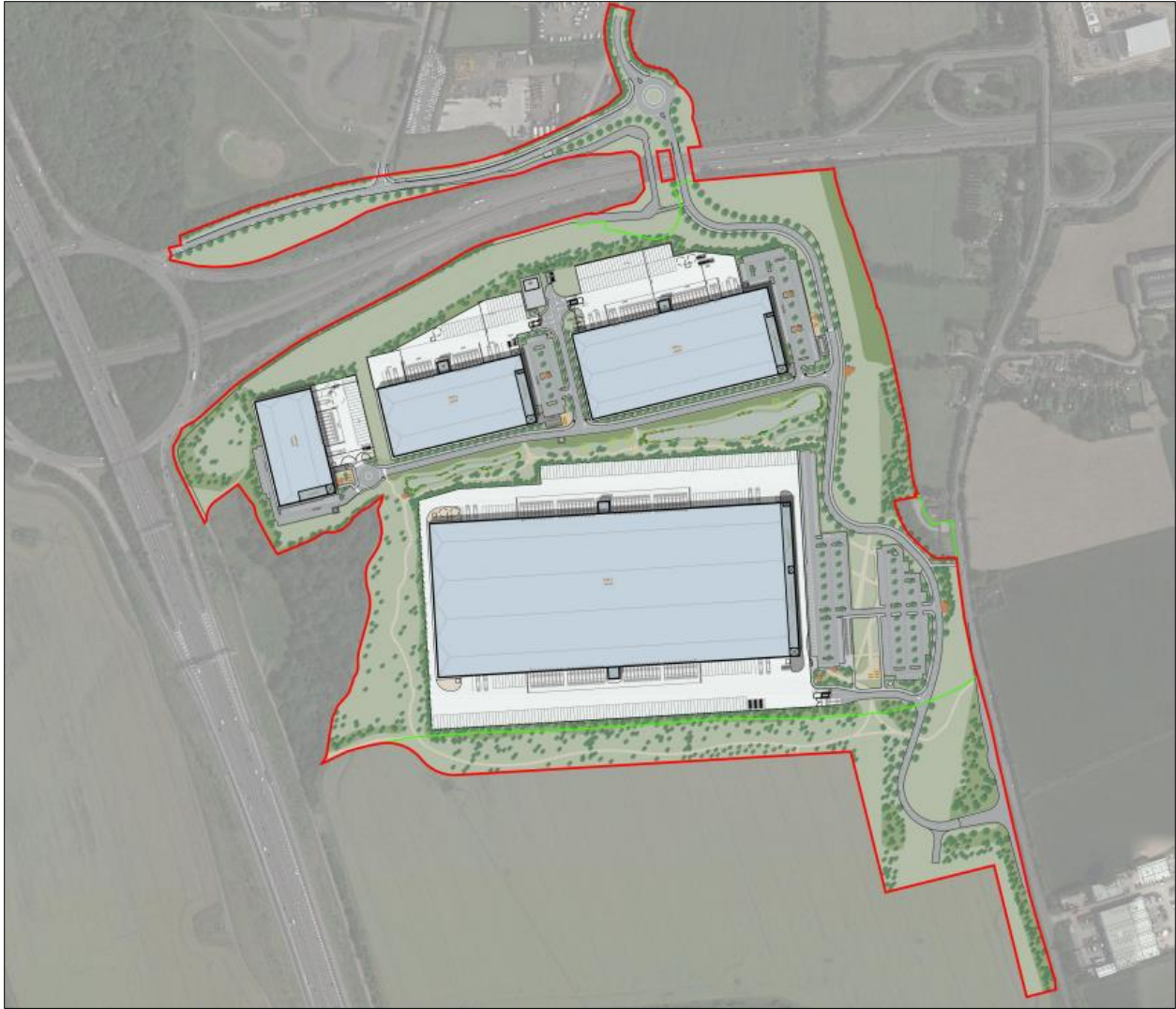
Table 5.2 Maximum Heights of each Unit

Unit	Maximum Height from Ground	Finished Floor Level	Maximum Height (AOD)
1	24.15m	27.50m	51.65m
2	15.58m	26.50m	42.08m
3	18.15m	23.15m	41.30m
4	18.15m	23.20m	41.35m

6.5 The design of the buildings has been informed by the Swan Standard Design Code developed by the developer, St Modwen. The Design Code provides detailed specification for all new Industrial and Logistics units built by St. Modwen. All units at BEP will be built in accordance with the Design Code. The Design Code includes the specification of all aspects of the building from floor slab make-up and thickness to lighting efficiencies. The design of each building is described in the table below:

	Unit 1 (Ref 19296 P1001 Rev A)	Unit 2 (Ref 19296 P2001 Rev A)	Unit 3 (Ref 19296 P3001 Rev A)	Unit 4 (Ref 19296 P4001 Rev A)
<b>Overall Height</b>	24.15m	15.58m	18.15m	18.15
<b>Loading Docks</b>	76	8	14	24
<b>HGV Spaces</b>	226	21	37	60
<b>Car Parking Spaces</b>	449 (including 34 accessible spaces and 95 Electric Charging ('EV') spaces)	67 (including 4 accessible spaces and 14 EV spaces)	92 (including 5 accessible spaces and 20 EV spaces)	165 (including 9 accessible spaces and 36 EV spaces)
<b>Powered Two Wheels ('PTW') Parking Spaces</b>	20	5	6	9
<b>Cycle Spaces</b>	216	36	72	96
<b>Bin Stores</b>	36	9	15	28

*Extract from the Planning Statement*



*Proposed master plan*

3. Several highway works, as follows:

- **A127 overbridge** - A new road bridge will be constructed over the A127 which will connect the site to Codham Hall Lane to the north and provide a new vehicular access point to the site. The existing A1247 overbridge used as a bridleway will be retained for bridleway use alongside the proposed new A127 overbridge for vehicular use.
- **New site access points** – The existing vehicular access to the site from the south-east corner of the M25 Junction 29 roundabout will be closed and two new entrances provided: one from the north, via a new mini roundabout and

new road bridge over the A127 and a second from the east, via B186 Warley Street via a signal-controlled junction.

- **New site roads** – a network of new roads within the application site's red line boundary will be delivered as part of the new master plan.
- **M25 Junction 29 to B186 link road (Phase 1 link road)** - A new link road between the site and M25 Junction 29 known as the 'Phase 1 Link Road' is proposed, alongside an associated mini roundabout, footways, lighting and signage. The road will follow the line of the existing estate road that allows access to Codham Hall.

6. The proposal involves landscaping, infrastructure and enabling works including diversion of public rights of way and off-site highways works to be delivered via a s278 agreement. This involves:

- **Landscaping** – A site-wide landscaped master plan is submitted with the application incorporating a fitness trail proposed in a roughly circular trail throughout the centre of the park and connects with the B186 to the east of the site. The link with the B186 means that the public will have the ability to come into the park and explore the walking / fitness route and the views across the wider countryside to the south. The landscaping proposals also include outdoor gym equipment, outside seating, footpaths, planting, outside meeting rooms, and amenity spaces that are accessible to both employees and the public. 'Well gardens' will be located adjacent to each unit offices, providing accessible amenity space for staff at lunch or during breaks. A community orchard is also proposed which will be planted informally so as not to appear too out of character with the surrounding countryside. The orchard will comprise three or four different varieties and apple, pear, cherry and plums of local or regional provenance with a pollinator species such as a variety of crab apple. Existing landscaped areas and trees will be retained as much as possible and new landscaping involves native woodland planting of specimen/street trees, a wetland seed mix, wildflower and grass seed mix, grassed areas, hedges and shrubs. The existing overgrown east-west watercourse proposed to be opened out into a sequence of ponds as part of a sustainable drainage solution. The ponds will be landscaped in detail in a 'natural' style with marginal planting, reeds, boulders and rocks to appear as natural as possible. The ponds have been positioned to minimise impact upon four significant Oak trees which will be retained providing instant scale and context to the space.

- **Pedestrian and cycling access** – Pedestrian access to the site is provided via the car park entrances and from the pedestrian and cycle paths. The existing bridleway which extends over the retained A127 overbridge from the Codham Hall site to the north will be retained, running over the retained overbridge. Pedestrian and cycling access to the site is also proposed from the B186 Warley Street site access, which will be separate to the B186 vehicular access.
- **Vehicular Access** - Access to the units will be from the north, via a new mini roundabout located above the A127, with a link bridge over (to not impede traffic and eliminate vehicle queueing on the road) and also via a new site access from the B186 Warley Street. Secure gatehouses and HGV entrances will be placed away from main roads which will allow the end user to manage and control the flow of traffic both into the site and back out onto the highway during peak periods. Separate HGV and car park entrance will eliminate a conflict between delivery vehicles and car traffic.
- **Cycle Parking** - The proposal will provide 420 covered cycle parking spaces and shower facilities for cyclists and will provide 40 anchors for Powered Two Wheels parking. The application proposes covered cycle parking spaces located adjacent to the main offices to encourage sustainable travel to and from site.
- **Car Parking** - the proposal will provide 773 car parking spaces, of which 52 will be accessible spaces and 165 will be Electric Vehicle spaces close to the ancillary office spaces. Car park access will be separate from the proposed HGV access to the units to prevent conflict. Parking spaces for each unit are summarised in the table below as follows:

Unit	Car Parking (inc. EV)		EV Parking		Cycle Parking		PTW Parking		HGV Parking		Disabled Parking	
	Parking Standards Requirement (Maximum)	Masterplan Quantum	Parking Standards Requirement (Minimum)	Masterplan Quantum	Parking Standards Requirement (Minimum)	Masterplan Quantum	Parking Standards Requirement (Minimum)	Masterplan Quantum	Parking Standards Requirement	Masterplan Quantum	Parking Standards Requirement	Masterplan Quantum
1		449		93		216		20		226		25
2		64		17		36		5		21		4
3		92		20		72		6		37		5
4		165		36		96		9		60		9
<b>Total</b>	<b>1,050</b>	<b>770</b>	<b>-</b>	<b>166</b>	<b>405</b>	<b>420</b>	<b>40</b>	<b>40</b>	<b>-</b>	<b>344</b>	<b>39</b>	<b>43</b>

- Off-site highway works** – Off-site highway works are proposed that fall outside of the site’s red line boundary. These involve works to M25 Junction 29 and the B186 / Warley Interchange to improve traffic capacity as set out below. These works are situated on third party land and will be progressed through agreements under s278 Highways Act 1980 and managed by other statutory undertakers in due course. The applicant has provided General Arrangement Plans providing further details of these off-site works.
  - M25 Junction 29 – including carriageway widening and new shared footway/cycleway with signal-controlled pedestrian crossings on the A127.
  - Warley Interchange – including carriageway widening on the A127 and high friction surfacing; and
  - B186 north and south of site egress – including carriageway widening, street lighting, high friction surfaces and a vehicle restraint barrier. The proposed carriageway widening would require the existing overhead utility to be diverted. The current bus stop would be relocated 20m to the north. A traffic island would enable safe crossing between BEP and the Upminster Trading Estate.
- Enabling works and diversion of public rights of way** - Both the existing public bridleway, between the north and south sides of the A127 over the existing bridge, and the public footpath, that runs east to west across the site,



will be retained but will be subject to minor diversions to accommodate the development as follows:

- The existing public bridleway that follows the Codham Hall Access Road will be diverted to follow shared use non-motorised paths running adjacent to the Phase 1 Link Road, with a new signal-controlled crossing across it to retain connectivity.
  - The diverted public footpath will follow a new landscaped alignment close to its existing alignment.
- **Servicing** - HGV service yard areas provide circulation for HGV parking, loading and turning requirements, while allowing vehicles to carry on loading at the adjacent distribution docks. The loading yards and dock provisions have been sized to accommodate the end user's anticipated peak HGV numbers

7. Construction of a gatehouse building to allow surveillance of incoming and outgoing vehicles arriving at the site. It will also serve as a central security station. The layout therefore allows for views of the access road from the main control room. Car parking will be provided at the rear of the building for the use of security personnel and those visiting estate officials at the meeting room contained within the building.

8. Ground works to deliver the proposed development through the creation of development plots. This involves the creation of three compacted and stabilised platforms to support the proposed development. As the cut and fill operations required to construct the platforms are not capable of achieving a balance to avoid off-site disposal of excavated material, this would lead to surplus material. It proposed the export of surplus material off-site by construction vehicles with its disposal at landfill. The Environmental Statement (ES) submitted in support of the Main Application was based on this assumption. It is estimated that 21,548m<sup>3</sup> of topsoil and up to 136,527m<sup>3</sup> of sub-soil is to be transported off-site, as explained in the ES.

6.6 The BEP proposal will create up to 2,370 gross direct full-time employees, equivalent to 2,660 jobs when accounting for part-time working patterns. Workers from the development will spend up to £6.9 million in the local area each year. The development will generate business rates payments of up to £3.7 million annually.

6.7 The proposal incorporates high sustainability credentials which involve reducing energy demand through matters such as building form, orientation, and efficient



site layout. The proposal includes several energy and sustainability measures to ensure that the development is sustainable in its design, construction and operation:

- a) Commitment to achieve BREEAM Excellent
- b) Minimum A+ Rated EPC
- c) 20% of the total car parking provision for each unit will benefit from Electric Vehicle (EV) charging points
- d) The treated areas of the building will have improvement in fabric performance including 'Air Permeability' as low as 1.75m<sup>3</sup> /hr/m<sup>2</sup> @ 50pa
- e) LED Luminaires exceeding the minimum efficacy required by the Building Regulations
- f) Minimum 107% carbon reduction through the installation of PV systems and ASHP.
- g) At least 97% of energy used by the end user to derive from on-site generation.
- h) Industry-leading 'cradle-to-gate' CO<sub>2</sub> emissions ahead of RIBA 2030 benchmarks.
- i) Considerate Constructors Partnered scheme

### **Background**

- 6.8 By way of background, the application previously comprised a 'hybrid' planning application which, in addition to the full application subject to this application, included an outline planning application for a 'Phase 2 Link Road' from a new mini roundabout to the B186/A127 Warley Interchange.
- 6.9 The Phase 2 Link Road was needed to facilitate Local Plan growth but was not required to facilitate the proposed development at BEP and falls outside of the site allocation (Policy E11) for BEP. The applicant therefore did not intend to deliver the Phase 2 link road.
- 6.10 The proposed link road and associated outline planning application has since been removed from the scope of the current application, and the Phase 2 Link Road will be progressed separately by Brentwood Borough Council/Essex County Council should it be required following the review of the Local Plan. The Phase 2 link road was removed from the application because it is not required to mitigate the traffic impacts due to BEP and in order to progress it, the applicant would be required to prepare a Road Safety Audit (RSA) for National Highways in order for Phase 2 to be included within the RSA for the planning application, as

it would have an impact on the strategic highway network due to altering traffic flows through M25 J9. However, Phase 2 has not been (and cannot be at this stage) designed in sufficient detail for a RSA to be undertaken.

- 6.11 The applicant therefore agreed to remove Phase 2 of the link road from the application to allow the RSA to progress. Revised plans were received from the applicant in June 2023 and a re-consultation on the revised application was carried out. Its removal from the planning application and subsequent reduction in the site area is reflected in the revised documents and plans (where relevant) received by the Council in June 2023.
- 6.12 The applicant's transport consultants have also confirmed that the Phase 2 Link Road is not required to mitigate BEP either alone or cumulatively with other Local Plan developments within the Southern Growth Corridor.
- 6.13 The revised planning application indicating the removal of the Phase 2 link road received by the Council in June 2023 involved:
- a) Amendment to the red line boundary to exclude the Phase 2 Link Road from the planning application (originally shown in outline only (all matters reserved) as part of the hybrid planning application)
  - b) A change to the description of development to take account of the removal of the Phase 2 Link Road from the proposed development.
  - c) A minor amendment (site area reduction) to the red line boundary adjacent to the residential property to the east known as Jax Folly on the eastern site boundary to take account of land ownership boundaries. The red line adjacent to the Jax Folly has been revised marginally to take account of recently changed land ownership boundaries in this location. It is a minor change which results in a reduction of the red line area, increasing the distance of the site boundary to the dwelling. Further refinement of the red line boundary has been undertaken to better reflect the landowner's understanding of the boundary between the site and the Jax Folly.



**Combined Full and Outline Application Boundary**  
Area: 49.40 Hectares (122.07 Acres)

**Extent of Outline-Only Application**  
Area: 1.55 Hectares (3.84 Acres)

*Superseded plan showing location of now excluded Link Road*

### **Pre-application discussions**

- 6.14 The design of the proposal has evolved following pre-application discussions with officers and presentations to the Essex Quality Review Panel.
- 6.15 The planning application is accompanied by a Statement of Community Involvement (SCI) which provides details of the pre-application consultation and community engagement that took place prior to the final planning application being submitted. This included pre-application consultation with the local community, the Council and other statutory and non-statutory consultees. The applicant carried out the following:
- a) A letter was sent by first class post to 105 properties in the area immediately surrounding the site.

- b) The same letter was sent by email to Great Warley Conservation Society.
- c) A similar letter was sent by email to local politicians including:
  - i. The borough ward councillors for Warley and for Herongate, Ingrave & West Horndon
  - ii. The leader of the Council and members of the Policy, Resources & Economic Development Committee
  - iii. Members of the borough Planning & Licensing Committee
  - iv. The county division members for Brentwood South and Brentwood Hutton
  - v. The leader of the county council and relevant Cabinet members
  - vi. The local MP for Brentwood and Ongar constituency
  - vii. An advert was placed in the print edition of the Brentwood Gazette on 26 August and complemented with a week-long series of digital adverts on [www.gazette-news.co.uk](http://www.gazette-news.co.uk) and [www.brentwoodlive.co.uk](http://www.brentwoodlive.co.uk).

6.16 In response to the public consultation carried out, the applicant received nine feedback forms submitted via the consultation website, five feedback emails submitted using the consultation email address and one phone call using the consultation phone line. The key points raised in the feedback covered the following main themes: transport, environment and local economy, along with some other matters detailed in the SCI. The SCI sets out the applicant's response to the comments and queries raised during the consultation and the numerous technical documents submitted with the planning application provide a justification for the proposal, dealing with each of the issues and considerations that are relevant to the nature of the development in this location.

### **Environmental Impact Assessment (EIA)**

6.17 The proposal exceeds the 0.5-hectare threshold for EIA development under Schedule 2 of the EIA Regulations and is therefore considered to be an EIA development.

6.18 EIA is a process used to ensure planning decisions are fully informed by the likely significant effects of a proposed development. It helps to ensure that any effects are reduced or prevented, whilst encouraging the enhancement of positive effects. The proposal has been assessed with consideration to the existing use of the site, adjacent uses, planning policies and law, the need for the development and the effects during construction and during operation.

6.19 An Environmental Statement (ES) accompanies the application to report the EIA process and its findings. The ES accompanying the application provides an important part of the 'environmental information' that the Council must consider in accordance with the EIA Regulations.

6.20 It was agreed with the Council which topics would be scoped in and out of the EIA. Topics were scoped out of the ES on the basis that they are unlikely to result in significant environmental effects. These are as follows:

Scoped In:

- Socioeconomics
- Waste and Resources
- Traffic and Transport
- Air Quality
- Noise and Vibration
- Ground Conditions
- Water Resources and Flood Risk
- Ecology
- Climate Change Mitigation and Adaptation
- Built Heritage
- Landscape and Visual Impact Assessment

Scoped Out:

- Archaeology
- Wind Microclimate
- Daylight, Sunlight and Overshadowing
- Telecommunications
- Aviation
- Human Health
- Major Accidents and / or Natural Disasters

6.21 The ES includes generic criteria for determining the magnitude of impact based on the strength of change the geographical scale at which it is identified, the duration, frequency and reversibility of the change, as set out in table below.

**Table 3.7: Methodology for Determining Impact Magnitude**

Magnitude of Impact	Criteria for Assessing Impact
Major	Total loss or major/substantial alteration to key elements/features of the baseline (pre-development) conditions such that the post-development character/composition/attributes will be fundamentally changed.
Moderate	Loss or alteration to one or more key elements/features of the baseline conditions such that post-development character/composition/attributes of the baseline will be materially changed.
Minor	A minor shift away from baseline conditions. Change arising from the loss/alteration will be discernible/detectable but not material. The underlying character/composition/attributes of the baseline condition will be similar to the pre-development circumstances/situation.
Negligible	Very little change from baseline conditions. Change barely distinguishable, approximating to a 'no change' situation.

6.22 The ES includes the following Effect Significance Matrix to assist in the judgement of significance whereby it is generally considered that any effect greater than 'minor' is considered a significant effect.

**Table 3.8: Effect Significance Matrix**

Magnitude	Sensitivity		
	High	Moderate	Low
Major	Major Adverse/Beneficial	Major - Moderate Adverse/Beneficial	Moderate - Minor Adverse/Beneficial
Moderate	Major - Moderate Adverse/Beneficial	Moderate - Minor Adverse/Beneficial	Minor Adverse/Beneficial
Minor	Moderate - Minor Adverse/Beneficial	Minor Adverse/Beneficial	Minor - Negligible
Negligible	Negligible	Negligible	Negligible

### Mitigation measures

6.23 As explained in the ES, mitigation to be implemented during the construction and operational phases of the development will be secured through planning conditions and obligations. Two main types of potential mitigation measures have been assessed as explained in the ES:

- a) **Embedded Mitigation** - includes design/standard control measures, which have been considered in an initial assessment of the effects. The ES confirms that the proposed development has been developed in such a way that the reduction, and wherever possible, elimination of any associated significant adverse environmental effects is integral to the overall design philosophy.

- b) **Additional Mitigation** – the ES explains that further additional mitigation measures may be introduced, where appropriate, and are taken into account in the assessment of residual effects. Where it has not been possible to avoid adverse significant environmental effects, such additional mitigation and monitoring measures are discussed as applicable in the relevant technical chapter of the ES and can be secured by planning conditions and obligations.

### Residual Effects

- 6.24 The likely residual effects on the environment, assuming the successful implementation of the mitigation measures proposed, are identified within the ES. The residual effects have been assessed using the same system as described above taking account of any assessment mitigation proposals. Residual effects have then been assessed in terms of significance. Generally, based on the described classification and professional judgement, effects considered to be moderate or major have been deemed significant, and those considered minor or negligible, have been deemed not significant.

### Cumulative Effects

- 6.25 In addition to assessing the effects arising from the proposal in isolation, those additional effects (referred to as cumulative effects) arising from the development in conjunction with other committed developments in the vicinity of the Site have also been assessed. As explained in the ES, there are two types of cumulative effects:
- a) Intra-project effects which are the combined effects of individual topic impact on a particular sensitive receptor,
  - b) Inter-project effects which are the combined effects of several development schemes in conjunction with the proposed development, which may, on an individual basis be insignificant but, cumulatively, have a significant effect.

### Environmental Statement (ES)

- 6.26 The Council has considered the Environmental Statement (ES) which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Council is satisfied that the ES complies with the above Regulations and that sufficient information has been provided for the Council to assess the environmental impact of the proposal.

Third party independent review of ES Scoping, ES, ES Addendum, Sustainability, Energy and BREEAM Pre-Assessment Reports

- 6.27 The Council has appointed third party independent consultants (AECOM and Cundall) to review the applicant's ES Scoping, ES, ES Addendum, Sustainability, Energy and BREEAM Pre-Assessment Reports and to produce Review Reports setting out the findings of their review.
- 6.28 The following Review Reports were produced:
- a) EIA Scoping Review Report by AECOM
  - b) ES Review Report by AECOM
  - c) ES Addendum Review Report by AECOM
  - d) BREEAM pre-assessment Review Report by AECOM
  - e) Sustainability and Energy Assessment Review Report by Cundall
- 6.29 The Review Reports raise several clarifications and questions. The applicant has provided responses to the clarifications and queries raised, and has provided further information under Regulation 25 of the EIA Regulations. The third-party reviewers, AECOM and Cundall, have now reviewed the further information and can confirm that all responses are noted and accepted and where further information or clarification is required, it is agreed that this can be secured through planning conditions.

Regulation 25 submissions

- 6.30 In addition to the original ES submitted in support of the application in March 2022, two further rounds of 'further information' under Regulation 25 of the EIA Regulations have been provided by the applicant as the application has progressed, as discussed in further detail in the chronology of the application below. Regulation 25 allows Councils to request "further information" if they are of the opinion that additional information is required to allow them to reach a reasoned conclusion on the likely significant effects of proposed the development.

Chronology of the application

- 6.31 By way of background and chronology of the application, including plan/document revisions and associated Environmental Statements, Addendums and Statements of Conformity:



- In **February 2022**, the applicant submitted the application to Brentwood Borough Council (BBC) for the proposed development on the application site. This was accompanied by an **ES** prepared by Temple consultants.
- In **April 2022** an **ES Addendum** was provided accompanying a separate application for the movement of surplus earthworks from the BEP site to land south of the site. (this application has since been withdrawn. It was withdrawn in September 2023).
- In **August 2022**, amendments were made to the planning application in response to consultee comments and latest constraints information. The quantum of the proposed floorspace and number of car parking spaces remained unchanged compared to the original submission. The minor changes were as follows:
  - Amendments to the vertical estate road alignment through the site to accord with the gate main alignment and easements, crossing at 90 degrees
  - Reconfiguring the overflow car park to the east of the site and layout of Unit 1 car parking (no change to parking numbers) to accommodate new vertical estate road alignment.
  - Rearranging the parking arrangement to Unit 2 to fully respect the 15m Ancient Woodland buffer.
  - Revised cycle and pedestrian access from the B186 south of Jax Folly
  - Revised cycle access to Unit 1 and the car park for this unit along the west side of the spine road to provide more direct access
  - Addition of potential Lower Thames Crossing compound access location.
  - Provision of pedestrian links and landscaping between split car parking to Unit 1
  - Minor re-alignment of number 179 Public Right of Way diversion
  - Revised landscaping strategy to include the following changes:
    - Revised landscaping arrangement between split car parking to Unit 1 incorporating an increase in both hard and soft landscaping. Including provision of additional pedestrian access paths and provision of outdoor amenity spaces, outdoor meetings room and staff well-being area
    - No tree planting within easements for either the gas or water mains
    - Attractive landscaped approach to unit 1 entrance
    - Amended bund adjacent to Jax Folly
    - Amendment to pond to south-eastern corner of central open space

- Updating landscaping to Unit 2 to accord with car park and entrance amends
- Minor amendments to suit road alignment

6.32 The above amendments were accompanied by an **EIA Statement of Conformity** letter dated 26th August 2022, which confirmed no changes to the conclusions of effects set out in the February 2022 ES and April 2022 ES Addendum.

- **In September 2022**, in accordance with **Regulation 25** of the EIA Regulations, further information was provided in relation to Ecology, following further surveys, and built heritage including additional information and revision to ES chapters in relation to ecology and heritage.
- **In February 2023**, some further minor amendments were carried out to increase visibility to motorists navigating internal roads and car parks within the proposed development, and minor changes to the landscaping to accommodate these amendments. The covering letter accompanying the application discusses the implications of the above changes for the conclusions of the 2022 ES and 2022 ES Addendum, as well as providing an additional cumulative scenario for 2033, inclusive of modelled traffic from Lower Thames Crossing (LTC), which has recently been made available, and its implications for the cumulative assessment of traffic, air quality and noise and vibration effects. In accordance with **Regulation 25** of the EIA Regulations, the applicant provided the following additional information:
  - Transport Assessment Addendum (TAA) February 2023 prepared by Atkins
  - ES Statement of Conformity Letter dated 3 February prepared by Temple consulting

6.33 The Statement of Conformity letter confirms that changes to the proposed development have been fully reviewed in the context of the ES. With specific regard to the additional cumulative scenario inclusive of the Lower Thames Crossing (LTC) at operation in 2033, the letter confirms that there would be no change to the assessment of cumulative effects for any topic with the inclusion of changes in traffic levels associated with the LTC. The applicants considered the 2033 LTC cumulative operational scenario and traffic levels for the following environmental topics assessed in the ES: Traffic and Transport, Noise and Vibration and Air Quality. Therefore, the Statement of Conformity concludes that the ES can be considered valid in the context of the proposed changes.

- In **June 2023**, the following amendments to the application were received in order to undertake a Road Safety Audit (RSA) in line with comments from National Highways and respond to latest site constraints.
  - Amendment to the red line boundary to exclude the Phase 2 Link Road from the planning application (originally shown in outline only (all matters reserved) as part of the hybrid planning application)
  - A change to the description of development to take account of the removal of the Phase 2 Link Road from the proposed development; and
  - A minor amendment (site area reduction) to the red line boundary adjacent to the property known as Jax Folly to take account of land ownership boundaries.

6.34 The amendment application was accompanied by a **Statement of Conformity dated 31 May 2023** which considered the implications for the changes to the red line boundary of the proposal on the February 2022 ES and subsequent further information submissions. The Statement of Conformity confirms that following a review of the changes to the proposed development in the context of the ES, there are no changes to the reported conclusions for Transport, Air Quality, Noise and Vibration, Climate Change, Waste and Resources, Socioeconomics, Ground Conditions, Water Resources, Ecology, Landscape and Visual Impact and Built Heritage. Therefore, the Statement confirms that the ES can be considered valid in the context to the changes to the proposed development received in the amendment application in June 2023. A full advertisement in relation to the above Regulation 25 submissions were made under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## 7.0 PLANNING ASSESSMENT

7.1 The following issues are key to the assessment of the full planning application and are considered in turn below:

1. The Principle of Development
2. Design
3. Landscape and Visual
4. Heritage
5. Archaeology
6. Air quality
7. Flood Risk and Sustainable Drainage

8. Noise
9. Sustainability and Energy
10. Health
11. Residential Amenity
12. Ground Conditions and Contamination
13. Lighting Strategy
14. Highways and Transport
15. Ecology and Biodiversity Net Gain
16. Waste and Resources
17. S106 Planning Obligations
18. Digital infrastructure

## **(1) Principle of Development**

### Principle of employment use

- 7.2 Paragraph 8 of the NPPF sets out that one of the three overarching objectives of the planning system is an economic one. It states that to help build a strong, responsive and competitive economy, planning should ensure that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity. Paragraph 81 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 7.3 At the local level, policy MG01 of the Local Plan (2022) states that the Council will work positively and proactively with developers and stakeholders to enable the development of the allocated sites identified on the Policies Map to meet the Council's employment needs and targets. Provision is made for about 46.64 ha of new employment land. The geographic distribution and pattern of growth is planned includes the '**South Brentwood Growth Corridor**' in which the site is located, comprising largely of employment provision, brownfield redevelopment and a new Garden Village settlement.
- 7.4 The Local Plan (2022) removes the majority of the site from the Green Belt and identifies it as an employment site allocation under policy E11 as follows:

*“Land south east of M25 Junction 29 is allocated for around 25.85 ha of land for employment development (principally for offices, light industrial and research and development, B2 and B8 and other sui generis employment uses). Other ancillary supporting development within classes C1, E and F1 or other sui generis ancillary supporting development may be permitted as a means of supporting these principal employment uses.”*

7.5 In land use terms, the proposal accords with policy E11’s requirements to provide employment development by providing a total of 112,466 sqm (Gross Internal Area) employment floorspace across four buildings. The buildings will be used for Class B8 (Storage & Distribution) and Class B2 (General Industrial) use (up to 20% of the total floorspace only; to be secured via a planning condition). Ancillary office space (within Class E) is also proposed. Units 1 and 4 have been identified for B8 use and units 2 and 3 for B2 use.

7.6 The application site comprises a highly strategic accessible employment site that will make a considerable contribution towards the overall employment needs of the Borough by creating up to 2,370 gross direct full-time employees equivalent to 2,660 jobs when accounting for part-time working patterns. In addition, employees from the development will spend up to £6.9 million in the local area each year and the development will generate business rates payments of up to £3.7 million annually.

7.7 The proposal complies with the requirements of Site Allocation E11, specifically parts 1, 2 and 3, and the principle of development of the site is therefore acceptable for the following reasons.

***a) The proposal is accompanied by a high-quality landscaping scheme (including a scheme of maintenance) for the site with the objective also to provide improved visual amenity between the site and adjoining Green Belt as follows:***

7.8 A Landscaping Masterplan is submitted in support of the application, which the applicant confirms has been informed by site opportunities, constraints and an Arboricultural Impact Assessment (AIA).

7.9 Strategic landscaping is an important consideration across the site and one of the key landscaping objectives is to integrate the proposal with the surrounding landscape. The strategy focuses on the south and east of the site, seeking to

integrate the buildings and retain the existing landscaped areas and trees as much as possible.

- 7.10 A Landscape Management and Maintenance Schedule will be secured via a planning condition to ensure management of the proposed landscaping.
- 7.11 The proposal includes the following landscaping and green infrastructure:
- a) Planting of specimen/street trees within the public realm and alongside roads
  - b) Provision of a community orchard
  - c) Planting of wetland seed mix, wildflower and grass seed mix
  - d) Provision of grass areas, hedges, new tree planting and shrubs
  - e) Provision of a fitness/walking route that connects with the B186 to the east which will provide public access to the park and the walking/fitness route
  - f) Outside seating and amenity areas for all of the units, which can also be used as outside meeting rooms and food growing by staff.
  - g) Construction of ponds as part of the sustainable drainage strategy and providing a feature within the open space.
  - h) Extensive landscaping scheme to mitigate against some selective tree loss.
- 7.12 The Landscaping strategy increases pedestrian and cycling connections to and within the site, by providing linkages at key entrances to the site, including from the amended link to Jax Folley in order to better integrate the fitness / walking routes with the unit plots and the local area.
- 7.13 The landscaping masterplan will deliver a high-quality public realm through robust street furniture, appropriate boundary treatments, lighting, signage and high-quality materials to help create a durable development with local distinctiveness. The proposal also integrates and enhances the natural environment by delivering a site wide landscaping master plan which includes new tree planting and softscape, which will increase the site's biodiversity.
- 7.14 As confirmed in the LVIA, the planting of woodland blocks and hedge lines within the site and the enhancement of the riparian central corridor would be in keeping with the local landscape character. Furthermore, the proposed significant tree belts, particularly on the southern ridge will form an appropriate transition between urban form and the rural hinterland. The proposed landscaping strategy is therefore contextually responsive.

- 7.15 The proposal includes several mitigation measures involving landscaping which limit any impact on the openness of the Green Belt and improve visual amenity between the site and the adjoining Green Belt. These include:
- a) Retaining and enhancing hedgerows and trees where possible and introducing native planting buffers which will have the additional benefit of increasing wildlife and biodiversity.
  - b) New native woodland and understorey mix to create canopy tree cover which will assist in breaking down and softening built form.
  - c) New native woodland buffer planting along southern and southern edges of the site to soften and screen new buildings.
  - d) The use of recessive materials helps new buildings recede into wider surroundings.
  - e) The buildings will be sited alongside the raised embankments of the M25 and A127 to partially screen them off.
  - f) Use of landscaping to create a strong boundary to the Green Belt and improve the visual amenity of the site and the adjoining Green Belt.

7.16 By retaining landscaped buffers and providing screening and softening of the proposal in short and longer distance views from publicly accessible viewpoints to the south and east, officers consider the landscaping strategy to therefore address the recommendations of the Landscape and Visual Impact Assessment (LVIA).

***b) be of a high quality in terms of its design and layout to reflect its status as a key gateway site***

7.17 The proposal has been the subject of two consultations with the Essex Quality Review Panel (EQRP). In addition to this, the scheme has been the subject of a series of pre-application and post-submission meetings with the Council and other consultees to discuss various matters including site constraints, layout, design, institutional standards and the St. Modwen Design Code. The design of the proposal has therefore evolved in consultation with the Essex Quality Review Panel, the Council and other key consultees.

7.18 The site is situated in a gateway location to the Borough and to Essex. As such, its location will enable businesses to benefit from the strategic connections of the South Brentwood Growth Corridor to key economic centres in the region, including Tilbury Port, Southend Airport and those in Greater London.

- 7.19 The proposed master plan builds on the opportunities presented by the site's gateway location by delivering a high quality, accessible, sustainable, flexible and landscape-led development. The scale and orientation of the proposed buildings create a sense of arrival at this gateway location. However, the scale of development on the site also ensures that the site is not overdeveloped by achieving a balance between built form and open space. The buildings are also largely nestled in the northern half of the site which comprises previously developed land dominated by highways infrastructure. The site also benefits from enclosure provided by the engineered embankments of the M25 and A127, the Hobbs Hole woodland and the existing eastern boundary plantings. As such, the proposed built form is focused in the most enclosed and urban part of the site. Built form is also broken down into a series of buildings with articulated facades and varying external finishes in order to reduce their scale, bulk and massing. The southern greenfield and less developed part of the site comprising open space is therefore largely free of built form in order to maintain a more open and rural character to this part of the site and allow integration of the site's southern edge into the wider landscape through new planting and recreational opportunities.
- 7.20 The proposal will incorporate new site access arrangements for vehicles, pedestrians and cyclists which will reflect its importance as a gateway site and improves connectivity both within the site and with the surrounding area. The proposed refuse and parking arrangements have been designed to be integral to the scheme and not be visual intrusive.
- 7.21 The high-quality design of the proposal is also evidenced in the following:
- a) The master plan follows the principles of inclusive design and Secure By Design to create a safe, inclusive environment for all.
  - b) Proposed buildings will be finished in high quality, durable and sustainable external materials which add visual interest and articulation to the building facades to reduce the massing and height of the development and increase the architectural quality. Different cladding materials at different levels are included to break up the building visually with lighter-coloured horizontally laid profile cladding at the top of the building, and darker vertically laid anthracite cladding to the sides and underneath.
  - c) The proposal incorporates healthy design principles such as a community orchard, an outdoor gym and a fitness trail which will encourage healthy



lifestyles amongst both employees and the wider public who will be able to access the proposed new landscape and facilities it offers.

- d) The proposal achieves high sustainable design credentials with it being on track to achieve BRREAM Excellent and designed to reduce CO2 emissions and energy use through the inclusion of energy efficiency measures.
- e) The design of the proposal is further discussed at length in the 'Design' section of this report.

***c) protect and where possible enhance the adjoining Local Wildlife Site (Hobbs Hole)***

- 7.22 Hobbs Hole to the west of the site is a Local Wildlife Site due to it being ancient woodland. The proposal will retain and enhance the existing site boundary vegetation and Hobbs Hole woodland to help provide screening and integration of the development with its surroundings. Native woodland planting along the site's western boundary connects with Hobbs Hole woodland extending woodland along the western edge of the site and helping to provide screening from the M25. The proposal will incorporate a 15m buffer to the ancient woodlands.
- 7.23 As confirmed in the LVIA, the site is already screened from Hobbs Hole Wood on the western perimeter and other wooded characteristics in the surrounding area to the north and east. The proposed boundary vegetation will further add to this existing vegetative screen of the site.

***d) preserve and where possible enhance the Public Right of Way (PRoW) through the site***

- 7.24 The route of PRoW 272 – 179 will be contained by new native woodland and orchards to provide an attractive landscaped route through the landscape to the south of the main buildings. This will result in enhancements over existing. Once established the new woodland will also provide screening of the new development.
- 7.25 Where PRoW 272-183 passes alongside the site, it will be contained by an area of new native woodland and low level bunding to help create an attractive path alongside the site whilst providing screening of the development. This will also result in enhancements.

7.26 Slight diversions are proposed to the PRowWs which are minor.

***Compliance with part 2 (infrastructure requirements) of Site Allocation E11***

7.27 The proposal complies with relevant criteria in part 2 (infrastructure requirements) of Site Allocation E11 by providing:

1. Access via M25 Junction 29 and/or Warley Street (B186) and associated slip roads – The proposal provides access via the M25 Junction 29 and Warley Street (B186). The existing vehicular access to the site from the south-east corner of the M25 Junction 29 roundabout will be closed and two new entrances provided in accordance with the requirements of Site Allocation E11. One will be provided from the north, via a new mini roundabout and new road bridge over the A127 and a second access will be provided from B186 Warley Street via a signal-controlled junction. Pedestrian and cycling access to the site is also provided from the B186 Warley Street site access, or via the pedestrian and cyclist path along the south side of the A127, which feeds into the paths within the development. The proposal provides car and cycle parking provision in accordance with ECC parking standards.
2. Well-connected internal road layouts which allow good accessibility for bus services – As indicated in the proposed Master Plan accompanying the application, the proposal will deliver a network of new internal roads which will provide good accessibility and permeability for vehicles, cyclist and bus services.
3. New public transport or Demand Responsive Travel links with the surrounding area – A key element of the sustainable travel strategy is the introduction of demand responsive transport services connecting the proposal to Brentwood, Upminster, West Horndon and Ockendon stations. The Transport Assessment notes that this will “greatly improve the accessibility of the Site by public transport and substantially increase the size of the working-age population within a one-hour journey time of the site by public transport by more than 300% compared to the existing situation”. The demand-responsive services will also be available for use by people living and working in the vicinity of the site and not limited to tenants of the development. This will improve access to shared-use ‘public’ transport for the local community.

4. Good walking and cycling connections within the site and to the surrounding area – The proposal will improve walking and cycling connections within the site and surrounding area by providing new pedestrian and cycle access points. Pedestrians and cyclists entering the site will do so via either the entrance off the B186 Warley Street immediately to the south of Jax Folly, a residential property, or via the pedestrian and cyclist path along the south side of the A127, which feeds into the paths within the development.

- 7.28 In addition, the proposed walking and cycling routes will connect to the surrounding area allowing the wider public to easily access the site and make use of its facilities, including its fitness trail.
- 7.29 The ES confirms that there will be a significant moderate beneficial effect generally for pedestrians and cyclists as improvements including shared pedestrian and cycle paths, additional crossing points and cycle parking will make the area around the site more easy and pleasant to navigate.

***Compliance with part 3 (infrastructure contributions) of Site Allocation E11***

- 7.30 As required by part 3 (infrastructure contributions) of Site Allocation E11, the applicant is committed to making necessary financial contributions via planning obligations towards the following in accordance with site allocation E11. Full details are provided in the s106 Planning Obligations section of this report.
- a) off-site highway infrastructure improvements as may be reasonably required by National Highways (M2 and J29) and Essex County Council (A127 and B186) in accordance with policies MG05 and BE08 (the planning obligation will determine the level and timing of payments for these purposes) unless, in the case of the Junction 29 mitigation and A127/B186 works, the applicant enters into a s.278 Agreement for its timely construction, if more appropriate;
  - b) phased improvements to West Horndon Station in accordance with policy BE08 to increase its capacity and utility in line with anticipated demand generated by each of phase the development.

- 7.31 The enhancements to West Horndon station as well as the existing 4 bus stops along the B186 provide excellent bus links to the site. West Horndon and Upminster train stations are both around a 40- 50min walk from the site also.
- 7.32 Bus stops will be provided at appropriate locations on the roads within the site. The estate roads that will be used by public bus services will also be adopted as public highways by ECC to ensure access for public bus services. A network of segregated paths for shared-use by pedestrians and cyclists will be provided within the site that will connect all the units to external routes, including along the A127, on the B186, over the A127 via the existing accommodation bridge, and alongside Codham Hall Lane connecting with the new crossings around the north side of the M25 Junction 29 roundabout

#### Principle of development in the Green Belt

- 7.33 Whilst most of the proposal falls within Site Allocation E11 which is outside of the Green Belt, the proposed road and infrastructure works in the both the northern and southern sections of the site (the J29/B186 Link Road and B186 access) fall within the Green Belt (but outside of Site Allocation E11). The question that arises is whether these elements of the development are inappropriate development for the purposes of the application of Green Belt policy in the NPPF.
- 7.34 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.35 Paragraph 150 of the NPPF states certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a. *mineral extraction;*
  - b. *engineering operations;*
  - c. *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*

- d. the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

7.36 Paragraph 150 b) and c) of the NPPF respectively confirm that 'engineering operations' or 'local transport infrastructure which can demonstrate a requirement for a Green Belt location' are "not inappropriate" in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.

7.37 The proposed road and infrastructure works (B186 access and J29/B186 Link Road) in the northern and southern sections of the site that fall within the Green Belt are considered not to be inappropriate development in accordance with paragraph 150 b) and c) and to preserve its openness and not to conflict with the purposes of including land within the Green Belt for the following reasons:

*a) The proposal preserves the openness of the Green Belt the following reasons:*

- The proposed transport infrastructure requires a Green Belt location in accordance with NPPF paragraph 150c) due to the application site being surrounded by Green Belt land on all sides. The proposed transport infrastructure located immediately to the north and south of the application site on Green Belt land, which facilitates site access and pedestrian, vehicular and cycling connectivity into the site, which are integral to the operation of the site, is therefore constrained by the site's Green Belt context. As such, there is no alternative option other than to build transport infrastructure on Green Belt Land.
- The Phase 1 Link Road involves very limited alterations such as construction of supported retaining structures and retained earth, and will therefore have a very limited visual impact, particularly when considered against the site context which includes elevated transport infrastructure.
- As the proposed new road bridge over the A127 will be located next to the existing bridge over the A127, it will not have a significant visual impact and will not affect openness.

- The proposal involves limited changes and cut and fill in connection with the construction of the new site access from the B186 and part of its associated link road. The difference between the existing and proposed ground levels on average would be approximately 2m, which is considered to be relatively small. As such, the proposal will continue to preserve openness. Furthermore, the proposed landscaping on the land adjacent to the road will reduce the visual impact of the road and assist in screening it.
- The impact of the proposed off-site works to the M25 Junction 29 and the B186 Warley Street Interchange on the openness of the Green Belt would also be limited in extent.
- The proposed new landscaping would reduce the impact on the openness of the Green Belt and would introduce a softer edge to the currently urbanised site and surroundings. The proposed strategic landscaping to the south of the site would reduce the impact of the development and limit the visibility of new infrastructure.
- The impact of the proposed off-site works to the M25 Junction 29 and the B186 Warley Street Interchange to the openness of the Green Belt would again be limited in nature and extent, given that these works seek to improve existing transport infrastructure. The introduction of a new overbridge at Warley Interchange would align with the existing structure and sit 4m apart in terms of distance. Its impact would therefore be negligible within the context of the existing infrastructure.

7.38 The proposed infrastructure therefore complies NPPF paragraph 150 and preserves the openness of the Green Belt.

*b) The proposal does not conflict with the purposes of including land within the Green Belt for the following reasons:*

7.39 The proposal is considered not to conflict with the purposes of including land within the Green Belt listed in paragraph 138 of the NPPF for the following reasons:

7.40 **Green Belt Purpose 1: to check the unrestricted sprawl of large built-up areas** - The proposal would not lead to unrestricted sprawl beyond the strong defensible Green Belt boundaries created through the mature strategic landscaping proposals. Any perceived change resulting from the new highways

infrastructure would be reduced by new landscaping. The southern part of the site will also form a strong, robust, and defensible Green Belt boundary to the wider site.

- 7.41 **Green Belt Purpose 2: to present neighbouring towns merging into one another** – The proposal would not lead to any merging of towns, as it would not alter any strategic gaps that already exist between these settlements.
- 7.42 **Green Belt Purpose 3: to assist in safeguarding the countryside from encroachment** – The proposal will assist in safeguarding the countryside from encroachment by providing new transport infrastructure and strategic landscaping to reinforce site boundaries. The landscaping also helps to integrate the site with its surroundings. The proposal also creates a new defensible woodland boundary to the south beyond the new employment development.
- 7.43 **Green Belt Purpose 4: to preserve the setting and special character of historic towns** – The proposal will not adversely affect the setting and special character of a historic town or significant feature of historic interest, as explained in the heritage section of this report.
- 7.44 **Green Belt Purpose 5: to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.** The proposal involves the re-use and re-development of mostly previously developed land in a highly accessible urban location. It will have a significant and positive economic impact on the local area in terms of job creation, local spending, and business rates, and will therefore positively contribute towards the regeneration and re-use of an urban site.
- 7.45 To conclude, the B186 access and J29/B186 Link Road proposals are not inappropriate developments in the Green Belt. Both of these elements of the BEP development can be seen to be local transport infrastructure demonstrating a requirement for a Green Belt location, as follows:
- a) **The J29/B186 Link Road** - the road is proposed to mitigate development coming forward under the Local Plan and is intended to help drivers on the M25/A127 more readily access the local highway network. The Link Road is transport infrastructure which delivers local transportation benefits to members of the public and road users generally.

b) **The B186 access** - The vehicular access arrangements for the BEP scheme are predicated on the closure of the existing site access directly onto the M25 junction 29. This is on the basis that National Highways will not accept this on both operational and safety grounds. Any direct access off the A127 would also be unacceptable to Essex County Council due to the proximity of M25 junction 29 and Warley Interchange that precludes any additional access off the A127 being introduced between them. Consequently, an alternative vehicular exit from the BEP is required and the provision of this delivers highway safety improvement for the benefit of all road users through the removal of the direct access onto M25 junction 29. The proposed B186 access can only be located in its currently proposed position. This is due to both the horizontal and vertical alignments of the B186, including a hump-back bridge over the railway to the south and the crest of a hill and bend to the north, that restrict drivers' forward visibility such that it prevents the access being located anywhere else along the B186 on safety grounds. The proposed BEP access off the B186 would allow traffic to and from the A127 to the east to access the BEP without using M25 Junction 29, which reduces the traffic impact of the BEP on this motorway junction, which is already constrained and operating close to capacity during peak periods. Therefore, the B186 access is to be seen as transport infrastructure which delivers local transportation benefits to members of the public and to road users generally

7.46 Accordingly, both the proposed J29/B186 Link Road and the B186 access are transport infrastructure. Both elements deliver local transportation benefits to those members of the public accessing the BEP and to other road users on the network. Thus, these elements constitute local transport infrastructure. Since there is no location outside of the Green Belt which could be utilised to deliver the same benefits as each of these elements of the BEP development, they require a location within the Green Belt. This approach accords with the approach of the Inspector (accepted by the Secretary of State at [323-325]) in the AgriTech technology park, South Cambridgeshire appeal (April 2020). The proposals therefore are not inappropriate development for the purposes of the application of Green Belt policy in the NPPF.

## **(2) Design**

7.47 Section 12 of the NPPF requires developments to achieve well-designed places. Paragraph 130 states that developments should add to the overall quality of the area, be visually attractive as a result of good architecture, layout



and appropriate and effective landscaping, and be sympathetic to local character and history, including the surrounding built environment and landscape setting. Developments should establish a strong sense of place to create attractive, welcoming and distinctive places to live, work and visit and create places that are safe, inclusive and accessible and which promote health and well-being.

- 7.48 At the local level, policy BE14 requires proposals to meet high design standards and deliver safe, inclusive, attractive and accessible places. Furthermore, policy BE15 requires development proposals to plan for inclusive communities, by providing access to good quality community spaces, services and amenities and infrastructure that strengthen communities and social interaction for all users. Developments should allow everyone to move around and spend time in comfort and safety and be convenient and welcoming with no barriers people with disabilities or impairments, without creating a sense of separation or segregation.
- 7.49 A full contextual analysis of the site is provided within the Design & Access Statement (DAS). The DAS also sets out the applicant’s development principles, which are to deliver (a) a high-quality development that is responsive to the site’s constraints, setting and function; (b) create a park that engages with the workforce and is accessible and can be used by the local community; (c) consider the built form, landscape and communal spaces to ensure a high quality, holistic approach; (d) use modern design methods and materials, to ensure the best possible outcomes for energy use, carbon footprint and wellness.
- 7.50 The proposals are considered to comply with NPPF Section 12 and Local Plan policies BE14 and BE15 for the following reasons:

Scale, Height and Massing

- 7.51 The maximum height of each unit is as follows:

Unit	Maximum Height from Ground	Finished Floor Level	Maximum Height (AOD)
1	24.15m	27.50m	51.65m
2	15.58m	26.50m	42.08m
3	18.15m	23.15m	41.30m
4	18.15m	23.20m	41.35m

- 7.52 The scale of development has been informed by the specific needs of future occupants of the buildings. Logistics is a streamlined operation, where principles of efficiency and uniformity are required to be adhered to. As a speculative development (with no end users identified at this stage), the buildings have been designed to meet market demand and provide flexibility.
- 7.53 The scale, height and massing of the proposed development will be reduced through proposed landscape buffers located on the southern edge of the development. It will not be possible to fully screen the development as the upper sections of the buildings will be visible above the boundary tree belts; however, over time the new planting along the southern boundary will provide increased softening of Unit 1. Tree belts will also provide screening to the lower sections of the new buildings, as well as providing screening of the day-to-day working activities taking place within the site. In addition, tree, woodland and understorey planting has been proposed along the site's eastern boundary to supplement the retained vegetation shown to the northern 'half' of the boundary. The landscaped boundary helps to soften the development in views towards the site from the wider countryside to the east. Two landscaped mounds have also been proposed adjacent to the overflow car park and to the rear of the Jax Folly property near the eastern boundary. These will have large native tree planting and understorey planting on their eastern face and at the top to soften the visual effects of the Units in views from the B186 and the wider countryside to the east.
- 7.54 Buildings are articulated and massing is reduced through feature banding, full height glazing and use of differing external material and colours. The height impact of the proposal is reduced through use of horizontal cladding to add emphasis to the horizontal (rather than vertical) form of the buildings to lower their perceived height. Height impact is also reduced by the proposed colour palette focusing on darker colours to the base of the units, while the horizontal banding lightens as the buildings increase in height to help to mitigate the contrast between the buildings and the sky.
- 7.55 As confirmed by the accompanying LVIA, the site context allows it to accommodate building of this scale. This is due to the site being currently largely contained by transport corridors (some elevated), including the M25 to the west, A127 to the north and Warley Street to the east. The natural topography of the ridge profile of the site also provides a degree of screening to

the south. Existing vegetation beyond the site's northern, eastern and western boundaries also provide screening or filtering from the site to visual receptors beyond. The site and its context are therefore considered capable of accommodating buildings of this scale, height and massing. The development will marginally alter the existing landscape character of the site in the local vicinity, however, the site can accommodate the changes proposed without significant adverse effects on character.

### Design and Appearance

- 7.56 The proposal is delivered through a master plan that seeks to deliver a comprehensive design approach across the site. The master plan delivers a landscape-led, flexible, high quality and sustainable design that incorporates healthy design principles such as a community orchard, an outdoor gym and a fitness trail which will help to deliver a healthier and happier workforce and local community (who will be able to access such facilities).
- 7.57 The proposal uses modern external materials that reflect St Modwen's Design Code to deliver attractive, high quality and durable buildings. All units are clad in predominantly grey, anthracite and white cladding. The following materials are proposed:
- a) Horizontally laid profiled cladding at the highest section
  - b) Vertically laid anthracite profiled cladding, broken intermittently by light-grey vertical elements to break up the mass of the units
  - c) Feature office aluminium rain screen cladding to introduce a human scale into the design and provide a sense of place
  - d) Office anthracite curtain walling, windows and doors to provide a contemporary appearance
  - e) Anthracite feature band office cladding to create a visually aesthetic workplace
- 7.58 The proposed graduated grey palette for the buildings provides legibility and the lighter-coloured grey upper levels reduces visual dominance of the buildings. Different cladding materials at different levels also break up the building visually. The cladding choice is also matte to prevent glare or shine.
- 7.59 Horizontal cladding is used to accentuate the linear form of the warehouse to lower the perceived height of the building, incorporating louvred cladding to assist with concealing internal plant and associated intake / extract ducting.

- 7.60 The units are also designed to provide flexibility for future occupiers through use of a standard portal frame. External materials will provide excellent longevity and durability. A condition has been included requesting the applicant to submit samples of the external materials to the Council for approval.
- 7.61 The parking provision and refuse and recycling needs of the development are integrated successfully within the proposed master plan so as not to be visually intrusive. Dedicated areas for refuse will be provided to allow for adequate bin storage / compactors to suit occupier operations. The refuse area will not exceed 10m from the main footpath and sufficient turning areas will be provided for refuse vehicles.

#### Siting and Layout

- 7.62 The master plan will deliver permeable and accessible streets and places by delivering an extensive network of vehicular, pedestrian and cycle routes both within the site and connecting to the wider area.
- 7.63 The proposal makes efficient use of land and infrastructure and contributes towards meeting the Council's employment needs whilst respecting the character of the surrounding Green Belt and other nearby sensitive receptors. The proposal is a positive and sympathetic response to the site and its surroundings. Buildings are in the more urban part of the site surrounded by roads infrastructure, whilst strategic landscaping is proposed within the site and adjacent to site boundaries to soften the impact of the development, improve the setting of the buildings and create a visual screen.
- 7.64 The proposal avoids blank elevations to buildings where possible and introduces active frontages across the site where possible, which will activate the designs, add visual interest and increase natural surveillance. The proposals have been designed in conjunction with Essex Police who have responded to consultations at both the pre-application and planning application stage. The proposal incorporates 'Secure By Design' measures in order to reduce opportunity for crime. It incorporates fencing, lighting, CCTV, access controlled internal and external accesses/doors alongside natural surveillance across the site's car parks and cycle parking from the office areas.

#### Inclusive Design

- 7.65 The proposal incorporates inclusive design principles, by providing accessible routes and entrances to all buildings. All car-parking spaces for people with disabilities will be located as close to the main entrances as possible. The car park will have a gradient of less than 1:25 to facilitate wheelchair and ambulant disabled access. Passenger lifts will provide access to all floors and all staircases and lifts will be designed in accordance with Approved Document M.

#### Crime prevention

- 7.66 Natural surveillance has been a key factor in the overall design of the site. The positioning of the offices overlooking the proposed car parking offers the occupier a high degree of visual control, whilst the building design and site layout has been considered to minimise visual obstacles. This helps to eliminate places of concealment, with any dark areas to be well lit. In addition, boundary protection will be 2.4m high to all service yard and storage areas. The proposed 2.4m high fencing offers robust perimeter protection and is a widely used type of boundary treatment for industrial schemes of this scale. The fencing is resilient and appropriate in this location.
- 7.67 The proposed landscaping layout aims to direct people through a central promenade which is well-lit and not within direct access of the any units which discourages access of each plot unless necessary. The unit yards are separated by fencing while the office and car park have bollards which allow permeability while maintaining a perceived secure line between public and private space.
- 7.68 The well gardens are located close to the principal access points of each unit and therefore benefit from natural surveillance. Private spaces are delineated using boundary protection such as the 2.4m high fence to all service yard and storage areas. The public realm creates interactive community spaces, acting as passive surveillance hubs which are kept secure by the site wide security features. The offices ensure natural surveillance across the public realm which ensure clear lines of sight and reducing any secluded areas. The specification of the street furniture is appropriate to ensure it is not easily vandalised. The proposal will introduce new artificial light sources primarily related to external lighting for the purpose of safe vehicle and pedestrian movement. The locations of the CCTV have been chosen due to their appropriateness and to ensure the view is not obstructed by the lighting proposals nor landscaping.

- 7.69 The gatehouses allow surveillance of incoming and outgoing vehicles at the units. They also serve as a central security station for monitoring the safety of all users and visitors to the site. The layout accordingly allows for views of the access road from the main control room. The gatehouses have been strategically located so that the use of soft landscaping that surrounds the building aids the visual aesthetic of the development entrance whilst acting as a passive wayfinding device for visitors to the site.
- 7.70 To conclude, the proposal will deliver a development that is high quality in design and appearance, and is acceptable and contextually responsive in terms of its scale, height, massing, siting, layout, inclusive design and impact on crime prevention. It therefore complies with Section 12 of the NPPF and Local Plan policies BE14 and BE15.

### **(3) Landscape and Visual Impact**

- 7.71 A Landscape Visual Impact Assessment (LVIA) is provided in the ES. It assesses the sensitivity of the site and its capacity for change alongside the impacts of the proposal on the local and wider landscape and any mitigation.

#### The existing site

- 7.72 The LVIA starts by assessing the existing site in order to understand the contribution (if any) it makes to the landscape. The LVIA confirms that the site is considered to make a **negative contribution** to the local landscape character, and that it is considered to be of a **Low Susceptibility** and a damaged landscape where change would bring opportunities for significant enhancement. Extensive hard standing, temporary buildings and structures, transport infrastructure, electricity transmission lines and pylons detract from the local landscape character. The proposal therefore provides an important opportunity to enhance the existing landscape. The LVIA also confirms that the site makes a **negative contribution** to local views due to current use as a works site.

#### Impacts and mitigation measures

- 7.73 A representative sample of photographic viewpoints were selected for the LVIA to consider the potential visual effects of the proposal.

#### 1. Construction phase impacts and mitigation measures

- 7.74 The LVIA confirms that during the construction phase of the development, embedded mitigation measures include native woodland planting along the western boundary, retention and enhancement of boundary hedgerows and trees, and the use of darker cladding materials the help new buildings blend into the landscape. There are no additional mitigation measures proposed during the construction phase.
- 7.75 Significant residual effects during construction include **moderate beneficial** and **significant effects** due to improvements to the site landscaping, including the removal of scrub and previously developed land and improvements to the stream.

## 2. Operational phase impacts and mitigation measures

- 7.76 Once the site is operational, further embedded mitigation measures include new native woodland and understorey mix through the site and the location of the buildings in the lower-lying areas of the site.
- 7.77 During operation, additional mitigation measures include the use of low-level lighting, and ensuring that the main facades of the main building are not illuminated, although this would not change the conclusions of the effect of the proposed development.
- 7.78 During the first year of operation, the LVIA confirms that there will be **moderate beneficial** and **significant** effects on the landscape at the site. There are **major adverse** and **significant** effects anticipated on views such as from residential properties on Great Warley Street (B186), directly adjacent to the Site (Jax Folly), from residential properties along Warley Street (Gladstone Cottages), and from residential properties along Church Lane and the B186 including Great Warley Hall. From PRow's, there are major adverse and significant effects on PRow 183 and PRow 176 as well as a major-moderate adverse and significant effect on PRow 178 crossing the arable farmland to the east of the Site.
- 7.79 After 15 years of operation from the proposal, there are **moderate beneficial** and **significant** effects on landscaping at the site. Furthermore, there are **major adverse** and **significant** effects on views from residential properties along Warley Street (Gladstone Cottages) and from residential properties along Church Lane and the B186 including Great Warley Hall. There is a **major-moderate adverse** and **significant** effect on views from residential properties

on Great Warley Street (B186), directly adjacent to the Site (Jax Folly). There is a **major adverse** and **significant** effect after 15 years on PRow 183 and **major-moderate adverse** and **significant** effects on views from PRow's 176.

7.80 A summary of the impacts of the construction and operational phases of the proposal as indicated in the non-technical summary of the LVIA submitted with the application is provided below:

**Landscape and Visual Impact Assessment**

Construction

**Landscape Features within the Site:**

- Impact on arable land / scrub, hard standing and previously developed land, trees and hedgerows, and water courses (**Moderate beneficial**).

**Visual:**

- Views from residential properties on Great Warley Street (B186), directly adjacent to the Site (Jax Folly) (**Major adverse**).
- Views from residential properties along Warley Street (Gladstone Cottages) (**Major adverse**).
- Views from, residential properties along Church Lane and the B186 including Great Warley Hall (**Major adverse**).

**Views from PRow**

- PRow 183 (**Major adverse**).
- PRow crossing the arable farmland across the south of the Site immediately to the south of the Site (**Major adverse**).
- PRow 176 to the north of the A127 and to the east of Codham Hall (**Major-moderate adverse**).
- PRow 178 crossing the arable farmland to the east of the Site (**Major-moderate adverse**).



Operation	<p><b><u>Landscape Features within the Site</u></b></p> <p><b>Year 1</b></p> <ul style="list-style-type: none"> <li>• Impact of the Proposed Development on arable land, hard standing and previously developed land, trees and hedgerows and watercourses (<b>Moderate beneficial</b>).</li> </ul> <p><b>Year 15</b></p> <ul style="list-style-type: none"> <li>• Impact of the Proposed Development on arable land, hard standing and previously developed land, trees and hedgerows and watercourses (<b>Moderate beneficial</b>).</li> </ul> <p><b><u>Visual</u></b></p> <p><b>Year 1</b></p> <ul style="list-style-type: none"> <li>• Views from residential properties on Great Warley Street (B186), directly adjacent to the Site (Jax Folly) (<b>Major adverse</b>).</li> <li>• Views from residential properties along Warley Street (Gladstone Cottages) (<b>Major adverse</b>).</li> <li>• Views from, residential properties along Church Lane and the B186 including Great Warley Hall (<b>Major adverse</b>).</li> </ul> <p><b>Year 15</b></p>
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7.81 Several mitigation measures have been considered from the outset which will minimise impact. The embedded mitigation within the development includes the following elements as summarised below:

- a) New native woodland and understorey mix planted extensively throughout the site to create canopy tree cover – helping to break up and soften built form.
- b) Retention and enhancement of boundary hedgerows and trees.
- c) Substantial new native buffers provide additional wildlife and habitat benefits through providing varying habitats such as trees, scrub, grassland and wetland features.
- d) New native woodland buffer planting along southern edge of the proposal to soften and screen new buildings from the wider countryside to the south.
- e) New woodland planting alongside Warley Street and proposed access help provide screening from Warley Street, and views from the east.
- f) New buildings located within the lower lying area of the site to aid integration and screening into the surrounding landscape.

- g) Retention and enhancement of existing site boundary vegetation, (including Hobbs Hole woodland) to help provide immediate screening and integration. Native woodland planting along the Site's western boundary connects with Hobbs Hole woodland extending woodland along the western edge of the site and helping provide screening from the M25.
- h) The use of recessive materials helps new buildings recede into wider surroundings.
- i) Location of new buildings alongside the raised embankments of the M25 and A127 allows for screening of the day-to-day workings within the site as well as the lower sections of the main buildings.
- j) The route of PRow 272 – 179 is contained by new native woodland and orchards to provide an attractive landscaped route through the landscape to the south of the main buildings – once established the new woodland would also provide screening of the new development.
- k) Where PRow 272-183 passes alongside the Site it will now be contained by area of new native woodland and low level bunding to help create an attractive route alongside the Site whilst providing screening of the development.

7.82 As such, with the embedded mitigation measures set out above will minimise impacts on receptors and ensure that the scheme does not give rise to significant adverse landscape or visual effects.

#### Residual effects

7.83 The LVIA notes that, with regard to residual effects, which are the potential environmental effects, remaining after mitigation, significant residual visual effects are limited to locations immediately adjacent to the site itself and within the immediate surrounding landscape.

7.84 **Residual effects on residential properties** - Local residential properties which would experience significant adverse visual effects would be limited to those immediately adjacent to the east of the site on Warley Street and Church Lane.

7.85 **Residual effects on users of the PRow network** - There would also be significant adverse visual effects experienced by users of the local PRow

network, but again, this would be limited to those routes that are directly adjacent to the Site itself, such as the two sections of footpath crossing directly across the southern section of the site and the bridleway skirting alongside the western edge and continuing to Codham Hall. These effects are due to the proximity of these receptors to the proposal, as would be expected with a development of this scale. Significant adverse visual effects would also be experienced by the section of public footpath crossing the arable farmland to the east of the site, from where views of the taller elements of the new units would be visible, and from the section of footpath alongside Codham Hall where there would be views of the new access road.

- 7.86 **Residual effects on the landscape** - Significant residual landscape effects are limited with these being the permanent beneficial effect to the fabric of the site itself associated with the extensive landscape proposals associated with the scheme including the retention and enhancement of existing site boundary vegetation, (including Hobbs Hole woodland); new native woodland and understorey mix planted extensively throughout the site creating extensive canopy tree cover which combines with new native buffer planting to the site boundaries to provide additional wildlife and habitat benefits through providing varying habitats such as trees, scrub, grassland and wetland features.
- 7.87 The LVIA confirms that, in summary, with particular regard to:
- 7.88 **New site entrance at Warley Street** - The LVIA confirms that there are likely to be views new of the entrance at Warley Street into the site from Warley Street as well as any additional vehicle movements into the site. However, the proposed substantial new tree planting on the eastern edge of the site once mature would provide additional low-level screening of the general day to day site activities. As such, the LVIA concludes that the overall effects of the landscape and visual change would be felt in a localised area of landscape, which is already surrounded by urbanising influences.
- 7.89 **Proposed overbridge** - The proposed overbridge would be highly localised and closely associated with the busy A127. The proposed bridge would sit alongside the existing overbridge and as such its effect would be highly limited in nature and extent, given the existing context.
- 7.90 **Proposed four new buildings** - The LVIA confirms that the proposed four new buildings and associated landscaping have been designed to be well integrated into the landscape. Views of the upper sections of the buildings would be visible

above trees. However, trees would provide effective screening of the lower sections of the new buildings and day-to-day working activities taking place within the site. Therefore, despite landscape and visual effects impacting on the immediate surroundings of the site, wider effects are limited.

- 7.91 **Proposed off-site highway works** - The LVIA confirms that given the presence of the existing highways infrastructure in proximity to the site, the wider highways improvements are no more than would understandably be associated with a development of this nature and lead to no greater significance of effect than the main development itself.
- 7.92 **Cumulative landscape or visual effects** - The LVIA confirms that there are no significant cumulative landscape or visual effects of the development beyond those reported for the development in isolation. The cumulative sites would lead to an intensification of built form between the busy A127 transport corridor and the London, Tilbury, Southend Railway Line, however this is an area of landscape that already contains similar urbanising features.
- 7.93 In conclusion, the LVIA confirms that despite the visual enclosure of the site, the proposal would be discernible in local views particularly from the south and viewpoints closer to the scheme along PROWs and from adjacent farmsteads, The development will therefore marginally alter the existing landscape character of the site in the local vicinity. However, the site can accommodate the proposed changes without significant adverse effects on landscape character. The enclosure provided to the site by the engineered embankments of the M25 and A127, the Hobbs Hole woodland and the existing eastern boundary plantings allows this area of countryside to accommodate a development of the scale proposed and to hold it within the immediate surroundings with limited effects upon the landscape character of the wider area. The marginal alteration to the existing landscape character of the site is considered acceptable due to:
- a) The proposed native woodland on the southern ridge of the site would provide a strong visual screen to views from the east and south.
  - b) The layout of the Site, and associated landscaping, notably the boundary buffer planting, has been designed to be well integrated into the landscape and to maintain and build upon the key qualities of the character of the area.

- c) The proposed substantial landscape buffer surrounding the site will increase enclosure and screening of the development from the surrounding countryside.
- d) Despite landscape and visual effects impacting on the immediate surroundings of the site, wider effects are in fact very limited. Visual effects are restricted to locations immediately surrounding the site itself, predominantly from the adjacent farmsteads and PROWs, as would be expected with a development of this scale.

#### **(4) Heritage Impact**

- 7.94 **Paragraph 194 of the NPPF states** in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph **195 requires** local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. This should be taken into account by the local planning authority when considering the impact of a proposal on a heritage asset.
- 7.95 Paragraph 193 of the NPPF states great weight should be given to asset's conservation, where Paragraph 194 demands that any harm to, or loss of, the significance of a designated asset, should require clear and convincing justification. Paragraph 199 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990 Act is also relevant and seeks to ensure that the LPA affords considerable importance and weight to the desirability of preserving the setting of listed buildings and preserving or enhancing the character and appearance of a conservation areas.
- 7.96 Paragraph 200 states that any harm to, or loss of, significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed

against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 7.97 Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.98 At the local level, Policy BE16 is relevant, which states that great weight will be given to the preservation of a designated heritage asset and its setting. Development proposals affecting a designated asset, will be required to: a. sustain and wherever possible enhance the significance of the assets and its settings. Developments should also be supported by a Heritage Statement which should assess the impact of the development on the asset and its setting and the level of harm that is likely to result, if any, from the proposed development; and provide clear justification for any works that would lead to any harm to the asset. Policy BE16 states that proposals that cause either less than substantial or substantial harm to, or loss or partial loss of, a designated asset or its setting will be assessed in accordance with the NPPF.
- 7.99 The Heritage Statement accompanying the application examines the built heritage (designated and non-designated, including conservation areas) within 5km of the development, as agreed with Historic England. The Heritage Statement does not cover archaeology, as this matter is addressed separately in an Archaeological Assessment submitted by the applicant. The Heritage Statement describes the significance of any heritage assets affected, including any contribution made by their setting. Furthermore, officers have undertaken a full assessment of the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
- 7.100 The heritage context for the application site is as follows:
- a) **World heritage sites** - There are no world heritage sites within the site or the 3km study area.
  - b) **Scheduled monuments** - There are no scheduled monuments within the site and one (Medieval grange barn) within the 3km study area. Two

further scheduled monuments, Former parish church and churchyard of St Nicholas, and Old Thorndon Hall and gardens are situated within 4km of the site.

- c) **Listed buildings** - There are no listed buildings within the site. 71 listed buildings are within the 3km study area, of which 3 are Grade I (Church of St Mary the Virgin, Church of St Peter and Church of St Mary Magdalene) and 8 are Grade II\* (Little Warley Hall, Lych Gate at Church of St Mary the Virgin, Upminster Hall, Great Tomkyns, Rosebrook, Two Door Cottage, Great Ropers, and Barn to South West of Great Tomkyns).
- d) **Conservation areas** - There are no conservation areas within the site. There are 5 within the 3km study area.
- e) **Registered parks and gardens** - There are no registered parks and gardens within the site. There are 3 within the 3km study area: Thorndon Hall, Warley Place and Upminster Court.
- f) **Buildings of local historic interest (locally listed buildings)** - There are no locally-listed buildings within the site. 17 are situated within the 3km study area.
- g) **Protected lanes** - There are no Protected Lanes within the site and one, Dark Lane, within the 3km study area.
- h) **Other non-designated built heritage assets** - There are no non-designated built heritage assets within the site, but there are several historic buildings within the study area which, although they are not designated and do not feature on a local authority's local list, may be considered to be heritage assets. These include Codham Hall Farm, Codham Hall, Great Warley Hall and Gladstone Cottages.

#### Heritage Impact Assessment

- 7.101 As there are no structures of heritage value on the site, there will be no direct impacts on built heritage assets. However, due to the 44ha size of the site, the proposed building heights and their location in the landscape, the proposal has the potential to have indirect impacts on heritage assets.

- 7.102 The Heritage Statement uses a model of the Zone of Theoretical Visibility (ZTV) of the proposal to determine whether any heritage assets could be excluded from further assessment. Based on this exercise, 38 heritage assets were assessed in detail (where there was a possibility of impact) with the aid of photomontages.
- 7.103 The assessment concludes that:
- a) All but one (Entrance Piers and Gates to Upminster Court) have a historic interest which contributes to their heritage value.
  - b) Most have historic and architectural interest
  - c) 6 have historic, archaeological and architectural interest.
  - d) 2 have historic, artistic, archaeological and architectural interest.
  - e) The Church of St Mary the Virgin (Grade I listed) has very great artistic and historic interest
  - f) one (Bullens and Herds) has just has archaeological interest, having been demolished.
- 7.104 The Heritage Statement identifies the indirect impacts on these heritage assets, with all predicted impacts being on aspects of the asset's setting. In each case, the setting contributes towards the historic interest of the asset, which in all cases combines with other, unaffected, interests to form the heritage value of the asset. The matter in question is therefore that of setting.
- 7.105 The Statement confirms that where there is a predicted impact on setting it varies between **negligible adverse, minor adverse** or (in two cases: **Great Warley Hall and Gladstone Cottages**) **moderate adverse**. However, both Gladstone Cottages and Great Warley Hall are non-designated heritage assets which do not feature in BBC's local list. The Heritage Statement assesses them to be of either low (Great Warley Hall) or negligible (Gladstone Cottages) heritage value, as explained further below.
- a) **Great Warley Hall** - comprises a large farmhouse. It apparently collapsed or was demolished in the 1730s; the present Great Warley Hall, was built in circa 1840. It lies approximately 315m to the east of the site. It is not a



listed building and does not appear on a local authority's local list. It is a non-designated heritage asset, derives its heritage value from its archaeological, architectural and historic interest. The proposal will be visible behind Great Warley Hall in views towards the west from the fields to the east of the building, and from the building itself. This change would have a **moderate adverse impact** on one of the attributes (the relationship Great Warley Hall has with its surrounding countryside) which form its setting. The building's archaeological and architectural interest would be unaffected by the proposal.

- b) **Gladstone Cottages** – The cottages lie circa 25m to the east of the site, on Warley Street. They are not listed and do not appear on a local authority's local list. Although the exact date Gladstone Cottages were built is not known, the building first appears on the Ordnance Survey's mapping dating from 1892 to 1914. The cottages derive their heritage value from the historic interest they embody as a type of vernacular rural dwelling which appeared in large numbers in the wake of 19th-century enclosure and agricultural improvement. Its setting is provided by the wide agricultural landscape within which it sits, and Great Warley Hall farm, which lies nearby. The proposal will be sited immediately opposite the cottages, having the effect of removing the agricultural land seen in views west from the asset and inserting a modern structure into the background of views towards the cottages from public rights of way to the east. In addition, it is estimated that with all construction plant working at the closest location, predicted noise levels during construction would have a temporary moderate adverse effect at neighbouring sensitive receptors, including Gladstone Cottages. Once operational, the traffic flow on the B186 Warley Street between the proposed site access and Warley Interchange is forecast to increase by up to 71% as a result of the proposal. Collectively, these changes would have a **major adverse impact** on the legibility of the relationship between the cottages and part of their agricultural setting.

7.106 Accordingly, Gladstone Cottages or Great Warley Hall have not been identified by the Council as non-designated heritage assets on its local list of non-designated heritage assets (last updated in March 2023) which are not already designated, but which still contribute to a sense of place, local distinctiveness and have local significance. They therefore carry very limited weight in terms of heritage interest.

7.107 The applicant has confirmed that the easterly aspects of Thorndon Park and the Grade II\* listed building of All Saints' Church were not included in the baseline of the Heritage Statement as their location at over 4km from the proposed development is such that any impacts to their setting arising from the proposed development will be extremely marginal, and certainly subservient to other (unaffected) characteristics that form the assets' heritage value. The principal heritage interest of All Saints' Church is its architectural qualities, not the contribution that its widest setting may make to its historic interest.

7.108 The Council's Conservation Officer concludes that:

a) *"There is material harm to the setting of Heritage Assets, when weighed in the balance I find this to be at a moderate level, in terms of the National Planning Policy Framework less than substantial. Most pertinent in terms of indirect impact are the Non- Designated Heritage Place Service Assets of Great Warley Hall and Gladstone Cottages, the Grade II\* listed building of Little Warley Hall, the Grade I listed building of Church of St Peter and Thorndon Park Registered Park and Garden and Thorndon Park Conservation Area. Cumulatively this application therefore engages Paragraph 202 of the NPPF.*

b) *This must then be balanced with the designations themselves, which are material but can be taken into the planning balance. Paragraph 203 to the NPPF thereby becomes relevant as it outlines that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

7.108a Historic England maintains their concerns regarding the application. In determining this application Historic England states that the Council should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan should also be borne in mind unless material considerations indicate otherwise.

- 7.108b The new buildings of the scale and massing proposed would be disruptive in views within this landscape. Long ranging views of the Thames Valley contribute importantly to the significance of several surrounding heritage assets: the grade II\* registered Thorndon Hall Park and Garden, the Scheduled Monuments of Old Thorndon Hall and Gardens and the remains of the former parish church and churchyard of St Nicholas, and the grade II\* listed Church of All Saints. The new buildings would further erode the rural character that contributes to the setting of these historic structures and impact on their prominence. This would result in harm to their significance.
- 7.108c Historic England are concerned about the cumulative impact on the historic landscape character of the wider valley site and the suburbanisation effect that would result from the development of a number of sites along the A127 as currently envisaged. We have highlighted our concerns on the individual applications but consider these would also need to be assessed jointly.
- 7.108d Because the proposal will cause harm to important designated heritage assets, it will need to be considered in line with paragraphs 199 and 202 of the NPPF. When it comes to weigh this harm up to heritage, the council will need to consider whether any public benefits of the development delivers outweigh the harm and that they can only be delivered in this particular location and with this particular intensity.
- 7.108e When making this balanced judgement, we also ask you to ensure all impacts are appropriately understood - including cumulative impacts - and whether enough has been done to minimise and mitigate such harm. In heritage terms, there are no benefits with this application, and therefore, Historic England is content to retain their concerns.
- 7.108f Historic England and the BBC Conservation Officer consider there to be material harm to the setting of Heritage Assets, which is considered to be a moderate level of less than substantial harm. The proposal therefore must be considered against the requirements of paragraphs 199 and 202 of the NPPF, which state that:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. (NPPF paragraph 199)*

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (NPPF paragraph 202)*

7.109 In accordance with NPPF requirements, the Council must therefore consider whether any public benefits of the proposed development outweigh the proposed moderate level of less than substantial harm to heritage assets. The proposed public benefits of the development are as follows:

- a) Creation of 1,080 construction jobs and a £2.4m spend over the construction phase by workers within the local economy which will benefit the wider community.
- b) Creation of 2,370 gross direct full time equivalent jobs (equivalent to 2,660 jobs when accounting for parttime working patterns)
- c) Creation of 4,315 net additional full time equivalent jobs (equivalent to 4,850 jobs)
- d) Training opportunities with the residents within the Borough– the social value of a ‘secure job’ outside of London is £10,270 and an apprenticeship is £1,865
- e) Additional economic output of up to £230 million per year, including additional tax revenues of up to £92 million per year
- f) £3.7 million in annual business rate payments to the Council
- g) Health benefits through the provision of a community orchard, outdoor gym and fitness trail, the social value of which amounts to £1,725 per annum for keeping fit and social value of walking for adults which amounts to £4,390 per annum
- h) A highly sustainable workplace, achieving BREEAM Excellent, and providing measures to reduce waste, save water, solar generation and air tightness
- i) Sustainable drainage measures
- j) Investment in Local Environment and Highways, including off-site highway works that will enable wider growth in Brentwood
- k) Enhanced safety and security through the inclusion of Secured by Design principles
- l) A net gain in biodiversity
- m) An increase in hedgerow units of well over 10%

- 7.110 Furthermore, regarding the cumulative impact of the proposal as raised by Historic England, the ES has considered the possibility of cumulative effects arising as the result of three schemes: Dunton Hills Garden Village, Land South of East Horndon Hall and Land at West Horndon Industrial Estate. If these took place in combination with the proposal, there may be a cumulative adverse impact on the extensive views of the landscape available from parts of the Thorndon Park group. These views form part of the setting of the group, and are one of the characteristics which contribute to its heritage value. The creation of an extensive built environment in the lower ground to the south of the group would represent a negligible or minor detrimental alteration to this characteristic, translating to a slight or slight to moderate adverse effect, which is not considered significant. As such, there would be no cumulative effects arising the proposal in combination with any one of the nearby proposed developments along the A127. The combination of the proposal with all other proposed developments of similar or larger scale and extent in the area would represent a negligible or minor detrimental alteration to the setting, and thus heritage value, of certain nearby designated heritage assets.
- 7.111 With regard to the ES, the ES confirms that embedded mitigation measures to reduce the visual impact of the proposal as set out in the LVIA would also help to screen the proposal in the setting of some heritage assets. Most effects are considered to be negligible/neutral on heritage assets, neutral-slight (corresponding to negligible/minor adverse) for 10 heritage assets, and slight (minor adverse) for one heritage asset: Great Warley Hall, a non-designated heritage asset. The ES confirms that the effects would be the same for construction and operation in most cases, with the exception being, in light of operational traffic levels, there would be a slight (minor adverse) effect on the setting of Gladstone Cottages and a negligible to slight effect on the Great Warley Conservation Area. The ES states that none of the effects on heritage assets would be considered significant, and there would be no additional mitigation measures beyond those embedded in the landscaping. The ES also confirms that there would be no significant cumulative effects on heritage assets when considering the proposal alongside the three other committed developments.
- 7.112 In conclusion, having regard to the above it is considered that cogent and compelling reasons have been justified and that whilst the proposals will result in less than substantial harm to heritage assets this has been outweighed in the overall planning balance.

### **(5) Archaeology**

- 7.113 Policy BE16 requires that a full Archaeological Assessment must be included with any planning application affecting areas of known or suspected

archaeological importance. A below ground Archaeological Desk-based Assessment was carried out by RPS and accompanies this submission..It concludes that previous archaeological work undertaken at the northern and south-western parts of the site identified evidence for later Prehistoric land boundaries, the assessment states that there is low potential for further evidence, and assets would be of low (local) significance.

- 7.114 The County Archaeologist notes that the northern and south-western extents of the site have previously been identified as containing archaeological deposits, and states that it is likely that the remainder of the proposed development site will also contain archaeological remains which will require recording prior to development. In view of this, the Archaeologist recommends a Programme of Trial Trenching, and Open Area Excavation, and recommends attaching planning conditions (which have been included in the list of planning conditions in this report). Subject to these conditions, the proposal is acceptable in terms of its archaeological impact and therefore complies with policy BE16.

#### **(6) Air Quality**

- 7.115 Paragraph 186 of the NPPF encourages development to improve air quality or mitigate the impacts, such as through traffic and travel management, and green infrastructure provision and enhancement. At the Local Plan level, policy NE08 requires development to meet national air quality standards and identify opportunities to improve air quality or mitigate impacts to acceptable legal and safe levels.
- 7.116 The ES confirms that the site is not located in an Air Quality Management Area (AQMA). This is based on the monitoring data and Defra background mapped concentrations that most homes and schools have acceptable air quality - defined as air pollution levels lower than the Air Quality Objective (AQO) threshold. Some properties close to main roads may have air pollution levels higher than the threshold, however, these levels are expected to become acceptable over time due to improvements to vehicles.
- 7.117 The ES confirms that embedded mitigation for the construction phase of the site includes a CEMP and construction logistic measures to alleviate the impact of construction traffic. In the operational phase of development, embedded mitigation includes the provision of electric vehicle charging points and cycle parking, as well as pedestrian connections across the site to limit car use. A revised CEMP is being secured by a planning condition following feedback

received from third party consultant AECOM in their ES Review Report in order to address shortfalls of the current CEMP.

- 7.118 Prior to additional mitigation being implemented, the ES confirms that there will be minor adverse (not significant) effects anticipated during construction. During operation, the ES advises that there will be a minor adverse (not significant) effect anticipated on the impact of increased vehicle numbers associated with the proposal on human health, due to impacts on local air quality.
- 7.119 Additional construction mitigation measures include reducing vehicle movements. Additional operational measures comprise a travel plan for the site, and recommendations for vehicle fleets using the site.
- 7.120 Following the implementation of mitigation measures, such as a Dust Management Plan and Travel Plans, the ES confirms that there will be no significant residual effects expected during construction or operation of the proposal, with negligible to minor adverse effects due to construction and operation vehicle impacts on human health, but these are not deemed significant.
- 7.121 With regard to cumulative schemes, the air quality assessment confirms that construction mitigation identified for the cumulative schemes is expected to partially mitigate cumulative effects. As such, there are no significant cumulative effects identified in relation to the proposal for construction or operation.

#### Ventilation Strategy

- 7.122 The application is also accompanied by a Ventilation Strategy prepared by MBA consulting engineers. The strategy confirms that the warehouse units will be mechanically ventilated via a centralised Air Handling Unit (AHU) located in the plantroom. The AHU will provide fresh air in accordance with the Building Regulation Part F to the main office and Policy BE04 of the Brentwood Local Plan. The AHU's intake and exhaust will be ducted to atmosphere and louvre will be positioned 10m apart. A toilet extract system, incorporating a twin toilet extract fan will be located internally in the plantroom, to exhaust air from all communal toilets cubicles located in the main office. This is to ensure adequate extract air is provided in accordance with the Building Regulations Part F. The toilet extract air shall be discharged externally via an exhaust louvre located 10m apart from the AHU intake louvre.

7.123 The proposal is considered acceptable in terms of air quality matters and to therefore comply with relevant sections of the NPPF and policy NE08.

### **(7) Flood Risk and Sustainable Drainage**

7.124 Policy NE09 requires new development to avoid areas of flood risk by applying the Sequential and, where necessary, the Exception Tests in accordance with national policy and guidance. The policy requires a site-specific Flood Risk Assessment (FRA) to be submitted which assesses all sources of flooding. It should demonstrate how flood risk will be managed over the development's lifetime, taking climate change into account.

7.125 Policy BE05 requires all developments to incorporate appropriate Sustainable Drainage Systems (SuDS) for the disposal of surface water, to avoid any increase in surface water flood risk or adverse impact on water quality. The policy requires greenfield developments, major development and all development within a Critical Drainage Area must achieve a greenfield runoff rate. Where it is demonstrated that this is not possible on brownfield developments then a runoff reduction of 50% minimum should be achieved.

7.126 Applicants are required to submit a surface water Drainage Strategy and a Flood Risk Assessment for all major development such as this. SuDs will be required to meet the following design criteria:

- a) The design must follow an index-based approach when managing water quality. Implementation in line with the updated CIRIA SuDS Manual18 is required. Source control techniques such as green roofs, permeable paving and swales should be used so that rainfall runoff in events up to 5mm does not leave the site.
- b) SuDS should be sensitively designed and integrated into the Green and Blue infrastructure.
- c) Maximise opportunities to enhance biodiversity net-gain.
- d) Improve the quality of water discharges and be used in conjunction with water use efficiency measures.
- e) Function effectively over the lifetime of the development.
- f) The preferred hierarchy of managing surface water drainage from any development is through infiltration measures, secondly attenuation and discharge to watercourses, and if these cannot be met, through discharge to surface water only sewers; and



- g) Have regard to Essex County Council SuDS Design Guide 2020, or as amended.

- 7.127 Paragraph 167 and footnote 55 of the NPPF outlines that a site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1; accordingly, a Flood Risk Assessment (FRA) has been submitted with the application.
- 7.128 In accordance with the NPPF, commercial development is classified as “less vulnerable” development and is suitable within Flood Zone 1. The FRA identifies the existing risks from the different forms of flooding identified in NPPF. The current flood risk to the site from fluvial and tidal, surface water flooding, sewer flooding, groundwater flooding is considered to be low, as stated in the FRA.
- 7.129 The EA Flood Risk from Reservoirs mapping indicates that the site is not at risk from flooding from artificial sources (such as canals or storage features such as ponds or reservoirs). The proposed development site is not located within a Critical Drainage Area (CDA).

#### Drainage Strategy

- 7.130 The drainage strategy for the proposal is as follows:
- a) Restrict discharge rate at greenfield flow matching runoff rate i.e. greenfield rate for 1 in 1 year, 1 in 30 year and 1 in 100 year respectively
  - b) Discharge will be made into the ordinary watercourse, subject to approval from the Lead Local Flood Authority (LLFA).
  - c) Surface water sewers shall be designed to a 1 in 30 year no flooding standard in accordance with BS EN 752: 2017. There will be no flooding of buildings or off-site areas during a 1 in 100 year return period storm event including climate change allowance.
  - d) An increase of 40% in rainfall intensity to account for the effects of climate change; and
  - e) The surface water attenuation will be designed to store the critical 100 year return period storm event including an allowance for climate change.
- 7.131 The proposal includes reprofiling work of the existing ordinary watercourse running east-west through the site to create a central amenity space. The reprofiling involves creating a cascading pond system. The reprofiling work would significantly improve the water quality, ecology, biodiversity and

landscaping of the watercourse (which is currently in poor condition and overgrown with vegetation).

- 7.132 The proposal would provide a significant improvement of existing run off rates as indicated in the table below in the FRA.

**Table 6: Existing Runoff Rate for 30 minute Rainfall Events**

Rainfall Event, year	Existing Discharge Rate, l/s	Proposed Discharge Rate, l/s	Betterment, %
1 in 1	833.63	76	90.88
1 in 30	2,063.18	189	90.84
1 in 100	2,700.49	260	90.37

#### Attenuation

- 7.133 Regarding run off rates and attenuation of the proposed adoptable roads by ECC, runoff water generated from the northern section of roads will be discharged into the ordinary watercourse at greenfield runoff rate. Attenuation for these roads will be provided by an attenuation pond adjacent to the ordinary watercourse. Runoff from the southern part of the roads will be attenuated via a swale along the road before discharging into an existing ditch serving the B186 at greenfield rate.
- 7.134 Maintenance of SUDS will be managed by the site management company.

#### Sewerage connections

- 7.135 With regard to sewerage connections, the site is currently served by a private waste treatment plant and balancing pond located at the northwest corner of the site. The proposal is to remove the treatment plant and balancing pond and provide foul water network from the site to the nearest Anglian Water foul water network to the 600mm diameter sewer at manhole 6101 in St Marys Lane. Anglian Water has confirmed that this connection is acceptable. The proposal will improve the existing sewage removal situation by removing the discharge of treated effluent into the watercourse.

- 7.136 To conclude, the FRA confirms that the risk of fluvial and Tidal flooding, surface water, sewer flooding, ground water flooding, artificial sources of flood risk to the site post development work would remain low. The proposal will not increase the risk of flooding to the site or surrounding areas and will not lead to an increase in flood risk from any source, in accordance with Brentwood Local Plan Policies BE05 and NE09 and the NPPF.
- 7.137 The ES states the following with regard to the flood risk effects of the proposed development.

#### Demolition and Construction Effects

- a) Through the implementation of standard mitigation measures the likely residual effects would be reduced to negligible effect for both shallow and deep groundwater.
- b) There is the potential for suspended sediments, leaks and spillages from fuels and oils, hazardous and general waste and particles from concrete and cement products to contaminate groundwater and surface waters. However, through effective management, it is considered that the likely residual effects are negligible.
- c) Although a number of potential impacts to identified water resource receptors have been acknowledged throughout the demolition and construction phase, the application of standard environmental management controls throughout these works would avoid likely adverse effects to water resources arising and are assessed to be negligible.

#### Completed and Operational Effects

- d) The incorporation of standard environmental management controls and mitigation embedded into the design of the proposal will avoid the potential for adverse impacts to water resources and as such, the likely residual effects are considered to be negligible.
- e) Incorporation of SuDS will provide improvements to the existing Ordinary Watercourse and River Mardyke, further reducing the risk of surface water flooding and help enhance ecology and biodiversity. Therefore, the effects

on surface water and biodiversity flooding from the completed proposal are predicted to be minor beneficial

- 7.138 The proposed development is, as such, considered acceptable in terms of flood risk and drainage, and to comply with relevant paragraphs of the NPPF and policies NE09 and BE05.

### **(8) Noise**

- 7.139 Paragraph 174 of the NPPF seeks to prevent development from contributing to unacceptable levels of noise pollution. Similarly, paragraph 185 of the NPPF requires management of noise levels from new development to avoid giving rise to adverse impacts on health and the quality of life. Local Plan Policy BE14 also requires proposals to mitigate the impact of noise from all sources.
- 7.140 The ES considers noise and vibration impacts of the proposal during the construction and operational phases. The nearest noise sensitive receptors are residents on Warley Street and Codham Hall Farm Lane.
- 7.141 The ES notes that the noise and vibration impacts during the development's construction phase will have a **temporary minor adverse effect** (even if a 'worst-case' scenario is considered meaning that construction traffic includes transporting excess excavated material of the site). The development is accompanied by a CEMP setting how construction traffic will be managed to minimise impacts. The ES notes that the predicted changes in road traffic noise is likely to give rise to **minor temporary adverse effects** to receptors to the east of the site. Based on the distance from receptors to road links and the existing noise levels of the surrounding road network (which is heavily trafficked), it is unlikely that receptors will experience the full changes predicted. At other receptors in the vicinity of the site, the increase in operational road traffic would be of negligible significance. All noise generating plant will comply with the Council's noise limits as set out in BS 4142.
- 7.142 Embedded mitigation measures during construction include noise screening around the site and a Section 61 notice to confirm working hours during construction to limit noise. A Construction Traffic Management Plan will also mitigate the noise impacts from construction traffic. During operation embedded mitigation measures include noise limits for operational plant.

- 7.143 Before the implementation of additional mitigation measures during construction, there are minor adverse (non-significant) effects anticipated with respect to construction noise impacts on existing residential and non-residential receptors within 75m of the site. Furthermore, there is a minor adverse (not significant) effect on construction vibration on residential and non-residential receptors within 25m of the Site. All other anticipated effects are considered negligible
- 7.144 During operation, there is a minor adverse effect anticipated due to operational traffic impacts on existing residential receptors to the east of the site. All other effects are anticipated to be negligible. As currently there is no detailed information on the proposed noise generating plant to be used on site once operational, the Council will require the site to comply with noise limits as set out in BS 4142, and a planning condition is attached to this effect. It is assumed that sufficient embedded mitigation is employed so that the limits are complied with. No likely significant effects are likely to occur if these limits are complied with.
- 7.145 After the implementation of additional mitigation measures, there are no significant residual effects during the construction or operational phases. A cumulative assessment concluded that there are no significant adverse or beneficial cumulative effects anticipated.
- 7.146 The proposal is therefore considered acceptable in terms of noise and to comply with relevant paragraphs of the NPPF and policy BE14.

### **(9) Sustainability and Energy**

- 7.147 Policy BE01 requires at least a 10% reduction in carbon dioxide emissions above Part L Regulations, and a minimum of 10% of the predicted energy needs of the development from renewable energy. It also requires an 'Excellent' rating under BREEAM New Construction, and to achieve at least 10% reduction in Carbon above Part L.
- 7.148 Policy BE03 requires consideration of the most appropriate approach for building energy systems to supply energy efficiently and reduce CO2 emissions. Part c of Policy BE03 states that development proposals should select energy systems in accordance with the following heat hierarchy:

- a) Connection to existing Combined Heat and Power (CHP)/ Combined Cooling, Heat and Power (CCHP) distribution networks
- b) Site-wide renewable CHP/CCHP
- c) Site-wide gas-fire CHP/CCHP
- d) Site-wide renewable community heating/cooling
- e) Site-wide gas-fired community heating/cooling
- f) Individual building renewable heating

7.149 Policy BE04 requires proposals to minimise internal heat gain and the risks of overheating through design, layout, building orientation and use of appropriate materials. Major development proposals are required to demonstrate how they will reduce the potential for overheating and reliance on air conditioning systems by (a) minimising internal heat generation through energy efficient design (b) reducing the amount of heat entering a building through orientation, shading, albedo, fenestration, insulation and the provision of green roofs and walls (c) managing the heat within the building through exposed internal thermal mass and high ceilings (d) maximising passive ventilation; and (e) where necessary, providing mechanical ventilation and active cooling systems

#### Energy strategy

7.150 The Energy Strategy for the proposed development improves upon the Building Regulations Part L 2021 baseline and achieves the minimum 4 credits required for a BREEAM (New Construction 2018) Excellent rating under the Ene 01 credit issue, as required by part b of Policy BE01. This is shown in table below extracted from the applicant's Energy Statement.

UNIT	PART L 2021 ENGLAND - TARGET EMISSION RATE (TER) KGCO2/M2	PART L 2021 ENGLAND - BUILDING EMISSION RATE (BER) KGCO2/M2	% CO2 SAVING	% OF ENERGY DEMAND BY RENEWABLES	BREEAM ENE 01 COMPLIANCE
Unit 1	1.13	-0.08	107.08%	99.41%	Yes
Unit 2	1.2	-0.1	108.33%	102.37%	Yes
Unit 3	1.81	-0.15	108.29%	97.52%	Yes
Unit 4	1.41	-0.13	109.22%	100.26%	Yes

7.151 The passive and active design measures incorporated in the Energy Strategy are detailed below.

7.152 The proposal incorporates the following passive design measures:

- a) Efficient building envelope with enhanced U-values beyond the Part L 2021 England limiting values
- b) Enhanced air permeability to reduce heating demand in the winter months.
- c) Glazed façades throughout to provide natural daylighting and reduce reliance on artificial lighting.
- d) Balanced g-value for translucent elements to ensure optimised internal conditions in the winter and summer months

7.153 The proposal incorporates the following active design measures:

- a) High efficiency mechanical ventilation heat recovery (MVHR) systems to serve office areas.
- b) High efficiency LED lighting reduces electrical consumption and heat gains from lighting.
- c) Passive infrared (PIR) presence detection and daylight dimming control for lighting within the office core and warehouse space.

#### Overheating risk

- 7.154 To reduce the risk of overheating in accordance with Policy BE04, the following measures have been considered as part of the design:
- a) Energy efficient design to minimise internal heat gain generation.
  - b) Careful building and fabric design to reduce heat entering the building.
  - c) In mechanically ventilated areas, the ventilation strategy will allow for a summer bypass function to mitigate the impact of excess heat recirculation in summer months.
- 7.155 As demonstrated in the Energy Statement, the community and communal energy networks options are not considered to be most efficient or economical for the development. The preferred space heating and Domestic Hot Water (DHW) design options are therefore zonal and local level systems, as follows: Space heating; Offices - Air source heat pumps (ASHP); Ancillary area (WC's, shower, changing etc.)- Electric panel heaters; Warehouse- Unheated Domestic hot water; Electric DHW throughout the proposed development except rooms with showers; Rooms with showers - Instantaneous electric HWS.
- 7.156 The Energy Strategy confirms that should the possibility of connection to a suitable community or site wide energy system arise in future, the proposed development has sufficient plant, riser and access space to accommodate this.

#### Low and zero carbon technologies

- 7.157 The most suitable technologies were found to be photovoltaic (PV) panels for generation of partial power of the building and Air Source Heat Pumps (ASHPs) to provide heating and cooling to the office areas of the proposed units.
- 7.158 In accordance with Policy BE01, the proposal achieves at least a 10% reduction in CO2 emissions above Part L Regulations (see table below) and a minimum of 10% of the predicted energy needs of the development from renewable energy achieved through PV and ASHPs. The development significantly exceeds the policy requirements of BE1, with over 97% of the energy use of the proposed industrial units being provided by on-site renewables, as confirmed in table below. Carbon reduction is also over 107%, with flexibility to add more PV during the tenant fit-out works, giving opportunity for further carbon reduction.



UNIT	PART L 2021 ENGLAND - TARGET EMISSION RATE (TER) KGCO2/M2	PART L 2021 ENGLAND - BUILDING EMISSION RATE (BER) KGCO2/M2	% CO2 SAVING	% OF ENERGY DEMAND BY RENEWABLES	BREEAM ENE 01 COMPLIANCE
Unit 1	1.13	-0.08	107.08%	99.41%	Yes
Unit 2	1.2	-0.1	108.33%	102.37%	Yes
Unit 3	1.81	-0.15	108.29%	97.52%	Yes
Unit 4	1.41	-0.13	109.22%	100.26%	Yes

*Table 4 – Building Regulations Part L 2021 England and BREEAM performance*

7.159 In summary, the proposal includes several energy and sustainability measures to ensure that it is sustainable in its design, construction and operation:

- a) commitment to achieve BREEAM Excellent
- b) Minimum A+ Rated EPC
- c) 20% of the total car parking provision for each unit will benefit from Electric Vehicle (EV) charging points
- d) The treated areas of the building will have improvement in fabric performance including 'Air Permeability' as low as 1.75m<sup>3</sup> /hr/m<sup>2</sup> @ 50pa
- e) LED Luminaires exceeding the minimum efficacy required by the Building Regulations
- f) Minimum 107% carbon reduction through the installation of PV systems and ASHP.
- g) At least 97% of energy used by the end user to derive from on-site generation.
- h) Industry-leading 'cradle-to-gate' CO<sub>2</sub> emissions ahead of RIBA 2030 benchmarks.
- i) Considerate Constructors Partnered scheme

- 7.160 The ES considers both how the proposed development can mitigate its effect on climate change by reducing carbon/GHG emissions throughout its life cycle, and how it can be affected by (and adapt to) a changing climate over its life cycle. The net emissions from the Site are likely to be minor, however for the purposes of this assessment, a zeroemission baseline has been adopted. 14.12.3 A range of embedded mitigation measures have been incorporated in the Proposed Development to minimise GHG emissions, appropriate to the scale and opportunities associated with the project.
- 7.161 The residual effects following the incorporation of mitigation measures are considered **moderate adverse and significant effect** against local Carbon Budgets during the construction phase, and a **minor adverse (significant)** effect during the operation of the proposal.
- 7.162 The proposal is therefore evidently a highly sustainable form of development that will comply with, and in the case of renewable energy requirements, significantly exceed the Council's policy requirements. The proposal therefore complies with policies BE01, BE03 and BE04 of the Brentwood Local Plan.

### **(10) Health**

- 7.163 Section 8 of the NPPF promotes the importance of creating healthy communities and ensuring that places are safe, inclusive and accessible to encourage health and wellbeing. Similarly, Policy MG04 requires schemes such as this (non-residential developments of 1,000sqm) to submit a Health Impact Assessment (HIA) to assess their impacts on health and well-being and the promotion of health. The policy requires the HIA to be prepared in accordance with the advice and best practice as published by Public Health England and locally through the EPOA HIA Guidance Note, using the most up to date guidance. The purpose of the HIA is to identify opportunities of positive health impacts and potential negative impacts and how they might be mitigated. Where significant impacts are identified, planning permission will be refused unless reasonable mitigation or planning controls can be secured.
- 7.164 A HIA accompanies the application and assesses the potential health impacts of the development, including how the scheme can encourage healthier lifestyles. Appended to the Health Impact Assessment is the completed Essex Planning Officers Association ('EPOA') Health Impact Assessment Questionnaire and Active Design Principles Checklist. The HIA concludes that the proposal will have a positive impact upon public health within the area and

that it will align with Public Health England's Active Design Principles, which seek to provide schemes that support and encourage active lifestyles. It will also positively contribute to the economy of Brentwood through the creation of commercial floorspace and jobs, by creating 2,370 gross direct FTE's, equivalent to 2,660 jobs when accounting for part-time working patterns. The development will also provide local opportunities for training, including apprentices. Furthermore, workers at, and created by, the development spending £6.9 million in the local area per year. Features of the scheme, such as the Fitness Trail, 'well' gardens' including outdoor meeting areas, provision of open space and an emphasis on active travel demonstrates how the scheme has been designed to promote physical activity and social cohesivity. The development will also contribute towards crime reduction through adopting secure by design principles, and will deliver a highly sustainable work place, targeting BREEAM Excellent.

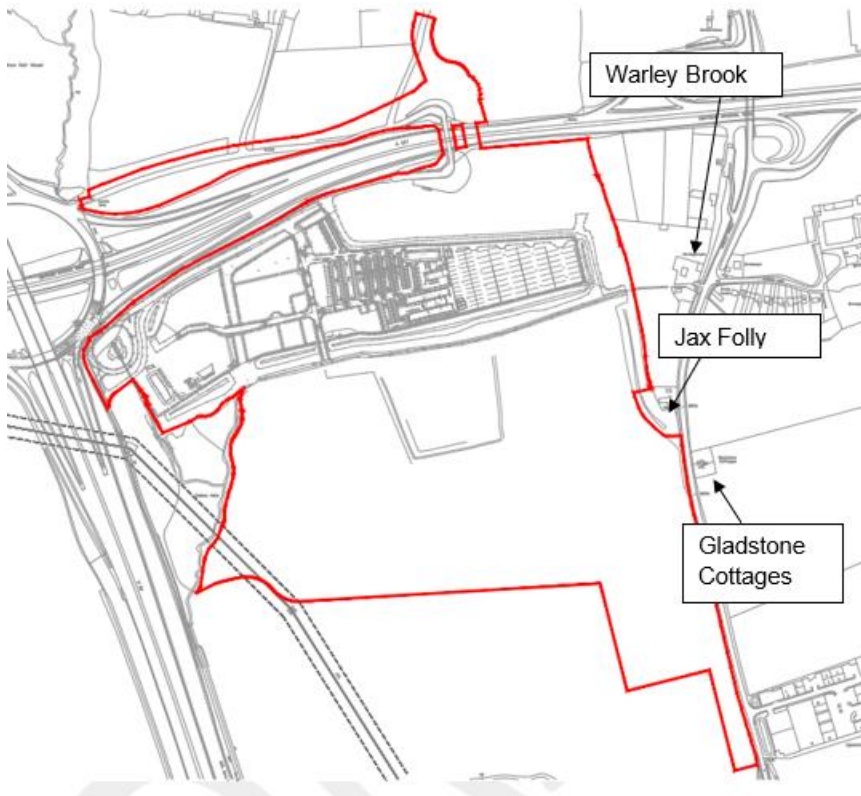
- 7.165 With regard to food provision, no extra facilities are currently proposed to be provided on site, such as food vendors and/or commercial amenities, but this may change as the development progresses and end users become known. It is likely that future tenants may provide canteens/kitchens for their employees as part of their fit-out works. In addition to this, kitchens will also be provided in the office floorspace and the transport offices.
- 7.166 As such, the proposal supports social connectivity and healthy principles through its open spaces, collaborative areas and active travel measures. It aligns with Public Health England's Active Design Principles, which are linked to creating developments that encourage and support active lifestyles. As such, the scheme is in accordance with paragraph 92 of the NPPF, Brentwood Local Plan (2005) and Local Plan MG04.

### **(11) Residential Amenity**

- 7.167 The proposal is considered to preserve the amenity of nearby residential properties in accordance with policy BE14. More specifically, policy BE14 requires proposals to meet high design standards and deliver safe, inclusive, attractive and accessible places. Proposals should avoid unacceptable overlooking or loss of privacy and safeguard the living conditions of future occupants of the development and adjacent residents.
- 7.168 The nearest residential properties to the application site are shown in the map extract below. As demonstrated on the map, the nearest residential properties

are located to the east of the site on Warley Street, and are known as Jax Folly, Warley Brook and Gladstone Cottages. The site is not located to any residential properties to the north, south or west.

7.169 The applicant has provided section drawings confirming the separation distances between nearby residential properties to the east and the application site, and the LVIA also assesses the impact of the proposal on these nearby residential properties.



Impact of the proposal on Gladstone Cottages:

7.170 The section drawings (see extract below) confirm that application site boundary will be 18m from Gladstone Cottages, and the nearest proposed building (Unit 1) to Gladstone Cottages will be 177m from the site boundary.

7.171 The LVIA notes that Gladstone Cottages are located to the east of Warley Street on the crest of the southern ridge. Given their proximity to the site and elevated position, the LVIA confirms that long views of the site are likely. The LVIA confirms that views are likely from upper windows over and above the roadside hedgerows along Warley Street. Views from lower floor windows are generally obscured by the roadside plantings. According to the LVIA, the proposed enhancement of the eastern boundary with woodland tree belt plantings will provide increased screening which would help filter views of the development. As the landscape proposals mature, Gladstone Cottages will become more enclosed, leading to a greater appreciation of separation from the proposed development.



7.172 Impact of the proposal on Jax Folly: The section drawings (see extract below) confirm that the site boundary will be 40m from Jax Folly, and the nearest proposed building (Unit 1) to Jax Folly will be 148m from the site boundary.

7.173 The LVIA accompanying the application notes that Jax Folly will have direct views of the site from the upper rear windows of the property. The LVIA notes that existing buffer planting between the rear of the house and the site provides some separation and enclosure to Jax Folly. According to the LVIA, proposed bunding and screen planting to the rear of Jax Folly within the site would reinforce this screening and obscure views from within the rear garden but oblique views over the site from upper windows are still likely to remain.



7.174 Impact of the proposal on Warley Brook: The section drawings (see extract below) confirm that the site boundary will be 69m from Warley Brook, and the nearest proposed building (Unit 4) to Warley Brook will be 115m from the site boundary, as demonstrated in the section drawing below.

7.175 The LVIA confirms that residential properties to the north of Jax Folly on Warley Street (including Warley Brook) are generally single storey properties, nestled within existing mature boundary vegetation which helps to obscure and filter direct views of the site.



7.176 Given the separation distances referred to above between the application site and nearby residential properties, the proposal is not considered to affect the privacy levels or outlook enjoyed by nearby residential properties. The presence of the road (Warley Street) itself provides a further buffer between the site and nearby residential properties, and proposed landscaping on the site boundaries will provide a further screen, over time, to the site to reduce any privacy loss, loss of light or outlook/sense of enclosure impact.

7.177 Furthermore, as confirmed in the LVIA, despite the overall rural outlook, there are numerous urbanising detracting features across the landscape, including numerous commercial sheds such as those at Codham Hall, Childerditch and those along Little Warley Hall Lane. Contained within these views are numerous incongruous elements, such as the M25, the A127, pylon runs, and urban areas such as Cranham and Upminster. The site therefore sits within an urban context, and any impact on outlook/sense of enclosure to nearby residential properties should be considered against this backdrop. The LVIA also confirms that as the landscape proposals mature, the site would become more enclosed, leading to a greater appreciation of separation between the site and its surroundings. The proposal will therefore safeguard the living conditions of future occupants of the development and adjacent residents.

7.178 With regard to noise, whilst the ES notes that the additional traffic generated would have a moderate adverse effect on the amenity and wellbeing for those people living or working in properties adjacent to the B186 Warley Street between the proposed site access and the Warley Interchange, this is considered acceptable on balance when considering the publicly accessible

landscaping, open space, fitness routes and public transport improvements that the local community will have access to.

- 7.179 The proposal will not significantly affect the living conditions of nearby residents in terms of air, noise, vibration, and light pollution as indicated in the accompanying technical documents and the ES. Mitigation measures are introduced in terms of impact of air, noise, vibration and light pollution from internal and external sources as far as possible.
- 7.180 A planning condition regarding working hours is recommended to limit noise and a condition regarding noise mitigation to avoid causing disturbance to the nearest noise sensitive receptors is recommended, as per the Council's Environmental Health and Enforcement manager's advice and AECOM's Review Report.

### **(11) Ground Conditions and Contamination**

- 7.181 Part a) of paragraph 183 of the NPPF requires the ground conditions and any risks arising from land instability and contamination to be considered. Policy NE07 requires applicants proposing development on or near known or potentially contaminated land to submit a detailed site characterisation and tiered risk assessment and to identify any remedial measures that need to be carried out.
- 7.182 A Preliminary Geo Environmental Risk Assessment accompanies the planning application which concludes that there is a 'low to moderate' risk that human health could be exposed to contaminated soils during demolition and construction activity alongside a 'low to moderate' risk that controlled water receptors could be impacted by past and present activities. There is a 'low' risk that flora and fauna could be affected by locally contaminated soils related to current and previous activities. The report recommends completion of a ground investigation to establish actual ground conditions, including the presence and nature of contaminants, presence and nature of ground gases, and the geotechnical properties of the ground. The applicant has provided a Ground Investigation Interpretative Report (July 2023) by HDR Bradbrook Consulting to this effect.
- 7.183 The Ground Investigation Interpretative Report (July 2023) by HDR Bradbrook Consulting presents the findings of ground investigations undertaken at the site undertaken by Ian Farmer Associates under the supervision of HDR (on plot).

The report assesses the potential ground contamination risks in the context of the proposed development. The report notes that:

- a) The site surfacing was found to be variable, consisting of a mix of Asphalt hard standing, Topsoil, Made Ground, Natural geology comprising Head Deposits, London Clay was encountered beneath the Head Deposits and Made Ground some locations.
- b) Laboratory analysis of 61 soil samples provided no evidence of chemical contamination. The soil samples were tested for the presence of asbestos containing materials and all reported a result of 'Not Detected'.
- c) Laboratory analysis of 11 groundwater samples largely provided no evidence of chemical contamination. However, in some of the samples within the tenanted areas there were a number of exceedances of the GAC for Benzo[a]pyrene and Total TPH. These concentrations were not especially high and occurred within the made ground or within the London Clay at depths of over 7m bgl. Soil samples from these locations do not indicate any evidence of TPH or Benzo[a]pyrene contamination respectively.
- d) Monitoring for ground gases recorded no elevated concentrations of hazardous gases, this combined with a low flow rate (0.3l/h) indicates there should be no requirement for ground gas protection for the proposed development.
- e) Standard penetration testing indicated variable soil stiffness across strata, however results within the London Clay where much of the development is anticipated to be founded suggest use of traditional pad foundations and ground bearing floor slabs would be suitable for the proposed development, if designed to a net allowable bearing capacity of 150kPa.

7.184 The ES submitted with the application considers these aspects and the impact that the proposal would have upon ground conditions during the construction and operational phases. It considers human health receptors, namely construction workers, future site occupants and adjacent site occupants; and controlled water receptors, namely the on-site ordinary watercourses, the offsite River Mardyke and the underlying Secondary aquifer. It confirms that mitigation is provided through the CEMP at construction stage, and through a Phase 2 Site Investigation and Remediation Strategy, gas/vapour protection, imported



topsoil and pollution control systems at operational stage. The ES concludes that, following the implementation of these mitigation measures, there are no significant residual effects expected during the construction and operational phases.

- 7.185 The proposed development is therefore considered acceptable and in accordance with part a) of paragraph 183 of the NPPF and policy NE07.

## **(12) Lighting Strategy**

- 7.186 Policy NE11 permits proposals involving floodlighting or any other means of illumination where the lighting scheme is appropriate for the intended use and has been appropriately designed to prevent light spillage, is energy efficient, provides the minimum level of light necessary to achieve its purpose and will not be harmful to nocturnal wildlife or human health. It should also not impact unacceptably on the night sky or create unacceptable sky glow. It should also ensure the appearance and design of the installation when unlit is sympathetic to the character and design of the development, and will, when lit, have no unacceptable adverse effect on visual amenity, highway safety, landscape or the historic character of the area.
- 7.187 The application is accompanied by a Lighting Strategy for both the proposed buildings and highways infrastructure. The strategy has been prepared in accordance with the current Design Standard for Exterior Lighting in conjunction with BS 5489-1:2020, BS EN 12464-2:2014, CIBSE LG6 -The Outdoor Environment and BREEAM 'Excellent' requirements.
- 7.188 The strategy confirms that luminaires have been selected to reduce spill light and glare, and prevent sky glow. Glare has been kept to a minimum by ensuring that the main beam angle of all the luminaires directed towards any potential observer is not more than 70 degrees. Mounting heights and chosen luminaires ensure that greater spacing between luminaires is achieved thus reducing the number of overall lighting points and also reducing the spill and glare.
- 7.189 Full cut-off luminaires, horizontal, "flat" floodlights and LED modules that are housed in the luminaires canopy have been generally selected, which can be found in locations such as this next to ancient woodland. Measures such as the use of backshields and low-level luminaires to limit spill to woodland areas to virtually nil. In targeted areas to reduce light spill, additional controls have been

proposed to local fittings in the form of PIR detection linked to dimmable fittings which shall dim output to safe levels when no presence is detected.

- 7.190 With the proposed luminaires being strategically placed and having zero or minimal Upward Light Ratio (ULR), the proposed lighting solution meets the criteria of environmental zone E3, Lighting Environment classification of Medium District Brightness and Upward Light Ratio of Luminaires
- 7.191 The proposed lighting solution has been carefully designed to meet operational and security requirements of the proposal whilst ensuring that the surrounding environment, ecology and nearby properties are protected through the use of rear light spill guards.
- 7.192 The proposed lighting strategy is therefore considered acceptable in light of the requirements of policy NE11. A planning condition is included to review primarily lighting on highways.

### **(13) Highways and Transport**

- 7.193 The NPPF seeks to promote sustainable transport modes and to ensure that any significant impacts from the proposal on the transport network (in terms of capacity and congestion), or on highway safety, be mitigated. Paragraph 111 notes 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.
- 7.194 Paragraph 103 states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. Paragraph 108 states that in assessing applications for development it should be ensured that appropriate opportunities to promote sustainable travel modes can be – or have been – taken up given the type of development and its location, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. 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 residual cumulative impacts on the road network would be severe.

7.195 At the local level, Policy BE09 requires sustainable modes of transport to be prioritised in new developments to promote accessibility and integration with the wider community and existing networks. Development proposals should provide the following sustainable measures as appropriate:

- a) Pedestrian, cycle, public transport and where appropriate, bridleway connections within development sites and to the wider area.
- b) the creation of safe, secure, well connected and attractive layouts which minimise the conflicts between traffic, cyclists and pedestrians, and allow good accessibility for passenger transport.
- c) the provision of community transport measures promoting carpools, car sharing, voluntary community buses, cycle schemes.
- d) safeguarding existing and proposed routes for walking, cycling, and public transport
- e) any development requiring a new road or road access, walking and cycling facilities and public transport, will be required to have regard to the adopted Essex County Council's Development Management Policies or successor documents.

7.196 Policy BE11 states all development proposals should maximise the opportunity to use electric and low emission vehicles and maximise the provision of electric vehicle charging / plug-in points and/or the space and infrastructure required to provide them in the future. In addition, policy BE12 states that developments should not have an unacceptable impact on the transport network in terms of highway safety, capacity and congestion. Finally, with regard to parking standards, policy BE13 states that proposals must take account of the Essex Parking Standards – Design and Good Practice (2009), or as subsequently amended. Proposals which make provision below these standards should be supported by evidence detailing the local circumstances that justify deviation from the standard.

7.197 The planning application is accompanied by a Transport Assessment (TA) dated March 2022, a Transport Assessment Addendum dated March 2023 and a Framework Travel Plan dated February 2022. The TA evaluated the transport related impacts of the proposed development at the anticipated opening year of 2026. The TA Addendum evaluated the transport related impacts of the proposal in a cumulative situation, including with the Lower Thames Crossing, at the end of the current Brentwood Local Plan period in 2033, both with and without the potential M25 junction 29 to Warley Interchange link road. It was not

possible to undertake this assessment when the TA was prepared in support of the planning application for the BEP because forecast traffic flows associated with LTC were not in the public domain at that time.

7.198 The proposed development will deliver off-site capacity and road safety improvements as follows:

- a) Improvements at M25 junction 29 (as part of the s278 works) consisting of:
  - i. Flaring of all the slip roads approaching the roundabout to provide additional lanes
  - ii. Introduction of traffic signal control at the junctions of the M25 northbound off-slip and A127 eastbound off-slip with the roundabout
  - iii. Provision of three traffic lanes on the roundabout
  - iv. Closure of the existing site access off the south-east quadrant of the roundabout
  - v. Upgrading of the Codham Hall Farm access road, including conversion to one-way eastbound away from junction 29, to form the access to the proposed development, and
  - vi. Introduction of signal-controlled shared-use pedestrian and cyclist crossings around the north side of the roundabout with associated shared-use paths.
  
- b) New roundabout on Codham Hall Lane connecting to a new road bridge over the A127 to provide access for the proposed development.
  
- c) Improvements to Warley interchange (as part of the s278 works) consisting of:
  - i. A new road bridge over the A127 parallel to the existing bridge to provide two lanes in both directions between the B186 Warley Street junctions with the A127 slip roads;
  - ii. Introduction of traffic signal control at the two junctions of the B186 Warley Street with the A127 slip roads, incorporating shared-use pedestrian and cyclist crossings; an
  - iii. Introduction of a shared-use pedestrian and cyclist path along the west side of the B186 Warley Street over the A127

7.199 It should be noted that the existing arrangement of the Warley Interchange is not compliant with current highway design standards because of its very compact layout, with particularly short slip roads that have very tight bends. At the Warley Interchange, the proposed development is forecast to increase the

overall traffic demand by up to 36% during the PM peak hour. However, the off-site improvement works in combination with the proposed access arrangements, will provide more than sufficient additional traffic capacity to accommodate the traffic generated by BEP.

- a) New signal-controlled vehicular site access off the B186.
- b) Reduction to 40mph of the current National speed limit (60mph) on the B186 Warley Street south of the Church Lane, subject to approval of the Traffic Regulation Order (TRO) that can only be sought following planning permission for the proposed development being granted.
- c) Other off-site sustainable transport improvements include:
  - i. A segregated shared-use pedestrian and cycling path alongside the B186 between the BEP and the north side of Warley Interchange.
  - ii. Conversion of the existing accommodation bridge over the A127 to a dedicated non-motorised user (NMU) route.
  - iii. Direct pedestrian and cyclist connections between the existing shared use pedestrian/cycle paths along both sides of the A127 and both the BEP and the dedicated NMU bridge over the A127.
  - iv. A new shared-use pedestrian/cyclist path alongside Codham Hall Lane connecting the dedicated NMU bridge over the A127 to the new signalised pedestrian and cyclist crossings around the north side of M25 junction 29.
  - v. A new signal-controlled pedestrian, cyclist and equestrian crossing across Codham Hall Lane.
  - vi. Improved bus stops on the B186 south of Church Lane with new shelters, flags and poles, real time passenger information displays and raised kerbs.

### *Traffic impact*

- 7.200 The accompanying Transport Assessment (TA) sets out the likely trip generation and distribution for the proposal, stating that in terms of vehicular trips, 1,378 inbound and 1,378 outbound vehicular trips would be made daily in connection with the proposal. However, vehicle trip generation is likely to be a lot lower, particularly during the morning and evening peak periods. The non-vehicular trip generation rates (walking) are likely to amount to 211 inbound and 211 outbound trips daily.

- 7.201 The proposal is likely to increase the overall traffic demand at M25 junction 29 by up to 9% during peak periods, and at Warley Interchange by up to 36%, when compared to the Do-minimum scenario. However, the proposal will also deliver improvements to both M25 junction 29 and the B186 / Warley Interchange as part of the proposed off-site s278 works. As confirmed in the TA, the proposed off-site highway improvements, in combination with the proposed vehicular access arrangements, provides more than sufficient additional traffic capacity to accommodate the extra traffic forecast to be generated by the proposal. The TA further notes that with the proposed highway improvements, performance will be considerably better with the development compared to the 'do-minimum' scenario without it.
- 7.202 The TA states that the operational traffic flow on the B186 Warley Street between the proposed site access and the Warley Interchange is forecast to increase by up to 71% due to the development. However, once off-site highway improvements have been implemented, including the introduction of signal-controlled non-motorised user crossings across the B186 at the Warley Interchange and a new shared-use path along the west side of the B186, in addition to speed restrictions, will mitigate the impacts of the additional traffic generated by the scheme.
- 7.203 The forecast changes in traffic flow due to the BEP are presented in Table 6.8 of the TA (see below).

**Table 6.8 - Forecast changes in traffic flows**

Road	AM peak hour		PM peak hour		Daily	
	Vehs.	%	Vehs.	%	Vehs.	%
M25 north of junction 29	+110	+1.0%	+118	+1.1%	+2,546	+1.7%
M25 south of junction 29	+407	+4.1%	+432	+4.0%	+8,558	+5.8%
A127 west of junction 29	+83	+2.2%	+88	+2.5%	+1,815	+4.0%
A127 east of B186	+115	+1.6%	+122	+1.8%	+2,796	+3.2%
B186 north of A127	+59	+3.8%	+62	+4.6%	+1,230	+7.8%
B186 - A127 to site access	+382	+28.0%	+672	+46.9%	+10,914	+71.2%
B186 south of site access	+36	+2.6%	+37	+2.6%	+743	+4.8%

- 7.204 The TA Addendum accompanying the planning application confirms that the proposed off-site highway improvements to be delivered at M25 junction 29 and at the A127/B186 Warley Interchange as part of the proposed development, in

combination with LTC, will provide sufficient additional traffic capacity to accommodate the extra traffic forecast to be generated by the BEP, regardless of whether the proposed M25 junction 29 to Warley Interchange link road is implemented. The junction is forecast to operate just within theoretical capacity in 2033, accounting for cumulative forest traffic growth including general background traffic growth, changes in forecast traffic flows due to LTC, traffic forecast to be generated in 2033 by BEP and other Brentwood Local Plan proposed developments.

7.205 The additional capacity improvements that will be provided by the proposed development, above that delivered by the LTC scheme, mean that the operational performance of the road network is forecast to be better with it in 2033 compared to the 'Do-minimum' scenarios modelled in the TA Addendum without it, regardless of whether the proposed M25 junction 29 to Warley Interchange link road is implemented.

7.206 The TAA confirms that:

- a) The M25 junction 29, with the associated highway improvements in combination with LTC, is forecast to perform no worse with the proposed development than without it in 2033 regardless of whether the proposed M25 junction 29 to Warley Interchange link road is implemented.
- b) The Warley interchange, with the associated highway improvements, is forecast to perform considerably better with the proposed development compared to the 'Do-minimum' scenario without it, again regardless of whether the proposed M25 junction 29 to Warley Interchange link road is implemented.
- c) Without the Proposed Development (Do-minimum scenario), the Warley Interchange is forecast to be operating significantly over capacity in 2033, with queuing on the westbound off-slip extending back onto the A127 during the AM peak hour. This will not only cause substantial traffic congestion and delay on the A127 but will also create a road safety hazard. The proposed improvements to Warley Interchange that will be delivered with the BEP is forecast to remove this problem.

7.207 Consequently, traffic congestion and delay on the road network in 2033 is forecast to be less overall with the proposed development and associated highway improvements than it would be without it. Thus, the proposed

development is anticipated to have a minor beneficial effect on traffic congestion and delay for the travelling public in 2033.

- 7.208 The additional legacy highway improvements that will have been delivered by the BEP, in addition those delivered by LTC are also expected to improve road safety.
- 7.209 An assessment of the affected merges and diverges on the M25 and A127, comparing the 2033 Do-something scenarios to the 2033 Do-minimum scenario, has indicated that the required design/ type changes for only the Warley Interchange A127 westbound merge during the PM peak hour. However, the requirement to upgrade the Warley Interchange westbound merge is triggered by changes in traffic flows unrelated to the Proposed Development, since the BEP will not add any traffic to this merge and it is not, therefore, initiated by it. Furthermore, 2033 is several years after the scheduled opening date for the BEP.
- 7.210 Overall, the identified transport related effects of the proposed development in 2033 are forecast to be largely unchanged from those forecast in 2026, which is the scheduled opening year for the BEP. However, BEP with the associated highway works is forecast to result in a greater improvement in the operational performance of the road network in 2033 compared to 2026, because traffic congestion and delay in 2033 is forecast to worsen without the highway improvements that will be delivered by BEP, especially at Warley Interchange.
- 7.211 The proposal also incorporates embedded measures to reduce its traffic and transport related impacts and effects. These measures include: off-site highway improvements, Code of Construction Practice, enhanced facilities for non-motorised users, a reduction in the speed limit on the B186 Warley Street, car parking provision capped in accordance with ECC parking standards; ample secure and covered cycle parking and charging points for electric vehicles.

#### *Construction traffic*

- 7.212 The TA states that construction traffic is estimated to generate up to approximately 610 vehicle trips per day (305 inbound and 305 outbound) during the busiest months of activity, with about 45% of these being heavy goods vehicles (HGVs). The TA notes that the additional traffic forecast to be generated by construction is presumed to be distributed equally on to the M25



and A127. This is based on all excess excavated material needing to be transported off site for disposal.

- 7.213 The additional daily traffic forecast to be generated by the construction of the Proposed Development represent an increase over the 2019 baseline daily traffic flows of less than 0.5% on the M25 and A127. This is insufficient to have a material impact on the operational performance of the road network, road safety, severance or amenity for non-motorised users, or the amenity and wellbeing for those people living or working in properties adjacent to the affected road network.

#### *Workplace Travel Plan*

- 7.214 The proposal is accompanied by a Framework Workplace Travel Plan which includes a package of probable measures that will be implemented to ensure sustainable means of travel are available to all employees, to promote sustainable transport and to reduce travel by private car. The final package of site-specific measures cannot be fully determined until the tenants of the BEP and the specific commuting needs of their employees is known. Consequently, a pre-occupation Workplace Travel Plan will be developed once the BEP tenants and their specific commuting needs have been identified to ensure that the most effective and tailored measures are implemented, and will be secured by a planning condition. The pre-occupation Workforce Travel Plan will include appropriate targets for the share of workforce commuting trips to be made by sustainable modes of transport that will need to be met by the measures implemented. The effectiveness of the Workplace Travel Plan will be regularly monitored following occupation of the BEP and initiatives amended if necessary to ensure the targets for workforce commuting trips made by sustainable modes of transport are being achieved.

- 7.215 In summary, the probable initiatives proposed include:

- a) Appointment of a Travel Plan coordinator.
- b) Improved shared use/public transport services comprising additional public buses and/or demand responsive transport and/or privately operated shuttle buses connecting the proposed development to nearby stations and conurbations, including Brentwood, Upminster, West Horndon and South Ockendon.

- c) Travel information packs issued to all staff that will include information on sustainable transport options.
- d) Discount schemes and periodic events to encourage commuting by cycling and walking.
- e) Car Sharing – implement a scheme to encourage staff to share car journeys to and from the site where alternatives to car commuting are not viable, with the aim of reducing sole occupancy car journeys and thereby reducing the additional car trips
- f) Working Patterns – encouraging businesses in the development to operate flexible working patterns and have staggered shift times for staff to spread the timing of commuting trips so that they avoid the peak periods and minimise the impact of additional development generated traffic during busy times. The businesses are also likely to introduce operational practices whereby commercial and operational traffic would arrive and depart the site outside of peak periods.
- g) Electric Vehicle Parking Provision – the proposal provides electric vehicle parking provision which exceeds ECC parking standards

*Sustainable Travel – Non-motorised users (NMUs)*

7.216 The following comprehensive improvements in facilities for NMUs will be delivered by the proposal. These have been designed to provide appropriate accessibility to BEP for NMUs and connectivity with existing facilities in the vicinity, whilst recognising that the location of BEP is relatively remote from any significant settlements, so opportunities for accessing the site by NMUs are limited, especially on foot. Consequently, the proposed facilities are considered proportionate.

- a) Provision of ample covered and secure cycle parking for employees and visitors
- b) A network of shared-use pedestrian and cyclist paths provided alongside the access roads within the Proposed Development connecting all the commercial units with the non-motorised user access point into the site.

- c) A new shared-use pedestrian and cyclist path along the west side of the B186 Warley Street between the site NMU access immediately south of Jax Folly and the north side of the Warley Interchange.
- d) New signal-controlled shared-use pedestrian and cyclists crossings at Warley Interchange and around the north side of M25 junction 29.
- e) A new shared-use pedestrian and cyclist path alongside Codham Hall Lane connecting with the new crossings around the north side of M25 junction 29 and the existing public bridleway on the accommodation bridge over the A127.
- f) A new pedestrian island on the B186 near the bus stops to the south of Church Lane to assist pedestrians crossing the road at this location.
- g) Provision of a footway for the southbound bus stop on the B186 to the south of Church Lane.
- h) Conversion of the existing accommodation bridge over the A127, that carries the existing public bridleway, to a dedicated NMU bridge.
- i) A new shared-use pedestrian and cyclist path connecting the existing public bridleway and the BEP to the existing shared-use path along the south side of the A127.
- j) A new signal-controlled NMU (pedestrian, cyclist and equestrian) crossing across Codham Hall Lane to maintain continuity of the existing public bridleway across it.
- k) Retention of existing public footpaths and bridleways with only relatively minor diversions.
- l) Section 106 contribution towards improvements to the existing shared-use pedestrian and cycle path alongside the A127 between the proposed development

7.217 The proposed shared-use pedestrian and cycle path along the west side of the B186 has been redesigned to be generally 3m wide to address ECC's concerns regarding its narrowness as previously proposed. However, due to the limited width of the public highway in the vicinity of Jax Folly, the shared-use path over

a relatively short distance in this location has to be narrower than 3m, with a minimum width of 1.5m, and without a verge segregating it from the carriageway.

- 7.218 Due to the anticipated improvements for non-motorised users as part of the wider scheme, which include the retention of the bridleways and public footpaths with only minor diversions, the ES notes that the overall impact would be moderate beneficial in amenity.

*Shared use/Public Transport services*

- 7.219 The scheme seeks to reduce dependence on the private car and promote sustainable transport through the provision of additional and improved shared use/public transport services, comprising public buses and/or demand responsive transport and/or privately operated shuttle buses connecting the proposed development to nearby stations and conurbations, including Brentwood, Upminster, West Horndon and South Ockendon. The final mix of additional services and their timetabling will be determined once the tenants of the BEP are known to ensure that they are specifically tailored to best meet the working patterns and commuting needs of employees. Improvements to public bus services are secured by a section 106 contribution.

- 7.220 The TA notes that the provision of this transport will greatly improve the accessibility of the site by public transport and substantially increase the size of the working-age population within a one-hour journey time of the site by public transport by more than 300% compared to the existing situation. The introduction of enhanced and new public bus services will also improve public transport accessibility for existing communities along the corridors with these enhanced or new public bus services.

*Parking*

- 7.221 Proposed parking provision for the site is below the maximum permitted by the Essex County Council parking standards, and therefore comply with the Council's parking standards.
- 7.222 All disabled car-parking bays will be located as close to the main entrances as possible, with cycle shelters providing security and protection for bicycles. Accessible spaces are also provided and as such the proposed vehicle parking is in accordance with the Council's parking standards.

- 7.223 A car parking management plan will be included in the Workplace Travel Plan. This plan will include arrangements for prioritising parking for car sharers and for those employees where alternative sustainable modes of travel are not viable. The proposal provides safe and secure cycle parking and ancillary facilities such as changing rooms and showers to encourage cycling/ walking to work all year round. Kitchens and breakout areas will be provided in all of the office units. In addition, it is anticipated that the future occupiers will likely provide canteen space as part of their own fit-out works. These facilities will encourage staff to stay on site at lunchtime.
- 7.224 To conclude, the application has been subject to extensive discussion with the Highway Authorities. These meetings have included guidance and advice to the applicant, National Highways and Essex County Council. As a result both National Highways and Essex County Council have recommended Conditions be attached to any grant of planning permission on this site. The development will not have any unacceptable adverse impacts on the highways network subject to the Conditions recommended by the Highway Authorities. The development provides suitable and safe access to the site for all users, and the design of the streets, parking areas and other transport elements of the development reflects current national guidance. The development includes sustainable transport initiatives which will promote travel to the site by modes of transport other than by sole-occupancy private car. The scheme is therefore acceptable in highways and transport terms and complies with Local Plan policies BE09, BE11, BE12 and BE13 and Section 9 of the NPPF.

### **(15) Ecology and Biodiversity Net Gain**

- 7.225 Paragraph 170 of NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that when determining applications, local planning authorities should refuse permission if significant harm to biodiversity cannot be avoided or adequately mitigated; and opportunities to incorporate biodiversity improvements in and around developments should be encouraged – especially where this can secure measurable net gains in biodiversity.
- 7.226 Local Plan policy NE01 requires development proposals to use natural resources prudently and protect and enhance the quality of the natural environment. The policy requires proposals to, wherever possible, incorporate

measures to secure a net gain in biodiversity, protect and enhance the network of habitats, species and sites (both statutory and non-statutory) and avoid negative impacts on biodiversity and geodiversity. Compensatory measures will only be considered if it is not possible fully to mitigate any impacts. The policy states when determining planning applications, the council will apply the principles relevant to habitats and biodiversity as set out in National Planning Policy.

7.227 The policy sets out the Council's requirements in terms of internationally, nationally and locally designated sites of importance as follows:

- a) Internationally Designated Sites: Policy NE01 states where a proposed development is likely to have an adverse impact on a European Designated Site permission will not be granted unless there is due compliance with the requirements of the Habitats Regulations.
- b) Nationally Designated Sites: Policy NE01 5 states that development proposals within or outside a SSSI, likely to have an adverse effect on a SSSI, will not be permitted unless, exceptionally, the benefits of the proposed development clearly outweigh both the adverse impacts on the features of the site that make it of national importance and any impacts on the wider network of SSSIs.
- c) Sites of Local Importance: policy NE01 states that development proposals that are likely adversely to affect locally designated sites will only be permitted where the applicant can demonstrate that the ecological coherence of the site and any local ecological network is maintained; and it can be demonstrated that the benefits of the development clearly outweigh the loss.

7.228 The application is accompanied by several ecological surveys and reports as follows:

Preliminary Ecological Appraisal (PEA)

7.229 A Preliminary Ecological Appraisal (PEA) (including Phase 1 habitat survey) was undertaken in May 2021, with site visits undertaken in August 2020 and May 2021. In September 2023 an updated Preliminary Ecological Appraisal (PEA) of the BEP site was carried out as over 18 months had passed since the

previous surveys were conducted. The update was carried out in line with CIEEM guidance (CIEEM, 2019).

- 7.230 The updated PEA confirms that overall the ecology of the site had only undergone minor changes since the last PEA survey in 2021 and the potential to support protected species remains as assessed previously and no additional surveys were recommended.
- 7.231 The PEA confirms that the site does not form part of any statutory or non-statutory designated nature conservation site and there are no land-based statutory designated sites within 2 km. The site lies within the Impact Risk Zone ('IRZ') of Thorndon Park SSSI, located 2.4 km to the north east.
- 7.232 There are two parcels of ancient woodland and two parcels of Habitat of Principal Importance deciduous woodland adjacent to the west of the site. These parcels are associated with Hobbs Hole LWS and Codham Hall Wood LWS. Several other HPI's are located within a 2km radius of the site, including 24 parcels of deciduous woodland, an increase from the previous report. The HPI deciduous woodland parcel within Codham Hall Woods extends along the Site to the south-west of the northern section, north of the A127.
- 7.233 The habitats on the site comprise buildings, hardstanding, bare earth, scrub, tall ruderal, arable, running water, standing water and ephemeral / short perennial and species-poor sparse hedgerows. The PEA identified the potential for the site to support the following protected species:
- a) Bats
  - b) Breeding Birds
  - c) Badgers
  - d) Reptiles
  - e) Great Crested Newts
  - f) Water Voles.

- 7.234 The application is supported by several additional ecological surveys as follows:

Hedgerow Survey Report

- 7.235 The survey confirms that hedgerows can qualify as 'important' hedgerows under the Hedgerows Regulations 1997, and such hedgerows require authorisation from Councils if they are to be impacted. Three hedgerows were identified for

survey within the site boundary (known as Hedgerows 1, 2 and 5). Hedgerows 2 & 5 were classified as being 'important' under wildlife and landscape criteria, making them a material consideration in the planning process. The proposals indicate that Hedgerow 2 will be impacted by the road to the north of the development, and hedgerow 5 by access to the south-east.

- 7.236 The survey notes that a mature tree within hedgerow H2 had potential to support roosting bats. The application is accompanied by a bat survey which addresses this in further detail. All hedgerows were also assessed as having potential to support breeding birds during the PEA, and as such, the removal/trimming of hedgerows must avoid the bird nesting season or be sufficiently mitigated in terms of being inspected by an ecologist up to 48 hours before work starts, with any active birds' nests found being retained until the young have left the nest.
- 7.237 There is an opportunity to enhance any retained hedgerows on the site through long-term management. This might include: filling in i.e. planting in open sections of hedgerow; cutting/laying where hedgerows have become 'leggy'; allowing standard trees to grow to maturity; pollarding of appropriate standard trees and removal of accumulated litter and invasive plant species. Where loss of hedgerow habitat is unavoidable in the proposal, compensation measures could include replanting hedgerows (of equal or greater value), transplanting hedgerows to be removed from the site to other locations, and planting stretches of the existing road with no hedgerow features with hedgerows.
- 7.238 The landscape plan for the site and the Biodiversity Net Gain report states that the development will result in an increase of 295.99% of hedgerow units. This includes the planting of native hedgerows and tree lines.

#### Water Vole Survey Report

- 7.239 The PEA indicated that the stream and ditches within the site, and the habitat in and adjacent to it, were suitable to support water vole. Therefore, further survey work was recommended to determine the status of water vole within the proposed development footprint. The latest Water Vole Survey for the site was undertaken in 2023, and found that the watercourse previously surveyed still had habitat features with the potential to support water vole. These included earth banks suitable for burrow construction, bankside habitat, and vegetation cover.



- 7.240 Three disused water vole or rat burrows were found during the survey. Suspected mink footprints were also located in two places within the survey area.
- 7.241 There were no signs of current water vole activity. This suggests the species was likely absent from the area surveyed. The presence of mink footprints supports this evaluation.
- 7.242 No specific mitigation is recommended with regards to water voles, however, it is recommended that the water vole survey is updated after 12-18 months in line with best practice guidelines (CIEEM, 2019). If development commences earlier than this a preconstruction check for water voles prior to works within 5m of the ditch is recommended.
- 7.243 In conclusion, the Water Vole Survey confirms that the application site and the adjacent LWS, Hobbs Hole, was assessed as having low potential to support water vole. The habitats present some suitable foraging and burrowing resources for water vole. However, there were large sections of banks that were heavily shaded and overgrown. There was also low water depth throughout most of the surveyed area, with some sections completely dry, providing sub optimal habitat for water vole. Furthermore, the presence of potential mink footprints found in 2017, 2020 and 2023, key predators of water vole, within the area was likely to impact the presence of water vole.

#### Ground Level Tree Assessment (GLTA) report

- 7.244 The PEA identified trees within the application site as having bat roosting potential. An updated Ground Level Tree Assessment (GLTA) was carried out in September 2023 in line with CIEEM best practice guidance due to previous survey data being over 2 years old (it was carried out in 2021). The 2023 GLTA report confirms that:
- a) 24 trees at the site were surveyed to identify any Potential Roost Features (PRFs) suitable for roosting bats, to assess the potential importance of the trees to provide roosting locations for bats, and to determine potential impacts that the development may have on bats as they roost.
  - b) Of the 24 trees assessed, 6 have been assessed as having 'negligible' bat roosting potential, 3 with 'low' bat roosting potential, 6 were assessed as

having 'moderate' potential and 9 were assessed as having 'high' potential. 1 tree, T33 was not assessed.

- c) Since the previous GLTA survey in 2021, 18 trees were surveyed again in 2023, the other 6 trees assessed in 2023 were not assessed before. Of those surveyed in 2021, 5 have been 'upgraded' and nine have been 'downgraded'. Of those downgraded many were ash trees which appeared to have suffered ash die back and limbs where features were previously identified were no longer present.
- d) The proposal involves a total of 3 individual trees for removal, known as Trees 33, 13 & 14, as follows:
  - i. Tree 33 was not assessed and this will therefore require an ecological survey before any works commence, when access can be granted.
  - ii. Trees 13 and 14 were both assessed as 'high potential' for bats. For trees such as these with high potential to support roosting bats, the GLTA report recommends that they should be retained in the development proposals where possible. However, if the proposed works will affect any of the trees identified with high potential to support roosting bats, these trees will require further survey to establish the presence/likely absence of bats, prior to the commencement of works on site involving climbed tree inspections, or aerial endoscope inspections. If these types of inspections are not possible due to access or safety concerns then emergence surveys of moderate/high potential trees with the addition of night vision aids (NVA) should be carried out. Should a bat roost confirmed to be present, a Natural England license and mitigation strategy may be required prior to the commencement of tree works.

### Reptile Survey

- 7.245 A Reptile Survey confirms that the site contains habitats with the potential to support widespread reptile species. In particular, the hedgerows, semi-improved grassland, and scrub immediately adjacent and on site offered suitable habitat. Furthermore, the vegetated motorway embankment along the western boundary of the site and the railway embankment to the south of the site provided connectivity between the site and suitable habitat in the surrounding area.

7.246 Seven survey visits were carried out during August and September 2022. In summary:

- a) A 'Low' population of common lizard was recorded on site. The site is thought to be of importance at no more than the site level for reptiles.
- b) Although no adult grass snakes were observed within the reptile counts, 3 sightings of juvenile/ sub adults were recorded and an incidental record confirmed adults on site. One juvenile slow worm was also recorded to the south of the site.
- c) No reptiles were recorded to the north of the A127 so no specific mitigation relating to reptiles is recommended here. However if any reptiles are seen during vegetation clearance of this area then works must stop and further mitigation for reptiles will be required.
- d) Although no reptiles were recorded within the central grassland area of the site, historically lizards have been confirmed present. An adult grass snake was also recorded adjacent to this area near Hobbs Hole LWS in August 2022. As this grassland will be lost to construction it is recommended that vegetation in this area should be sensitively cleared. Any areas of suitability for reptiles scheduled to be cleared, such as long grassland, tall ruderal, hedgerow and scrub habitats, will undergo a systematic vegetation clearance between April and October inclusive (when reptiles are active) using only hand tools. Prior to this, a suitably experienced ecologist will carry out a hand search of suitable habitat.
- e) Any reptiles found during the vegetation clearance, hand searches, fence installation, destructive search or any other site works will be moved into areas of suitable retained habitats such as scrub, and the woodland edges of Hobbs Hole or field margins to the south of the site that will be retained.
- f) In the event that reptiles are found, the vegetation clearance contractor will be signalled to stop by the ecologist. All equipment will be turned off immediately and the animal moved if appropriate by the supervising ecologist. If large numbers of reptiles are recorded during vegetation clearance or the destructive search then a method of capture and relocation maybe required.

- 7.247 Suggestions for enhancements with respect to reptiles have been made within this report and include habitat retention and the installation of log piles/hibernacula.

#### Breeding Bird and Barn Owl Survey Report

- 7.248 The survey confirms that 33 species (15 notable) were recorded within the survey area between March and July 2022. Of these 33 species, 13 were either 'confirmed' or 'probable' breeders while the remainder were either 'possible' breeders or 'non-breeders' using the survey area for other purposes such as foraging or hunting. The assemblage of species found across the surveys are those typical of woodland and scrub habitats, semi-improved grassland and arable fields which are all present within and adjacent to the study area.
- 7.249 Woodland, scattered trees, hedgerow, continuous scrub, semi-improved grassland, small water bodies and arable fields on and adjacent to site were considered to have potential to support nesting bird species. The breeding classifications are summarised below:
- a) One confirmed breeding (whitethroat)
  - b) Six considered 'probable' breeding (dunnock, kestrel, skylark, song thrush, woodpigeon and wren)
  - c) Five considered 'possible' breeding (barn owl, Cetti's warbler, greenfinch, linnet, reed bunting); and,
  - d) Three considered 'non-breeding' (herring gull, redwing and swift).
- 7.250 The report confirms that the species found across the surveys are those typical of arable, open grassland and woodland habitats which are all present on the site. The site supports a relatively diverse range of species which is largely a result of the different habitats present on the site. The report confirms that there were multiple notable species recorded on site and adjacent to site exhibiting breeding behaviour. However, the majority are common and widespread within the area and wider surrounds and their numbers do not represent a significant proportion of their populations within Essex or in the local area. Based on the species recorded and the context of the site within the wider landscape, the report confirms that the site is considered to be of site value for breeding birds.
- 7.251 With regard to Barn owl, based on the results outlined in the report, the site is considered to hold Local value for barn owl. This is due to the presence of suitable foraging and commuting habitat situated within the home range of a

breeding pair, activity of barn owl on site and the presence of a potential nest site. It is not expected that any potential nest sites for barn owl will be removed as part of the proposed development however tree T12 could not be fully surveyed due to access and health and safety constraints. The report recommends that further survey of T12 is undertaken where possible within the access and health and safety constraints.

### Great Crested Newt Survey

7.252 The planning application is accompanied by a Great Crested Newt Survey. A Habitat Suitability Index (HSI) Assessment and eDNA survey of 8 ponds within 500m of the site boundary were undertaken. The main findings of the surveys are as follows:

- a) Terrestrial habitats on the site of suitability for foraging and sheltering great crested newts include broad-leaved plantation woodland, tall ruderal, semi-improved grassland, and scrub.
- b) 9 ponds were identified from aerial imagery for survey, however access was not given for Pond 6 at the time of survey. Pond 1a was previously scoped out as being not suitable to support great crested newts and was therefore not surveyed.
- c) Habitat Suitability Assessment (HSI) was undertaken on the following 7 ponds: ponds P1, P2, P3, P4, P5, P7 and P8. The suitability of the ponds for great crested newts varied: P1 was poor, P2 and P7 were excellent, P3 was average, P4 and P5 were good and P8 was below average.
- d) Environmental DNA (eDNA) survey was conducted on ponds P2, P3, P4, P5 and P7, with P4 and P7 testing positive for presence of great crested newt. Pond P2 was inconclusive and P3 and P5 tested negative for great crested newt presence. Ponds P1 and P8 were not surveyed due to access constraints or being dry at the time of survey.
- e) It is recommended that a survey of great crested newt population size at P2 and P4 be conducted next year during peak breeding season (April – June) to support a great crested newt license, if required for the site. Pond 7 was scoped out of further survey due to dispersal barriers between it and the development site.

- f) If access can be granted in the future, eDNA and HSI surveys should be conducted for P6 to determine presence/absence of great crested newts.
- g) Following the surveys recommended, a European Protected Species Mitigation (EPSM) license will likely be required depending on the extent of works to the north of the site. An appropriate mitigation strategy will need to be implemented
- h) It is recommended any works to be undertaken in the vicinity of the ponds on site are subject to appropriate pollution control measures including containment and prevention of spillage and runoff generated by works

#### Badger survey

- 7.253 A badger survey was carried out in November 2020 at the application site and all accessible land within a 30m radius of the site boundary.
- 7.254 A total of seven setts were found during the survey. All setts were located off site within Hobbs Hole Local Wildlife Site apart from the partially active sett G located within an area of scrub to the east of the site. The seven setts found comprise the following:
- a) Four active setts comprising one main-sett A, one annexe-sett B, and two outlier setts-C and D) were located west of the site in Hobbs Hole LWS. Annexe sett B and outlier sett D were located within 20m of the site.
  - b) Two disused setts were identified west of the site in Hobbs Hole LWS including one outlier sett E located within 20m of the site.
  - c) One suspected badger sett which was partially used (G) located within the application site in an area of scrub to the east of the site
- 7.255 The Badger Survey Report confirms that the proposals will have no direct impact on the active badger setts that are located off site and it is not anticipated that the use of heavy machinery will be required within 20m of them.
- 7.256 The Badger Survey Report confirms that evidence of badgers were also found on site including latrines, mammal runs and snuffle holes. The report includes recommendations for further surveys and mitigation measures due to the site and survey area including habitat suitable for badgers. Preventative measures

to ensure that no badgers are injured or killed throughout the development period are also detailed. It is recommended that:

- a) a 30 metre buffer zone free from development be kept around the setts within Hobbs Hole LWS in order to prevent sett destruction and to minimise disturbance to badgers
- b) The mammal pathway identified to the west of the site adjacent to Hobbs Hole LWS and connectivity between the east and the west of the site should be retained as provided under current plans.
- c) The suspected outlier badger Sett G within the application site is subject to further investigation and that the two holes are monitored for a period of 21 days to determine their use and to determine any mitigation required
- d) A walkover survey is carried out between 3 and 6 months prior to the start of development to ensure that no new setts have been created on site or within 30m of the site boundary which may be affected by works. This survey can be carried out at any time of the year.
- e) No excavations must be left open overnight to minimise the risk of injury to badgers and other species. If excavations cannot be completely closed, a mammal ladder (such as an earth ramp or plank) must be placed in the excavation overnight to allow any animals to exit the excavation. Fencing is needed to protect the known setts off site.

#### Arboricultural Impact Assessment

7.257 The planning application is accompanied by an Arboricultural Impact Assessment (AIA). The AIA surveyed 26 individual trees, 24 groups, one woodland and seven hedgerows in and adjacent to the proposed development. Of the trees surveyed, the results indicate that:

- a) 12 individuals and one woodland were attributed **Category A status** (high/exceptional visual amenity value)
- b) six individuals, 11 groups and four hedgerows were attributed **Category B status** (medium visual amenity value)
- c) six individuals, 13 groups and three hedgerows were attributed **Category C status** (low visual amenity value)
- d) Two individual trees were attributed **Category U status**.

7.258 The AIA confirms that the proposal will require the remove of two individual trees, five groups of trees, nine part groups, one hedgerow and three sections of hedgerows to facilitate the development. The majority fall within Category B and C, as indicated in the table below extracted from the AIA. 1 Category A tree will require removal.

**Table 3: Summary of trees possibly affected by the development**

Impact	Reason	BS Cat A	BS Cat B	BS Cat C
<b>Trees and groups to be removed</b>	Located within development footprint.	T19	G6 (77.2 m <sup>2</sup> ), G7 (201.0 m <sup>2</sup> ), G12 (170.0 m <sup>2</sup> ), G16, G18, G19 (2655.0 m <sup>2</sup> ), G23 (1862.7m <sup>2</sup> ), G24, H1 (100.0m length)	T23, G2, G3 (25.0 m <sup>2</sup> ), G5 (676.7 m <sup>2</sup> ), G10 (266.6 m <sup>2</sup> ), G21 (74.0 m <sup>2</sup> ), G22, H3 (242.0m length), H5 (full length), H7 (12.3.0m length)
<b>Trees which could sustain damage to RPA</b>	Impact by construction traffic.	T15, T16, T17, T18, W1	T12, G1, G7, G19, H1	G3, G5, G9, G10, G12, G21, G23
	Soil compaction.	T15, T16, T17, T18, W1	T12, G1, G7, G19, H1	G3, G5, G9, G10, G12, G21, G23

7.259 The Council's tree officer advises that whilst the Category A tree to be removed is an excellent specimen it is not visible from public viewpoints and therefore its removal would not have a wider effect on landscape character. On balance the loss of this tree can be justified on this occasion; however suitable mitigation is required. The tree officer also considers the loss of seven Category B groups and one hedge to be mitigated by proposed new tree and hedge planting.

7.260 The proposal seeks to mitigate the loss of trees through the provision of a landscaping scheme. Extensive tree planting is proposed as part of the landscape strategy and it is considered that this will compensate for the loss of the trees noted above. This will include the establishment of significant tree



belts, particularly on the southern ridge, alongside community orchard, woodland tree belts alongside tree lined roads.

### Biodiversity Net Gain (BNG) Assessment

- 7.261 The application is accompanied by a Biodiversity Net Gain (BNG) Assessment. The proposals include the creation of areas of wildflower and wet wildflower grasslands, amenity grassland, woodland planting, introduced shrub, ground level planters and small pools of standing water. The proposals also include the planting of native hedgerows and lines of trees.
- 7.262 The biodiversity value of the site prior to clearance was calculated as 119.68 Biodiversity Habitat Units, 6.81 Hedgerow Units and 1.08 River Units.
- 7.263 The BNG calculation was revised during the course of the application following a proposed increase in the amount of wildflower grassland and a reduction in the amount of woodland creation. The proposed development will result in a BNG of 16.5 habitat biodiversity units and a positive net percentage change of 16.50%. The final landscaping scheme is to be agreed by a Condition. It is anticipated that the uplift in BNG may alter depending on the final strategy and will be between 10% and 16%. This is due to officer advice requesting an increase in tree planting along the southern boundary of the site, which will alter the BNG result. It is worth noting that BNG is not mandatory at present. It is likely to become a legal requirement in early 2024 and will only apply to new planning applications submitted after that point. The development will also result in an increase of 295.99% hedgerow units.
- 7.264 The BNG assessment confirms that provided the recommendations outlined below are followed, the biodiversity value of the current landscaping proposals (including the retained existing habitats) is 138.41 Biodiversity Habitat Units, 26.98 Hedgerow units and 1.08 River units. As the current proposal will result in a greater biodiversity increase of 10% no additional habitat created is recommended in the BNG Assessment.
- a) **Wildflower grassland** - The seed mixes used should be suitable for the soil types present and should contain a minimum of 25 species, species of value to pollinators and include early and late flowering species to allow for a long flowering season

- b) Native tree and shrub planting** – it is recommended that native tree and shrub species are included within any landscaping to enhance the site. Wildlife planting should include a minimum of 75% native species and/or species of recognised wildlife value. Where trees are to be planted in tree pits, larger tree pits should be included to give the roots room to spread and to allow the trees to reach full maturity. Biochar should also be buried within the tree pits to increase carbon storage.
- c) Hedgerows** - New hedgerows to be planted on site should be species-rich rather than single species hedgerows, comprise native and berry bearing species, at a density of four plants per metre and be double-row planted where possible. Recommended species include hawthorn, blackthorn, field maple, dog rose and hazel.
- d) Good horticultural practice** should be utilised, including the use of peat-free composts, mulches and soil conditioners, native plants and avoidance of the use of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)

#### Environmental Statement – Ecological impacts

- 7.265 The ES confirms that the site supports a number of local ecological receptors as follows:
- a) the assumed population of Great Crested Newts being thought to be of importance at the District Level
  - b) Bats, badgers and breeding birds considered to be important at the local level.
  - c) All habitats and other species present were assessed as of importance only in the vicinity of the site or of negligible ecological importance.
- 7.266 The ES concludes that during the construction stage, with the embedded mitigation, effects on all features, except breeding birds, are predicted to be a negligible, not significant effect. Due to the loss of arable land the construction phase is expected to have a permanent, irreversible, negative effect, significant at the Site Level (moderate adverse) on the conservation state of the breeding bird assemblage.
- 7.267 At the operational stage, with additional mitigation measures including a Landscape and Ecological Management Plan (to be secured by a planning

condition) and lighting strategies, no residual impacts are predicted on any receptor, except breeding birds. It is considered that the operational phase will result in a permanent, irreversible, negative effect at the site level (moderate adverse) on the conservation status of breeding birds. As noted above, enhanced measures have been identified in addition to the mitigation measures proposed. The Landscape and Ecological Management Plan (LEMP) will ensure the delivery and ongoing maintenance of all the mitigation, compensation and enhancement measures that have been proposed.

- 7.268 In conclusion, following a review of all the ecological surveys and reports referred to above submitted in support of the application, the proposal will provide net gains for biodiversity in accordance with paragraph 170 of the NPPF. No significant harm to biodiversity is considered to arise from the proposal that cannot be sufficiently mitigated, in accordance with NPPF paragraph 175. In addition, in accordance with Local Plan policy NE01, the proposal is considered to protect and enhance the quality of the natural environment.

#### **(16) Waste and Resources**

- 7.269 One of the environmental objectives of the NPPF is to minimise waste (paragraph 8). Local Plan policy BE01 requires major planning applications to be accompanied by a Sustainability Statement outlining the applicant's approach to issues including site waste management. The supporting text for the policy states that developments should be designed in a way that reduces the amount of construction waste and maximises the reuse and recycling of materials at all stages of a development's lifecycle. The policy requires all new development to be designed to make it easier for future occupants to maximise levels of recycling and reduce waste being sent to landfill. In order to do so, storage capacity for waste, both internal and external, should be an integral element of the design of new developments. The supporting text confirms that the Council will be supportive of innovative approaches to waste management. The supporting text for policy BE14 states that bin storage for dry recyclables and waste should be considered in the early design stages to help improve recycling rates, reduce smell and vehicle movements, and improve street scene and community safety.
- 7.270 The application is accompanied by a Sustainability Statement and a Construction Environmental Management Plan (CEMP) setting out the proposed waste management of the development. The accompanying ES also

assesses the environmental impacts of waste management and resource use associated. A planning condition is attached to secure further and final details on proposed waste management arrangements.

#### Existing buildings

- 7.271 The buildings on site, associated with the previous M25 works, are temporary in nature and will be demolished or relocated as they are unsuitable to be reused as part of the scheme.
- 7.272 The Ferns Aggregates Recycling Facility, which is one of the existing occupiers of the site, will relocate to an appropriate site in Kent, the effect of which the ES finds to be negligible at the regional scale.

#### Waste disposal of earthworks

- 7.273 The application involves the creation of compacted and stabilised platforms to support the proposed development. As the cut and fill operations required to construct the platforms are not capable of achieving a balance to avoid off-site disposal of excavated material, this would lead to surplus material. The application proposes to export surplus material off-site by construction vehicles and to dispose of it at landfill. The Environmental Statement (ES) was based on this assumption. It is estimated that 21,548m<sup>3</sup> of topsoil and up to 136,527m<sup>3</sup> of sub-soil is to be transported off-site, as explained in the ES.
- 7.274 During the course of the determination of this planning application, the applicant pursued an alternative strategy for the disposal of the surplus material (under planning application (reference 22/00587/FUL, hereafter referred to as the 'Earthworks Application'), which involved earthworks being moved and spread across land adjacent to the southern boundary of BEP in order to deliver a more sustainable waste disposal solution by retaining as much soil on site as possible and avoiding the need to export material off-site for disposal. It would also reduce the amount of traffic generated during the construction of the BEP from 610 vehicle trips per day to approximately 490.
- 7.275 However, due to procedural concerns raised by ECC and following an opinion from Leading Counsel, the Earthworks Application was withdrawn by the applicant in September 2023. ECC had concerns that the Earthworks Application should have been made to it, as the Waste Planning Authority. ECC is of the view that there was "an element of risk" in the Council determining it.

ECC was also of the view that the Earthworks Application should be treated as an application for waste disposal, rather than as an “engineering operation”, as is asserted by the applicant.

7.276 BBC sought an Opinion from Leading Counsel on this matter. In summary, Counsel advised that:

- a) Only the County Council has the power to determine the Earthworks Application as submitted to the Council.
- b) The Earthworks Application is one for landraising by waste disposal and whilst involving engineering operations, is more properly regarded as a material change of use, and therefore involves waste disposal rather than an engineering operation as asserted by the applicant.
- c) A fresh full application encompassing both the BEP development and the Earthworks proposal would be the course of least risk to BBC in terms of potential legal challenge. However, provided that a full consultation is undertaken on an amended application, the risk of a successful legal challenge is, in Counsel’s view, a small one. These routes were not considered an ‘option’ by the applicant because of the large planning application fee that would be incurred.
- d) Whilst section 286 of the 1990 Act protects applicants and the Council from legal challenge where applicants have applied to the wrong Local Planning Authority and whose application has been granted, Counsel advises that the grant of the planning permission by the wrong Local Planning Authority is unlawful because the Council do not have the power to determine such applications. The Council therefore does not have the power to determine the Earthworks application as it currently stands, and it would not be appropriate to rely on section 286 of the 1990 Act to justify proceeding to do so.

7.277 Whilst it is regrettable that the Earthworks Application could not be progressed, BBC Officers support the proposal to dispose of surplus waste off-site at landfill. The strategy is acceptable given that the current application, including its ES, was based on this strategy and is supportive of it.

7.278 The strategy proposed in the Earthworks Application was an alternative proposal and was not the focus of addressing surplus material in the Main

application. Whilst the Earthworks strategy proposed in the current application would involve more construction traffic movements and more material being disposed of in ECC waste facilities, the ES in support of the current application is supportive of the proposal and does not identify any significant adverse effects. The ES confirms that the proposed construction of the development will lead to the production of wastes, including 316,150 tonnes of excavated material, including topsoil and sub-soil. This would take up around 1.40% of ECC's inert waste management capacity and is considered a minor adverse effect on landfill capacity.

#### Operational waste

- 7.279 Regarding operational waste, the ES confirms that estimates of operational waste are limited by the lack of certainty at this date on the tenants and uses of the commercial floorspace. However, taking a worst-case assumption of industrial uses, 560,000 litres of waste are anticipated to be produced each week, which the ES states would be a minor adverse effect on waste capacity in Essex, requiring 224 sqm of waste storage facilities, which tenants would be expected to locate within the flexible ground floor area provided in each building. A planning condition requesting details of operational waste disposal is included in the list of draft planning conditions.
- 7.280 A condition is attached requiring a Site Waste Management Plan to be prepared prior to commencement of development.

#### Construction Environmental Management Plan (CEMP)

- 7.281 The development is accompanied by a Construction Environmental Management Plan (CEMP)
- 7.282 This Construction Environmental Management Plan (CEMP) sets out the overarching systems and controls that will be adopted during the construction of the BEP scheme to minimise any adverse environmental impacts in accordance with Construction Good Practice.
- 7.283 With regard to waste disposal, the CEMP states that it is inevitable that certain materials will have to be removed from site for disposal as they have no re-use/recovery value. Procedures to be considered in preparing a Site Waste Management Plan (SWMP) will include:

- a) All wastes which require removal from site for final disposal will be subject to an effective management control regime ensuring statutory compliance. The key components of this regime are illustrated below.
- b) Appointing competent and suitably registered waste carrier(s).
- c) Establishing an effective site waste stream strategy (recycling, re-use, disposal).
- d) Providing an effective waste skip strategy to suit the waste stream strategy and which differentiates between hazardous, non-hazardous and inert wastes.
- e) Should asbestos be encountered all potentially asbestos containing materials will be disposed of by a suitably licensed contractor in accordance with relevant guidance and legislation.
- f) Providing adequate information/training to site operatives in respect of the waste stream strategy.
- g) Implementing an effective audit procedure, to audit the waste disposal regime from source to licensed disposal facility(s). This will include reviewing all relevant Waste Management Licenses and Waste Transfer Licenses of all waste contractors on the project. In addition, a record will be kept of all Waste Transfer Notes to ensure that all waste movements from the site are properly documented. Non-Conformance Reports would be issued to ensure any deficiencies are corrected.

#### Cumulative effects of waste

- 7.284 Regarding cumulative effects, the ES confirms that cumulative effects are not anticipated for the 4 cumulative schemes considered in the ES. The majority of waste arising from these schemes would be residential waste, to be collected by the local waste authority. The two commercial schemes, and the commercial uses in the Dunton Hills Garden Village scheme, would generate a relatively small quantity of waste and the cumulative effect would not be considered
- 7.285 greater than the effect of the proposed development in isolation (i.e. minor adverse).

7.286 Officers are of the view that further details are required in the CEMP, and therefore a planning condition is attached requiring a revised CEMP to be issued to the Council for approval.

### **(17) S106 Planning Obligations**

7.287 Local Plan Policy E11 (Brentwood Enterprise Park) states that applicants will be required to make necessary financial contributions via planning obligations towards:

- a) Off-site highway infrastructure improvements as may be reasonably required by National Highways (M25, J28 and J29) and Essex County Council (A127 and B186) in accordance with policies MG05 and BE08 (the planning obligation will determine the level and timing of payments for these purposes) unless, in the case of the Junction 29 mitigation and A127/B186 works, the applicant enters into a s.278 Agreement for its timely construction, if more appropriate;
- b) Phased improvements to West Horndon Station in accordance with policy BE08 to increase its capacity and utility in line with anticipated demand generated by each of phase the development.

7.288 The Council's IDP sets out the key infrastructure projects required in the Borough and outlines how funding sources will be used to deliver new infrastructure. The Council's approach to apportioning the cost of infrastructure mitigation measures is discussed in Chapter 15 of the IDP. It is considered the relevant infrastructure requiring contributions from this non-allocated site, listed in the IDP Part B, include:

- T9 – Walking and Cycling Infrastructure at new developments
- T15 - West Horndon Station Interchange
- T16 - Improved Access to West Horndon
- T18 - A127 Bus Infrastructure
- T19 - Additional Bridge over A127 & Highway Works north of A127 for BEP
- T24 - A127/ B186 Mitigation: Warley Interchange bridge and new link road connecting to M25 Junction 29. Cost excludes the new mini roundabout and additional bridge for BEP (shown in item T19)



- T28 - M25 Junction 28
- T29 - M25 Junction 29
- ED7 - Early Years and Childcare Facilities (EYCC) - Brentwood Enterprise Park

7.289 As set out within Chapter 15 of the IDP in apportioning costs to developers; costs will be apportioned based on the level of impact or generated demand e.g., the number of houses delivered, or additional trips generated. Contributions should also be equable between developers, in proportion to their level of impact or generated demand.

7.290 The applicants accompanying Transport Assessment sets out the likely trip generation and distribution for the proposal, stating that in terms of vehicular trips, 1,378 inbound and 1,378 outbound vehicular trips would be made daily in connection with the proposal. This gives a total 2-way trip generation of 2,756 daily vehicular trips.

7.291 This level of forecast trip generation is considered to necessitate the requirement for developer contributions towards the cost of relevant strategic infrastructure, as set out in the following table. Additionally, the following table (17.1) includes a column setting out the applicants offer towards each listed IDP item:

**Table 17.1 – Planning Obligations: Heads of Terms**

<b>IDP Ref.</b>	<b>Description</b>	<b>Estimated Financial Contributions to be Secured by S.106 from LDP Sites according to IDP</b>	<b>Anticipated funding mechanism within IDP</b>	<b>Estimated Costs based on 2,756 daily vehicular trips</b>	<b>Offer from applicant</b>
T9	Walking and Cycling Infrastructure at new developments	N/A - Site by site analysis required of options to introduce new walking and cycling infrastructure linked to new development and wider green	Development Allowance	No specific figure sought from E11 is stated in the IDP	£900,000  Active Travel (A127 pedestrian/cycle route)

IDP Ref.	Description	Estimated Financial Contributions to be Secured by S.106 from LDP Sites according to IDP	Anticipated funding mechanism within IDP	Estimated Costs based on 2,756 daily vehicular trips	Offer from applicant
		infrastructure.			
T15	West Horndon Station Interchange	£16,750,000	S106	£5,577,472	£1,600,000
T16	Improved Access to West Horndon	£3,500,000	S106	£1,165,442	
T18	A127 Bus Infrastructure	No financial contribution is expected from LDP site allocations at this stage. BBC envisages that contribution in kind will be made via S.106 as part of the individual sites Travel Plans for sustainable transport. However, this will be kept under review and should requirements for additional bus services arise, this will be revisited and updated as necessary.	S106	No specific figure sought from E11 is stated in the IDP	£2,000,000 (£2m s106 contribution towards public bus service improvements for BEP)
T19	Additional Bridge over A127 & Highway Works north of A127 for BEP.  (TA ref: Junction 20)	N/A - Site by site analysis required of options	Development allowance	Costs TBC by ECC	B186 Warley Street Improvements and Additional Bridge over A127 & Highway Works north of A127 for BEP

IDP Ref.	Description	Estimated Financial Contributions to be Secured by S.106 from LDP Sites according to IDP	Anticipated funding mechanism within IDP	Estimated Costs based on 2,756 daily vehicular trips	Offer from applicant
					Item will be delivered through S278 Applicants estimated cost of S278 works = £12,809,000
T24	A127/ B186 Mitigation: Warley Interchange bridge and new link road connecting to M25 Junction 29. Cost excludes the new mini roundabout and additional bridge for BEP (shown in item T19).  (TA ref: Junction 20)	£14,550,000	S106	£4,844,909	Cost excludes the new mini roundabout and additional bridge for BEP  Item will be delivered through S278 Applicants estimated cost of S278 works = £40,131,000
T28	M25 Junction 28  (TA ref: Junction 25)	£1,000,000	S106	£248,295 TBC by National Highways	£0 Not required as confirmed by National Highways
T29	M25 Junction 29  (TA ref: Junction 20 and Junction 26)	£25,500,000	S106	£6,331,529 TBC by National Highways	Item will be delivered through S278 Applicants estimated cost of S278 works = £19,583,000
ED7	EYCC - Brentwood Enterprise Park	£2,615,760	S106	TBC by ECC	Not required as confirmed by ECC

IDP Ref.	Description	Estimated Financial Contributions to be Secured by S.106 from LDP Sites according to IDP	Anticipated funding mechanism within IDP	Estimated Costs based on 2,756 daily vehicular trips	Offer from applicant

7.292 Whilst it should be noted the applicants offer falls below what is required for items T15 and T16 (by £5,142,914). The estimated costs associated with the offer to secure items T19, T24 and T29 by way of a Section 278 Agreement totals £72,523,000; in addition, a further £2,900,000 is offered towards T9 and T18 combined. The total offer towards the relevant off site infrastructure improvements far exceeds the estimated E11 apportioned IDP costs for all associated items when combined.

7.293 In terms of securing the key infrastructure projects to support the development, it is considered the applicants total offer, on balance, provides sufficient provision/contribution towards the delivery of the relevant infrastructure items.

7.294 It should further be noted the trip generation numbers used to inform the estimated costs of the relevant IDP items, are based on a worst-case scenario, as referred to within the accompanying transport assessment, vehicular trip generation is likely to be a lot lower than forecast.

7.295 The applicant has agreed to the following s106 financial contributions:

- a) **£2m s106 contribution towards public bus service improvements for BEP.** When the BEP Transport Assessment (TA) and Framework Travel Plan (FTP) were prepared, Demand Responsive Transport (DRT) was promoted as an emerging potential method of providing improved public transport connectivity to the BEP. At the time DRT was also promoted for the proposed Dunton Hills Garden Village (DHGV) development, so promoting DRT for the BEP meant that there was the potential for combined DRT services to serve both the BEP and DHGV as well as the wider area. However, all DRT suppliers have subsequently either pulled out of the market completely, or now only provide the software or applications to enable DRT. None now offer full-service provision including drivers and vehicles. Consequently, DRT is now unlikely to be a

deliverable option for provision of improved public transport for the BEP. Thus it has been agreed that a £2m s 106 contribution towards new and enhanced public bus services is instead more appropriate. This was agreed between Essex County Council (ECC) and the applicant.

b) **£1.6m contribution towards improvements at West Horndon Station and access.**

c) **£900k contribution towards Active Trave (A127 pedestrian / cycle route).**

### **(18) Digital Infrastructure considerations**

7.296 Policy BE07 (Connecting New Developments to Digital Infrastructure) requires that all development proposals should provide up to date communications infrastructure as an integral part of development proposals. Policy BE07 also explains how this should be achieved.

7.297 Officers consider that, subject to a condition to secure a Digital Infrastructure Strategy and its delivery, the Proposed Development would be compliant with Local Plan Policy BE01 (Carbon Reduction and Renewable Energy) and Policy BE07 of the Brentwood Local Plan 2016 – 2033.

## **8.0 CONCLUSION**

8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts (which includes the Town and Country Planning Act 1990 under which this application is made), then the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is also emphasised in paragraphs 11 to 12 and 47 of the NPPF.

8.2 The Local Plan removes most of the site from the Green Belt and identifies it as employment site allocation E11. The proposal accords with policy E11's requirements to provide employment development by providing a total of 112,466 sqm (Gross Internal Area) employment floorspace within Use Classes B8 (Storage and Distribution) and B2 (General Industrial) across four buildings. The site comprises a highly strategic, accessible employment site that will make

a considerable contribution towards the overall employment needs of the Borough by creating up to 2,370 gross direct full time employees equivalent to 2,660 jobs when accounting for part-time working patterns. In addition, employees from the development are forecast to spend up to £6.9 million in the local area each year and the development will generate business rates payments of up to £3.7 million annually.

- 8.3 Whilst most of the proposal falls within Site Allocation E11 which is outside of the Green Belt, the proposed road and infrastructure works in the both the northern and southern sections of the site (the J29/B186 Link Road and B186 access) fall within the Green Belt. The proposed road and infrastructure works that fall within the Green Belt are “not inappropriate” development in the Green Belt in accordance with paragraphs 150 b) and c) of the NPPF which respectively confirm that ‘engineering operations’ and ‘local transport infrastructure are “not inappropriate” in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it, for the various reasons given in the Green Belt section of this report.
- 8.4 With regard to design matters, the proposed masterplan delivers a comprehensive design approach across the site, and a landscape-led, flexible, high quality and sustainable design that incorporates healthy design principles. The proposal uses modern external materials that reflect St Modwen’s Design Code to deliver attractive, high quality and durable buildings. In doing so, it will significantly improve the design quality of the site. The proposal will deliver a development that is high quality in design and appearance and is acceptable and contextually responsive in terms of its scale, height, massing, siting, layout, inclusive design and impact on crime prevention. It therefore complies with Section 12 of the NPPF and Local Plan policies BE14 and BE15.
- 8.5 The LVIA confirms that the proposal would be visible in local views particularly from the south and viewpoints closer to the scheme along PROWs and from adjacent farmsteads. The development will therefore marginally alter the existing landscape character of the site in the local vicinity. However, the LVIA confirms that the site can accommodate the proposed changes without significant adverse effects on landscape character. The enclosure provided to the site by the engineered embankments of the M25 and A127, the Hobbs Hole woodland and the existing eastern boundary plantings allows the site to accommodate the development with limited effects on the landscape character of the wider area. The marginal alteration to the existing landscape character of the site is considered acceptable.

- 8.6 With regard to heritage impact, the Heritage Statement confirms that there are no structures of heritage value on the site, and as such, the proposal will have no direct impacts on built heritage assets. However, the proposal has the potential to have indirect impacts on heritage assets, in particular, impact on aspects of an asset's setting. The Heritage Statement confirms that predicted impacts on setting varies between negligible adverse, minor adverse or (in two cases: Great Warley Hall and Gladstone Cottages) moderate adverse. However, both Gladstone Cottages and Great Warley Hall are non-designated heritage assets which do not feature on BBC's local list of non-designated heritage assets (last updated in March 2023). The Heritage Statement assesses them to be of either low (Great Warley Hall) or negligible (Gladstone Cottages) heritage value. The proposals will result in less than substantial harm, as set out in paragraph 202 and paragraph 203 of the NPPF. The contribution and public benefits are significant and therefore the proposals outweigh the identified harm and are acceptable in terms of its impact on heritage assets. The application is therefore is considered to comply with the NPPF, section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990 Act and policy BE16.
- 8.7 With regard to archaeological impact, the County Archaeologist recommends a Programme of Trial Trenching, and Open Area Excavation, and recommends attaching planning conditions to this effect (which have been included in the list of planning conditions in Section 9 of this report). Subject to these conditions, the proposal is acceptable in terms of its archaeological impact and therefore complies with policy BE16.
- 8.8 With regard to air quality, the site is not located in an Air Quality Management Area (AQMA). Following the implementation of mitigation measures, such as a Dust Management Plan and Travel Plans, there are unlikely to be any significant residual effects expected during construction or operation of the proposal, with negligible to minor adverse effects due to construction and operation vehicle impacts on human health, but these are not deemed significant. With regard to cumulative schemes, the air quality assessment confirms that construction mitigation identified for the cumulative schemes is expected to partially mitigate cumulative effects. As such, there are no significant cumulative effects identified in relation to the proposal for construction or operation.
- 8.9 With regard to flood risk and drainage, the FRA and drainage strategy confirms that the risk of fluvial and tidal flooding, surface water, sewer flooding, ground

water flooding, artificial sources of flood risk to the site post development work would remain low. The proposal will not increase the risk of flooding to the site or surrounding areas and will not lead to an increase in flood risk from any source, in accordance with Brentwood Local Plan Policies BE05 and NE09 and the NPPF.

- 8.10 With regard to noise and vibration impacts of the proposal, the nearest noise sensitive receptors are residents on Warley Street and Codham Hall Farm Lane. After the implementation of additional mitigation measures, there are no significant residual effects during the construction or operational phases. A cumulative assessment concluded that there are no significant adverse or beneficial cumulative effects anticipated. The proposal is therefore considered acceptable in terms of noise and to comply with relevant paragraphs of the NPPF and policy BE14 of the Local Plan.
- 8.11 The Energy Strategy for the proposed development improves upon the Building Regulations Part L 2021 baseline and achieves the minimum 4 credits required for a BREEAM (New Construction 2018) Excellent rating under the Ene 01 credit issue, as required by part b of Policy BE01. The residual effects following the incorporation of mitigation measures are considered moderate adverse and significant effect against local Carbon Budgets during the construction phase, and a minor adverse (significant) effect during the operation of the proposal. The proposal is therefore evidently a highly sustainable form of development that will comply with, and in the case of renewable energy requirements, significantly exceed the Council's policy requirements. The proposal therefore complies with policies BE01, BE03 and BE04 of the Local Plan.
- 8.12 A Health Impact Assessment (HIA) accompanies the application and concludes that the proposal will have a positive impact upon public health within the area and that it will align with Public Health England's Active Design Principles. The proposal supports social connectivity and healthy principles through its open spaces, collaborative areas and active travel measures.
- 8.13 With regard to residential amenity impact, the nearest residential properties are located to the east of the site on Warley Street, and are known as Jax Folly, Warley Brook and Gladstone Cottages. The site is not located in close proximity to any residential properties to the north, south or west. Given the generous separation distances between the application site and nearby residential properties to the east, the proposal will not affect the privacy levels or outlook of nearby residential properties. The presence of the road (Warley Street) itself



provides a further buffer between the site and nearby residential properties, and proposed landscaping on the site boundaries will provide a further screen to the site to reduce any privacy loss, loss of light or outlook/sense of enclosure impact. The proposal is therefore considered to preserve the amenity of nearby residential properties in accordance with policy BE14 of the Local Plan.

- 8.14 The proposal will not result in any undue risk to human health from contaminated soils during demolition and construction activity. The ES concludes that, following implementation of mitigation measures, there are no significant residual effects expected during the construction and operational phases. The proposed development is therefore considered acceptable and in accordance with part a) of paragraph 183 of the NPPF and policy NE07 of the Local Plan.
- 8.15 The Lighting Strategy for the proposal confirms that luminaires have been selected to reduce spill light and glare and prevent sky glow. The proposed lighting solution has been designed to meet operational and security requirements of the proposal whilst ensuring that the surrounding environment, ecology and nearby properties are protected through the use of rear light spill guards. The proposed lighting strategy is therefore considered acceptable in light of the requirements of policy NE11 of the Local Plan.
- 8.16 With regard to ecological impact, the site does not form part of any statutory or non-statutory designated nature conservation site and there are no land-based statutory or non-statutory designated sites within 2 km. The site lies within the Impact Risk Zone ('IRZ') of Thorndon Park SSSI, located 2.4 km to the northeast. There are two parcels of ancient woodland and two parcels of Habitat of Principal Importance deciduous woodland adjacent to the west of the site. These parcels are associated with Hobbs Hole LWS and Codham Hall Wood LWS. The application is supported by several additional ecological surveys: a Hedgerow Survey Report, a Water Vole Survey Report, a Ground Level Tree Assessment (GLTA) report, a Reptile Survey, a Breeding Bird and Barn Owl Survey Report, a Great Crested Newt Survey and a confidential Badger survey. Subject to the recommendations, mitigation measures and further surveys/actions detailed in the survey reports, the proposal is acceptable in terms of its ecological impact.
- 8.17 The planning application is accompanied by an Arboricultural Impact Assessment (AIA), which confirms that the proposal will require the removal of two individual trees, five groups of trees, nine part groups, one hedgerow and

three sections of hedgerows to facilitate the development. The majority fall within Category B and C. One Category A tree will require removal. The proposal seeks to mitigate the loss of trees through the provision of a landscaping scheme. Extensive tree planting is proposed as part of the landscape strategy and it is considered that this will compensate for the loss of the trees. This will include the establishment of significant tree belts, particularly on the southern ridge, alongside community orchard, woodland tree belts alongside tree lined roads.

- 8.18 With regard to biodiversity net gain (BNG), the proposed development will result in a BNG of 1 habitat biodiversity units and a positive net percentage change of 16.50%. The development will also result in an increase of 295.99% hedgerow units. The BNG assessment confirms that provided the recommendations outlined in the BNG Assessment are followed, the biodiversity value of the current landscaping proposals (including the retained existing habitats) is 138.41 Biodiversity Habitat Units, 26.98 Hedgerow units and 1.08 River units. As the proposal will result in a greater than 10% biodiversity increase, no additional habitat creation is recommended in the BNG Assessment.
- 8.19 The application is accompanied by a Sustainability Statement and a Construction Environmental Management Plan (CEMP) setting out the proposed waste management of the development. The application involves the creation of compacted and stabilised platforms to support the proposed development, and the disposal of associated surplus material off-site by construction vehicles and to dispose of it at landfill. Whilst it is regrettable that the alternative Earthworks Application could not be progressed, BBC Officers support the proposal to dispose of surplus waste off-site at landfill. The strategy is agreeable given that the current application, including its ES, was based on this strategy and is supportive of it.
- 8.20 The development will not have any adverse impact on the highways network. The development provides suitable and safe access to the site for all users, and the design of the streets, parking areas and other transport elements of the development reflects current national guidance. The development includes sustainable transport initiatives which will promote travel to the site by modes of transport other than by sole-occupancy private car. The scheme is therefore acceptable in highways and transport terms and complies with Local Plan policies BE09, BE11, BE12 and BE13 and Section 9 of the NPPF.

- 8.21 The applicant has agreed to s106 planning obligations and financial contributions in accordance with the requirements of Site Allocation E11 and the requirements of the Council's Infrastructure Delivery Plan (IDP).
- 8.22 The proposal would provide several economic, social and environmental benefits which, in summary, are as follows. These comprise the public benefits in the context of the balancing exercise which has been applied in relation to the less than significant heritage harm which has been identified.
- a) The construction phase of the development would support approximately 1,580 gross construction job years over the 21-month period, with workers spending an estimated £3.6 million in the local area.
  - b) Up to 2,370 gross direct FTEs is equivalent to over ten years' worth of targeted employment growth for Brentwood. Up to 4,315 net additional FTEs would be supported by the scheme considering multiplier and displacement effects.
  - c) Workers from the proposed development would spend up to £6.9 million in the local area each year.
  - d) Proposed Development would generate up to £230m of additional Gross Value Added, including additional annual tax revenues of up to £92m.
  - e) Generation of up to £3.7m in annual business rate payments.
  - f) Jobs that are in line with the opportunities that unemployed residents across Brentwood and the Employment Study Area (ESA) are seeking. 64% of unemployed residents are seeking jobs in elementary occupations within the ESA. Breaking this down further, all these residents are seeking roles in trades, plants, and storage-related occupations, all of which the Proposed Development would provide in the operational phase.
  - g) Logistics is currently the strongest sector nationally in the supply of full-time jobs and record high wage growth in response to huge demand in warehousing space – fueled by a shift in consumer spending from the high street to online and accelerated by the pandemic.
  - h) Jobs directly created for local residents – up to an estimated 790 FTEs created for local residents. This is the number of jobs that would be

expected to go to local residents based on naturally occurring commuting patterns.

- i) The provision of local jobs and possible training opportunities will assist Brentwood in becoming one of the highest performing regions in Essex. Achieving this target requires a 2% increase in annual growth rates. The Council has identified multiple ways of achieving this, including increasing the number of apprenticeships. Brentwood has the lowest proportion of inhabitants on apprenticeships within Essex – and attracting inward investment and new businesses to provide local jobs and training opportunities would improve that.
- j) Crime reduction - the proposal would likely lead to lower instances and levels of crime. This includes implementing ‘Secured by Design’ principles in the design, such as lighting and fencing, CCTV, access doors and security teams.
- k) Health benefits and social value created through the provision of a community orchard, an outdoor gym and a fitness trail. All of these features, which are available for workers and the wider public, create a healthier and happier workforce and community. This is in line with the Councils’ Health and Wellbeing Strategy 2020-2023
- l) Environmental design is in line with Brentwood’s corporate strategy for environmental protection. BEP have developed thorough plans to reduce their impact on the environment, with the aim of achieving a score of excellent in the Building Research Establishment Environmental Assessment (BREEAM) – a voluntary scheme that aims to measure and alleviate the environmental burden from buildings. The plans cover waste and material management, water saving scheme, solar generation and air tightness, that will contribute to achieving operational net zero carbon. The environmental quality of BEP directly relates to the goals set out in Brentwood’s 2020-2025 corporate strategy that advocate for clean, safe and environmentally friendly workspaces

8.23 On balance the proposed development constitutes sustainable development as defined in the NPPF. It accords with the requirements of Site Allocation E11 and constitutes appropriate development in the Green Belt, in accordance with paragraphs 150 b) and c) of the NPPF. Furthermore, the public benefits of the proposed development outweigh the heritage impact on designated and non-

designated heritage assets (which carry very limited weight in terms of heritage interest). The proposed development complies with the development plan, so in accordance with paragraph 11 of the NPPF, it should be approved without delay. There are no material considerations which would require a determination other than in accordance with the development plan. Rather, the material considerations further support the grant of permission, subject to conditions and a section 106 agreement and the Secretary of State not wanting to intervene.

## **9.0 RECOMMENDATION**

Grant full planning permission subject to:

- the completion of an agreement under s106 of the Town and Country Planning Act 1990 to secure the obligations (Heads of Terms) set out in Table 17.1 of this report (Paragraph 7.291);
- the Secretary of State not wanting to intervene; and
- the list of conditions set out in Appendix B.

### Equality & health implications

The Public Sector Equality Duty applies to the council when it makes decisions. The duty requires us to have due regard to the need to:

a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.

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.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, 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).

The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## Appendix A: List of Submitted Drawings and Documents

Topic	Document / Plan Reference	Date
<b>Architectural Plans</b>	Site Location Plan (Ref: 19296 P0001 Revision D)	May 2023
	Existing Site Plan (Ref: 19296 P0002 B)	May 2023
	Proposed Masterplan (Ref: 19296 P0003 Rev L)	May 2023
	Parameter Plan (Ref: 19296 P0004 Rev A)	February 2022
	Unit 1 Site Plan (Ref: 19296 P1001 Rev G)	May 2023
	Unit 1 External Surfacing Plan (Ref: 19296 P1002 F)	May 2023
	Unit 1 Fencing and Protection Details (Ref: 19296 P1003 G)	May 2023
	Unit 1 Cycle Shelter Details (Ref: 19296 P1004 F)	May 2023
	Unit 1 Ancillary Buildings (Ref: 19296 P1005 F)	May 2023
	Unit 1 Gatehouse Details (Ref: 1926 P1102 E)	May 2023
	Unit 1 Building Elevations (Ref: 19296 P1291 D)	May 2023
	Unit 1 Sections (Ref: 19296 P1391 D)	May 2023
	Unit 1 Warehouse Plan (Ref: 19296 P1101 A)	September 2022
	Unit 1 Transport Office Plans (Ref: 19296 P1112 Rev B)	September 2022
	Unit 1 Roof Plan (Ref: 19296 P1141 Rev B)	September 2022
	Unit 1 Office Plans (Ref: 19296 P1111 Rev B)	September 2022
	Unit 2 Site Plan (Ref: 19296 P2001 G)	May 2023
	Unit 2 External Surfacing Plan (Ref: 19296 P1002 D)	May 2023
	Unit 2 Fencing and Protection Details (Ref: 19296 P2003 E)	May 2023
	Unit 2 Cycle Shelter Details (Ref: 19296 P2004 D)	May 2023
	Unit 2 Ancillary Buildings (Ref: 19296 P2005 D)	May 2023
	Unit 2 Building Elevations (Ref: 19296 P2291 B)	May 2023
	Unit 2 Sections (Ref: 19296 P2391 B)	May 2023

Topic	Document / Plan Reference	Date
	Unit 2 Warehouse Plan (Ref: 19296 P2101 Rev B)	September 2022
	Unit 2 Office Plans (Ref: 19296 P2111 Rev B)	September 2022
	Unit 2 Roof Plan (Ref: 19296 P2141 Rev B)	September 2022
	Unit 3 Site Plan (Ref: 19296 P3001 G)	May 2023
	Unit 3 External Surfacing Plan (Ref: 19296 P3002 D)	May 2023
	Unit 3 Fencing and Protection Details (Ref: 19296 P3003 E)	May 2023
	Unit 3 Cycle Shelter Details (Ref: 19296 P3004 D)	May 2023
	Unit 3 Ancillary Buildings (Ref: 19296 P3005 D)	May 2023
	Unit 3 Building Elevations (Ref: 19296 P3291 B)	May 2023
	Unit 3 Sections (Ref: 19296 P3391 B)	May 2023
	Unit 3 Warehouse Plan (Ref: 19296 P3101 Rev B)	September 2022
	Unit 3 Office Plans (Ref: 19296 P3111 Rev B)	September 2022
	Unit 3 Transport Office Plans (Ref: 19296 P3112 Rev B)	September 2022
	Unit 3 Roof Plan (Ref: 19296 P3141 Rev B)	September 2022
	Unit 4 Site Plan (Ref: 19296 P4001 G)	May 2023
	Unit 4 External Surfacing Plan (Ref: 19296 P4002 D)	May 2023
	Unit 4 Fencing and Protection Details (Ref: 19296 P4003 E)	May 2023
	Unit 4 Cycle Shelter Details (Ref: 19296 P4004 D)	May 2023
	Unit 4 Ancillary Buildings (Ref: 19296 P4005 D)	May 2023
	Unit 4 Gatehouse Details (Ref: 1926 P4102 D)	May 2023
	Unit 4 Building Elevations (Ref: 19296 P4291 C)	May 2023
	Unit 4 Sections (Ref: 19296 P4391 C)	May 2023
	Unit 4 Warehouse Plan (Ref: 19296 P4101 Rev B)	September 2022



<b>Topic</b>	<b>Document / Plan Reference</b>	<b>Date</b>
	Unit 4 Office Plans (Ref: 19296 P4111 Rev B)	September 2022
	Unit 4 Transport Office Plans (Ref: 19296 P4112 Rev B)	September 2022
	Unit 4 Roof Plan (Ref: 19296 P4141 Rev B)	September 2022
	Combined pedestrian and cycle plan (19296 SK0029 Rev D)	May 2023
	Public Rights of Way Diversion Plan (Ref: 19296 P0005 Rev F)	May 2023
	Public Rights of Way Diversion Plan in Context (Ref: 19296 P0006 Rev D)	May 2023
	Proposed Site Sections (Ref: 19296 P0007 Rev B)	
<b>Landscaping Plans</b>	JSL 4059-RPS-XX-EX-DR-L-9001_P18 – Landscape Masterplan	May 2023
	JSL 4059-RPS-XX-EX-DR-L-9036_P01 Green Infrastructure Principles Plan	August 2023
	JSL 4059-RPS-XX-EX-DR-L-9035 – P01 –Typical Tree Pit Details	May 2023
	Proposed Landscape Long Sections (Ref :JSL4059-RPS-XX-EX-DR-L-9002 Rev.P09)	May 2023
<b>Drainage Plans</b>	20-081D_300 P7 - Drainage Strategy Layout	May 2023
	20-081D_301 P2 – Existing Water Course Enhancement Pond Sections	September 2022
	Flow Exceedance Plan (Ref: 20-081D-320 Rev P3)	February 2023
	BGS Borehole	November 2022
	Drainage Maintenance and Management (Ref: 20-081R)	November 2022
	Onsite Highways Works – Sheet Layout Key Plan (Ref: 20-081-420 Rev P5)	May 2023
	Onsite Highways Works – General Arrangement Sheet 1 of 4 (Ref: 20-081-421 Rev P5)	May 2023
	Onsite Highways Works – General Arrangement Sheet 2 of 4 (Ref: 20-	May 2023

Topic	Document / Plan Reference	Date
	081-422 Rev P5)	
	Onsite Highways Works – General Arrangement Sheet 3 of 4 (Ref: 20-081-423 Rev P5)	May 2023
	Onsite Highways Works – General Arrangement Sheet 4 of 4 (Ref: 20-081-424 Rev P4)	February 2023
	Onsite Highway Works – Proposed Vertical Alignment Link Road 1 (Ref: 20-081-440 Rev P4)	May 2023
	Onsite Highway Works – Proposed Vertical Alignment Link Road 2 (Ref: 20-081-441 Rev P3)	May 2023
	Onsite Highways Works – Proposed Cross Sections (Ref: 20-081-470 Rev P3)	February 2023
	Onsite Highways Works – Drainage Layout Sheet 1 of 4 (Ref: 20-081-480 Rev P5)	May 2023
	Onsite Highways Works – Drainage Layout Sheet 2 of 4 (Ref: 20-081-481 Rev P5)	May 2023
	Onsite Highways Works – Drainage Layout Sheet 3 of 4 (Ref: 20-081-482 Rev P4)	May 2023
	Onsite Highways Works – Drainage Layout Sheet 4 of 4 (Ref: 20-081-483 Rev P3)	February 2023
	Onsite Highways Works – Vehicle Tracking Location Plan (Ref: 20-081-500 Rev P5)	May 2023
	Onsite Highways Works – Vehicle Trackings Sheet 1 of 2 (Ref: 20-081-501 Rev P5)	May 2023
	Onsite Highways Works – Vehicle Trackings Sheet 2 of 2 (Ref: 20-081-502 Rev P5)	May 2023
	Onsite Highways Works – Visibility Splay Location Plan (Ref: 20-081-503 Rev P5)	May 2023
	Onsite Highways Works – Visibility Splay Sheet 1 of 2 (Ref: 20-081-504	May 2023

Topic	Document / Plan Reference	Date
	Rev P5)	
	Onsite Highways Works – Visibility Splay Sheet 2 of 2 (Ref: 20-081-505 Rev P5)	May 2023
	Highway Boundary and Adoption Elements Plan (Ref: 20-081D_590 Rev P4_S38)	February 2023
	Cut and Fill Analysis (Ref: 20-081D-600 Rev P3)	May 2023
	Cut and Fill Analysis – Top Soil Mound Volumes (Ref: 20-081D-602 Rev P4)	May 2023
	Site Constrains Plan – Existing Services (Ref: 20-081D-705 Rev P4)	May 2023
	Site Constrains Plan – Proposed Development (Ref: 20-081D-706 Rev P2)	May 2023
	Proposed Bicycle Route Plan (Ref: 20-081D_800 Rev P2)	May 2023
<b>Transport Plans</b>	Approval in principal link road general arrangement – BEP-ATK-HML-ZZ-DR-CB-000011 Rev C01	May 2023
	J29 Capacity Enhancement General Arrangement - BEP-ATK-HML_ZZ-DR-CH-000001_C04	May 2023
	Warley Interchange Concept Design BEP-ATK-HML-ZZ-DR-CH-000002 Rev C04	May 2023
	Site Access Concept Design - BEP-ATK-HML_ZZ-DR-CH-000003 Rev C05	May 2023
	Link Road Concept Design - BEP-ATK-HML_ZZ-DR-CH-000004 Rev C06	May 2023
	Link road between M25 junction 29 roundabout and Codham Hall roundabout plan and profile – Sheet 1 of 2 – BEP-ATK-HML-X_ZZ-DR-CH-000005 Rev C02	May 2023
	Road through Codham Hall Roundabout and into Brentwood Enterprise Park Plan and Profile – Sheet 2 of 2 (Ref:BEP-ATK-HML-_ZZ-DR-CH-000006 Rev C03)	May 2023
	Visibility Envelopes (Ref: BEP-ATK-HML_ZZ-DR-CH-000007 Rev C03)	May 2023
	Link Road Between M25 Junction 29 Roundabout and Codham Hall	May 2023

Topic	Document / Plan Reference	Date
	Roundabout (Ref: BEP-ATK-HML_ZZ-DR-CH-000008 C02)	
	Road through Codham Hall roundabout and into Brentwood Enterprise Park swept path - 16.5m artic Sheet 1 of 2 - BEP-ATK-HML-ZZ-DR-CH-000010 Rev C03	May 2023
	Road through Codham Hall roundabout and into Brentwood Enterprise Park swept path - 16.5m artic Sheet 1 of 2 - BEP-ATK-HML-ZZ-DR-CH-000011 Rev C03	May 2023
	Typical Sections (Ref: BEP-ATK-HML_ZZ-DR-CH-000012 Rev C03)	May 2023
<b>Air Quality, Noise and Environmental</b>	Air Quality Assessment (February 2022)	February 2022
	Environmental Statement (February 2022)	February 2022
	Noise and Acoustic Statement (February 2022)	February 2022
	BEP ES Vol 1 Non-Technical Summary	September 2022
	BEP ES Vol 2 Chapter 13 Ecology	September 2022
	BEP ES Vol 2 Chapter 15 Built Heritage	September 2022
	BEP ES Vol 2 Chapter 16 Effect Interactions	September 2022
	BEP ES Vol 2 Chapter 17 Conclusions	September 2022
	BEP ES Vol 4 Appendix H.10 Bat Activity Transect Survey Report	September 2022
	BEP ES Vol 4 Appendix H.11 Great Crested Newt Presence Absence Survey Report	September 2022
	BEP ES Vol 4 Appendix H.12 CONFIDENTIAL Badger Report;	September 2022

<b>Topic</b>	<b>Document / Plan Reference</b>	<b>Date</b>
	BEP ES Vol 4 Appendix H.13 Updated Reptile Survey	September 2022
	Breeding Bird and Barn Owl Survey (Version 2)	May 2023
	Hedgerow Survey (Version 1.0)	October 2023
	Water Vole Survey Report (Version 1.0)	October 2023
	GLTA Memo Report (Version 1.4)	October 2023
<b>Archaeology</b>	Archaeological Desk Based Assessment (Version 4 minor amendments)	May 2023
<b>Biodiversity/ Ecology</b>	Ground Level Roost Assessment (Version 2)	May 2023
	Preliminary Ecological Appraisal (Version 4)	February 2022
	Preliminary Ecological Appraisal (Version 1.0)	October 2023
<b>Transport</b>	Transport Assessment (Revision 1.6)	February 2022
<b>Geo-Environmental</b>	Phase 1 Geo-Environmental Study (Version 5)	May 2023
	Phase 2 Geo-Environmental Study (Version 2)	July 2023
<b>Energy and Sustainability</b>	Energy Strategy (October 2023 Revision P9) Sustainability Statement	October 2023
<b>Arboricultural</b>	Arboricultural Impact Assessment (February 2022)	February 2022



## Appendix B: Conditions

Condition	Type	Wording
<p>Removal of Permitted Development Rights</p> <p>Relevant policies – Strategic Policy BE14: Creating Successful Places</p>	Compliance	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3 (or any order revoking and re-enacting that Order with or without modification), the buildings hereby approved shall not be used for any alternative use(s) that may be granted by the Order, other than those expressly authorised by this permission unless planning permission is sought from and granted by the Local Planning Authority.</p> <p>Reason: In the interests of amenity to ensure that the uses hereby approved would not result in detriment to neighbouring properties in accordance with policy BE14 of the Brentwood Local Plan 2016-2033 and the NPPF 2023.</p>
<p>Quantum and use</p> <p>Relevant policies – Strategic Policy BE14: Creating Successful Places</p>	Compliance	<p>The total Gross Internal Area floorspace of all of the units shall not exceed 112,466sqm. The units hereby permitted shall be used for Class B8 (Storage and Distribution) and Class B2 (General Industrial) use with ancillary office space (within Class E) only. The area occupied by Class B2 use shall be no greater than 20% (22,493.2sqm) of the total approved floorspace.</p> <p>Reason: In the interests of amenity to ensure that the uses hereby approved would not result in detriment to neighbouring properties in accordance with policy BE14 of the Brentwood Local Plan 2016-2033 and the NPPF 2023.</p>
<p>Commencement date</p>	Compliance	<p>The development hereby permitted shall be commenced within 5 years from the date of this permission.</p>

Condition	Type	Wording
Relevant policies – N/A		Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended.
Approved drawings / documents  Relevant policies – N/A	Compliance	<p>The development hereby permitted shall be carried out in accordance with the following plans unless otherwise required by another condition:</p> <p><u>LIST TBC</u></p> <p>List of relevant approved drawings/documents will be provided in due course prior to the issuing of the decision notice/section 106.</p> <p>Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.</p>
Materials  Relevant policies – Strategic Policy BE14: Creating Successful Places	Compliance	<p>The external materials to be used in the construction of the development hereby approved shall be carried out in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>• Unit 1 Elevations (Drawing 19296 P1291 D)</li> <li>• Unit 2 Elevations (Drawing 19296 P2291 B)</li> <li>• Unit 3 Elevations (Drawing 19296 P3291 B)</li> <li>• Unit 4 Elevations (Drawing 19296 P4291 C)</li> </ul> <p>Reason: To ensure the quality and finishes of the materials are in accordance with the requirements of the Brentwood Local Plan 2016 - 2033 Policy BE14 and the National Planning Policy Framework 2023.</p>
Refuse and	Pre-occupation	The refuse and recycling arrangements for a particular unit shown on the



Condition	Type	Wording
<p>recycling</p> <p>Relevant policies – Strategic Policy BE14: Creating Successful Places</p>	(compliance)	<p>approved drawings for that unit shall be provided and made available for use prior to occupation of that unit. The refuse and recycling storage facilities shall thereafter be retained for their intended purpose.</p> <p>Reason: to ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site in accordance with the requirements of the Brentwood Local Plan 2016 - 2033 Policy BE14 and the National Planning Policy Framework 2023</p>
<p>Biodiversity Net Gain</p> <p>Relevant policies – Strategic Policy NE01: Protecting and Enhancing the Natural Environment</p> <p>Strategic Policy NE02: Green and Blue Infrastructure</p>	Pre-commencement	<p>The development shall achieve a Biodiversity Net Gain on site calculated in accordance with the Defra Metric 3.1. Prior to the commencement of development, a Biodiversity Net Gain Calculation Report demonstrating a net gain shall be submitted to and approved by the Local Planning Authority.</p> <p>Reason: To comply with NPPF paragraphs 174d and 180d</p>
<p>Landscape and Ecological Management Plan</p>	Pre-commencement	<p>No development shall take place until a Landscape and Ecological Mitigation and Management Plan (LEMP) has been submitted to, and approved by, the Local Planning Authority. The LEMP shall be prepared having regard to the Landscape</p>

Condition	Type	Wording
<p>Relevant policies - Strategic Policy NE01: Protecting and Enhancing the Natural Environment</p> <p>Strategic Policy NE02: Green and Blue Infrastructure</p>		<p>Masterplan approved pursuant to condition (<b>Condition number – To be confirmed</b>) and ecological mitigation requirements identified in the application documents. The LEMP shall:</p> <ul style="list-style-type: none"> <li>• cover a period of 10 years and identify those responsible for ensuring the effective management of Green Infrastructure assets (including any surface water drainage system).</li> <li>• Identify the establishment and long-term commitments to manage the landscape and protect and enhance biodiversity in and around the site, drawing together measures set out in the landscape scheme and required as part of the ecological assessments;</li> <li>• Identify the key habitat and landscape features to be retained or created and their future management requirements (including the timing, monitoring and aftercare of the various features) consisting of the following points: <ul style="list-style-type: none"> <li>○ Ponds;</li> <li>○ Stream;</li> <li>○ Grassland</li> <li>○ Hedges</li> <li>○ New tree and other planting</li> <li>○ Hobbs Hole ;</li> <li>○ Bat/bird boxes;</li> <li>○ Hibernacula; and</li> <li>○ Log piles</li> </ul> </li> <li>• Annual logs setting out details of the implementation of the maintenance measures set out in the LEMP shall be maintained for a 10 year period. These logs shall be made available for inspection upon a request by the Local Planning Authority.</li> <li>• Details of ecological monitoring and reporting to the Local Planning</li> </ul>

Condition	Type	Wording
		<p>Authority to take account of the ecological supervision during the construction phase of the development. The details shall include the level of supervision, reporting mechanisms to the Council and frequency of the site visits and reporting, and provision for a meeting on site prior to works taking place on site between the developer, developer's relevant contractors and arboricultural/ecological consultants as well as the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the approved LEMP.</p> <p>Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with the requirements of the Brentwood Local Plan 2016 - 2033 Policies NE01 and NE02 and the National Planning Policy Framework 2023</p>
<p>Buffer Zone</p> <p>Relevant policies - Strategic Policy NE01: Protecting and Enhancing the Natural Environment</p> <p>Policy NE03: Trees, Woodlands,</p>	<p>Pre-commencement</p>	<p>The development hereby permitted shall be implemented in accordance with the approved plans and the 15m buffer zone (Biodiversity Protection Zone) around Hobbs Hole ancient woodland (LWS) and Codham Hall Woods (LWS) shall be kept free of any form of development or activity at all times. The buffer should be included within the AMS and Tree Protection Plan (condition X)</p> <p>Reason: This condition is necessary to ensure the protection of wildlife in accordance with the requirements of the Brentwood Local Plan 2016 - 2033 Policies NE01, NE03 and NE02 and the National Planning Policy Framework 2023</p>

Condition	Type	Wording
<p>Hedgerows</p> <p>Strategic Policy NE02: Green and Blue Infrastructure</p>		
<p>Arboriculture</p> <p>Relevant policies –</p> <p>Policy NE01: Protecting and Enhancing the Natural Environment</p> <p>Policy NE03: Trees, Woodlands, Hedgerows</p> <p>Strategic Policy NE02: Green and Blue Infrastructure</p>	<p>Pre-commencement</p>	<p>An Arboricultural Method Statement (AMS) including a Tree Protection Plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of the development hereby permitted. It shall be prepared in accordance with BS5837:2012 recommendations. The AMS shall include details of the position and type of Tree Protection Fencing; where works will be required within Construction Exclusion Zones, details of service runs, drainage and hard surfacing close to trees and hedges, additional ground protection where incursions within the root protection areas are required; details of when arboricultural supervision will be required.</p> <p>The protective fencing and ground protection shall be retained until all construction equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out and retained in accordance with the approved details.</p> <p>The development shall be carried out in accordance with the approved AMS.</p>

Condition	Type	Wording
		Reason: To avoid damage to the existing trees and to ensure the protection and enhancement of the natural environment in accordance with the requirements of the Brentwood Local Plan 2016 - 2033 Policies NE01, NE03 and NE02 and the National Planning Policy Framework 2023
<p>Landscape Scheme</p> <p>Relevant policies –</p> <p>Strategic Policy NE01: Protecting and Enhancing the Natural Environment</p> <p>Policy NE03: Trees, Woodlands, Hedgerows</p> <p>Strategic Policy NE02: Green and Blue Infrastructure</p>	Pre-commencement	<p>Prior to commencement of development a Landscape Masterplan containing detailed landscape proposals and associated works with a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority. Details shall include, but not be limited to,</p> <p>a) Trees, hedgerows and other landscape features to be removed, retained, restored or reinforced;</p> <p>b) The location, species and size of all new plants, trees, shrubs and hedgerows to be planted, those areas to be grassed and/or paved,</p> <p>c) A programme of implementation;</p> <p>d) Written specifications (including cultivation and other operations associated with plant and grass establishment);</p> <p>e) Hard and soft surfacing materials;</p> <p>f) Construction methods in the vicinity of retained trees and hedges, including protection measures in accordance with BS4428:1989 and BS5837:2012;</p>

Condition	Type	Wording
		<p>g) Pit design for tree planting within streets or areas of hard landscaping;</p> <p>h) Existing and proposed levels comprising spot heights, gradients and contours, grading, ground modelling and earth works;</p> <p>i) Locations and specifications and product literature relating to street furniture including signs, seats, bollards, planters, refuse bins;</p> <p>j) Whether public access will be permitted to such land; and</p> <p>k) the location of suitable retained trees or newly planted trees within the proposal where bat/bird boxes will be located to improve the site for roosting bats and nesting birds.</p> <p>The approved Landscape Masterplan and the detailed landscape proposals and associated works shall be implemented in accordance with the approved programme of implementation. Any existing or newly planted tree, shrub or hedgerow dying, uprooted, severely damaged or seriously diseased or, within a period of 5 years from completion of the Landscape Masterplan shall be replaced within the next planting season with others of the same species and of a similar size, unless the Local Planning Authority gives prior written consent to any variation.</p> <p>Details of phasing shall be provided showing where new planting can be achieved as early as possible. The entire Landscape Masterplan and the</p>

Condition	Type	Wording
		<p>detailed landscape proposals and associated works shall have been completed prior to the end of the first landscaping planting season (November-February) following completion of construction of the final unit.</p> <p>Reason: To ensure the Local Planning Authority are satisfied with the details of the landscaping scheme in accordance with the requirements of the Brentwood Local Plan 2016 - 2033 Policies NE01, NE03 and NE02 and the National Planning Policy Framework 2023.</p>
<p>Phase 2 Geo-Environmental Report and Remediation Scheme</p> <p>Relevant policies - Policy NE10: Contaminated Land and Hazardous Substances</p>	<p>Pre-commencement</p>	<p>Prior to commencement of development a Phase 2 Geo-Environmental Report shall be submitted to the Local Planning Authority. Details shall include:</p> <ul style="list-style-type: none"> <li>• Trial pits to establish shallow ground conditions.</li> <li>• Boreholes to enable geotechnical in-situ testing, water sampling and gas monitoring,</li> <li>• Laboratory chemical analysis of soil and groundwater samples.</li> <li>• Laboratory geotechnical testing.</li> </ul> <p>If this Phase 2 Geo-Environmental Report identifies risks unacceptable to receptors, a suitable and detailed remediation scheme setting out details of the works required to bring the site into an acceptable condition for its intended use shall at the same time be submitted to the Local Planning Authority for its written approval.</p> <p>The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development (save for the carrying out of</p>

Condition	Type	Wording
		<p>any part of the development that is required in order to carry out the approved remediation scheme). The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.</p> <p>Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority for its approval.</p> <p>Any asbestos containing materials within the existing buildings shall be removed by an appropriately licensed contractor before demolition commences.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of pollution, in line with National Planning Policy Framework 2023 and the Brentwood Local Plan 2016 – 2033 Policy NE10.</p>
<p>Risk assessment</p> <p>Relevant policies –</p> <p>Policy NE10: Contaminated Land and Hazardous Substances</p>	<p>Pre- commencement</p>	<p>Prior to the commencement of construction, a risk assessment shall be submitted to and approved in writing by the Local Planning Authority which identifies the probability of vibration from compaction and excavation activities and to determine the need for periodic or continuous vibration monitoring. The development shall be carried out in accordance with the approved risk assessment and the measures identified therein and using techniques least likely to cause vibration or impact damage to the surrounding properties.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of pollution,</p>



Condition	Type	Wording
		in line with National Planning Policy Framework (NPPF) and the Brentwood Local Plan 2016 – 2033 Policy NE10.
<p>Construction activities</p> <p>Relevant policies – Strategic Policy BE14: Creating Successful Places</p>	Compliance	<p>Construction activities at the site shall not be carried out outside the following hours:</p> <ul style="list-style-type: none"> <li>• 07:00 – 19:00 Monday to Friday.</li> <li>• 07:00 – 16:00 Saturday.</li> <li>• None on Sundays or Public Holidays.</li> </ul> <p>Reason: To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of noise and disturbance in accordance with Brentwood Local Plan 2016 – 2033 policy BE14.</p>
<p>Noise</p> <p>Relevant policies – Strategic Policy BE14: Creating Successful Places</p>	Pre-commencement	<p>Prior to commencement of development, a noise assessment (including mechanical plant and equipment associated with commercial properties) in accordance with BS4142:2014+A1:2019 shall be submitted to the Local Planning Authority’s Environmental Health team and approved in writing. A noise rating level (L<sub>A</sub>r,T) from the scheme of at least 5dB below the typical background sound level (L<sub>A</sub>90,T) shall be achieved at noise sensitive receptors. Where the noise rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise rating level should be identified and justified. This full assessment should inform any noise mitigation that may be needed.</p> <p>The development shall be carried out in accordance with the approved noise assessment.</p>

Condition	Type	Wording
		Reason: To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of noise and disturbance in accordance with Brentwood Local Plan 2016 – 2033 policy BE14.
<p>Site access (B186)</p> <p>Relevant policies –</p> <p>Strategic Policy BE08: Strategic Transport Infrastructure Policy BE12: Mitigating the Transport Impact of Development</p>	Pre-occupation	<p>Prior to occupation of the proposed development, the proposed site access onto the B186 Warley Street shall be provided as shown indicatively on Drawing BEP-ATK-HML-ZZ-DR-CH- 000003 C03 within Appendix A of the Transport Assessment. The works include but are not limited to full signalisation of the junction, two lane approaches on each arm and a designated right turn lane into Upminster Trading Estate. Full details of the works shall be approved in writing by the Highway Authority prior to the commencement of the relevant works.</p> <p>Reason: To ensure that vehicles can enter and leave the site in controlled manner, and to provide adequate inter-visibility between vehicles using the site access and those in the existing public highway/users of Upminster Trading Estate, in the interest of highway safety in accordance The National Planning Policy Framework 2023 and Policy BE12 of The Brentwood Local Plan 2016 - 2033</p>
<p>Site access (north of M25 Junction 29)</p> <p>Relevant policies –</p> <p>Strategic Policy</p>	Pre-occupation	<p>Prior to occupation of the proposed development, the proposed site access from the north via M25 Junction 29 and Codham Hall Lane shall be provided as shown indicatively on Drawing BEP-ATK-HML-ZZ-DR-CH-000004 C06 and Drawing BEP-ATK-HML-ZZ-DR-CH-000007 C03. The works shall include but not be limited to a reconstructed carriageway on Codham Hall Lane, a new signalised pedestrian crossing, a new roundabout and a new bridge over the A127. Full</p>

Condition	Type	Wording
<p>BE08: Strategic Transport Infrastructure</p> <p>Policy BE12: Mitigating the Transport Impact of Development</p>		<p>details of the works shall be approved in writing by the Highway Authority prior to the commencement of the relevant works.</p> <p>Reason: To allow vehicles to access the site from the existing public highway in a safe and controlled manner in the interest of highway safety and in accordance with The National Planning Policy Framework 2023 and Policy BE08 and BE12 of the Brentwood Local Plan 2016 - 2033.</p>
<p>Highway works - A127 &amp; B186</p> <p>Relevant policies –</p> <p>Strategic Policy BE08: Strategic Transport Infrastructure</p> <p>Policy BE12: Mitigating the Transport Impact of Development</p>	Pre-occupation	<p>Prior to occupation of the proposed development, highway works shall be provided as shown indicatively on Drawing BEP-ATK-HML-ZZ-DR-CH-000002 C03 at the intersection of the A127 and B186. The works shall include but not be limited to full signalisation of the junction, a new bridge, dualling of the B186 carriageway, widening of the A127 slip roads to two lanes and the provision of associated walking and cycling infrastructure. Full details of the works shall be approved in writing by the Highway Authority prior to the commencement of the relevant works.</p> <p>Reason: To allow vehicles to access the site from the existing public highway in a safe and controlled manner in the interest of highway safety and in accordance with The National Planning Policy Framework 2023 and Policy BE08 and BE12 of the Brentwood Local Plan 2016 - 2033.</p>
<p>Widening of the A127 westbound</p>	Pre-occupation	<p>Prior to occupation of the proposed development, widening of the A127 westbound offslip at M25 Junction 29 shall be carried out as shown indicatively on Drawing BEP-ATK-HML-ZZ-DR-CH-000001 C02 within Appendix A of the</p>

Condition	Type	Wording
<p>Relevant policies –</p> <p>Strategic Policy BE08: Strategic Transport Infrastructure</p> <p>Policy BE12: Mitigating the Transport Impact of Development</p>		<p>Transport Assessment. Full details of the works shall be approved in writing by the Highway Authority prior to the commencement of the relevant works.</p> <p>Reason: In the interests of ensuring the highway retains adequate capacity, safety and efficiency to serve the proposed development, other Local Plan proposals in the vicinity and the wider highway network and in accordance with The National Planning Policy Framework 2023 and policy BE12 and BE08 of the Brentwood Local Plan 2016 - 2033.</p>
<p>Proposed site access - Codham Hall Road</p> <p>Relevant policies –</p> <p>Strategic Policy BE08: Strategic Transport Infrastructure</p> <p>Policy BE12: Mitigating the Transport Impact of Development</p>	Pre-occupation	<p>Prior to occupation of the proposed development, the proposed site access road from Codham Hall Road to the B186 Warley Street shall be provided as shown indicatively in Drawings 20-081 / 421 P5, 20-081 / 422 P5 and 20-081 / 423 P5. The works shall be to highways-standard specifications and include pedestrian crossings and footway/cycleway links within the site. Full details of the works shall be approved in writing by the Highway Authority prior to the commencement of the relevant works.</p> <p>Reason: In the interests of ensuring the highway retains adequate capacity, safety and efficiency to serve the proposed development, other Local Plan proposals in the vicinity and the wider highway network and in accordance with The National Planning Policy Framework 2023 and policy BE08 and BE12 of the Brentwood Local Plan 2016 - 2033.</p>

Condition	Type	Wording
<p>Walking and cycling infrastructure improvements</p> <p>Relevant policies –</p> <p>Strategic Policy BE09: Sustainable Means of Travel and Walkable Streets</p> <p>Policy BE12: Mitigating the Transport Impact of Development</p>	<p>Pre-occupation</p>	<p>Prior to occupation of the proposed development, walking and cycling infrastructure improvements, together with associated signage, shall be provided on the B186 south of the interchange with A127 as shown indicatively in Drawings BEP-ATK-HML-ZZ-DR-CH-000002 C03, BEP-ATK-HML-ZZ-DR-CH-000026 C01 and BEP-ATK-HML-ZZ-DR-CH-000027 C01. Full details of the works shall be approved in writing by the Highway Authority prior to the commencement of the relevant works.</p> <p>Reason: To provide safe access for both pedestrians, cyclists and the mobility impaired in the interest of accessibility in accordance with Policies BE09 and BE12 of the Brentwood Local Plan 2016 – 2033 and the National Planning Performance Framework 2023.</p>
<p>Bus stops</p> <p>Relevant policies –</p> <p>Strategic Policy BE09: Sustainable Means of Travel and Walkable Streets</p>	<p>Pre-occupation</p>	<p>Prior to occupation of the proposed development, the bus stops on either side of the B186, as shown indicatively on Drawing BEP-ATK-HML-ZZ-DR-CH-000027 C01, shall be provided with shelters, new flags and poles, real time passenger information displays and raised kerbs or such other scheme or variation substantially to the same effect that is approved in writing by the Local Planning Authority and Essex County Council as Highway Authority. Full details of the works shall be agreed with the Local Planning Authority and the Highway Authority prior to commencement of the relevant works.</p>

Condition	Type	Wording
<p>Policy BE10: Sustainable Passenger Transport</p> <p>Policy BE12: Mitigating the Transport Impact of Development</p>		<p>Reason: To encourage trips by public transport and in the interest of accessibility, in accordance with the National Planning Performance Framework 2023 and policies BE09, BE10 and BE12 the Brentwood Local Plan 2016 - 2033.</p>
<p>Bus layby</p> <p>Relevant policies –</p> <p>Strategic Policy BE09: Sustainable Means of Travel and Walkable Streets</p> <p>Policy BE10: Sustainable Passenger Transport</p> <p>Policy BE12: Mitigating the</p>	<p>Pre-occupation</p>	<p>Prior to occupation of the proposed development, and notwithstanding the internal layout drawings, a bus stop alongside the southbound carriageway within the site shall be provided with a shelter, new flag and pole, real time passenger information display and raised kerbs. Full details of the location of the bus stop and associated works shall be approved in writing by the Highway Authority prior to the commencement of the relevant works.</p> <p>Reason: To encourage trips by public transport and in the interest of accessibility, in accordance with the National Planning Policy Framework 2023 and Policies BE09, BE10 and BE12 the Brentwood Local Plan 2016 - 2033.</p>

Condition	Type	Wording
Transport Impact of Development		
<p>Footpath diversions</p> <p>Relevant policies –</p> <p>Strategic Policy BE09: Sustainable Means of Travel and Walkable Streets</p> <p>Policy BE10: Sustainable Passenger Transport</p> <p>Policy BE12: Mitigating the Transport Impact of Development</p>	Pre-occupation	<p>No part of the development shall be occupied until such time as an order has been made and confirmed to secure the diversion of public rights of way (PRoW No.176, No.179, No.180 and No.1831) in the manner shown indicatively in Drawing 19296 P00005 Revision F. No part of the development may be occupied until such time as the diversion works have been completed in accordance with the order as confirmed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with the National Planning Policy Framework 2023 and Policies BE09, BE10 and BE12 the Brentwood Local Plan 2016 – 2033.</p>
<p>Flood Risk Assessment &amp; Drainage Strategy</p> <p>Relevant policies –</p>	Pre-occupation	<p>The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Strategy by HDR Bradbrook Consulting, ref 20-081 revision 4 dated 19/08/22 and the following mitigation measures detailed within the FRA:</p>

Condition	Type	Wording
<p>Policy BE05: Sustainable Drainage.</p> <p>Strategic Policy NE09: Flood Risk</p>		<ul style="list-style-type: none"> <li>• Infiltration testing in line with BRE 365. If infiltration is found unviable the combined run-off rates from the site should be limited to 76 l/s for the 1/1yr event, 189 l/s for the 1/30yr event and 1/260 l/s for the 1/100yr event plus 40% climate change.</li> <li>• Provision of attenuation storage (including locations on a layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.</li> <li>• The mitigation measures shall be fully implemented prior to occupation of the development or within any other period as may subsequently be approved in writing by the Local Planning Authority.</li> </ul> <p>Reason: To minimise the potential for the site to contribute to flooding in accordance with the National Planning Policy Framework 2023 and policies NE09 and BE05 of the Brentwood Local Plan 2016 – 2033</p>
<p>Drainage</p> <p>Relevant policies –</p> <p>Policy BE05: Sustainable Drainage.</p>	Pre-occupation	<p>Prior to occupation of the development details confirming that the proprietary pollution interceptors shown on the approved drawings provide the following performance in terms of pollution mitigation indices as set out in CIRIA SuDS Manual C753: for total suspended solids 0.8, for metals 0.6 and for hydrocarbons 0.9 shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at</p>



Condition	Type	Wording
Strategic Policy NE09: Flood Risk		unacceptable risk from or adversely affected by, unacceptable levels of pollution, in line with National Planning Policy Framework (NPPF) 2023 and the Brentwood Local Plan 2016 – 2033 Policy BE05 and NE09.
Maintenance Plan  Relevant policies –  Policy BE05: Sustainable Drainage.  Strategic Policy: NE09 Flood Risk	Pre-occupation	<p>Prior to occupation of the first unit, a maintenance plan detailing the maintenance arrangements in relation to Surface Water Drainage 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.</p> <p>Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided as part of the submitted maintenance plan.</p> <p>The development shall be carried out in accordance with the approved maintenance plan.</p> <p>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 in accordance with policies NE09 and BE05 of the Brentwood Local Plan 2016 – 2033.</p>
Yearly maintenance logs  Relevant policies –	Compliance	<p>Annual logs of maintenance in relation to Surface Water Drainage shall be maintained. These logs shall be made available for inspection upon a request by the Local Planning Authority.</p> <p>Reason: To ensure the SuDS are maintained for the lifetime of the development</p>

Condition	Type	Wording
<p>Policy BE05 – Sustainable Drainage</p> <p>Strategic Policy NE09: Flood Risk</p>		<p>as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policies NE09 and BE05 of the Brentwood Local Plan 2016 – 2033</p>
<p>J29 capacity enhancement</p> <p>Relevant policies –</p> <p>Strategic Policy BE08: Strategic Transport Infrastructure</p> <p>Policy BE12: Mitigating the Transport Impact of Development</p>	<p>Pre-occupation</p>	<p>The development shall be carried out in accordance with the principles of the J29 Capacity Enhancement General Arrangement Drawing Ref: BEP_ZZ-ATK-DR-CH-000001 Rev C05. Full details of the works shall be approved in writing by the Highway Authority prior to commencement of the relevant works.</p> <p>The works shall be fully completed prior to first occupation of the development hereby permitted.</p> <p>Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety in accordance with Brentwood Local Plan 2016 – 2033 policies BE08 and BE12.</p>
<p>Construction Environmental Management Plan (CEMP)</p>	<p>Pre-commencement</p>	<p>No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways and Essex County Council as the relevant highway authorities.</p> <p>The CEMP shall include, but not be limited to, the following detail:</p>

Condition	Type	Wording
<p>Relevant policies – Strategic Policy NE01: Protecting and Enhancing the Natural Environment</p> <p>Policy NE03: Trees, Woodlands, Hedgerows</p> <p>Strategic Policy NE08: Air Quality</p> <p>Policy NE10: Contaminated Land and Hazardous Substances</p> <p>Strategic Policy NE02: Green and Blue Infrastructure</p>		<ul style="list-style-type: none"> <li>• construction programme for the Brentwood Enterprise Park;</li> <li>• the proposed construction traffic routes to the site, to be identified on a plan;</li> <li>• Construction Traffic Management Plan (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from vegetation clearance, ground works, demolition and/or construction to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0930) and PM Peak (1630-1800) periods);</li> <li>• an estimate of the daily construction vehicles, number and type profiled for each construction phase, identifying the peak level of vehicle movements for each day;</li> <li>• cleaning of site entrances, site tracks and the adjacent public highway;</li> <li>• confirmation that a formal agreement from National Highways for temporary access/egress has been obtained (if required) for the M25 motorway;</li> <li>• details of any proposed strategic road temporary traffic management measures on the M25 motorway, at or adjacent to M25 J29;</li> <li>• management and hours of construction work and deliveries;</li> <li>• area(s) for the parking of vehicles of site operatives and visitors;</li> <li>• area(s) for the loading and unloading of plant and materials;</li> <li>• area(s) for the storage of plant and materials used in constructing the development;</li> <li>• siting and details of wheel washing facilities;</li> <li>• the mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;</li> </ul>

Condition	Type	Wording
		<ul style="list-style-type: none"> <li>• a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;</li> <li>• details of waste management arrangements;</li> <li>• the storage of materials and construction waste, including waste recycling where possible;</li> <li>• the storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils);</li> <li>• measures to avoid impacts on the non-statutory designated sites and retained habitats;</li> <li>• details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas because of the construction programme;</li> <li>• protection measures for, hedgerows, retained trees, waterways and grasslands including an external lighting strategy (construction) to protect light-sensitive bats and other nocturnal fauna;</li> <li>• measures to ensure that rollers do not travel in convoy along the east site boundary to reduce vibration levels on the closest sensitive receptors;</li> <li>• contact details of personnel responsible for the construction works;</li> <li>• soil movement, methods of tracking soil movement and details for demonstrating soil will be suitable for re-use and</li> <li>• Ecological mitigation measures to protect wildlife consisting of the following measures: <ul style="list-style-type: none"> <li>1. Breeding birds survey – any removal of buildings and vegetation clearance between the period of March to September shall be subject to nesting bird checks by the Project Ecologist.</li> </ul> </li> </ul>

Condition	Type	Wording
		<p>2. Reptile Clearance – Where the proposals requires the clearance of habitats suitable for reptiles as highlighted in the Reptile Survey (February 2022) this should be undertaken during the between April and October when reptiles are active. This shall be carried out under ecological supervision.</p> <p>3. Badger Mitigation – All badger mitigation measures for construction as recommended within Chapter 4 of the Badger Report (February 2022) shall be included in the Construction Environmental Management Plan and implemented in accordance with the report. If any active setts require closure a licence shall be obtained.</p> <p>4. Barn Owl &amp; Bat Surveys – prior to commencement of development the following surveys shall be submitted to and approved in writing by the Local Planning Authority in order to inform whether a licence or further mitigation is required for the below surveys:</p> <p style="padding-left: 40px;">a) Updated Barn Owl Survey</p> <p style="padding-left: 40px;">b) Updated Bat Tree Survey – aerial or climbed inspection for trees of moderate or high potential to support roosting bats.</p> <p style="padding-left: 80px;">If under the approved surveys a licence or further mitigation is required the development shall be carried out in accordance with such requirements.</p> <p>As considered to have low potential to support roosting bats needing to be removed should be soft felled in a sensitive manner, and cat material left on site for 24 hours where possible to enable any bats present to escape. Any dense ivy should be removed before felling and the trees re-assessed for their potential to support roosting bats.</p>

Condition	Type	Wording
		<p>The approved CEMP shall be adhered to and implemented in full throughout the construction period strictly in accordance with the approved details.</p> <p>Reason: In the interests of highway and pedestrian safety together with the amenity of the area, and to conserve ecological interests throughout the construction process in accordance with Brentwood Local Plan 2016-2033 Policies NE01, NE03, NE08, NE10 and NE02, and paragraphs 185 and 186 of the National Planning Policy Framework 2023</p>
<p>Surface water drainage</p> <p>Relevant policies –</p> <p>Policy BE05: Sustainable Drainage.</p> <p>Strategic Policy NE09: Flood Risk</p>	<p>Pre-installation</p>	<p>No surface water shall be permitted to run off from the development on to the Strategic Road Network (as defined for this application as M25 J29), or in to any drainage system connected to the Strategic Road Network. No new connections from any part of the development may be made to any Strategic Road Network drainage systems.</p> <p>Prior to the installation of any drainage, full details of any new drainage system, including its specification and location, shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification.</p> <p>Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.</p> <p>Reason: To ensure that the site does not pose any risk to human health or the water environment in line with the requirements of the Brentwood Local Plan</p>

Condition	Type	Wording
		2016 - 2033 Policies BE05 Sustainable Drainage and NE09 Flood Risk and the National Planning Policy Framework 2023.
<p>Estate Wide External Lighting Strategy</p> <p>Relevant policies –</p> <p>Policy NE11: Floodlighting and Illumination</p>	Pre-installation/ Pre-occupation	<p>Prior to the installation of any external lighting, full details of an external lighting strategy for all estate roads and common areas shall be submitted to and approved in writing by the Local Planning Authority in consultation with relevant highway authorities. The lighting strategy shall include the following details and shall be prepared by a suitably qualified lighting engineer/specialist in accordance with The Institution of Lighting Engineers Guidance Notes For The Reduction of Obtrusive Light:</p> <ul style="list-style-type: none"> <li>• identify areas/features on site that are particularly sensitive for bats and their breeding and resting places, or along important routes used to access key areas of their territory;</li> <li>• levels of luminance;</li> <li>• timing of its provision; and</li> <li>• location for installation including appropriate lighting contour plans.</li> </ul> <p>The approved external lighting shall be provided in strict accordance with the details set out in the approved lighting strategy prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification.</p> <p>Reason: To ensure minimal nuisance or disturbance is caused to the detriment of amenity of local residents, ecology and of the area generally in accordance with NPPF paragraph 185 and Brentwood Local Plan 2016-2033 policy NE11.</p>

Condition	Type	Wording
<p>External Lighting Scheme for Each Unit</p> <p>Relevant policies –</p> <p>Policy NE11: Floodlighting and Illumination</p>	<p>Pre-installation/ Pre-occupation</p>	<p>Prior to the installation of any external lighting on any unit, full details of an external lighting strategy for that unit shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall include the following details and shall be prepared by a suitably qualified lighting engineer/specialist in accordance with The Institution of Lighting Engineers Guidance Notes For The Reduction of Obtrusive Light:</p> <ul style="list-style-type: none"> <li>• identify areas/features on site that are particularly sensitive for bats and their breeding and resting places, or along important routes used to access key areas of their territory;</li> <li>• location for installation including appropriate lighting contour plans;</li> <li>• levels of luminance and</li> <li>• controlled mechanisms and hours of operation.</li> </ul> <p>The approved external lighting for each unit shall be provided in strict accordance with the details set out in the approved lighting strategy prior to the first occupation of the relevant unit and retained in accordance with the agreed specification.</p> <p>Reason: To ensure minimal nuisance or disturbance is caused to the detriment of amenity of local residents, ecology and of the area generally in accordance with NPPF paragraph 185 and Brentwood Local Plan 2016-2033 policy NE11.</p>
<p>Geotechnical report</p> <p>Relevant policies -</p>	<p>Pre-commencement</p>	<p>No development (for avoidance of doubt this includes excavation works, and/ or landscaping works), shall commence until a geotechnical report (in accordance with Design Manual for Roads and Bridges Standard CD622) has been submitted to and approved in writing by the Local Planning Authority in consultation with</p>



Condition	Type	Wording
<p>Policy NE10: Contaminated Land and Hazardous Substances</p>		<p>National Highways and Essex County Council.</p> <p>The development shall be carried out in accordance with the details set out in the approved report.</p> <p>Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of pollution, in line with National Planning Policy Framework (NPPF)(paragraph 174) and the Brentwood Local Plan 2016 – 2033 Policy NE10.</p>
<p>Traffic signs agreement</p> <p>Relevant policies - Strategic Policy BE08: Strategic Transport Infrastructure</p> <p>Policy BE12: Mitigating the</p>	<p>Pre-occupation</p>	<p>Prior to first occupation of the development a Traffic Signs Agreement shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways for directional signing on the strategic road network either on or in the vicinity of M25 J29. The signage for the development shall be carried out in accordance with the details set out in the approved Agreement and must comply in all respects with the Traffic Signs Regulations and General Directions 2016 (TSRGD 2016).</p> <p>Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and informed travellers in accordance with Brentwood Local Plan 2016 – 2033 policies BE08 and BE12.</p>

Condition	Type	Wording
Transport Impacts of Development		
<p>Codham Hall Lane Management Plan</p> <p>Relevant policies – Strategic Policy BE08: Strategic Transport Infrastructure</p> <p>Policy BE12: Mitigating the Transport Impacts of Development</p>	Pre-occupation	<p>Prior to first occupation of any unit a Codham Hall Lane Management Plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with National Highways, for the management of collisions, incidents and routine and emergency works on Codham Hall Lane and any other access points for the Brentwood Enterprise Park site. The Plan shall contain details of periodic reviews of the relevant measures. The approved Plan shall be implemented in accordance with the details set out in the approved Plan (subject to any alternative arrangements put in place by National Highways from time to time in connection with the Lower Thames Crossing project) and shall be subject to the periodic reviews set out in the approved Plan.</p> <p>Reason: To mitigate any adverse impact from the development on the M25 and surrounding routes. To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety in accordance with Brentwood Local Plan 2016 – 2033 policies BE08 and BE12.</p>
<p>Codham Hall Lane Management Plan</p> <p>Relevant policies –</p>	Informative	<p>The Emergency Plan must be implemented in full, shall be kept up to date by the site operator and thereafter be reviewed and amended as necessary and at least annually. The Local Planning Authority, in conjunction with National Highways, may at any time require the amendment of the Plan by giving notice pursuant to</p>

Condition	Type	Wording
<p>Strategic Policy BE08: Strategic Transport Infrastructure</p> <p>Policy BE12: Mitigating the Transport Impacts of Development</p>		<p>this condition. The Local Planning Authority, or relevant highway authority, may at any time require a copy of the current Emergency Plan for the management of Codham Hall Lane which shall be submitted to the Local Planning Authority within 1 month of notice being given.</p> <p>Reason: To mitigate any adverse impact from the development on the M25 and surrounding routes. To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety in accordance with Brentwood Local Plan 2016 – 2033 policies BE08 and BE12.</p>
<p>Risk Assessment</p> <p>Relevant policies -</p> <p>Policy NE10: Contaminated Land and Hazardous Substances</p>	Pre-commencement	<p>No development shall take place until a scheme that includes the following components to deal with the potential risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:</p> <p>1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.</p> <p>2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p>

Condition	Type	Wording
		<p>3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority.</p> <p>The development shall be carried out in accordance with the approved scheme.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of pollution, in line with National Planning Policy Framework (NPPF)(paragraph 174) and the Brentwood Local Plan 2016 – 2033 Policy NE10.</p>
<p>Verification report</p> <p>Relevant policies -</p> <p>Policy NE10: Contaminated Land and Hazardous Substances</p>	<p>Pre-occupation</p>	<p>Prior to occupation, a verification report demonstrating completion of works set out in the approved remediation strategy pursuant to condition (<b>Condition number – To be confirmed</b>) the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance</p>

Condition	Type	Wording
		<p>and arrangements for contingency action, as identified in the verification plan. The approved long-term monitoring and maintenance plan shall be implemented.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of pollution, in line with National Planning Policy Framework (NPPF)(paragraph 174) and the Brentwood Local Plan 2016 – 2033 Policy NE10.</p>
<p>Monitoring and Maintenance Plan</p> <p>Relevant policies -</p> <p>Policy NE10: Contaminated Land and Hazardous Substances</p>	<p>Pre-commencement</p>	<p>No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of pollution, in line with National Planning Policy Framework (NPPF)(paragraph 174) and the Brentwood Local Plan 2016 – 2033 Policy NE10.</p>

Condition	Type	Wording
<p>Contamination monitoring</p> <p>Relevant policies -</p> <p>Policy NE10: Contaminated Land and Hazardous Substances</p>	<p>Compliance</p>	<p>If, during development, contamination not previously identified is found to be present at the site such contamination shall immediately be notified to the Local Planning Authority and no further development shall be carried out until the a remediation strategy has been submitted to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and written approval of the remediation strategy has been obtained from the Local Planning Authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of pollution, in line with National Planning Policy Framework (NPPF) (paragraph 174) and the Brentwood Local Plan 2016 – 2033 Policy NE10.</p>
<p>Trial trenching evaluation</p> <p>Relevant Policies:</p> <p>Strategic Policy BE16: Conservation and Enhancement of Historic Environment</p>	<p>Pre-commencement</p>	<p>No development or preliminary groundworks shall commence until a programme of archaeological trial trenching evaluation has been submitted to and approved in writing by the Local Planning Authority and completed in accordance with the approved Written Scheme of Investigation (Version 4 – May 2023) and the approved programme and confirmed in writing as completed by the Local Planning Authority.</p> <p>Reason: In order that all below ground impacts of the proposed development are know and an appropriate protection and works for the archaeological mitigation strategy is achieved in accordance with the Brentwood Local Plan 2016 - 2033 Policies BE16 and the National Planning Policy Framework 2023.</p>

Condition	Type	Wording
<p>Trial trenching mitigation strategy</p> <p>Relevant Policies:</p> <p>Strategic Policy BE16: Conservation and Enhancement of Historic Environment</p>	<p>Pre-commencement</p>	<p>If required based on the results of the trial trenching evaluation, a mitigation strategy detailing the excavation/preservation strategy of the archaeological remains identified shall be submitted to and approved in writing by the Local Planning Authority following the completion of the archaeological evaluation. The development shall be carried out in accordance with the approved mitigation strategy. The implementation of the approved mitigation strategy and associated fieldwork will be monitored by the Local Planning Authority's archaeological advisor who will issue written confirmation of completion upon satisfactory completion.</p> <p>Reason: In order that all below ground impacts of the proposed development are know and an appropriate protection and works for the archaeological mitigation strategy is achieved in accordance with the Brentwood Local Plan 2016 - 2033 Policies BE16 and the National Planning Policy Framework 2023.</p>
<p>Completion of fieldwork</p> <p>Relevant Policies:</p> <p>Strategic Policy BE16: Conservation and Enhancement of Historic Environment</p>	<p>Pre-commencement</p>	<p>No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy if required, and which has been confirmed in writing by the Local Planning Authority.</p> <p>Reason: In order that all below ground impacts of the proposed development are know and an appropriate protection and works for the archaeological mitigation strategy is achieved in accordance with the Brentwood Local Plan 2016 - 2033 Policies BE16 and the National Planning Policy Framework 2023.</p>

Condition	Type	Wording
<p>Archaeological Post-excavation Assessment</p> <p>Relevant Policies:</p> <p>Strategic Policy BE16: Conservation and Enhancement of Historic Environment</p>	<p>Compliance</p>	<p>If a mitigation strategy was required pursuant to condition (<b>Condition number – To be confirmed</b>) the applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within 9-12 months of the completion of 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.</p> <p>Reason: In order that all below ground impacts of the proposed development are know and an appropriate protection and works for the archaeological mitigation strategy is achieved and provide information on the special archaeological interest of this part of Essex in accordance with the Brentwood Local Plan 2016 - 2033 Policies BE16 and the National Planning Policy Framework 2023.</p>
<p>BREEAM</p> <p>Relevant policies –</p> <p>Strategic Policy BE01: Carbon Reduction and Renewable Energy Use</p> <p>Policy BE02: Water Efficiency and</p>	<p>Occupation</p>	<p>Every non-domestic building constructed as part of the development shall achieve excellent rating under BREEAM UK New Construction (or an equivalent standard).</p> <p>a) within 12 months of the vertical building works commencing on any phase/plot of land that includes a non-domestic building, a BREEAM New Construction Interim (Design Stage) Excellent Certificate for:</p> <p>i) each non-domestic building within that phase/plot; or</p> <p>ii) all the non-domestic buildings within that phase/plot under one submission shall be submitted to and approved in writing by the LPA and the development</p>



Condition	Type	Wording
<p>Management</p> <p>Policy BE03: Establishing Low Carbon and Renewable Energy Infrastructure Network</p> <p>Policy BE04: Managing Heat Risk</p>		<p>shall not be carried out otherwise than in accordance with any such approval.</p> <p>b) within 12 months of first occupation of any non-domestic building hereby permitted, a BREEAM New Construction Final (Post Construction) Excellent Certificate covering:</p> <p>i) that building; or</p> <p>ii) all the non-domestic buildings within the development under one submission shall be submitted to and approved in writing by the LPA, confirming that the agreed standards at (a) have been met</p> <p>Reason: In the interests of sustainable development in accordance with the Brentwood Local Plan 2016 - 2033 Policies BE01, BE02, BE03 and BE04 and the National Planning Policy Framework 2023.</p>
<p>Security Management Plan - common areas</p> <p>Relevant policies – BE14: Creating Successful Places</p>	Pre-occupation	<p>A Security Management and CCTV Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the common parts of the development. The plan shall include measures to reduce the opportunities for crime and enhance security, alongside details of the CCTV provision of the wider estate. The development shall thereafter be carried out in accordance with the details set out in the approved plan.</p> <p>Reason: In order to ensure that crime and disorder implications are fully considered and to improve community safety and crime prevention, in accordance with The Brentwood Local Plan 2016 - 2033 Policies BE14 and the National Planning Policy Framework 2023</p>

Condition	Type	Wording
<p>Security Management Plan – units</p> <p>Relevant policies - BE14: Creating Successful Places</p>	<p>Pre-occupation</p>	<p>A unit-specific Security Management and CCTV Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of each unit of the development. The plan shall include measures for the relevant unit to reduce opportunities for crime and enhance security, alongside details of the CCTV strategy of the tenant. The development of the relevant unit shall thereafter be carried out in accordance with the details set out in the approved plan.</p> <p>Reason: In order to ensure that crime and disorder implications are fully considered and to improve community safety and crime prevention, in accordance with The Brentwood Local Plan 2016 - 2033 Policies BE14 and the National Planning Policy Framework 2023</p>
<p>Secured by Design</p> <p>Relevant policies - BE14: Creating Successful Places</p>	<p>Pre-occupation</p>	<p>Prior to first occupation of each unit a satisfactory Secured by Design inspection shall take place and the resulting Secured by Design Commercial accreditation for the relevant unit submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the details set out in the relevant accreditation for the relevant unit.</p> <p>Reason: In order to ensure that crime and disorder implications are fully considered and to improve community safety and crime prevention, in accordance with The Brentwood Local Plan 2016 - 2033 Policies BE14 and the National Planning Policy Framework 2023.</p>

Condition	Type	Wording
<p>HGV Condition</p> <p>Relevant policies –</p> <p>Policy BE12: Mitigating the Transport Impacts of Development</p>	<p>Pre-occupation</p>	<p>Prior to the occupation of the development, a management plan shall be prepared for the management and enforcement of waiting and loading restrictions on the development estate roads. The management plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Essex County Council as Highway Authority and Essex Police) prior to occupation of the development. The approved management plan shall therefore be implemented and maintained for the life of the development.</p> <p>Reason: To ensure that the development does not adversely impact highway safety or traffic flow in accordance with the National Planning Policy Framework 2023 and The Brentwood Local Plan 2016-2033 policy BE12.</p>
<p>Dust Management Plan</p> <p>Relevant policies –</p> <p>Strategic Policy NE08: Air Quality</p> <p>Policy NE10: Contaminated Land and Hazardous Substances</p>	<p>Pre-commencement</p>	<p>No development shall take place until a Dust Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Dust Management Plan shall contain a timetable of all dust-producing activities. The development shall thereafter be carried out in accordance with the details set out in the approved Plan.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of pollution, in line with National Planning Policy Framework 2023 and the Brentwood Local Plan 2016 – 2033 Policy NE08 and NE10.</p>

Condition	Type	Wording
<p>Site Waste Management Plan</p> <p>Relevant policies – Strategic Policy NE08: Air Quality</p> <p>Policy NE10: Contaminated Land and Hazardous Substances</p>	<p>Pre-commencement</p>	<p>No development shall take place until a Site Waste Management Plan (SWMP) has been submitted to, and approved in writing by, the Local Planning Authority. The Site Waste Management Plan shall contain details on the estimated volumes of construction waste (including demolition and surplus cut and fill soils) and details of appropriate facilities at which the individual waste streams are anticipated to be received. The development shall thereafter be carried out in accordance with the details set out in the approved Plan.</p> <p>Reason: To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance in accordance with Brentwood Local Plan 2016-2033 policies NE08 and NE10.</p>
<p>Operational waste management strategy</p> <p>Relevant policies – Strategic Policy NE08: Air Quality</p> <p>Policy NE10: Contaminated Land and Hazardous Substances</p>	<p>Pre-occupation</p>	<p>An Operational Waste Management Strategy for each unit within the development shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the relevant unit. The Strategy shall be in conformity with the mitigation presented in the ES Vol 2, Chapter 7 (February 2022). The development shall thereafter be carried out in accordance with the details set out in the approved Strategy.</p> <p>Reason: To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance in accordance with Brentwood Local Plan 2016-2033 policies NE08 and NE10.</p>

Condition	Type	Wording
<p>Target emissions</p> <p>Relevant policies –</p> <p>Strategic Policy BE01: Carbon Reduction and Renewable Energy Use.</p> <p>Policy BE03: Establishing Low Carbon and Renewable Energy Infrastructure Network.</p> <p>Policy BE04: Managing Heat Risk.</p>	Occupation	<p>Within six months following first occupation of each unit, as-built BRUKL documents shall be submitted to the Local Planning Authority to confirm that each of the units are meeting the following minimum improvements over the 2021 Target Emission Rate (TER):</p> <ul style="list-style-type: none"> <li>• Unit 1 – 107.08%</li> <li>• Unit 2 – 108.33%</li> <li>• Unit 3 – 108.29%</li> <li>• Unit 4 – 109.22%</li> </ul> <p>In the event that these TER are not met due Distribution Network Operator restrictions on renewable energy use an explanation of the same shall be provided to the Local Planning Authority.</p> <p>Reason: In the interests of sustainable development in accordance with the Brentwood Local Plan 2016 - 2033 Policies BE01, BE03 and BE04 and the National Planning Policy Framework 2023</p>
<p>PV Outputs</p> <p>Relevant policies –</p> <p>Strategic Policy BE01: Carbon Reduction and</p>	Occupation	<p>Within six months of occupation of each unit, formal confirmation shall be submitted to the Local Planning Authority that each of the units has had the following PV arrays installed:</p> <ul style="list-style-type: none"> <li>• Unit 1 – Minimum PV array Output kWp (1095) and minimum estimated PV Generation kWh/yr (821,215)</li> </ul>

Condition	Type	Wording
<p>Renewable Energy Use.</p> <p>Policy BE03: Establishing Low Carbon and Renewable Energy Infrastructure Network.</p> <p>Policy BE04: Managing Heat Risk.</p>		<ul style="list-style-type: none"> <li>• Unit 2 – Minimum PV array Output kWp (153) and minimum estimated PV Generation kWh/yr (114,939)</li> <li>• Unit 3 – Minimum PV array Output kWp (350) and minimum estimated PV Generation kWh/yr (262,745)</li> <li>• Unit 4 – Minimum PV array Output kWp (462) and minimum estimated PV Generation kWh/yr (346,180)</li> </ul> <p>Reason: In the interests of sustainable development in accordance with the Brentwood Local Plan 2016 - 2033 Policies BE01, BE03 and BE04 and the National Planning Policy Framework 2023</p>
<p>Air Source Heat Pumps</p> <p>Relevant policies – Strategic Policy BE01: Carbon Reduction and Renewable Energy Use</p> <p>Policy BE03: Establishing Low Carbon and</p>	Occupation	<p>Within six months of occupation of each unit, manufacturers' data sheets confirming the installation of each unit air source heat pumps to provide the office areas heating requirements for the relevant unit shall be submitted to the Local Planning Authority. Air source heat pumps shall be used for each unit according to the principles set out within the Brentwood Enterprise Park Energy Strategy Report (Rev 9 dated October 2023).</p> <p>Reason: In the interests of sustainable development in accordance with the Brentwood Local Plan 2016 - 2033 Policies BE01, BE03 and BE04 and the National Planning Policy Framework 2023</p>

Condition	Type	Wording
<p>Renewable Energy Infrastructure Network.</p> <p>Policy BE04: Managing Heat Risk</p>		
<p>Soil Audit &amp; Movement Plan</p> <p>Relevant policies - MLP Policies: S1, S4, S10, DM1 WLP Policy: W3A, W10E</p>	<p>Pre-commencement</p>	<p>No stripping or handling of topsoil or subsoil shall take place until a soil audit and scheme of soil movements has been submitted to and approved in writing by the Local Planning Authority. The scheme shall seek to identify the origin, intermediate and final locations of soils proposed to be retained on site to facilitate the proposed land levels; and for soils proposed to be exported identify the origin and any intermediate stockpiling area(s) proposed (if appropriate) for such material prior to export. No soil stripping or movement of soil shall take place until a scheme has been approved and the development shall subsequently be implemented in accordance with the scheme as approved.</p> <p>Reason: To avoid adverse environmental impacts on accordance with Minerals Local Plan policies and ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of pollution, in line with National Planning Policy Framework 2023 and the Brentwood Local Plan 2016 – 2033 Policy NE08 and NE10.</p>

Condition	Type	Wording
Control of pollution  Relevant Policies - N/A	Informative	To ensure reduced impact of noise and vibration on nearby residential receptors throughout the Earthworks period, a Control of Pollution Act 1974 Section 61 application if required shall be submitted to the Local Planning Authority Environmental Health team containing specific Best Practicable Means measures that will be implemented at least 28 days prior to the commencement of the works. This should aim to minimise the impact of noise and vibration as far as is practicable and endeavour to reduce adverse effects to a negligible impact.
Digital Infrastructure  BE07	Pre-Occupation	<p>Prior to the occupation of the development a Digital Infrastructure Strategy, including a site wide programme of delivery shall be submitted to and agreed in writing by the Local Planning Authority. The Strategy shall be implemented as agreed.</p> <p>Reason: To promote sustainable development and encourage digital connectivity in accordance with the NPPF 2023 and Policy BE07 of the Brentwood Local Plan 2016 – 2033.</p>



## Appendix C: Glossary

<b>Glossary of Key Planning Terms</b>	
AIA	Arboricultural Impact Assessment
Ancient Woodland	An area that has been wooded continuously since at least 1600 AD.
AOD	Above Ordnance Datum
ATC	Automatic Traffic Counter
ATE	Active Travel England
AVR	Accurate Visual Representations
AWSS	Automatic Water Suppression System
BEP	Brentwood Enterprise Park
Biodiversity Net Gain (BNG)	Biodiversity net gain is development that leaves biodiversity in a measurably better state than before.
BRE / BREEAM	The Building Research Establishment (BRE) Environmental Assessment Method (BREEAM)
Building Regulations	Relates to how development is constructed, if a new building is to be erected or an existing one altered, building regulation consent will normally be needed.
CEMP	Construction Environmental Management Plan
CIEEM	Chartered Institute of Ecology and Environmental Management
CIRIA	Construction Industry Research and Information Association
Class	Use Class Order. The Town and Country Planning (Use Classes) Order 1987 puts uses of land and buildings into various categories.
Class B1 (use class)	Business
Class B2 (use class)	General industrial
Class B8 (use class)	Storage or distribution - Use for storage or as a distribution centre. This class includes open air

	storage.
Class E (use class)	Commercial, business and service
Conditions (on a Planning Permission)	Requirements attached to a planning permission that limit or direct the manner in which development is carried out. Should these be breached then the local planning authority can take enforcement action.
CPS	Connect Plus Services
CPTED	Crime Prevention Through Environment Design
DCO	Development Consent Order
Design and Access Statement (DAS)	A report accompanying and supporting a planning application. They provide a framework for applicants to explain how a proposed development is a suitable response to the site and its setting, and demonstrate that it can be adequately accessed by prospective users. They can be used to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way.
Development Management (DM)	The process of determining applications for planning permission. It is carried out by the Council in order to ensure appropriate use of land and buildings in the context of legislation, Government guidance and the Development Plan.
Development Plan	The Development Plan comprises the Brentwood Local Plan 2016-2033, adopted on 23 March 2022
DfT	Department for Transport
DMRB	The Design Manual for Roads and Bridges (DMRB) contains information about current design standards relating to the design, assessment and operation of motorway and all-purpose trunk roads in the United Kingdom.
DOCO	Designing Out Crime Officers
DRT	Demand Responsive Transport

E11	Site Allocation E11: Brentwood Enterprise Park, within the Brentwood Local Plan
EA	Environment Agency
ECC	Essex County Council
ECFRS	Essex County Fire and Rescue Service
EEAST	East of England Ambulance Service
EIASO	Environmental Impact Assessment Scoping Opinion
EiP	Examination in Public
Environment Impact Assessment (EIA) and Environmental Statement (ES)	Applicants for certain types of development, usually more significant schemes, are required to submit an "environmental statement" accompanying a planning application. This evaluates the likely environmental impacts of the development, together with an assessment of how the severity of the impacts could be reduced.
EPOA	Essex Planning Officer Association
EQRP	Essex Quality Review Panel
ESA	Employment Study Area
Essex Design Guide	The Essex Design Guide was established in 1973 by Essex County Council. It is used as a reference guide to help create high quality places with an identity specific to its Essex context. The preceding publication was released in 2005. The 2018 edition seeks to address the evolution of socio-economic impacts on place-making.
EV	Electric Vehicle
EYCC	Early Years Child Care
FRA	Flood Risk Assessment
FTE	Full Time Equivalent (employment)
GIA	Gross Internal Area

Green Belt	A national planning policy designation given to land. Green Belts were designated to stop the uncontrolled growth of large cities and towns. The Green Belt can include both greenfield and brownfield (previously developed) sites in areas with both good and poor landscape value.
Green infrastructure (GI)	A network of multi-functional green space, both new and existing, both rural and urban, which supports the natural and ecological processes and is integral to the health and quality of life of sustainable communities.
Health Impact Assessment (HIA)	A process that identifies the health and wellbeing impacts (benefits and harms) of any plan or development project. A HIA recommends measures to maximise positive impacts; minimise negative impacts; and reduce health inequalities.
Heritage asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the local planning authority (including local listing).
Heritage Statement	A Heritage Statement describes the architectural and historic significance of a listed building or heritage asset.
HSE	The Health and Safety Executive (HSE) is a statutory consultee for planning applications that involve or may involve a relevant building.
IDP	The Infrastructure Delivery Plan (IDP) is a 'living' document published as part of the evidence base to the Local Plan.
IEMA	Institute of Environmental Management and Assessment

Infrastructure	Infrastructure means any structure, building, system facility and/or provision required by an area for its social and/or economic function and/or well-being. Any structure, building, system facility and/or provision required by an area for its social and/or economic function and/or wellbeing including (but not exclusively): footways, cycleways and highways; public transport; drainage, SuDs and flood protection; waste recycling facilities; education and childcare; healthcare; sports, leisure and recreation facilities; community and social facilities; cultural facilities, including public art; emergency services; green infrastructure; open space; affordable housing; live/work units and lifetime homes; broadband and facilities for specific sections of the community such as youth or the elderly.
IRMP	Integrated Risk Management Plan
IRZ	Impact Risk Zone
LEMP	Landscape and Ecological Management Plan
LGV	Light Goods Vehicles
LLFA	Lead Local Flood Agency
Local Plan (Brentwood Local Plan)	Brentwood Local Plan 2022 ('the Local Plan'), the adopted development plan for Brentwood Borough. Planning legislation states that applications must be determined in accordance with the relevant development plan policies unless material considerations indicate otherwise.
LPA	Local Planning Authority
LTC	Lower Thames Crossing
LVIA	Landscape and Visual Impact Assessments
LWS	Local Wildlife Site
MSOA	Middle Layer Super Output Area
MWPA	Essex Minerals and Waste Planning Authority

National Highways (NH)	National Highways, formerly the Highways Agency and later Highways England, is a government-owned company charged with operating, maintaining and improving motorways and major A roads in England.
National Planning Policy Framework (NPPF)	A document that sets out the Government's planning policies for England and how these are expected to be applied.
NDHA	Non-designated heritage asset
NHPR	National Highways Planning Response
NMU	Non-Motorised User
OGV	Other Goods Vehicles
Planning Obligations	A legally enforceable agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal that cannot be controlled through the imposition of planning conditions.
PROW	Public Right of Way
RSA	Road Safety Audit
SBD	Secured by Design
Scoping	Determining the extent of issues to be considered in the assessment and reported in the Environmental Statement. The applicant can ask the local planning authority for its opinion on what information needs to be included (which is called a 'scoping opinion')
SECTA	South Essex Construction Training Academy
Section 106 (S106)	A legal agreement that commits an applicant(s), the Local Planning Authority and third parties that may have a relevant interest (such as landowners and service providers), to specific obligations that are necessary to make the development acceptable (see NPPF par 55).
SRN	Strategic Road Network
SSSI	Site of Special Scientific Interest (Nature

	Conservation)
Statement of Community Involvement (SCI)	A statement of community involvement explains how the community will be involved in the preparation of the planning application, and the steps that will be taken to encourage this involvement.
STEN	Smarter Travel for Essex Network
STP (ECC)	The ECC Sustainable Travel Planning (STP) Team
Sui Generis	When no use classes order category fits, the use of the land or buildings is described as sui generis, which means 'of its own kind'. Examples of sui generis uses include: scrap yards, petrol stations, taxi businesses, (these examples are not exhaustive)
Supplementary Planning Document (SPD)	Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.
Sustainable Drainage Systems (SuDS)	This is a natural approach to managing drainage by slowing down and reducing the quantity of surface water run-off from a developed area to manage downstream flood risk and reducing the risk of the runoff causing pollution.
TAA	Transport Assessment Addendum
TfL	Transport for London
TPO	Tree Preservation Order
Transport Assessment (TA)	Sets out transport issues relating to a proposed development which will result in significant amounts of movement. It identifies what measures are being proposed to deal with the anticipated transport impacts of the scheme and how the proposal will improve accessibility and safety for all modes of travel.

Travel Plan (TP)	A travel plan is a package of actions designed by a workplace, school or other organisation to encourage safe, healthy and sustainable travel options
WSI	Written Scheme of Investigation
ZTV	Zone of Theoretical Visibility