

Colchester Borough Council ('CBC')

Comments re Conditions

1. Without prejudice to CBC's case that planning permission (or deemed consent) should not be given, CBC would like to see the following conditions in respect of crossings E51 (Thornfield Wood) and E52 (Golden Square).
2. CBC would also like to formally record the understood position re planning conditions concerning E41.

Crossing E41

3. It is acknowledged that any works to the bridge in Wivenhoe would be a highway scheme located within the highway. Thus, a planning application for the detailed works to the bridge is not be required.
4. However, the bridge is within the Wivenhoe Conservation Area.
5. CBC have requested, and Network Rail have agreed, that CBC will be included within discussions regarding any detailed proposals for any scheme concerning E41 in terms of the design and materials used.

Crossings E51 and E52

6. The compounds for E51 and E52 are both located within the area of undesignated heritage assets (recorded by aerial photography) and there has been no investigation of the significance of these archaeological sites. Although it has been stated by Network Rail that the topsoil strip is likely to be 100mm, topsoil stripping can often be deeper and CBC take the view that there will no doubt be compaction (to any underlying archaeological remains) from the deposition of hardcore and from works traffic/facilities following removal of the topsoil.
7. Thus CBC aver that there is need for archaeological investigation during construction of the compounds. Ideally, if not relocated, the compounds should be constructed onto the surface without removal of any topsoil.
8. Accordingly, if the construction compounds remain where currently proposed, and if there is topsoil stripping required for their installation, CBC consider that an archaeological condition is required in relation to the proposed works to E51 and E52 in the following terms:
 - 8.1. "No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

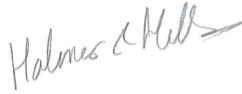
Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015)."

- 9.** ~~CBC consider it appropriate to impose a bespoke condition that captures not only works to protected hedgerows but any works that may impact on public amenity. Thus CBC propose:~~

- 9.1.** ~~"No part of the development shall come into use until a scheme of hard and soft landscape works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing trees, shrubs and hedgerows on the site propose for removal and proposed planting, details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.~~

Reason: In order to ensure that there is a sufficient landscaping scheme for this development where there are public areas to be laid out but there is insufficient detail within the submitted application."

[n.b. paragraphs 9 and 9.1 were, following discussion, withdrawn at Inquiry on afternoon of 5 February 2019]

A handwritten signature in grey ink, appearing to read 'Holmes & Hills', with a stylized flourish at the end.

HOLMES & HILLS LLP

On behalf of Colchester Borough Council

4th February 2019