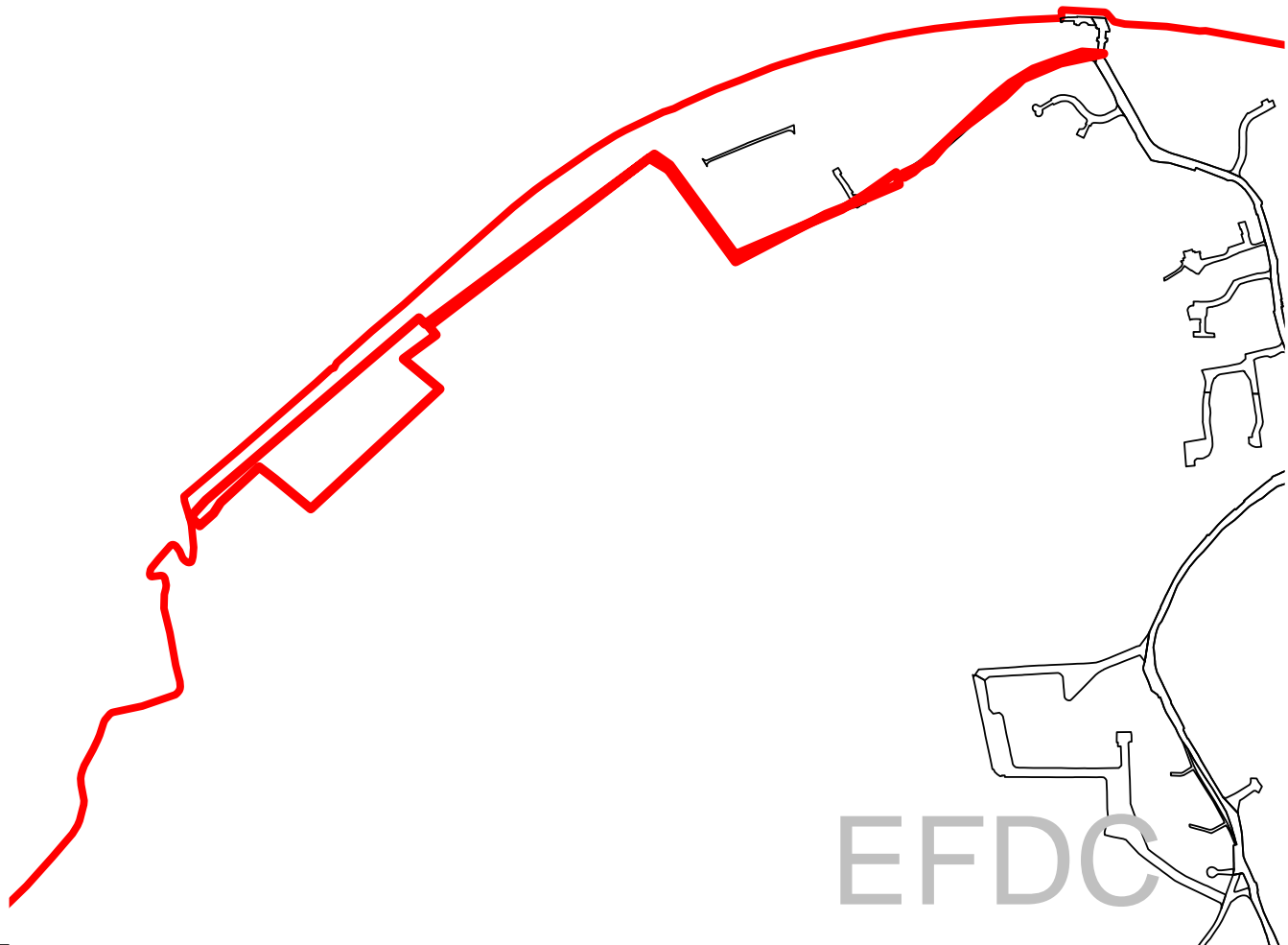




# Epping Forest District Council

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|                     |  |
|---------------------|--|
| Application Number: | EPF/2036/20  |
| Site Name:          | Roydon Marina Village<br>High Street, Roydon<br>CM19 5EJ |
| Scale of Plot:      | 1:9000   |

**Report Item No: 9**

|                                 |   |
|---------------------------------|---|
| <b>APPLICATION No:</b>          | EPF/2036/20   |
| <b>SITE ADDRESS:</b>            | Roydon Marina Village<br>High Street<br>Roydon<br>Harlow<br>CM19 5EJ  |
| <b>PARISH:</b>                  | Roydon  |
| <b>WARD:</b>                    | Roydon  |
| <b>APPLICANT:</b>               | Morgan  |
| <b>DESCRIPTION OF PROPOSAL:</b> | Extension to existing marina to provide an additional 168 berths, 99 parking spaces, additional associated facilities and widening and improvement to existing vehicular and pedestrian access. |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (With Conditions)  |

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=641916](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=641916)

**CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:  
LakeRM-1-5-001I-SiteLocationPlan  
LakeRM-1-1-007-ExistMarinaOS  
LakeRM-1-1-006K-AccessRoadWideningPlan  
LakeRM-1-1-005Q-PropMarinaPlan  
LakeRM- Toilet Building (Feb 2020)
- 3 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

- 4 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Mitigation and Enhancement Scheme 150511-ED-12b (Tim Moya Associates, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.  
This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 5 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall be for both the construction period and once the site is occupied and identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging and use of the water by wintering and breeding birds; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.  
  
All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 6 Prior to any above groundworks, details and location of the parking spaces equipped with active Electric Vehicle Charging Points shall have been submitted to and approved in writing with the Local Planning Authority (LPA). For the avoidance of doubt 10% of the proposed spaces shall have ELVC points. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
- Location of active and passive charging infrastructure;
  - Specification of charging equipment; and
  - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
    - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
    - b) How charging point usage will be charged amongst users;
    - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.
- 7 Prior to the commencement of the works to the canal towpath hereby permitted, a towpath improvement strategy shall be submitted to and approved in writing by the LPA. The strategy shall include:  
Details of surfacing materials  
Plans showing existing and proposed ground levels  
The location and type of safety and user information signage to be installed  
Details of road markings  
Details of road safety infrastructure, including speed bumps and bollards  
Details of lighting to be installed, including the type, appearance and location, and its impact, including the submission of a Lux plan.  
The towpath widening shall be carried out in accordance with the approved details.

- 8 Prior to the first occupation of the development hereby permitted, a pollution prevention strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented as required to safeguard water quality of the River Stort Navigation.
- 9 Prior to the commencement of the development hereby permitted, a Risk Assessment and Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Risk Assessment and Method Statement shall identify risks to users of the River Stort Navigation (including its towpath) and its environmental quality during the excavation, demolition and construction phases (as appropriate) and set out appropriate controls to avoid adverse impacts.
- 10 The parking area shown on the approved plan shall be provided prior to the first mooring of a boat/vessel and shall be retained free of obstruction for the parking of visitors vehicles.
- 11 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.
- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
  7. Tree protection measures.
- 13 Should the use of the lake for mooring of boats cease, all moorings, pontoons, stages etc within the lake shall be removed from the site within 6 months.
- 14 The marina extension hereby approved shall be used only for recreational purposes and a maximum of 168 boats shall be moored at the red-lined site at any one time. None of the boats shall be residentially occupied. Full details of the management of the site including restrictions on length of stay of users of the site (not to exceed 28 days) shall be submitted to and agreed in writing by the Local Planning Authority prior to the first use of the site for mooring boats. The agreed restrictions on occupation of the boats at the site shall thereafter be maintained unless otherwise agreed in writing by the Local Planning Authority.
- 15 Prior to the first occupation of the development the proposed towpath improvements, as shown on drawing no. 2432-02 within the Transport Assessment, shall be fully implemented and maintained as such in perpetuity.

- 16 Prior to first occupation of the development the developer shall refresh the existing 'Keep Clear' markings and shall maintain them as such in perpetuity.
- 17 The remaining lake area not utilised for moorings shall be retained as open water habitat free of moorings to protect the areas of ecological enhancement.
- 18 Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted and agreed by the LPA to ensure best practice construction measures and avoid harm to sensitive habitats and species, including pollution incidents and noise disturbance, along with ongoing environmental pollution controls to protect the sensitive water habitats. The works shall be carried out in accordance with the agreed CEMP.
- 19 Prior to commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted and approved in writing by the LPA to ensure the on-going management and maintenance of the Ecological Mitigation and Enhancement Scheme July 2021, in particular the new areas of reedbed, the wildflower meadow and planting belt alongside the access road/towpath. Management shall ensue in accordance with the agreed details.
- 20 No development shall take place until an invasive non-native species protocol detailing the management strategy for the Himalayan Balsam on site and biosecurity measures to avoid introducing non-native species into the area is submitted and approved in writing by the local planning authority. Development shall proceed in accordance with the approved method statement.
- 21 Provision shall be made within the parking area for a minimum of two multiple bike stands.

**This application went to Committee West on the 16<sup>th</sup> March 2022 but was deferred for a site visit prior to any debate or discussion. The site visit took place on the 31<sup>st</sup> March 2022.**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).*

### **Description of Site:**

The site is part of the existing Roydon Mill Leisure Park and the lake that has been used for many years for recreational purposes. The lake lies to the west of the caravan area and is bounded to the north by the railway line and to the south by the River Stort Navigation. There are residential mobile homes to the east and much of the leisure park has been redeveloped with new log cabin style mobile homes. A large part of the lake is already in use as a marina, which was granted planning consent in 2009. The red lined application site encompasses a western part of the lake, the adjacent bank areas and the access road which is located on the lake bank, through the caravan park area and follows the tow path up to its junction with Roydon High Street. A Public footpath runs along the tow path and then continues to the south of the lake. There are substantial trees and hedgerows around much of the lake. The site is within the Metropolitan Green Belt.

### **Description of Proposal:**

The application seeks consent for the extension of the existing marina to provide an additional 168 berths, 99 parking spaces, additional facilities and widening of the existing vehicular and pedestrian access.

The additional berths are along and extending out from the northern bank of the lake, with a proposed slip way, parking on the northern bank and toilet block. An exclusion zone has been added to the proposed plans during the course of the application which will prevent boats accessing the island and area to the west of the island and further bird surveys were undertaken during the course of the application.

This is a revised proposal following a 2016 application for an extension to provide 240 berths which was refused

### **Relevant History:**

Extensive history, the most relevant of which:

EPF/0934/16 – Extension to existing marina so as to provide an additional 240 berths, 120 parking spaces and additional associated facilities - refuse collection points, elsan points, and 28.88sqm extension to facilities building - Refused

EPF2113/08 - Creation of a marina with moorings for up to 315 boats and associated facilities, including new lock with the River Stort Navigation, facilities building, workshop, fuel storage tank and 77 parking spaces – Approved 2009

### **Policies Applied:**

*Local Plan (1998) and Alterations (2006)*

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP1 Sustainable development  
CP2 Protecting the quality of the environment  
GB2A Green Belt  
GB5 Residential moorings and non-permanent dwellings  
GB7A Conspicuous development  
GB10 Development in the LVRP  
NC4 Protection of Established Habitat  
NC5 Promotion of nature conservation schemes  
RP3 Water quality  
RP5A Adverse environmental impacts  
RST7 Recreational function of the Lee and Stort navigations  
RST23 Outdoor leisure uses in the LVRP  
RST24 Design and layout of development in the LVRP  
RST25 Glen Faba and Roydon Mill Leisure Park  
DBE1 design of new buildings  
DBE4 Design in the Green Belt

LL1 Rural landscape  
 LL2 Inappropriate rural development  
 LL7 Planting protection and care of trees  
 LL10 Adequacy of provision for landscape protection  
 LL11 Landscaping schemes  
 ST1 Location of development  
 ST2 Accessibility of Development  
 ST3 Transport Assessments  
 ST4 Road safety  
 ST6 Vehicle parking

**NPPF**

**Epping Forest District Local Plan (Submission Version) 2017**

| <b>Policy</b> |  | <b>Weight</b> |
|---------------|--|---------------|
| E4            | The Visitor Economy                                      | Significant   |
| DM2           | Epping Forest SAC and the Lee Valley SPA                 | Significant   |
| DM3           | Landscape Character, Ancient Landscapes and Geodiversity | Significant   |
| DM4           | Green Belt   | Significant   |
| DM9           | High Quality Design                                      | Significant   |
| DM15          | Managing and reducing flood risk                         | Significant   |
| DM17          | Protecting and enhancing watercourses and flood Defences | Significant   |
| DM22          | Air Quality  | Significant   |
| T1            | Sustainable Transport Choices                            | Significant   |
| D4            | Community, Leisure and Cultural Facilities               | Significant   |
| P9            | Roydon   | Significant   |

**Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 128  
 BRICK LOCK COTTAGE, ROYDON  
 31, 200, 206, 218 HIGH STREET  
 5, 8, 11, 12, 15, 18 THE GRANARY  
 4, 6, 15A, 17, 41 HOLY ACRE, ROYDON MARINA  
 20 LITTLE BROOK ROAD, ROYDON  
 7 PARKFIELDS  
 VILLA COLINA, HARLOW  
 MIDFIELD, HIGH STREET  
 2 BAKERY COTTAGES, HARLOW ROAD  
 46, 75 TEMPLE MEAD  
 THE ROYDON SOCIETY  
 ROYDON RESIDENT x 2

Objections summarised as:

Objection impact on water levels, boats on site are used for residential not leisure, traffic issues, air quality issues, road not suitable for increase in traffic, already oversized, overspill parking on the towpath and adjacent roads, proximity of the crossing to the level crossing causes issues

## ROYDON PARISH COUNCIL: OBJECTION

A similar application, for a larger number of boats, was refused in 2016 and the parish council registered its concerns at that point. The parish council agreed at its recent meeting to OBJECT to this new application for the following reasons: -

Access - The access to the site from the High Street is a sub-standard towpath owned by the Canal & River Trust which, even with widening in places, is single track and does not provide the required separation between vehicle, cycle and pedestrian traffic. The towpath runs alongside the River Stort Navigation which is very deep in places - there is no barrier separation. The additional traffic which will be generated by this application will make navigating the towpath more difficult than it already is.

Essex Highways argues that policy ST4 (road safety) has been satisfied but this policy is to be replaced in the Local Plan (submission) so could be regarded as having limited significance. For completeness, ST4 sets out that 'the Council will grant planning permission for new development only when the proposal either (i) is well related to the road hierarchy, (ii) is unlikely to lead to an excessive degree of traffic congestion; (iii) will not be detrimental to highway safety; and (iv) is not likely to result in excessive adverse effects, from traffic generation, on the character or environment of any part of the

## LEE VALLEY REGIONAL PARK AUTHORITY

The revised proposals were considered by Members at the Lee Valley Regeneration and Planning Committee held on the 23 September, at which the following recommendation was approved:

- (1) that Epping Forest District Council be informed that the Authority withdraws its 'holding' objection to the proposed revised application to extend the marina at Roydon Marina Village now that the ecological surveys have been provided;
- (2) that following consideration of the additional information the Council also be informed that the Authority does not now object in principle, providing the conditions as suggested are added to any decision
  - (a) implementation of the Ecological Mitigation and Enhancement Scheme July 2021 (ref 150511-ED-12b) and roadside planting scheme as detailed in the application;
  - (b) the retention of the remaining lake area as open water habitat free of moorings to protect the areas of ecological enhancement;
  - (c) the production of a Construction Environmental Management Plan (CEMP) to ensure best practice construction measures and avoid harm to sensitive habitats and species, including pollution incidents and noise disturbance, along with ongoing environmental pollution controls to protect the sensitive water habitats;
  - (d) submission of a Landscape and Ecological Management Plan (LEMP) prior to the commencement of the development to ensure the on-going management and maintenance of the Ecological Mitigation and Enhancement Scheme July 2021, in particular the new areas of reedbed, the wildflower meadow and planting belt alongside the access road/towpath;
  - (e) a lighting strategy for biodiversity, both for the construction period and once the site is occupied to take account of protected species such as bats, and use of the water by wintering and breeding birds;



(f) an invasive non-native species protocol detailing the management strategy for the Himalayan Balsam on site and biosecurity measures to avoid introducing non-native species into the area;

(g) Section 106 Contributions to off-site works at the adjacent Glen Faba waterbody in accordance with details set out in paragraph 18 as mitigation for the loss of open water at Roydon Lake and to help enhance a viable refuge for wildlife; and

(3) that Epping Forest District Council be informed that the Authority wish to be consulted on the above.

Please note paragraph 18 mentioned in 2g) above is reproduced below. 18 As previously discussed, given the small size of the water behind the island, and the overall loss of open water habitat, it remains relevant to propose that contributions are sought towards the provision of mitigation on the adjacent Glen Faba site where the Authority has already implemented some measures to improve its biodiversity. This could be secured through a Planning Obligation/Section 106 agreement. The works could include:

- Scrub management around the shores of the lake to enable egress by grazing birds such as Wigeon to the grassland (indicative cost £5K)
- Removal of scrub around the margins of the lake to enable growth of marginal plant species providing habitat for Water Vole (indicative cost £15K)
- Creation of a new reedbed to compliment that proposed on the development site and the wider area (indicative cost £60K)
- Enhancement works to the existing Heronry on site (indicative cost £5k)

### **Main Issues and Considerations:**

The main issues in the determination of the application are considered to be the following:

Impact on the Green Belt

The landscape and visual amenity of the area

Impact on wildlife, conservation and ecology

Impact on highways and highway safety

Effect on residential amenity

Hydrology

Loss of Open Water

Residential Use

Adequacy of Facilities

Flood Risk

Impact on the EFSAC/LVSPA

### **Green Belt**

The proposed 'built development' is the addition of berths that will sit in the water, car parking areas to the north bank, slipway, and the toilet/facilities block which will measure 7m deep, 19m wide with a maximum height of 5.7m.

Policy DM4 specifically provides a list of exceptions. These exceptions include at C (ii):

*Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as any development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*

SVLP (2017) follows the ethos of the NPPF 2021 at paragraph 149 b).

The proposed facilities are for outdoor recreation and given the relatively minor nature of the proposed 'development' required to facilitate a large increase in the size of the marina the proposal is considered to be an exception to Green Belt policy.

As an aside Policy P9 of the SVLP (2017) includes a 'Vision for Roydon' which includes the goal:

*'The village will build upon its key strengths, such as the mainline railway station, as well as other assets such as the historic church, **Marina Village** and surrounding Lee Valley Regional Park'* [emphasis added]

Therefore, the proposal is in line with the vision for Roydon as the marina has been identified as a key strength for the village.

Although the proposed development itself has little impact on the openness of the Green Belt, as on plan the works are minor; when the moorings are operational then up to 168 additional boats will be using the application site along with associated parked cars. Although a 'typical' scene – boats on waterways; they will have an impact on openness to some degree.

The original 2009 application was granted permission partly on the basis of Very Special Circumstances (VSC) as there was a need within London and the South East for the additional moorings to meet the needs of the increasing numbers of recreational boaters. It was argued that the site was well located and could be developed without excavation. Additionally, it was considered that any marina to serve London would be required to be within the Green Belt.

The applicants have provided information with this application with regards to 'need'. And have suggested that demand has increased since the 2016 application, and this is backed up the Canal and River Trust's London Mooring Strategy which confirms there is currently excess demand for moorings in the London area (which includes the Upper Lee Navigation and River Stort).

The Applicants currently have 130 people on the waiting list for moorings at the existing marina and enquiries running at 10-15 per a day for winter moorings (there is no provision for winter moorings at the site).

Given that the situation in terms of demand has increased since the 2016 application it is considered that very special circumstances still exist to justify the development within the Green Belt.

To summarise, the proposal in itself is included within the exceptions for development in the Green Belt, although the associated boats and car movements will have an impact on the openness of the Green Belt in this location there is a demonstrable need for the development and therefore this is a justifiable very special circumstance. Additionally, the SVLP specifically promotes the marina as a key strength within Roydon and its expansion supports this vision.

As a final point, the proposal will also require the employment of 8 new members of staff at the marina which will result in additional new employment for this area.

## **Highways and Access**

The proposal utilises the existing access into Roydon Marina, which is along the tow path and then through the Marina complex itself. Concern has been raised by neighbours and the Parish Council with regards to the use of this access.

The towpath provides the access road to the marina between the junction with the B181 and the Roydon Mill Road Bridge across the canal. The towpath is used by a wide range of different users including pedestrians and is part of the National Cycleway Route 1, so is a well-used section of towpath by multiple users.

The towpath is currently restricted to single vehicle flow over a significant length when also shared with cyclists and pedestrians. This is a fairly poor existing situation. The application proposes improvements to widen the central part of this narrowest section and additionally provide a 0.9m wide footpath and the Canal and River Trust supports this intention (provided the towpath also remains a shared space). It will improve the current situation.

With regards to the access to the High Road and highway safety, Essex County Council were consulted on the application. They have commented that the Highway Authority is very familiar with the site and has thoroughly assessed the submitted transport information and has concluded that the proposal is not contrary to National/Local policy and current safety criteria.

The applicant has submitted a robust Transport Assessment that demonstrates, to the satisfaction of the Highway Authority, in terms of safety and capacity that the impact of the proposed development will be minimal on the highway in the vicinity of the site and on the wider highway network. It is noted that this proposal is 72 berths less than the previous submission which the Highways Authority also found to be acceptable. Further to this, accident data has been investigated again, and there are no recorded highway accidents within the vicinity of the site for the last 5 years. This shows that despite the constraints at the access, it continues to function safely.

The applicant has provided the full provision of parking on-site, which is a maximum number, as per the current standards.

The applicant is also proposing to implement some towpath improvements (as outlined above) which the Highway Officer states will include some benefit for pedestrians and cycles. The Highway Officer also noted that at the access onto the highway, and for a reasonable length from it, there is sufficient width for vehicles to be able to pass each other without any delay or detriment to highway safety.

The Highways Officer concludes that the proposal will not be detrimental to highway safety, capacity or efficiency.

The Council's Emergency Planner was also consulted on the plans, and welcomes the proposed widening of the towpath, but otherwise has no concerns with the application.

The NPPF (2021) at paragraph 111. is clear, stating:

*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.*

On the basis of the above and despite the concerns raised it is not considered that there are highway or transport grounds to refuse the application.

## **Landscape and visual amenity**

The site is well screened by existing trees and additional landscaping and planting are proposed. Whilst the car park areas and indeed the boats themselves will have a visual impact within the site, it is not considered that there will be any excessive impact from viewpoints outside the site. Given the low-lying nature of the site it is not considered that the scheme will have a significantly adverse impact on the landscape or visual amenity of the locality.

The Tree and Landscape Officer has no objection to the proposal subject to a condition for further details of landscaping, ensuring that species numbers/planting densities/sizes and the planting and aftercare can be agreed.

## **Impact on Wildlife, Conservation and Ecology**

The proposed development is in close proximity to the Lee Valley RAMSAR and Special Protection Area (SPA) and the Rye Meads Site of Special Scientific Interest (SSSI) and therefore has the potential to affect its interest features.

### **European Sites**

The SPA is also classed as a European site which are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). Another component of the Lee Valley SPA and RAMSAR site, the Turnford and Cheshunt Pits SSSI, is further away; but is hydrologically linked to the application site via the Lee and Stort Navigation. The proposal site is also in relatively close proximity to the Hunsdon Mead SSSI.

Essex County Council Ecology Consultants undertook a Habitats Regulations Assessment Screening Record which concludes the following:

As there is no potential for Likely Significant Effects from direct land take, Protected Species outside of Designated Site, water pollution, public access / disturbance, inappropriate scrub control, fisheries: fish stocking, invasive species, inappropriate cutting or mowing, air pollution, and hydrological changes, there is no potential for the development proposals to contribute to any likely significant effects along these pathways, in combination with other plans and projects.

There is no potential for any other impact pathways to result in likely significant effects, in combination with other plans and projects are also screened out.

As the development will not affect any of the sensitive features/threats to the aforementioned Habitats Sites, the LPA considers that, without mitigation, the development is not likely to result in a 'likely significant effect' (LSE) to Lee Valley SPA and Ramsar site. Therefore, this assessment does not need to proceed to HRA Stage 2: Appropriate Assessment.

Having considered the proposal, the Ecology Consultants conclude that, the project will not have a Likely Significant Effect on the designated features of the Habitats site listed in this assessment, either alone or in combination with other plan and projects.

Having prepared this HRA screening of the implications of the plan or project for the site, in view of those sites' conservation objectives, the authority can agree to the project under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

### **More General Ecology**

Significant documents have been submitted as part of this application and surveys updated during the course of the application; these documents include an Extended Phase 1 Habitat Assessment, Otter and Water Vole Survey, Winter Bird Survey Report, Breeding Bird Survey Report, Bat Activity Survey Report and Ecological Mitigation and Enhancement Scheme.

The Essex County Council Ecological Consultant has confirmed that the submitted information is sufficient to provide certainty to the LPA of the likely impacts on protected and priority species and habitats and, with appropriate mitigation measures secured, the development can be acceptable. The Consultant has recommended the addition of conditions to ensure the mitigation and enhancements take place as outlined and that a wildlife sensitive lighting design scheme is submitted, and this is considered reasonable to apply these conditions.

With regard to the European Site, the Council as a Competent Authority has to assess the likelihood of significant impacts of the development as part of the Habitats Assessment Screening (as above). It is not considered the development will have any significant impacts on any European Site and as such no further assessment is required.

#### **National Sites**

This application is in close proximity to the Rye Meads Site of Special Scientific Interest (SSSI). It is also in relatively close proximity to the Hunsdon Mead SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified.

#### **Other Wildlife issues**

in addition to the above there are other non-statutory wildlife sites that are connected to the site via the watercourse. Given the sensitive nature of the site the application included an extended Phase 1 Habitat Survey, bat survey, breeding bird report, otter and water vole survey, overwintering bird report. These conclude that the impacts of the development on habitats and wildlife will be limited and suggest appropriate mitigation and enhancement strategies which can be conditioned.

The Environment Agency has not raised an objection to the proposals subject to conditions to securing a revised mitigation and enhancement plan.

The LVRP Authority response has no objection with regards to the principle of the development. However, did request as well as conditions, section 106 contributions to off-site works at the adjacent Glen Faba waterbody as mitigation for the loss of open water at Roydon Lake and to help enhance a viable refuge for wildlife. The suggested contribution is £85,000. The Glen Faba lake is to the south of the Marina.

However, all ecological bodies have responded with 'no objection' to the proposal and therefore there is not considered to be a suitable justification for this request particularly given that conditions to ensure appropriate mitigation have been included by other stakeholders. Although there will most certainly be a loss of open water this is not considered a significant issue (discussed further below).

#### **Residential Amenity**

Whilst the development will result in some increased traffic movements it is not considered that an increase in the number of boats on the lake will result in harm to the residential amenity of residents in the vicinity. None of the proposed works are adjacent to any residential property.

Whilst there may well be disruption and noise during construction these are not grounds for refusal of the application.

#### **Hydrology**

The Canal and Rivers Trust (CRT) as part of their remit are concerned with regards to the impact on water resources of the River Stort Navigation.

The CRT has no objection to the application on water resources grounds if the actions set out by the applicant are implemented in co-operation with the CRT.

The hydrology of the navigation is a planning matter that must be taken into consideration in determining the planning application. In the absence of any objection from the CRT and no evidence that the development will have any adverse impact on the waterway it is considered that the development accords with Policy RST7 of the adopted Local Plan.

### **Loss of the Open Water**

There is some concern that this proposal will result in only a very small area of open water, which perhaps diminishes the attractiveness of the marina and the surrounding area. However, this lake is only one in a number of similar expanses of water that are within the vicinity and that are accessible within the LVRP and it is not considered that the reduction in open water at this location will reduce the attractiveness of the Park for visitors. It is noted that this is a significant reduction of berth numbers compared to the previously refused application. The LVRP Authority have not objected to the proposal.

On balance it is not considered that the reduction in open water is sufficient grounds to refuse the application. The concentration of boats within this one location, which is well screened and self-contained means that the remainder of the water bodies in the locality can remain largely undeveloped and free of moorings which could be viewed as a benefit to the park as whole.

### **Residential Use**

The proposal is for the boats at the marina to be occupied only for recreational purposes. Use of the marina for residential mooring (houseboats) would have significantly more impact on the locality, as residents would be dependent on road access and local facilities and there would be significant highway implications due to constant movements. Additionally, use for permanent residential accommodation would be clearly contrary to Green Belt Policy and sustainability policies. There are existing conditions on the marina which restrict occupation to ensure that the marina is only used for recreational purposes. Several objectors have argued that existing conditions are being flouted and that the boats are lived on. No Enforcement complaints have been made in recent times.

A condition can be added to ensure that the marina is only used for residential boaters. Should any breaches of the occupancy conditions be found, then appropriate action can be sought.

### **Drainage and Flood Risk.**

The Council's Land Drainage team were consulted on the application and raise no objection based on the Flood Risk Assessment that was submitted and the Environment Agency and Essex County Council SUDS have also raised no objection to the proposal subject to conditions.

### **EFSAC and Air Quality**

The application has been assessed by the Council's Transport Planners in terms of the impact on the air quality of the EFSAC. The proposal is not considered to result in recreational impacts on the EFSAC and therefore air quality is the only issue to assess in this regard.

The submitted information, suggests an increase in vehicle movements of 181 per a year. It is expected that the proposal will generate a negligible number of HGV's. Origin information has also been submitted and analysed, concluding that 9% of the existing users may travel through or within 200m of the EFSAC. Therefore, there is a predicted maximum increase of 16 AADT vehicle movement passing through the EFSAC or within 200m.

It is accepted, given the numbers above, that the impact on the EFSAC is expected to be negligible, however, this still represents an impact. A condition has been suggested that any approval includes an obligation for 10% of all new parking bays within the Marina to include EV charging points to facilitate electric vehicles and minimise the impact on the EFSAC. This suggestion is considered acceptable.

**Conclusion:**

Given the above discussion, the proposal is considered on balance to be acceptable and approval subject to conditions is recommended.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Marie-Claire Tovey***

***Direct Line Telephone Number: 01992 564414***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***