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26 March 2026

AGENDA ITEM 5 – PUBLIC QUESTIONS

CHIEF EXECUTIVE
Doug Wilkinson

Dear Councillor

Council – 26 March 2026

Please find enclosed the following report, for consideration at the above meeting, which was unavailable when the agenda was printed.

5 Public Questions (pages 3 – 4)

Yours faithfully

Chief Executive

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CIRCULATED PRIOR
TO THE MEETING



RESPONSE FROM THE LEADER OF THE COUNCIL

to
COUNCIL
26 MARCH 2026

PUBLIC QUESTIONS

1. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

- 1.1 In accordance with the Council's public speaking protocol the following question was received from a member of the public.

2. QUESTION

The following question was received from Mr David Sismey on 20 March 2026:

“Please confirm how many reports of planning enforcement breaches have been made about the North Heybridge Garden Suburb since construction began and how many times the council has actually taken enforcement action. Almost 18 months on from when the western part of the relief road - the key infrastructure commitment of this development - was required by planning condition to be fully completed, why is it still not fully complete and what action has the council taken to have the developer deliver this commitment and remove the temporary works and detritus from this site?”

3. RESPONSE FROM THE LEADER

Since the first receipt in May 2021 of a service request to investigate a possible breach of planning control relating to the North Heybridge Garden Suburb, the Planning Enforcement Team has received eight allegations of breaches of planning control and opened subsequent investigations into each allegation.

The eight cases were received from a total of three sources, with a fourth interested party in one instance.

The eight cases comprised of:

- six cases of alleged breaches of planning conditions.
- one case of alleged illegal advertisement.
- one case of alleged removal of a hedgerow.

Five of the eight cases are now closed, with one case of unsubstantiated / unclear allegation, three cases of compliance through either a ceasing of the breach or retrospective consent being granted and one case of no material breach of planning control occurring.

Of the three remaining open Enforcement cases:

- one is pending closure due to the approval of a Variation of Condition Application to resolve the matter.

- one remains under investigation and the Council is seeking compliance and remedial action from the developer to mitigate any harm.
- the third open case was only received on 23 March 2026 and is pending allocation to an Officer for investigation and assessment.

Maldon District Council is responsible for the overseeing and seeking assurance that the developer is complying with their planning obligations, as conditioned. The imposing of those said conditions is often, as in this instance, done via consultation with third party authorities during the planning consultation phase. Where the developer is required to engage with and is delayed by any such interactions with third party authorisers, the Council is expected to take a proportionate and pragmatic approach, due to such matters being beyond the developer to control or mitigate.

Formal Enforcement action should, as per Council policy and Government Guidance, be used proportionally where compliance cannot or is unlikely to be achieved through informal negotiation. Any formal action taken would need to be in the public interest and be specific on what steps the developer needs to take in a specified time to comply. If actions are beyond the developer's ability to take due to third party authorisation being legally required first, formal enforcement action would be inappropriate and highly unlikely to withstand challenge at Appeal, resulting in likely costs against the Council.