



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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to  
**CENTRAL AREA PLANNING COMMITTEE**  
**26 JUNE 2019**

<b>Application Number</b>	<b>PROW/MAL/18/00831</b>
<b>Location</b>	Land South Of Wycke Hill And Limebrook Way Maldon Essex
<b>Proposal</b>	Diversion of a public footpath 8 PROW 253
<b>Applicant</b>	Taylor Wimpey East London
<b>Agent</b>	Savills - Catherine Williams
<b>Target Decision Date</b>	n/a
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON WEST</b>
<b>Reason for Referral to the Committee / Council</b>	Not Delegated to Officers

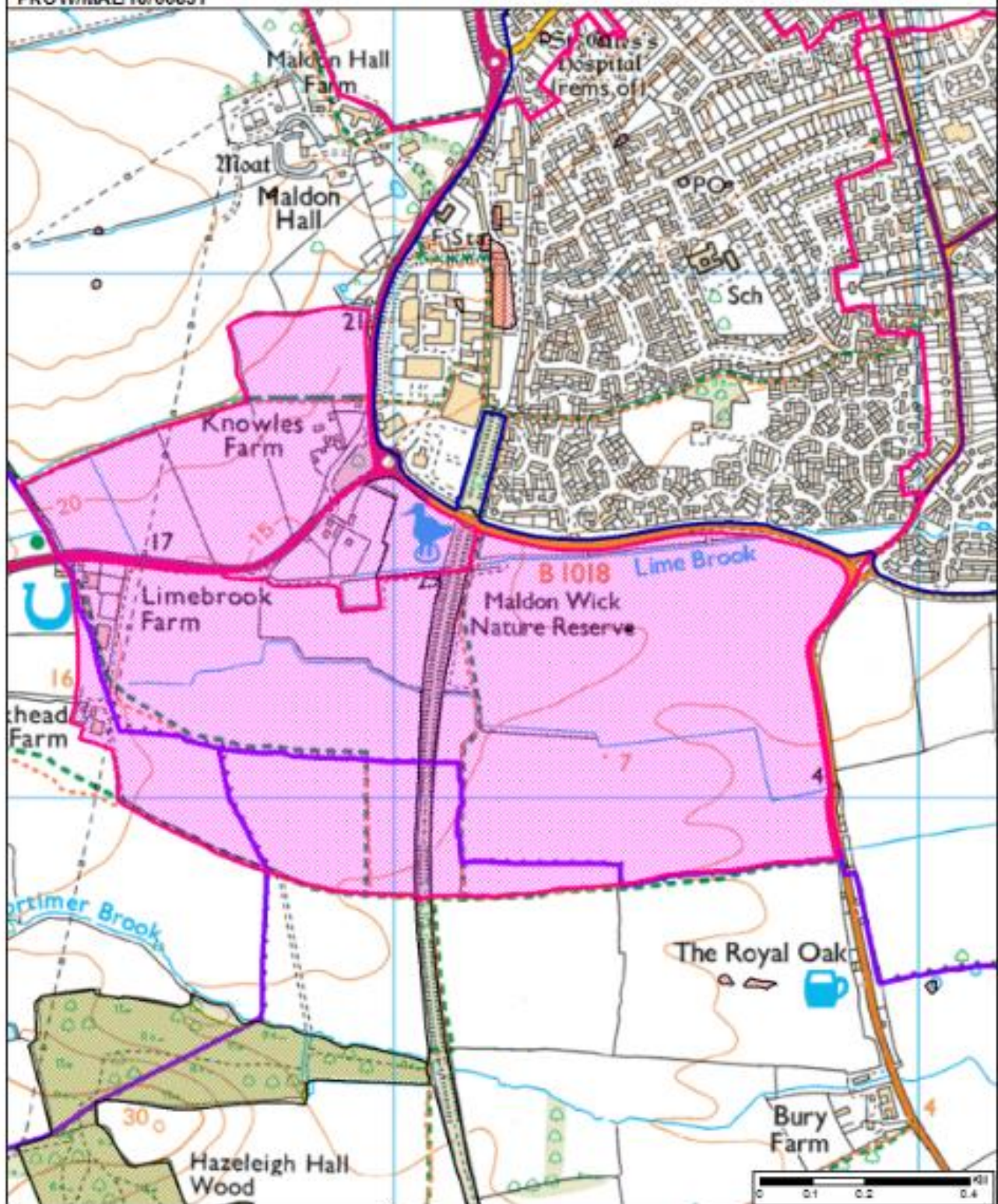
**1. RECOMMENDATION**


That the proposed permanent Diversion Order of the highlighted section of Public Footpath 8 Maldon is **CONFIRMED** by Maldon District Council, as ‘competent authority’, under Section 257 of the Town and Country Planning Act 1990.

**2. SITE MAP**

Please see overleaf.

**Land South of Wycke Hill and Limebrook Way, Maldon**  
**PROW/MAL/18/00831**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	04/06/2019
	MSA Number:	100018588
www.maldon.gov.uk		

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 This application has been made under Section 257 of the Town and Country Planning Act 1990 (which relates to footpaths affected by development) for a permanent footpath Diversion Order. Section 257 provides a ‘competent authority’ (Maldon District Council in this case) the power to authorize the diversion of any footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted. Whilst Maldon District Council is the determining authority, Essex County Council, the Highway Authority, was instructed to process the application.
- 3.1.2 The footpath the subject of this application is located within the wider area identified as Strategic Site S2(a) in the Maldon District Approved Local Development Plan (LDP) which gained outline planning permission (reference OUT/MAL/14/01103) in December 2016, following the completion of a Section 106 Agreement, for ‘development of land for up to 1,000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and Sustainable Drainage System (SuDs) features, vehicle accesses onto the existing highway network and associated infrastructure’. The outline planning permission included details of means of access to the site; details of layout, scale, appearance and landscaping were reserved for future determination. This outline planning permission was subsequently varied most recently by permission reference FUL/MAL/18/00071 which was approved on 13.04.2018. The site the subject of the abovementioned outline planning permission was subsequently separated into Eastern and Western Parcels. An application for approval of reserved matters of Phase 1 of the Eastern Parcel (for 200 dwellings) was granted in 2018 (reference RES/MAL/18/00531) and where development is underway. Details of the infrastructure (drainage, highways, site levels and associated works) for the Eastern Parcel have also already been approved (reference FUL/MAL/18/00494).
- 3.1.3 Public Footpath 8 Maldon runs in a roughly north-south direction through roughly the centre of the site the subject of the abovementioned outline planning permission and along the western boundary of the Eastern Parcel.
- 3.1.4 An application for a permanent diversion of a length of 158m of this footpath to facilitate the above approved development was received on 29 June 2018.
- 3.1.5 The part of the PROW affected is located around 180m south of Limebrook Way where the existing PROW cuts a corner of the field. The applicant suggests that the proposed diverted route, along the field boundary, is the route already taken by most users of the PROW and that, if not diverted as proposed, the footpath would be sandwiched between the allotments and school sites included in the outline planning permission.
- 3.1.6 The diversion is, therefore, required in order to allow the inclusion of allotments and a school playing field to be sited over the location of the existing path. The width of the

new path would be specified at 2m, and any works associated with the path will be carried-out at the expense of the applicant. The Highway Authority has advised that an informal pre-order consultation was conducted with relevant statutory consultees and other interested parties. In response to this consultation, a representation by the Open Spaces Society requested the path to be diverted onto an adjacent dismantled railway line but the land is not in the ownership of the applicant and so this request has not been considered further. A second representation made by the Rambles raised possible concerns over future maintenance and anti-social behaviour of the path once the new housing has been developed. Neither of the representations were considered to be objections, and opportunities for further comments was provided during the formal 28 day statutory consultation which concluded on 11 January 2019.

3.1.7 The Highway Authority has since advised that the processing of the application has been completed and, as a result, the Order can now be confirmed, unopposed.

3.1.8 It is considered that the diversion proposal satisfies the requirements of the Town and Country Planning Act in all respects and, therefore, it is recommended that the footpath Diversion Order applied for is authorised.

### **3.2 Conclusion**

3.2.1 Maldon District Council, as ‘competent authority’, is satisfied that the permanent footpath Diversion Order applied for under Section 257 of the Town and Country Planning Act 1990 is necessary in order to enable development to be carried out in accordance with the planning permission granted. Therefore, it is recommended that the proposed permanent footpath Diversion Order is authorised.

## **4. ANY RELEVANT SITE HISTORY**

- **OUT/MAL/14/01103** - Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure – Approved, following completion of a Section 106 Agreement, 01.12.2016
- **FUL/MAL/16/01454** - Variation of conditions 5, 13 & 14 on approved planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017 - Deed of variation subsequently completed 26.02.2018
- **FUL/MAL/16/01458** - Variation of condition 11 and removal of condition 12 on planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and

B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017

- **NMA/MAL/17/00367** - Application for non-material amendment following grant of Planning Permission of OUT/MAL/14/0110 as amended by permissions FUL/MAL/16/01454 & FUL/MAL/16/01458 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure) Amendment sought: Amendment to conditions 5 & 6 – Approved 26.04.2017
- **FUL/MAL/17/00396** - Variation of condition 27 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 24.07.2017 - Deed of variation subsequently completed 26.02.2018
- **FUL/MAL/18/00070** - Variation of condition 7 on approved application FUL/MAL/17/00396 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018
- **FUL/MAL/18/00071** - Variation of conditions 5,13,21,25,43,53,55,61, 63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.
- **FUL/MAL/18/00494** - Application for infrastructure works, including; foul and surface water drainage, provision of highways, proposed site levels and associated works. Approved 17.08.2018.



- **RES/MAL/18/00531** - Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 1 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 200 residential dwellings (Use Class C3) and associated works. Approved 11.09.2018.
- **MLA/MAL/19/00101** - Application for a modification to Section 106 legal agreement executed under planning application FUL/MAL/16/01454 – resolution to agree 21.03.2019 but Deed of Variation yet to be completed.
- **RES/MAL/18/00411** – Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 2 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 406 residential dwellings (Use Class C3) and associated work - undetermined

## 5. **RECOMMENDATION**

That Maldon District Council, as ‘competent authority’, authorize the proposed permanent diversion of the highlighted section of Public Footpath 8 Maldon under Section 257 of the Town and Country Planning Act 1990.