



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
29 JUNE 2022**

**PUBLIC RIGHTS OF WAY (PROW) – 20/00856/PROW LAND SOUTH OF WYCKE HILL
AND LIMBROOK WAY, MALDON, ESSEX**

Proposal	Diversion of a Public Footpath 14 (PRoW 248) Hazeleigh and Public Footpath 41 (PRoW 253) Maldon
Applicant	Crest Nicholson
Agent	Savills – Taylor Vernon
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Not Delegated to Officers

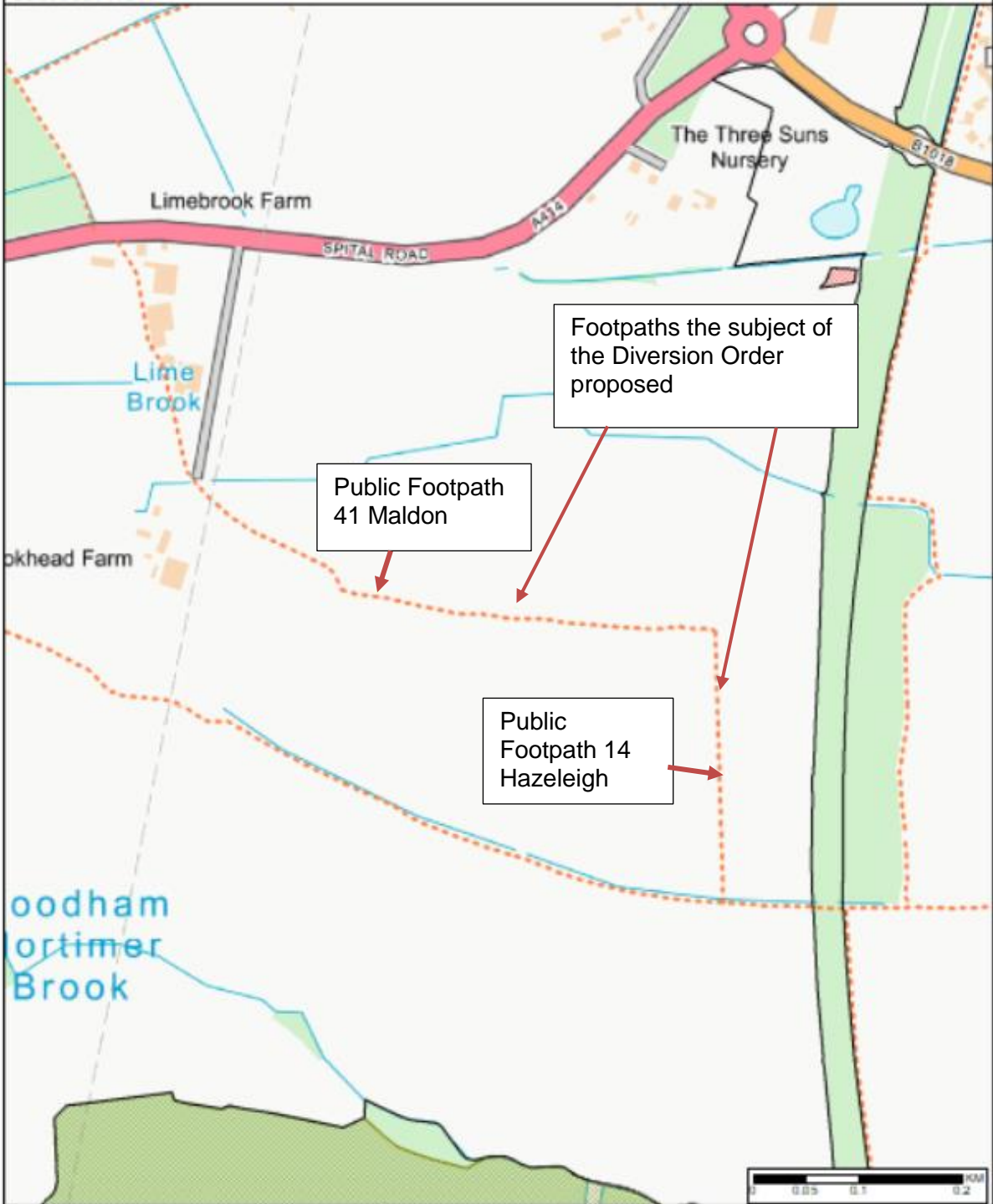
1. RECOMMENDATION


That a permanent Diversion Order of the highlighted sections of Public Footpath 14 Hazeleigh and Public Footpath 41 Maldon is **MADE** and, if no relevant objections are received, **CONFIRMED** by Maldon District Council, as 'competent authority' under Section 257 of the Town and Country Planning Act 1990.

2. SITE MAP

Please see below.

Diversion of Public Footpaths 14 and 41 Maldon, Land south of Wycke Hill and Limebrook
 20/00856/PROW



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	10/06/2022
	MSA Number:	100018568
www.maldon.gov.uk		

3. **SUMMARY**

- 3.1 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 footpath Diversion Order. Section 257 provides a 'competent authority' (Maldon District Council (MDC) in this case) the power to authorise 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 MDC is the determining authority, Essex County Council (ECC), in their role as the Highway Authority, has been instructed to process the application.
- 3.2 The footpaths the subject of this application are 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 20/00074/FUL which was approved on 19.06.2020. The site the subject of the abovementioned original outline planning permission was subsequently separated into Eastern and Western Parcels. Reserved matters for the majority of the development and details of the infrastructure for the whole development have been approved and development is underway within both the Eastern and Western Parcels. A Diversion Order relating to a section of Public Footpath 8 within the Eastern Parcel was confirmed (approved) (reference 18/00831/PROW) in July 2019.
- 3.3 Condition 21 of the outline planning permission requires the following:
- Prior to occupation of any development details of any public footpath diversion within the relevant parcel (east or west) shall be submitted to and approved by the local planning authority. The public footpath diversions, whether temporary or permanent, shall be under section 257 of the Town and Country Planning Act 1990 and if approved shall be implemented in accordance with the details as approved.*
- REASON To ensure the public footpath routes remain open and usage for all users in accordance with policies S3, S4, D1, T1 and T2 of the Approved LDP the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document (SMGS), National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG).*
- 3.4 An application seeking approval of these details in relation to the Western Parcel has been submitted (20/05071/DET) but remains undetermined pending the outcome of the Diversion Order application the subject of this application.
- 3.5 The current application relates to a section of Public Footpath 41 Maldon and the full extent of Public Footpath 14 Hazeleigh which require diversion to enable the residential development approved for Phase 2 of the Western Parcel (21/00889/RES) and that to form Phase 3 (reserved matters application yet to be submitted) to be carried-out.

- 3.6 The current alignment of Public Footpath 41 heads across the site east-west from a farm track to the west for a distance of 500m before connecting to Public Footpath 14 which heads south for a distance of 257m before connecting to Public Footpath 1 which runs along the southern boundary of the Western Parcel.
- 3.7 The proposed diversion would re-align Public Footpaths 14 and 41 south, towards Public Footpath 1 but within land owned by the applicant.
- 3.8 The diversion is required to allow the completion of the residential development of the Western Parcel. The existing footpath alignment would be moved to an alternative location around the field edge. The width of the new path would be 2m, and any works associated with providing the diverted route would be carried-out by the applicant, Crest Nicholson, at their expense.
- 3.9 ECC Highways has advised that an informal pre-order consultation was conducted with relevant statutory consultees and other interested parties. In response to this consultation, representations were received from the Ramblers Association, but no objections were received.
- 3.10 It is considered that the diversion proposal satisfies the requirements of the Town and Country Planning Act and, therefore, it is recommended that the footpath Diversion Order applied for is Made and, if no relevant objections are received, Confirmed.

3.11 Conclusion

- 3.11.1 MDC, 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 public footpath Diversion Order is Made and, if no relevant objections are received, Confirmed.

4. ANY RELEVANT SITE HISTORY

Outline Application Site:

- **13/01169/SCR**– Request for a Screening Opinion for Development south of Limebrook Way, Maldon – Required.
- **14/01103/OUT** - 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.
- **16/01454/FUL** - Variation of conditions 5, 13 & 14 on approved planning permission 14/01103/OUT (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

SuD features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017 - Deed of variation subsequently completed 26.02.2018.

- **16/01458/FUL** - Variation of condition 11 and removal of condition 12 on planning permission 14/01103/OUT (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 SuD features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017.
- **17/00367/NMA** - Application for non-material amendment following grant of Planning Permission of 0110/OUT as amended by permissions 16/01454/FUL and 16/01458/FUL (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 SuD features, vehicle accesses onto the existing highway network and associated infrastructure) Amendment sought: Amendment to conditions 5 & 6 – Approved 26.04.2017.
- **17/00396/FUL** - Variation of condition 27 on approved application 14/01103/OUT (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 SuD features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 24.07.2017 - Deed of variation subsequently completed 26.02.2018.
- **18/00070/FUL** - Variation of condition 7 on approved application 17/00396/FUL (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 SuD features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.
- **18/00071/FUL** - Variation of conditions 5,13,21,25,43,53,55,61, 63,67,68,69,74,81,84 on approved application 14/01103/OUT (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 SuD features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.

- **19/00101/MLA** - Application for a modification to Section 106 legal agreement executed under planning application 16/01454/FUL – Deed of Variation completed.
- **19/01134/FUL** - Removal of condition 11 (details of 'Access Link Strategy') on approved planning application 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 27.03.2020.
- **20/00074/FUL** - Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application 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 19.06.2020.

Western Parcel Only:

- **19/01093/FUL** - Full planning application for infrastructure works, including: foul and surface water drainage, provision of highways; site levelling and associated works for the Western Parcel of planning permission FUL/MAL/18/00071. Approved 04.02.2020.
- **19/01097/RES** - Reserved matters application for the approval of appearance, landscaping, layout and scale for Phase 1 of the Western Parcel of planning permission 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) comprising 106 residential dwellings (Use Class C3), new public open space and car parking. Approved 19.03.2020.
- **20/00294/FUL** - Variation of condition 2 (approved drawings) and removal of condition 4 (vehicle link to western boundary) of planning permission 19/01093/FUL (Full planning application for infrastructure works, including: foul and surface water drainage, provision of highways; site levelling and associated works for the Western Parcel of planning permission FUL/MAL/18/00071.) Approved 09.06.2020.

- 20/00697/FUL** - Variation of condition 1 on approved planning permission 19/01097/RES (Reserved matters application for the approval of appearance, landscaping, layout and scale for Phase 1 of the Western Parcel of planning permission 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) comprising 106 residential dwellings (Use Class C3), new public open space and car parking.) Approved 07.10.2020.
- 20/05070/DET** - Compliance with conditions notification 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application 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.)) Condition 17 - Provision of a bus layby and stop on A414 [Phase 1 of the Western Parcel] Approved 21.10.2020.
- 20/05071/DET** - Compliance with conditions notification 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application 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.)) Condition 21 - Public footway diversion [Western Parcel] Undetermined.
- 20/05072/DET** - Compliance with conditions notification 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application 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

SuD features, vehicle accesses onto the existing highway network and associated infrastructure.) Condition 56 - Materials [Phase 1 of Western Parcel] Approved 20.08.2020.

- **21/00889/RES** - Reserved matters application for the approval of appearance, landscaping, layout & scale for Phase 2 of the Western Parcel of outline planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application 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.)) comprising the construction of 210 residential dwellings (Use Class C3), new public open space and car parking. Approved 28.01.2022.
- **21/05043/DET** - Compliance with conditions notification 20/00697/FUL (Variation of condition 1 on approved planning permission 19/01097/RES (Reserved matters application for the approval of appearance, landscaping, layout and scale for Phase 1 of the Western Parcel of planning permission 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) comprising 106 residential dwellings (Use Class C3), new public open space and car parking.)) Condition 3 - Bicycle storage. [Western Parcel] Approved 21.07.2021.
- **21/05068/DET** - Compliance with conditions notification 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application 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.))) Condition 24 - Travel Information Pack - Western Parcel Approved 22.07.2021.
- **21/05151/DET** - Compliance with conditions notification 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal

of condition 11 (details of 'Access Link Strategy') on approved planning application 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.))) Condition 56 - Materials. [Part of Phase 1 of Western Parcel] Approved 10.12.2021.

- **22/00393/VAR** - Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application 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.)) Undetermined.