



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
8 FEBRUARY 2023**

Application Number	21/01276/FUL
Location	Land Opposite St Margaret's Church Maldon Road Woodham Mortimer Essex CM9 6SN
Proposal	Erection of a crematorium with ceremony hall, memorial arboretum and associated use of land, restoration of Coopers Monument, vehicular access, parking, landscaping, pedestrian crossing and diversion of footpath (PROW 269_17)
Applicant	Mr R. Evans - Maldon Fields Ltd
Agent	Mr Julian Sharpe - White & Sons
Target Decision Date	09.12.2022
Case Officer	Hannah Dungate
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Major Application

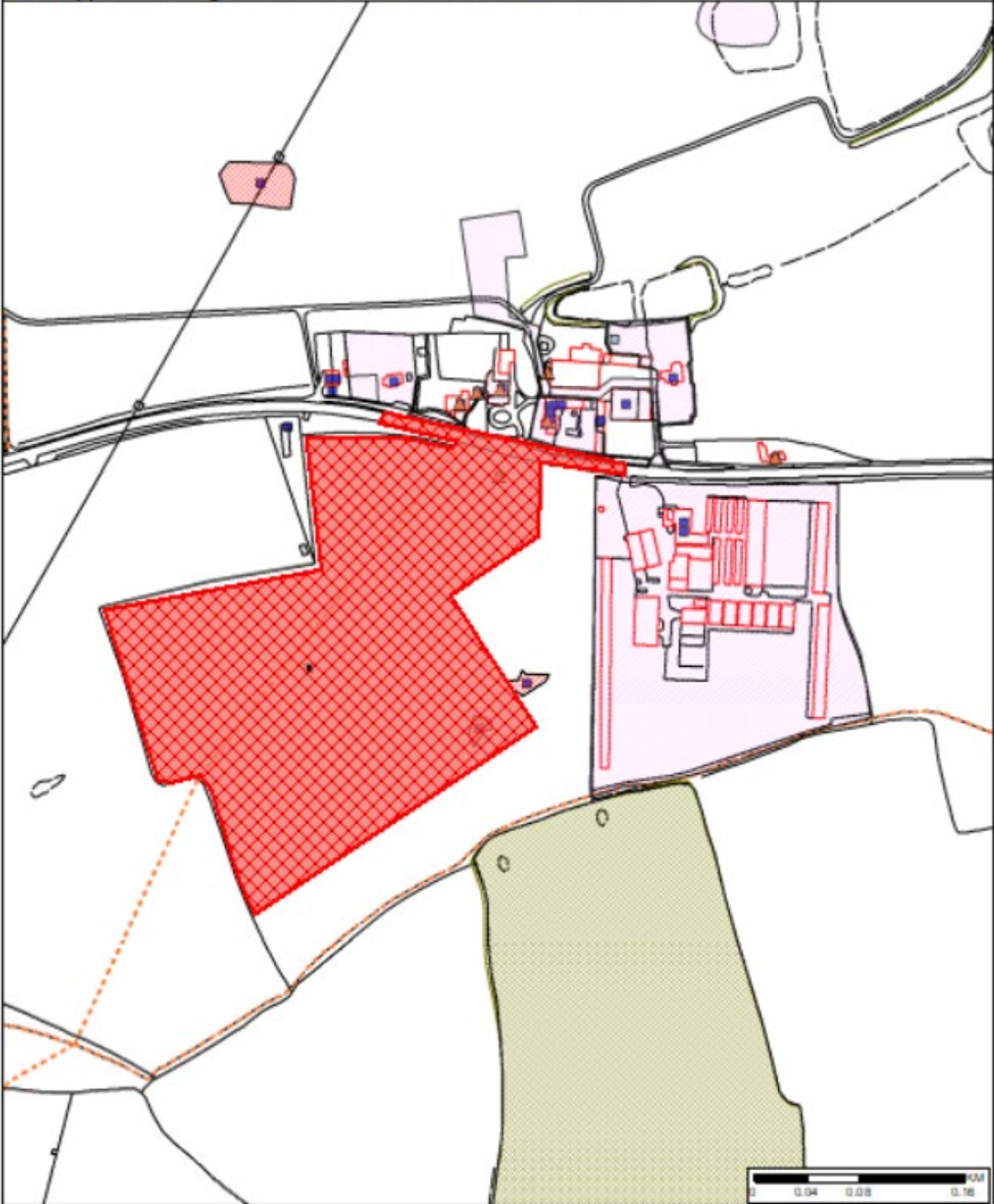
1. **RECOMMENDATION**


APPROVE for the reasons as detailed in Section 8 of this report.

2. **SITE MAP**

Please see below.

21/01276/FUL
Land Opposite St Margaret's Church Maldon Road Woodham Mortimer



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	Organisation: Maldon District Council	Department: Department
	Comments: Not Set	Date: 14/11/2022
	MSA Number: 100018588	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site is located on the southern side of Maldon Road, which is a main thoroughfare leading from Chelmsford to Maldon, via Danbury and Woodham Mortimer. The application site is located outside of the defined settlement boundary of Woodham Mortimer by approximately one mile within the rural area. The application site is also located approximately two miles west of the settlement of Maldon.

3.1.2 The application site is currently open grassland located immediately west of an existing agricultural site used for the growing of seeds. Located on the opposite side of the road, to the north, is an existing farmyard, known as Hall Farm, which has been diversified into a number of mixed uses. The wider surrounding area is open agricultural fields.

3.1.3 Within the application site is a Grade II listed Obelisk (also known as the Coopers Monument to William Alexander) located approximately 70 metres south of Woodham Mortimer Hall, which is located on the northern side of the road. A number of other Grade II listed buildings are also located on the northern side of the road, including:

- Church of St Margaret
- Woodham Mortimer Hall
- Barn 35 metres south-east of Woodham Mortimer Hall

3.1.4 Planning permission is sought for the construction of a crematorium building with ceremonial hall and memorial garden, as well as associated access, parking and landscaping. The proposed access to the site would be taken from the A414 and would include the creation of a new right-hand turn from the A414.

3.1.5 The crematorium building would be a part two storey, part single storey building. The main body of the building would be two storeys in height, measuring 9.8m at the ridge, and the single storey element would project to the rear, measuring 7.4m at the ridge. The main body of the building would have a single pitch roof and would measure 27.9m in depth and 11.4m in width. The single storey element at the rear would have a double pitched roof with a central valley and would measure 13.7m in depth and 13.2m in width overall. There would also be two pergolas located alongside the eastern side of the building towards the front and rear. The building would include a ceremonial room, cremator room, lobby area, waiting room, staff room, office and other rooms and facilities associated with the overall running of the building.

3.1.6 The crematorium building would be oriented perpendicular to the main road and would be set back by approximately 132m from the main road. To the south of the site would be the arrival garden associated with the crematorium and to the west would be the memorial arboretum. To the east of the building would be the access drive and car parking associated with the building. The access drive taken from the main road would meander through the site in a north-eastern to south-westerly direction and there would be another curved parking area located closer to the main road in the north western corner of the site. Landscaping is also proposed, including a new tree avenue to the south and rear of the existing obelisk. The existing Public Right of Way (PRoW) that currently runs in a north-eastern to south-westerly direction would be diverted so that it would now run along the south-eastern edge of the site.

3.2 Conclusion

3.2.1 The principle of the development of the crematorium in this countryside location is considered to be acceptable due to the justified need for a crematorium within the Maldon District. Although the proposal would result in harm to the character and appearance of the countryside, it would be to a minor degree. The justification for a development of this type in this location would off-set the harm identified to the countryside, as a result of the public benefits of the scheme. The proposal would fall at the low end of “less than substantial harm” to the nearby heritage assets, however, it is considered that the benefits would outweigh the minor harm identified to the settings and significance of the nearby listed buildings. The proposal would include the creation of a new right-hand turn along the A414 to access the site, and subject to conditions, there are no objections to this part of the proposal. In addition, there would be sufficient on site parking provision for a development of this size. The proposal would therefore comply with Maldon Local Development Plan (MLDP) policies and the guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

4.1 National Planning Policy Framework (NPPF) 2021, including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 84-85 Supporting a prosperous rural economy
- 92-97 Promoting healthy and safe communities
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment
- 189-208 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan (LDP) approved by the Secretary of State

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D4 Renewable and Low Carbon Energy Generation
- E1 Employment
- E3 Community Services and Facilities
- H4 Effective Use of Land
- I1 Infrastructure and Services
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport

- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) (2017)SPD
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development – Need for Crematorium

5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)) and through Government policy at paragraph 47 of the NPPF.

5.1.2 The application site is located outside of the defined settlement boundary for Woodham Mortimer and within a rural location. The Council's spatial strategy is to focus new development within settlement boundaries (Policies S1 and S8 apply).

5.1.3 The NPPF is clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three interdependent objectives that are mutually dependent upon each other and need to be balanced. These are the economic, social and environmental objectives. This requirement is carried through to local policies via Policy S1 of the approved LDP which emphasises the need for sustainable development.

5.1.4 Policy S8 does allow for some exceptions for development outside of settlement boundaries and states that:

'Planning permission will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon' and provided it is for a number of certain exceptions – one of which states:

'Community services and facilities to meet local need (in accordance with Policy E3).'

5.1.5 Policy E3 states that the Council will seek to retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community. Therefore, in order to be acceptable in principle on a rural site outside of the development boundary the Council would have to be satisfied that a local need had been demonstrated.

5.1.6 Furthermore, as far as the need for a countryside location is concerned, the requirements of the Cremation Act 1902 are directly relevant insofar as they stipulate that a crematorium should be at least 200 yards (182.8 metres) from any dwelling and at least 50 yards (45.7 metres) from a public highway. Published Government guidance entitled 'The Siting and Planning of Crematoria' (DoE, 1978) is also of relevance. This document identifies the main principles which should be observed when selecting a site for a new crematorium:

"i) That the site is well suited for the building, and is accessible to public transport, and, normally, that all main services are available;

ii) That the crematorium is so sited that its use does not have any material effect on the immediate neighbourhood;

iii) *That the layout of the site provides for the easy movement of vehicles to and from the building, and adequate parking space;*
iv) *That the building should be so planned as to allow convenient circulation;*
v) *That proper amenities are provided for those attending or working at the crematorium;*
vi) *That the cremation room and its ancillary rooms and spaces comply with good practices and permit cremation to be carried out in a reverent and dignified manner.”*

- 5.1.7 Given these particular site selection and locational requirements, it is considered to be most unlikely that suitable land would be found within a defined settlement boundary, which would be much closer to existing residential properties and neighbourhoods than the current application site. This approach is supported by a number of appeal decisions for crematoria, including APP/F2415/A/14/2211858 which states *‘Advice on the siting and planning of crematoria is set out in guidance published in 1978... to ‘steer’ crematoriums away from developed areas.’* And that *‘Finding a suitable site in an urban area would be difficult, especially one as large as that proposed in this case, while a location immediately adjacent to a rural settlement presents similar problems.’* In relation to the above requirements, a more recent appeal decision from the one cited above, APP/P3040/W/19/3229908, also states that *‘In practice, this restriction is likely to mean that any proposal for a new crematorium will require a countryside location away from existing settlements.’*
- 5.1.8 In this instance, the proposed crematorium would be sited approximately 132m away from the highway edge to the north and 194m away from the nearest property located on the northern side of Maldon Road. The application site is also located immediately south of two bus stops along Maldon Road which are served by a number of bus services which run frequently between Maldon and Southminster (D1), Maldon and Bradwell-on-Sea (D2), as well as Burnham-on-Crouch and Chelmsford (31; 331; and 332). It can therefore reasonably be concluded that the rural location outside a defined settlement selected for the proposed crematorium would be acceptable in principle, subject to demonstrating the need for the proposed development.
- 5.1.9 The applicant has submitted a number of documents to demonstrate the need for the development, including a number of appeal decisions. The ‘Need for a new crematorium to serve the District of Maldon’ document states that Maldon is currently served predominantly by Chelmsford crematorium, which is stated to be a 40-minute drive from Maldon and above the accepted journey time standard of 30-minutes. The 30-minute journey time has been accepted as standard by a number of appeal decisions which have been submitted with the application including APP/M1005/A/12/2188880 which states that *‘The 30 minute threshold has been used in other crematorium cases as a “rule of thumb.”* As 30 minutes has been accepted as a reasonable upper limit for cortege travel time, it has been demonstrated that there is a qualitative need for a crematorium within the Maldon district, which is closer to access than the nearest crematorium at Chelmsford. The location of the proposed development would be accessible to all of the settlements within the district within this accepted travel time, with the furthest settlement of Bradwell-on-Sea being located 26 minutes away from the site and would therefore meet this qualitative need. It is also noted that two letters from established funeral directors within the Maldon and Chelmsford areas have been submitted in support of the application which corroborate that the crematorium is unable to meet the current demand, which is resulting in significant delays to cremation ceremonies and a poor standard of service for bereaved families.
- 5.1.10 The documents submitted with the application have also stated that there is a quantitative, as well as qualitative, need for a new crematorium within the district as

the nearest crematorium at Chelmsford is stated to be at capacity. As stated within this report, a Quantitative Standard that has been established at appeal (APP/C3430/W/15/3039129, APP/P3040/W/19/3229908, APP/P1805/W/18/3211026, APP/H0520/W/18/3197401) which recognises that a crematorium would be operating above capacity once an existing facility has reached 80% of its practical capacity during a peak month (usually January). It has been advised that at Chelmsford crematorium, there are two chapels used for cremations – South and North Chapel. Based on 2019 figures, it is stated that both chapels at Chelmsford Crematorium were operating at 79% of their practical capacity during a typical month and at 103% during a peak month. In 2020, a higher number of 2205 cremations were held in comparison to 2193 held in 2019. Although no data has been provided from 2021, the Addendum to the original ‘Need’ report states that within the month of April, which is classed as a typical month, that the combined chapel capacity was at 80% (83% for the South Chapel and 75% for the North Chapel, on average). As population rates are set to increase, the applicant has advised that the demand for this existing facility will increase, which is already at capacity. It is therefore considered that a quantitative, as well as qualitative need, for a new crematorium facility within the district has, on balance, been demonstrated as a result of the information provided, in accordance with Policy E3 of the Maldon LDP.

Principle of Development – Loss of Agricultural Land

- 5.1.11 Policy D4, relating to Renewable and Low Carbon Energy Generation, states that *‘Development proposals will be approved where it can be demonstrated, to the Council’s satisfaction, that the development will not have an adverse impact, either individually or cumulatively, on [inter alia]... 7) The best and most versatile agricultural land.’* Although the proposal does not relate to renewable or low carbon energy generation, this point is to highlight that there is a policy requirement to demonstrate that development proposals (and some types of renewable energy proposals i.e. solar farms are carried out in countryside settings including agricultural fields) do not adversely affect the best and most versatile agricultural land. The following therefore sets out how the proposal is considered in this respect.
- 5.1.12 The former Department of Environment Food and Rural Affairs (Ministry of Agriculture, Fisheries and Food (MAFF), 1988) had produced the Agricultural Land Classification (ALC) system of England and Wales to provide a method for assessing the quality of farmland. It enables more informed decisions to be made regarding development. The ALC system grades agricultural land quality from Grade 1 (excellent quality agricultural land, to Grade 5 (very poor-quality agricultural land). Grade 3 (good to moderate quality agricultural land) has been divided into two sub-grades – Sub-Grade 3a (good quality agricultural land) to Sub-Grade 3b (moderate quality agricultural land). The system enables more informed decisions to be made regarding development. The Glossary defines *‘Best and most versatile agricultural land’* as *“Land in grades 1, 2 and 3a of the Agricultural Land Classification.”*
- 5.1.13 Within the ‘Agricultural Land Classification Report’ submitted with the application, the applicant has advised that the grading of the land within the application site is classified as Grade 3 (good to moderate quality) and the land located to the north of Maldon Road classified as Grade 2 (very good quality). Although there is no data for the distinction between the sub-groups for this classification, the applicant has stated that *‘historically low yields and the narrow range of crops suitable for cultivation on the land would indicate that the site is likely to fall in the Sub-grade 3b.’* Although insufficient information has been provided to determine if the land would be classed as Sub-Grade 3a or 3b, it is noted that the applicant has advised that it is considered to be Sub-Grade 3b due to the past limited cropping history, and poor soil types. The Council does not have any alternative evidence to dispute this. The proposed

development would result in the loss of the equivalent of 17.3 acres of the 231 acres (7.4%) of arable farmland currently farmed by Stephen Pemberton. Given that the area of land within the application site is relatively small, in comparison to the remaining farmland available surrounding the application site, and that the land is classified at Grade 3, it is considered that the loss of this land would not be so unfavourable as to result in the refusal of the application when weighing it in the balance.

5.2 Design and Impact on the Character of the Area

5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.

5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents”.

5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of: -

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;

5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.2.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

5.2.6 As set out within the MDDG (2017), Woodham Mortimer is considered to be an arcadian settlement where properties are generally located within large plots and hidden from public view, nestled in mature tree cover, hedgerow, landscaping, and

structural planting. The MDDG (2017) also states that Arcadian character is derived mostly from the qualities of the surrounding landscape and natural environment. The application site is located within a predominantly countryside location surrounded by open agricultural fields. Opposite the application site is a number of residential properties, with a varied character, and on the east of the site are a number of agricultural buildings associated with Lion Seeds. The application site is relatively large and benefits from tree planting and hedgerows along its site boundaries.

- 5.2.7 The Landscape and Visual Impact Assessment (2021) submitted with the application has stated that the development is predicted to lead to moderate landscape affects, some of which would be beneficial to landscape character and others adverse or harmful to characteristics and qualities. Some of the landscape receptors would have a medium to low sensitivity to change, in comparison to surrounding footpaths which would have a high sensitivity to change. The document advises that mitigation measures are proposed to ensure that the visual changes would have minimal effects. Long range visibility of the site is restricted by higher ground to the north and south. No change to the visual or landscape resource is predicted outside of these areas. In terms of the effects on the site and building design, the submitted scheme has been informed by the LVIA process. In summary, these include the siting of the crematorium building away from the historic building group around Woodham Mortimer Hall and below the skyline; reinstatement of the boundary hedge to the north; reinstatement of an avenue of trees to help integrate the obelisk into its surroundings; Landscape treatment to protect the character of the edge of Parsonage Woods to the south.
- 5.2.8 The proposed crematorium building would be located within the south western corner of the site beyond an existing belt of landscaping along the northern boundary of this part of the site. The remainder of the site to the north west would be a landscaped area containing footpaths, an access drive and a car parking area located immediately to the south of the public highway. Although this area of land is currently relatively open, there is established landscaping along the boundary edges of the site. The land slopes downwards toward the south and the building would be set back from the main road by over 100m. Whilst the proposed development would have a material impact on the character of this part of the rural area, it is located in an area where there is existing development to the north and south of the road. The proposed building is a large structure, but, would have a traditional pitched roof form similar to the appearance of a large barn within the rural area. The building would be partially visible from the main road, but would be sited beyond an existing tree belt that would minimise any harmful visual impacts when viewed from the main road. The Council's Conservation and Heritage Specialist has also advised that the proposed building *'would be relatively low and long in form and located at a position in the field where they would be partly enclosed by established trees and hedges, reducing the degree to which they might feature in important views of or from the nearby listed buildings. The design is, in my view, well considered and sympathetic.'*
- 5.2.9 The proposed development of buildings, an access road, car park and inevitable signage would, to some degree, erode the agrarian setting which presently complements and reinforces the significance of the listed buildings to the north of the site, as well as its countryside setting. It is, however, officers' view that the design of the proposed building would be sympathetic to the character of the surrounding area such that the harm identified would be limited. Given that adequate justification has been received for the proposed development within this rural setting, it is considered that the limited views of the proposals would be offset by the benefits of expanding this type of development within the district, for reasons stated earlier.

- 5.2.10 During the consideration of the application, amended plans have been received to widen the avenue of trees which would be located south of the existing obelisk which is located within the site. This tree avenue would create a more effective framing of the monument from the south and would better reflect the arrangement of the last avenue previously located here.
- 5.2.11 The Council's Conservation and Heritage Specialist has advised that the proposed would fall at the low end of "less than substantial harm", due to the minor degree of harm caused to the significance of the nearby listed buildings, There would be heritage benefits that would weigh in favour of the scheme, include the improvement of the condition of the Grade II listed monument to William Alexander, which is located within the site, and the conservation and repair of the Coopers Monument as has been previously approved under the terms of application ref. 21/01271/LBC.
- 5.2.12 The proposed development would include the provision of large car parking areas. The development of these parking areas can be controlled by condition to ensure that sympathetic materials would be proposed so that the rural setting can be preserved as best of possible. A significant amount of landscaping has been proposed, including a mix of native species which would enhance the setting of the application site within the rural area. The plans show that the existing trees and hedgerows would be retained and infilled with semi-mature trees and native hedge planting. Subject to appropriate conditions, it is considered that these proposals would enhance the setting of the application site.
- 5.2.13 Overall, is considered that although the proposal would result in some level of harm to the character and appearance of the countryside, it would be to a minor degree. The justification received for a development of this type in this location would off-set the harm identified to the countryside, as a result of the public benefits of the scheme. Although the proposed development would be visible from the public footpath that runs through the site, and would be marginally visible from the main road, it is not considered to be a highly prominent feature within the landscape to distract from its character, for the reasons listed above. It is therefore considered that the proposed development would not have a significant or adverse impact on the character and appearance of the area.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 On the northern side of Maldon Road are approximately five properties in a sporadic layout opposite the application site. The proposed crematorium building would be located over 190m away from the nearest dwelling located on the northern side of Maldon Road and would therefore be in line with the requirements of the Cremation Act 1902, for crematoriums to be located over 182m away from any dwelling. There would be no other neighbours affected by the proposal in the nearby vicinity of the application site, to the south, east or west of the site. Although the proposal would result in a material change to the area opposite these dwellings, the building would be sited a sufficient distance away from these neighbours such that any harm caused by the use at this site would be mitigated. Inevitably, there would be an increase in vehicular movements to the site, due to the creation of a new right hand turn on the A414. However, given that these properties are already located on a busy main thoroughfare, the increase in traffic movements at this junction is not considered to cause material harm to these neighbours, in terms of noise pollution.

5.3.3 During the life of the application, further details have been provided, relating to chimney heights as well as dispersion modelling to assess the impact of emissions from the building. These details have been submitted and are considered to be satisfactory. No objections have been received from Environmental Health, and the proposal is therefore consistent with the requirements of Policy D1.

5.4 Access, Parking and Highway Safety

5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

Access

5.4.2 The proposal would include the creation of a new right hand turn lane on the A414. The right-hand turn would be located centrally to Maldon Road, and would include a new island for pedestrians crossing Maldon Road, to the west of the entrance to the site. To facilitate the new right-hand turn along Maldon Road, the existing bus stop on the southern side of Maldon Road would be relocated further to the west by the proposed development, as shown on drawing No. 1911011-01 Rev D. This would ensure appropriate visibility from emerging vehicles at the proposed access to the site as well as allow sufficient space for the overtaking of vehicles without impeding on highway traffic and turning vehicles within the right-hand lane. The Highways Authority have been consulted and have advised that they have no objections to the proposal subject to a number of conditions which are included within section 8 of this report.

Trip Generation

5.4.3 The application has been supported by a Transport Assessment which states that the daily vehicle movements to the site would be by staff and visitors. The statement suggests that full time staff would number between 3 and 5 members and staff vehicular movements would be before and after services, between 9am and 10am and 5pm and 6pm respectively. It is stated that the estimated average daily two-way traffic movements for staff would be 10. The statement also suggests that the number of visitors to the site would be, on average, 50 mourners per congregation, travelling in 25 vehicles. The crematorium would be expected to operate on 60-minute time slots, with the average number of funeral services, between 10am and 4pm, being 4 a day. The statement suggests that the movement to and from the site would be spread across the hour and would avoid the highway network peak periods. The number of vehicle movements for visitors during 10am and 4pm would be 200 two-way vehicle movements, occurring outside the peak times on the highway network.

5.4.4 The Statement surmises that the proposed development would not result in any adverse disruption to the free flow of traffic on the local highway network and would therefore be consistent with national and local transportation policies with respect to traffic impact.

5.4.5 The Highways Authority has been consulted and have not provided any adverse comments on the expected increase in traffic generation along this part of Maldon Road. Whilst it is expected that the proposal would generate an increase in trips

along this part of Maldon Road, the impact on the local highway network capacity is not expected to be unacceptably severe, which is the requirement referred to within the NPPF.

- 5.4.6 It is therefore considered that the development would be acceptable in terms of its impact on the local highway network.

Parking

- 5.4.7 Paragraph 11 of The Siting and Planning of Crematoria (TSPC) document, states that *“The size of the car park is to some extent governed by the capacity of the chapel; space for at least one car should be provided for every two places in the chapel.”*
- 5.4.8 The Design and Access Statement submitted states that the chapel is designed to seat approximately 100 people with the lobby space designed to be a flexible space to accommodate larger services of up to 120 people. This would mean that the recommended number of car parking spaces required would be 60.
- 5.4.9 The crematorium would provide 84 car parking spaces and would therefore provide over two thirds of the total seating capacity of the chapel. 50 of these car parking spaces would be provided adjacent to the building, with a further 34 spaces adjacent to the entrance of the site.
- 5.4.10 The development would therefore comply with the minimum standards required for crematoria and there is no objection to the development in this regard.

5.5 Impact on Ecology and Biodiversity

- 5.5.1 Paragraph 170 of the NPPF states that *‘Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.’*
- 5.5.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District’s green infrastructure network.
- 5.5.3 Policy N2 of the LDP which states that *‘All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.’*
- 5.5.4 The proposed development is supported by an Ecological Impact Assessment (EIA) as well as a Priority Farmland Birds Mitigation Strategy (2022). The Council’s Ecological advisor is satisfied that there is sufficient ecological information available for determination of this application. The EIA provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species and habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 5.5.5 The mitigation measures identified in the Ecological Impact Assessment (Lizard, November 2021) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats, Dormice, Badgers, reptiles, and nesting birds.

- 5.5.6 A series of minor amendments to the Farmland Bird Mitigation Strategy (Lizard, March 2022) were agreed to ensure that suitable foraging habitat can be created for Skylark on site which will be free from disturbance. Amendments include the removal/relocation of some proposed trees to now be planted outside areas of suitable foraging Skylark habitat, the provision of “dogs-on-leads” signage on the PRow, and the removal/redirection of pedestrian routes (Non-PRow) within the site. These have been confirmed in the updated Figure 1 Farmland Bird Mitigation Plan (Lizard Ecology 20 January 2023) Drawing LLD1855-ECO-FIG-001 Rev 01.
- 5.5.7 It is therefore considered that the LPA now has certainty of the likely impacts of Skylark, a Priority Species. It is recommended that the submission of a finalised Farmland Birds Mitigation Strategy, including these amendments, be secured by condition of any consent.
- 5.5.8 The ecological advisor also states support for the proposed reasonable biodiversity enhancements of bird boxes, log piles bat boxes, invertebrate boxes, and wildlife friendly landscaping, which have been recommended by the Ecological Impact Assessment (Lizard, November 2021) to secure net gains for biodiversity, as outlined under Paragraph 174d of the NPPF (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.
- 5.5.9 In addition, the Ecological Impact Assessment (Lizard, November 2021) states that it is likely bats could be foraging/commuting within and around the site. Therefore, if any external lighting is to be proposed, it is advised that a sensitive lighting scheme is developed to minimise any impacts. In summary the following measures will be implemented:
- Light levels should be as low as possible as required to fulfil the lighting need.
 - Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
 - The provision of motion sensors or timers to avoid the amount of ‘lit-time’ of the proposed lighting.
 - Lights should be designed to prevent horizontal spill e.g., cowls, hoods, reflector skirts or shields.
- 5.5.10 This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable, subject to the conditions in section 8 of the report based on BS42020:2013.
- 5.5.11 It is recommended therefore that submission for approval and implementation of the details should be a condition of any planning consent.

5.6 Flood Risk and Sustainable Urban Drainage Strategy

- 5.6.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 5.6.2 Policy D5 also states that “*The Council’s approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency*”.

5.6.3 The proposed development is located in Flood Zone 1; thus, not in an area at risk of tidal or fluvial flooding. However, the application is accompanied by a Flood Risk Assessment and Surface Water Management Strategy, with an addendum,0+ which includes details of how surface water would be managed.

5.6.4 The Lead Local Flood Authority has been consulted having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application and raised no objection to the proposal subject to conditions. On that basis, no objection is raised in relation to flood risk or management of surface water.

6. ANY RELEVANT SITE HISTORY

6.1 No relevant site history.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Mortimer & Hazeleigh Parish Council	<p>Although it is recognised such a facility is needed to serve the Dengie area the location at Woodham Mortimer adjacent to a main A road serving Maldon, Chelmsford and connecting areas would substantially increase traffic movements along the already overloaded route. Many residents are already reporting difficulties accessing Maldon Road due to its heavy use and a further exit/entry particularly at times of mass transitions is likely to provide frustrating conditions increasing accident risk and therefore introducing a hazardous situation onto a section of the A414 where traffic is only limited to 50mph. The proposed development site is a green belt area outside of any development boundary also distinguishing the Village of Woodham Mortimer from the town of Maldon and it is considered development would impose a negative impact and urbanisation effect to the rural countryside likely to be followed by further in-fill development applications ultimately merging Woodham Mortimer with Maldon. It is considered the development would be contrary to National Planning Framework policies</p>	<p>Noted. The application site is not located within 'Green Belt' land and as such aspects of this response, in respect of national policy (NPPF and Green Belt Land) is incorrect. There is no designated 'Green Belt' in Maldon District. Policy S8 States that development will only be granted where the intrinsic character and beauty of the Countryside is not adversely impacted upon ...(and subject to a number of identified uses/categories of development.....). This argument is set out in the report.</p> <p>The imposition of a speed limit is outside of the remit of the district authority, and rests with the County. As consultees to this application, ECC Highways have not required a speed limit to this application in assessing that the proposal is acceptable, and they have no objections subject to stated conditions.</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>protecting green belt land and conserving and enhancing the natural environment, and also contrary to Maldon District Councils Local Development Plan Policies S8 and H4 (development boundaries and effective use of land).</p> <p>The Council urges Maldon District Council to conduct their own feasibility study and outline a strategy to construct such a facility themselves in a more suitable location serving the Dengie area, thus delivering a valuable facility as well as financial benefits for Maldon District Council Tax payers.</p> <p>Should the application be approved the Council requests a speed limit of 30mph be implemented on the A414 Maldon Road from its junction with Lodge Road to the old football field/Footpath 14 Woodham Mortimer.</p>	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	No comments.	Noted
Essex County Council – Highways Authority	<p>The site is proposed to take access from a new right hand turn lane on the A414. Notwithstanding the details submitted within planning drawing No.1911011-01 Rev D, the running lanes shall be widened to 4 meters either side of the refuge island and widen to 3.25 meters either side of the right-hand turn lane.</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions.</p>	Noted

<p>Essex County Council – Development and Flood Risk, Waste and Environment</p>	<p>Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we not object to the granting of planning permission subject to conditions.</p>	<p>Noted</p>
<p>Essex County Fire and Rescue Service</p>	<p>Access for Fire Service is considered satisfactory subject to fire brigade access and water supplies for firefighting purposes to the proposed development being fully compliant with Building Regulations Approved Document B, B5. Your attention is drawn to ADB, B5 Section 13. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.</p>	<p>Noted</p>
<p>Place Services – Ecology</p>	<p>No objections to the scheme subject to details agreed and confirmed by condition on any approval for the development.</p>	<p>Noted. Comments in the body of the report</p>
<p>Place Services - Archaeology</p>	<p>There are cropmarks on the site comprising a possible building, square enclosure, field boundaries (EHER 7842). It has also been identified as the possible site of a deserted medieval village associated with Woodham Mortimer Hall and Church complex (EHER 7843). The site is located on the opposite side of the road to the medieval and post-medieval St Margaret’s Church and Woodham Mortimer Hall (EHER 7844-7). There are further sites, including a prehistoric ring-ditch (EHER 8975) and a Roman road (EHER 7940) in the immediate vicinity. Any permitted development on site should therefore be preceded by a programme of archaeological investigation which should be secured by an appropriate condition attached to the planning consent.</p>	<p>Noted</p>

Anglian Water	Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.	Noted
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7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	No objection subject to conditions relating to foul and surface water drainage and construction management.	Noted
Specialist – Conservation and Heritage	To use the terminology of policy D3 of the Maldon LDP and chapter 16 of the NPPF, the degree of harm posed by the development to the settings and significance of nearby listed buildings, arising through the erosion of their agrarian wider settings, will fall very much at the low end of the spectrum of “less than substantial harm. In accordance with sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the settings of the affected listed buildings. The low level of “less than substantial harm” must be weighed against the public benefits associated with the proposal, in accordance with paragraph 202 of the NPPF. There are clear public benefits associated with this proposal. Public benefits may include conservation benefits and it seems this scheme presents an opportunity to substantially improve the condition and the setting of the grade II listed monument to William Alexander. Such heritage benefits should weigh in the scheme’s favour. In my view, the heritage benefits posed by the scheme would outweigh the minor harm to the settings and significance of nearby listed buildings.	Noted

Name of Internal Consultee	Comment	Officer Response
	Recommend approval subject to condition relating to the conservation and repair of the Grade II listed Coopers Monument.	
Tree Consultant	No response received at time of writing. Any update will be reported to committee	Noted

7.4 Representations received from Interested Parties

- 7.4.1 12 representations have been received for this application. 4 letters of support have been received, as well as 8 letters of objection. The comments are summarised as follows:

Supporting Comment	Officer Response
Much-needed facility in district. Chelmsford Crematorium is unable to cope with demand and the next nearest facilities are in Basildon and Colchester which are 50-55 minute drive away.	Noted.
Well-researched and presented proposal.	Noted.
Form of building carefully designed and sympathetic to surrounds.	Noted.
Landscaping make location ideal in a beautiful, landscaped setting.	Noted.

Objecting Comment	Officer Response
Concerns over road traffic safety. Disruption of traffic flow and increased car movement. Accidents due to overtaking at bend near to the proposed site entrance. Inappropriate location in the district; impact on local environs; urbanisation and light spillage; devaluation of properties	Noted.

8. **PROPOSED CONDITIONS**

1. The development hereby permitted shall begin no later than three years from the date of this decision.
Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

20076-LHC-00-00-DR-AR-OS Rev J; 20076-LHC-00-00-DR-L-001 Rev R; 20076-LHC-00-00-DR-AR-0201 Rev B; 20076-LHC-00-00-DR-AR-0401 Rev B; 20076-LHC-00-XX-DR-L-9303 Rev P8; 20076-LHC-00-00-DR-L-9403 Rev P7; 20076-LHC-00-XX-DR-L-9301 Rev P8; 20076-LHC-00-00-DR-AR-0301 Rev B; 20076-LHC-00-XX-DR-L-9401 Rev P7; 1911011-01D; 1911011-02; 1911011-03; 1911011-01C; 1911011-TK03; 1911011-TK04.

Reason: To ensure that the development is carried out in accordance with the details as approved.

3. No works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

Reason: In the interest of the character and appearance of the area in accordance with Policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

4. No development above slab level shall take place until details of all hard and soft landscape works and means of protecting the existing hedges at the site that are to be retained during the course of development have been submitted to and approved in writing by the local planning authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

Reason: In the interests of the character and appearance of the rural area and highway safety, in accordance with Policies T2, D1, E1 and S8 of the Maldon District Local Development Plan and the NPPF.

5. The existing hedgerows and trees along the northern and eastern boundaries of the application site shall be protected during the construction of the development.

Reason: To protect the character of the area and the natural environment in accordance with the National Planning Policy Framework and Policy D1 and N2 of the approved Maldon District Local Development Plan.

6. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

Reason: To ensure the adequate provision of drainage to mitigate against pollution in accordance with the National Planning Policy Framework, and policy D2 of the Maldon District Local Development Plan.

7. No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority by the separate grant of planning permission. All illumination within the site shall be retained as such thereafter.

Reason: To protect the character and appearance of the rural area and the amenity of local residents, in accordance with Policies D1, E1, S8 and D2 of the Maldon District Local Development Plan and the NPPF.

8. Conservation and repair of the grade II listed Coopers Monument, granted listed building consent under application ref. 21/01271/LBC, shall be implemented and completed within two years of the date of the planning permission being granted for application ref. 21/01276/FUL.

Reason: In the interest of the significance of the grade II listed structure in accordance with Policy D3 of the Maldon Local Development Plan, Chapter 16 of the National Planning Policy Framework and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
- the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel and underbody washing facilities
- Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy T2.
10. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 155 meters to the west as measured to the centreline and by 133 metres to the east as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.
- Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with Policy T2.
11. The proposed/any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.
- Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy T2.
12. Notwithstanding the details shown within planning drawings No.1911011-01 Rev D, prior to first occupation of the development, the construction of the new vehicular access to the site and associated highways works shall be regulated by an appropriate legal agreement between the applicant and the Highway Authority which will provide for but not be limited to the following:
- The access shall be no less than 6 metres wide and shall be provided with 8 metre junction radius kerbs with a single footway 2 metres wide footway on the western side of the access.
 - Provision of the ghosted right turn lane on to Maldon Road (A414) and access to the site as shown in principle within drawing No. 1911011-01 Rev D.
 - Provision of 2 x 3.25m wide running carriageway lanes and a 3.5m wide right hand turning lane.
 - Provision of one pedestrian island on Hospital Approach (1.8m refuge with maintaining 2 x 4m running lanes) and to provide uncontrolled crossing points for pedestrians and cyclists as shown.
 - The existing bus stop, kerbing and associated infrastructure located on the south of the Maldon Road carriageway shall be relocated to the west as shown within drawing No. 1911011-01 Rev D.
- Reason: To ensure appropriate vehicular visibility and both vehicular and pedestrian safety on the and adjacent to the public highway in accordance with policy T2 of the Maldon Local Development Plan 2017
13. Prior to occupation of the development, the developer will construct a 2m wide footway on the southern side of Maldon Road (A414) along the western site frontage between the site access and the relocated bus stop, as shown within planning drawing No. 1911011-01 Rev D.
- Reason: To ensure the additional pedestrian traffic generated within the highway as a result of the proposed development in the interest of highway safety in accordance with policy T2. of the Maldon Local Development Plan 2017

14. No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Policies DM1 and DM11 of the Maldon Local Development Plan 2017

15. The public's rights and ease of passage over public footpath no. 17 (Woodham Mortimer) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy T2. of the Maldon Local Development Plan 2017

16. There shall be no discharge of surface water from the development onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with Policy T2. of the Maldon Local Development Plan 2017

17. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy T2. of the Maldon Local Development Plan 2017

18. The development hereby approved shall not be occupied until such time as the vehicle parking area indicated on planning application drawing number 20076- LHC-00-00-DR-L-0101 has been hard surfaced, sealed and marked out in parking bays. The parking spaces shall have dimensions in accordance with the current parking standards. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy T2. of the Maldon Local Development Plan 2017

19. Prior to first occupation of the development, the cycle parking shall be provided in accordance with the MDC Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy T2. of the Maldon Local Development Plan 2017

20. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site in accordance with Policy T2. of the Maldon Local Development Plan 2017

21. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policy T2. of the Maldon Local Development Plan 2017
22. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site in accordance with Policy T2. of the Maldon Local Development Plan 2017

23. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. in accordance with Policy T2. of the Maldon Local Development Plan 2017

24. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.

Reason: To protect the site which is of archaeological interest, in accordance with Policy D3 of the approved Local Development Plan.

25. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

Reason: To protect the site which is of archaeological interest, in accordance with Policy D3 of the approved Local Development Plan.

26. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Lizard, November 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 and retained during the course of the development.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy N2 of the Maldon Local Development Plan 2017

27. A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority before the commencement of works on site.
The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter in perpetuity

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy N2 of the Maldon Local Development Plan 2017

28. A Landscape and Ecological Management Plan (LEMP) based on the final soft landscaping plan and Figure 1 Farmland Bird Mitigation Plan (Lizard Ecology 20 January 2023) Drawing LLD1855-ECO-FIG-001 Rev 01, shall be submitted to, and be approved in writing by, the local planning authority prior to beneficial use of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of habitats to be managed including grassland for skylark foraging
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the

management body(ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be carried and retained/maintained as per the approved details

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and if any external lighting is to be proposed and in accordance with Policy N2 of the Maldon Local Development Plan 2017

29. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority before the commencement of development. The scheme shall 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 show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) 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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy N2 of the Maldon Local Development Plan 2017