

**REPORT of**  
**DIRECTOR OF PLACE, PLANNING AND GROWTH**  
**to**  
**DISTRICT PLANNING COMMITTEE**  
**16 DECEMBER 2025**

<b>Application Number</b>	<b>25/00578/OUTM</b>
<b>Location</b>	Land West of the Cemetery, London Road, Maldon
<b>Proposal</b>	Outline application with all matters reserved, except for access, for the erection of up to 275 residential units including affordable housing, land for a children's nursery (Class E), 1.8ha of land for an extension to Maldon Cemetery, drainage works, landscaping, vehicular access to the A414, pedestrian/cycle access to Spital Road and London Road, and associated infrastructure works.
<b>Applicant</b>	LSL Partners and Cirrus Land
<b>Agent</b>	Ms Catherine Bruce – Savills.
<b>Target Decision Date</b>	12.12.2025
<b>Case Officer</b>	Devan Hearnah
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Major Application

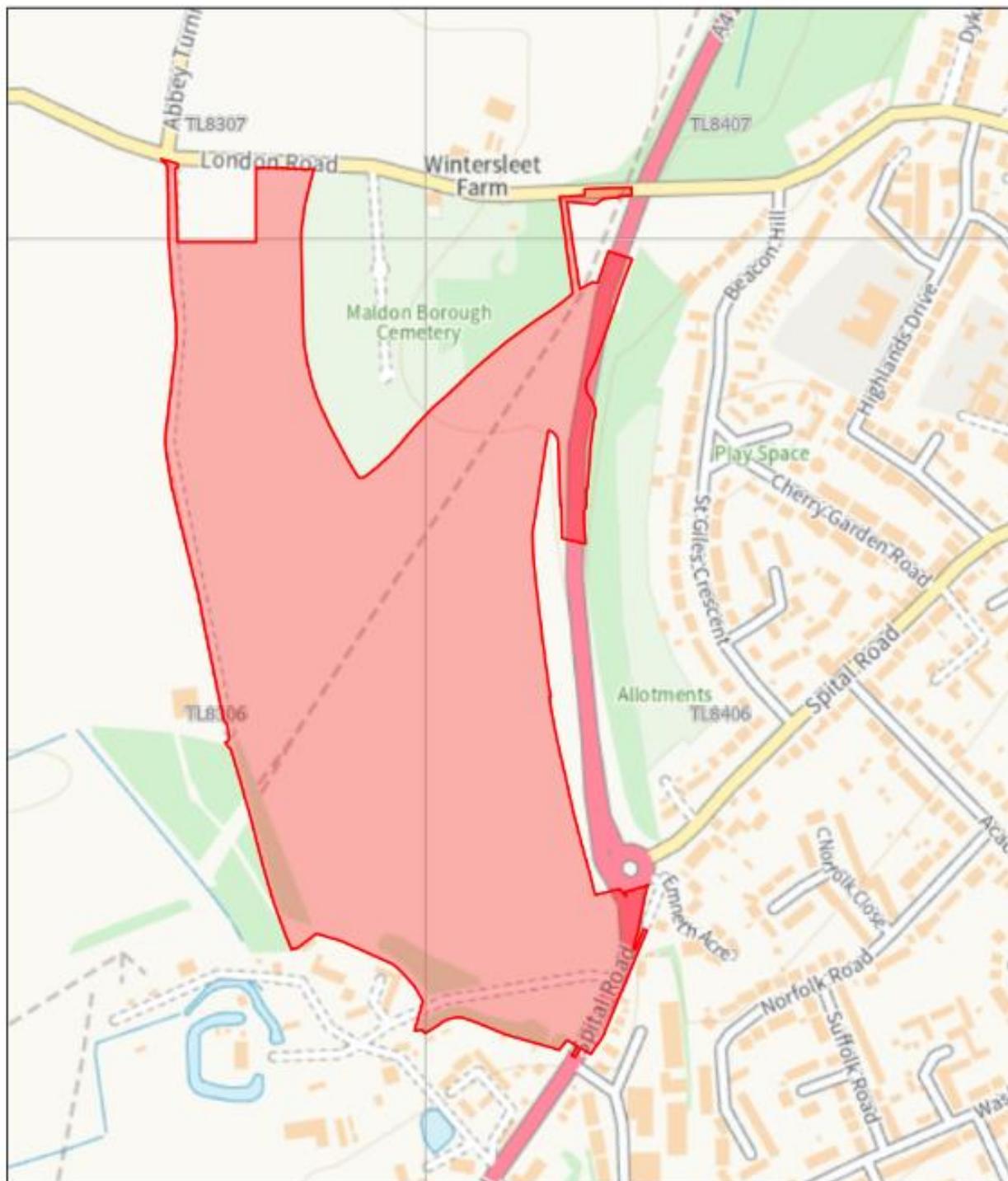
**1. RECOMMENDATION**

**APPROVE** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

**2. SITE MAP**

Please see below.

## 25/00578/OUTM



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### 3. SUMMARY

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

##### Site description

3.1.1 The application site lies to the west of Maldon and measures approximately 22 hectares in area. The site is currently used for agriculture and is bordered by a covered agricultural reservoir, Maldon Cemetery and London Road to the north. To the south is Maldon Hall Farm which consists of a number of dwellings set in a farmstead style layout. To the east of the site lies the A414. The west is characterised mainly by open countryside. There is a Public Right of Way (PRoW) (Footpath Number 2) which runs along the southern and western boundaries of the site. The site is relatively flat, although there is a gradual incline towards the north and east, meaning that the northeast corner of the site sits on higher ground than the wider site.

The site is located within Flood Zone 1 and is at low risk of fluvial flooding. However, there are areas within the eastern, western boundaries and the centre of the site that are at low to high risk of surface water flooding. The below figure is an extract from the governments surface water map.

#### **Surface water map**

##### **Yearly chance of flooding**

● Extent

■ High chance

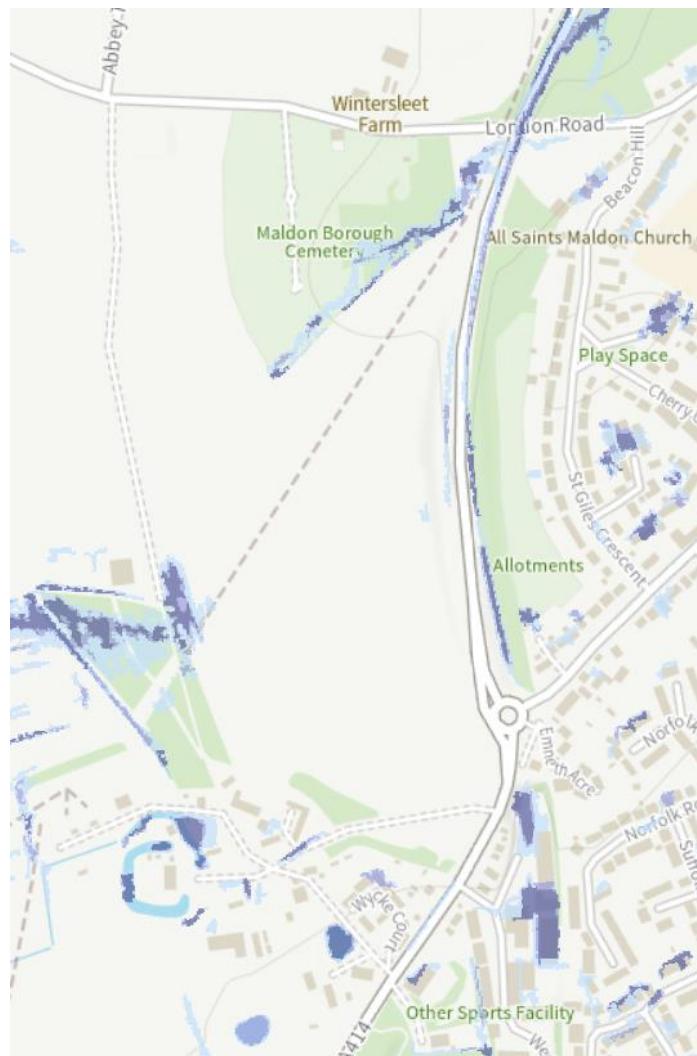
More than 3.3% chance each year

■ Medium chance

Between 1% and 3.3% chance each year

■ Low chance

Between 0.1% and 1% chance each year



3.1.2 In terms of designation the site itself is not subject to any designations. Adjacent to the site, on the eastern side of the A414 is the Maldon Cutting Site of Special Scientific Interest (SSSI). It is nationally designated under the Wildlife Countryside Act 1981 for its national geological record and so is not considered within the scope of the Habitats Regulation Assessment considered further below.

3.1.3 The site is also located in close proximity to a number of Grade II listed buildings. Headlands Barn, a Grade II listed building immediately to the south of the application site, would be the most impacted by the development. Other Grade II listed buildings to the south include Maldon Hall, Maldon Wycke and the granary to the north of Maldon Wycke. Maldon Cemetery to the northeast corner should be regarded as a non-designated heritage asset and is included in the *Historic Designed Landscapes of Essex Part 4* by Essex Gardens Trust (2010). On the north side of the Cemetery are two locally listed buildings, Cemetery Lodge and Maldon Cemetery Chapel.

### Background

3.1.4 On 22 December 2015 an Outline application (14/01106/OUT) for a mixed-use development comprising of up to 340 dwellings, community health facilities, Class A1 retail, community land, public open space, landscaping, highway works, and associated works was refused by the Council for the following reasons:

- 1 *'The site is in a sensitive rural location outside of the defined settlement boundary for Maldon where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. Further, the development would adversely affect the infrastructure capacity necessary to bring forward the proposed locally planned growth in terms of both the necessary highway infrastructure and secondary education capacity to support it. This could potentially inhibit the delivery of a significant proportion of the housing growth and the strategic infrastructure proposed in the submitted Local Development Plan and would not represent sustainable development contrary to the guidance and provisions of the National Planning Policy Framework and in particular paragraphs 7, 14 and 17 as well as being contrary to policies S2, H1, BE1, T1 and PU1 of the Adopted Maldon District Replacement Local Plan and policies S1, S2, S8, I1, T1 and D1 of the Maldon District Submitted Local Plan.'*
- 2 *'The site is in a sensitive rural location outside of a settlement boundary. The proposed development as a result of its unsympathetic scale and form would not protect or enhance the natural, built or historic environment but be at odds with its function as part of the wider rural context of this site and its surroundings. It would have an unacceptably intrusive urbanising effect upon the site and on the setting and wider character adversely affecting the intrinsic character and beauty of the countryside which is noted for its distinctive tranquility and remoteness as well as the setting of the adjacent designated and non-designated heritage assets. On this basis, the proposal is not considered to represent sustainable and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme contrary to the guidance and provisions of the National Planning Policy Framework in particular Paragraphs 7, 14, 109, 113, 131, 132, 134, 135 and 216 as well as policies S2, H1, CC6, CC7, BE1 and BE16 of the Adopted*

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*Maldon District Replacement Local Plan, and policies S1, S8, D1, D3 and N2 of the Maldon District Submitted Local Development Plan.*

- 3 *The proposed development would not meet the requirements for affordable housing provision in this part of the District. The development would not therefore contribute to a strong vibrant community because it would not provide a supply of housing required to meet the needs of present and future generations and as such is not considered to represent sustainable development contrary to policies S2, H1 and PU1 of the Adopted Maldon District Replacement Local Plan, policies S1, S8, H1 and I1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs No. 7, 14, 17 and 50.*
- 4 *The proposal would create a new access on a Main Distributor in the Essex County Council Development Management Route Hierarchy where the main function is that of carrying traffic safely and efficiently between major centres in the County. The existence of a roundabout junction at this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but the intensification of that conflict and interference which this proposal would engender would lead to deterioration in the efficiency of the through road as a traffic carrier. Further, the proposal would take capacity out of the local highway network and would provide a junction arrangement that would, when taking account of locally planned growth, would reach capacity and lead to delay and congestion on the network and the inability of the Main Distributor road to fulfil its function of carrying traffic safely and efficiently between settlements. This would be contrary to policies T1 and T2 of the Adopted Maldon District Replacement Local Plan, policies T1 and T2 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular paragraphs 29-32.*
- 5 *The Council's evidence base has demonstrated that there is limited capacity for convenience retail floor space and no residual capacity for comparison retail floor space. The scale of proposed retail development proposed could therefore prejudice the vitality and viability of the Maldon and Heybridge town centres and other committed retail development in the district contrary to Adopted Maldon District Replacement Local Plan policy SH2 and Maldon District Submitted Local Development Plan policy E2. The proposed development is in an out of town location and is not compliant with the guidance and provisions of the National Planning Policy Framework and in particular the sequential test set out in paragraph 24.'*

3.1.5 The relevance of the above planning history will be discussed where necessary within the main body of the report.

3.1.6 The application site has also been subject to Environmental Impact Assessment (EIA) Screening Opinions in the past. Whilst the Screening Opinion undertaken in 2014 (14/00236/SCR) found that a mixed-use development on the site would require an Environmental Statement (ES), a Screening Opinion undertaken in 2023 (23/00180/SCR) deemed that a development more akin to the size and scope of this application would not be subject to an ES. A full Screening Opinion has been undertaken in respect of this application (25/00595/SCR) and found that the proposal would not be EIA development. Therefore, on that basis no ES has been submitted as part of this application.

3.1.7 In October 2025 a revised red line plan was submitted (Drawing 8790\_200\_B). The amendment was a result of the need to move the crossing at the north of the site on London Road slightly west following discussions with Essex County Council (ECC) Highways. Based on the extent of the changes it would not have been reasonable to require a new application. However, to ensure fairness to the public a full re-consultation on the changes was undertaken.

The Proposal

3.1.8 The application has been submitted in Outline form with the matter of access for consideration. All other matters (appearance, scale, layout and landscaping) are reserved for future consideration.

3.1.9 The development seeks permission for a development for up to 275 dwellings, 1.8 hectares (ha) of land for an expansion to Maldon Cemetery and a 0.13ha parcel of land for a 56 place children's nursery. The development will also include access arrangements, including vehicular access on to the A414 and pedestrian/cycle access on to Spital Road and London Road.

3.1.10 Drawing 8790\_301\_D sets out the proposed land uses, drawing 8790\_304\_E shows the proposed building densities across the site and Drawing 8790\_305\_D sets out the proposed building heights. A Green Infrastructure Plan (Drawing 8790\_306\_E) has also been submitted. These drawings show that lower density development (up to 25 dwellings per hectare) is proposed along the western and southern edges of the site, with medium and higher density towards the central parcels. The average net density across the residential parcels of the site is 24 dwellings per hectare (dph), with the residential development parcels equating to 11.45ha and a total of 275 dwellings. Building heights would follow a similar pattern with the majority of the site accommodating two storey properties, with some 2.5 storey properties and three storey elements within the central parcel. Single storey dwellings have been proposed along the southern boundary adjacent to the Grade II listed Headlands Barn.

3.1.11 The land proposed for the Cemetery expansion would be directly to the west of the existing cemetery.

3.1.12 An indicative location for on-site battery storage is shown on the eastern part of the site. This relates to a communal energy strategy proposed as part of the development, that adopts a Smart Grid allowing for all-electric homes to share locally generated solar electricity and battery storage. Photovoltaics are proposed to be located on approximately 25% of the roofs, with associated battery storage providing approximately 50% of the sites electricity needs.

3.1.13 The existing electricity pylons crossing the site are to be rerouted underground.

3.1.14 The indicative location of the proposed nursery land is shown within the southeast corner of the site. The facility would fall within Use Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

3.1.15 The Green Infrastructure Parameter Plan (Drawing 8790\_306\_E) sets out indicative locations for a Locally Equipped Area for Play (LEAP) towards the western side of the site in the centre of a green corridor that would run east to west, a Local Area of Play (LAP) within the south east of the site, a community garden/vineyard within the south eastern corner, four attenuation basins running east to west and 3m tall acoustic fence along the eastern boundary the borders the A414. It is proposed that approximately 7.25ha of Green Infrastructure will be provided.

3.1.16 The Green Infrastructure Plan also denotes access routes through the site. The application has also been supported by an Indicative Masterplan (Drawing 8790\_300\_A), which shows this in greater detail. A Spine Road is served by a new roundabout proposed on the A414, running from east to west across the site, splitting at two points towards the centre, directed in a southerly direction. These two roads then split into more minor estate roads. The proposed access would require the removal of a section of tree belt along the boundary shared with the A414, which is proposed to be replaced across the site. New cycle and pedestrian accesses and connections to the north onto London Road and to the southeast onto Spital Road are also proposed.

3.1.17 In terms of the access, it should be noted that the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines access in relation to reserved matters as being:

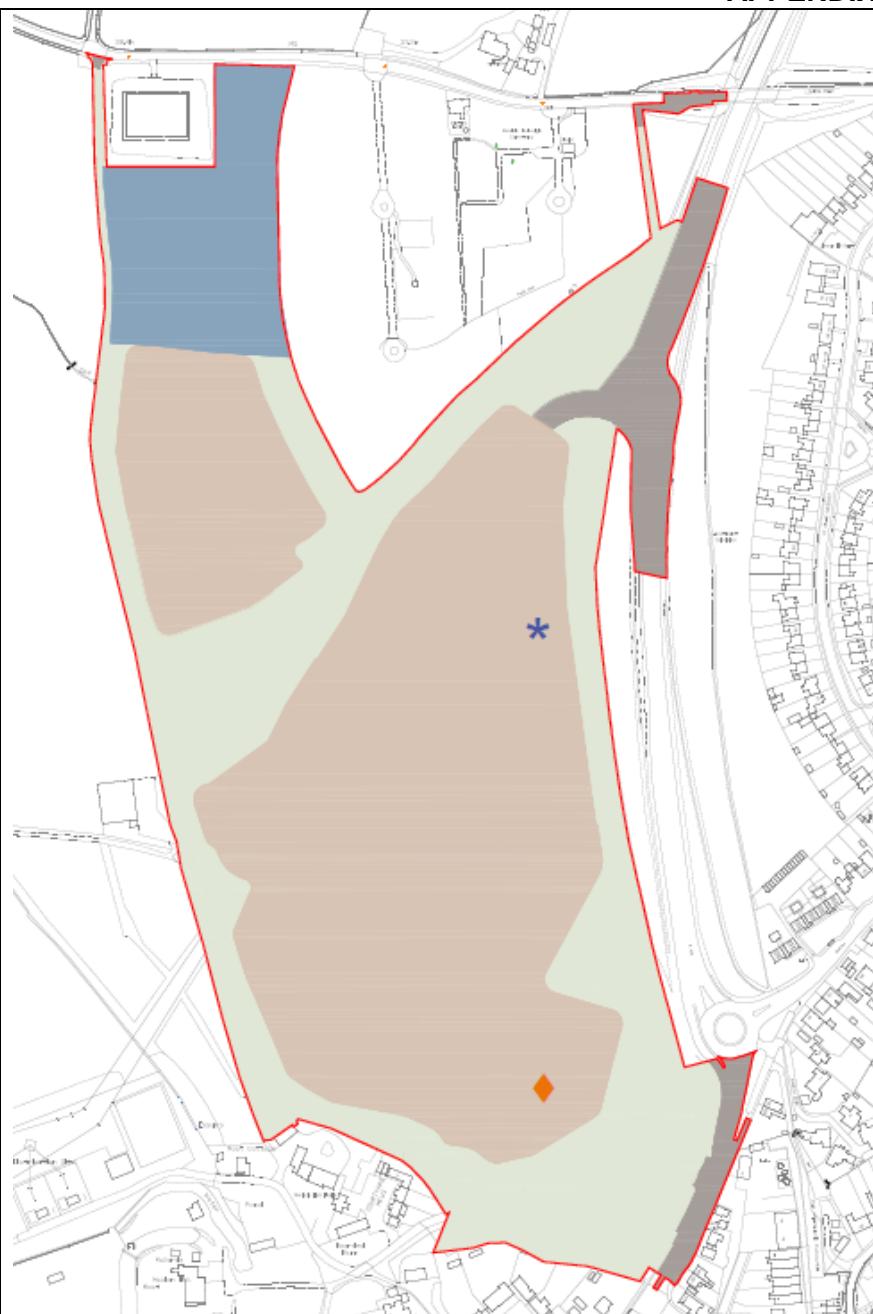
*'the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made'*

3.1.18 Notwithstanding the above, given that the submitted Masterplan is illustrative and that there are no detailed access drawings provided, or access arrangements set out in the parameter plans relating to the internal access arrangements, the internal access routes have not formed a consideration for this application. If the application were to be approved this detail would need to come forward at the Reserved Matters stage.

3.1.19 For ease of reference a summary of the proposal has been set out in the table below:

<b>Site Area (Gross)</b>	21.87 ha
<b>Height</b>	Up to 3 storeys (12.6m) for the flats, 1 (6m), 2 (9m) and 2.5 (11.5m) storey for the dwellings
<b>Units (All)</b>	165 Market Units and 77 Affordable Homes.  The affordable properties would be split into 75% affordable rent and 25% Intermediate properties.

## Layout



## LEGEND

- Application boundary (21.87 ha)
- Use Class C3 residential development
- Indicative location of proposed children's nursery
- Green Infrastructure - includes SuDS, play area, new and existing trees and hedgerows
- Land safeguarded for cemetery extension (1.8ha)
- Access infrastructure
- Indicative location for battery storage

## Density

24 dwellings per hectare for the overall site (net).

Application documents

3.1.20 The application was supported by a Planning and Affordable Housing Statement, including Draft Heads of Terms, prepared by Savills and dated June 2025. Various parts of the application have been amended and further information provided, therefore the Planning Statement should be read in conjunction with the following:

- Affordable Housing Statement (Ref: 0703-01.RPT.M23 July 2025)
- Note providing information following consultation response received from place services acting as retained ecological consultant to Maldon District Council (MDC) – BSG Ecology
- Collision Risk Assessment (Ref: SG/2309-01 CRA v1.0, September 2025)
- Stage 1 Road Safety Audit (Ref: SG/WP/2309-01 RSA1 v1.1, September 2025).
- Transport Assessment Addendum (Ref: 227074, September 2025).
- Email dated 06 August 2025 (Subject: RE: 25/00578/OUTM – Maldon) – formal response to Sustainable Drainage Systems (SuDS) comments.

3.1.21 The application is made in outline with the following plans to be considered as part of the application:

- Drawing 8790\_306\_E Green Infrastructure Parameter Plan
- Drawing 8790\_305\_D Building Heights Parameter Plan
- Drawing 8790\_304\_E Density Parameter Plan
- Drawing 8790\_301\_D Land Use Parameter Plan
- Drawing 8790\_200\_B Site Location Plan
- Drawing 001 Topographical Survey
- Drawing 006-002-Maldon\_TS01\_S1 Topographical Survey Sheet 1 of 6
- Drawing 006-002-Maldon TS01\_S4 Topographical Survey Sheet 4 of 6
- Drawing 227074/PD15 C Proposed Shared Use Route
- Drawing 000312-SLR-HGN-A414-CH-DR-0101 P04 General Arrangement
- Drawing 227074/PD02.2 Rev C London Road Proposed Crossing to Pedestrian and Cycle Access Visibility Assessment
- Drawing 227074/PD02.3 A London Road Proposed Toucan Crossing
- Drawing 227074/PD15.2 A A414 Shared Use Route
- Drawing 227074/PD15.1 B Spital Road Shared Use Route.
- Drawing 000213-SLR-HGN-A414-CH-SK-0001 P02 Site Overview Plan

3.1.22 The following plans have been submitted and are intended for illustrative purposes:

- Drawing 8790\_300\_A Illustrative Masterplan.

3.1.23 In addition to the Planning Statement and documents listed at paragraph 3.1.16, the application is also supported by the following documents:

- Agricultural Land Classification Report
- Arboricultural Report and Tree Survey
- Biodiversity Gain Statement
- Biodiversity Checklist
- BNG Metric
- Ecological Impact Assessment

- Flood Risk Assessment
- Ground Investigation Preliminary Risk Assessment
- Heritage Impact Assessment
- Landscape Strategy
- Health Impact Assessment
- Outline Energy and Sustainability Statement
- Shadow Habitats Regulation Assessment
- Statement of Community Involvement
- Transport Assessment
- Utilities Statement
- Landscape Visual Impact Assessment
- Design and Access Statement
- Ground Investigation Ground Engineering Assessment
- SuDS Checklist
- Archaeological Assessment
- Air Quality Assessment
- Noise Assessment

### 3.2 Conclusion

3.2.1 The application site is located outside of a defined settlement boundary. However, policies in relation to housing and spatial development are no longer applicable due to the Council's Five-Year Housing Land Position (5YHLS) being 2.7 years. The lack of a 5YHLS means that, as per paragraph 11d of the National Planning Policy Framework (NPPF), the 'tilted balance' is engaged and the benefits and harms must be weighted in the planning balance.

3.2.2 Taking into account the accessibility to Maldon Town, together with access to public transport, the site is in a sustainable location and the site itself can be made accessible to the main town.

3.2.3 The development would result in economic benefits associated with temporary jobs during the construction of the development and through occupants using the existing services and facilities. During the operational phase of the development there will be some economic benefits in terms of the delivery of the privately run nursery provision.

3.2.4 There are social benefits as a result of the proposed development. The proposal would provide 275 new homes of which 40% would be affordable, thus it would make a significant contribution to the 5YHLS and help to address the shortfall in affordable housing.

3.2.5 The proposal, through the transport improvements, specifically the improvements to bus services and active travel connections assist in improving the accessibility of the site.

3.2.6 There would be less than substantial harm to Headlands Barn a Grade II listed building, and limited harm to Maldon Cemetery, a locally listed heritage asset, which would be outweighed by the public benefits of the scheme. Therefore. Paragraph 11d) is triggered. The development would result in harm to the landscape character of the area, but the harm would be fairly localised to the west of the site.

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Furthermore, However, in accordance with paragraph 11(d) ii. the adverse impacts of the development would not significantly and demonstrably outweigh the benefits.

3.2.7 Any other remaining planning matters can be addressed via conditions or through a Section 106 agreement. For the reasons set out in this report, the benefits of the proposed development are considered to outweigh the potential harm caused and it has therefore been found to be acceptable and is recommended for conditional approval accordingly.

### 4. **MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 **National Planning Policy Framework including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 39 Decision-making
- 48 – 51 Determining applications
- 56 – 59 Planning conditions and obligations
- 61 - 84 Delivering a sufficient supply of homes
- 96 – 108 Promoting healthy and safe communities
- 109-118 Promoting sustainable transport
- 124-130 Making effective use of land
- 131-141 Achieving well-designed places
- 161-186 Meeting the challenge of climate change, flooding and coastal change
- 187-201 Conserving and enhancing the natural environment

4.2 **Maldon District Local Development Plan (LDP) 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- S4 Maldon and Heybridge Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- E3 Community Services and Facilities
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

- I1 Infrastructure and Services
- I2 Health and Wellbeing

#### 4.3 Relevant Planning Guidance / Documents:

- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG)
- Maldon District Vehicle Parking Standards SPD (VPS)
- Planning Practice Guidance (PPG)
- Local Housing Needs Assessment (2025)
- Green Infrastructure Strategy SPD
- Essex Cost Recreational disturbance Avoidance and Mitigation Strategy (RAMS) SPD

#### 4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

4.4.1 The application has been accompanied by a draft Heads of Terms for a Section 106 Agreement which has been negotiated during the application is now proposed as follows.

##### Highways

4.4.2 £850,000 is sought to improve public transport links between the site and key attractors in and around Maldon, Heybridge and the local area.

4.4.3 Highways works (to be undertaken via s278 Agreement) to include new roundabout on A414, pedestrian and cycle upgrades on London Road and Spital Road.

##### Residential Travel Plan

4.4.4 A Traffic Regulation Order to extend 40mph speed limit north of site access

##### Healthcare

4.4.5 The development would have an impact on healthcare provision in the area where there is already experiencing constrained services. The sum of £192,600 is requested to be secured through a planning obligation in the form of a Section 106 (S106) agreement linked to any grant of planning permission. This is necessary to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises.

##### Education

4.4.6 Early Years and Childcare – The demand generated by this development would require a contribution towards the creation of 24.7 additional places. A developer contribution of £506,138 index linked to Q1 2025, is sought to mitigate its impact on local Early Years and childcare provision. This equates to £20,450 per place.

4.4.7 Provision of up to 0.13ha of land to be secured and provided as a privately run nursery facility. This is not to be secured through the S106 but as a planning condition.

4.4.8 Primary Education - The demand generated by this development would require a contribution towards the creation of 82.5 additional places. A developer contribution of £1,687,125 index linked to Q1 2025, is sought to mitigate its impact on local Primary School provision. This equates to £20,450 per place.

4.4.9 Secondary Education - The demand generated by this development would require a contribution towards the creation of 55 additional places. A developer contribution of £1,546,985 index linked to Quarter One (Q1) 2025, is sought to mitigate its impact on local Secondary School provision. This equates to £28,127 per place.

4.4.10 Post 16 Education – A contribution toward Post16 education is not required.

4.4.11 School Transport – No requirement for school transport.

4.4.12 Libraries - The suggested population increase brought about by the proposed development is expected to create additional usage of a local Library. A developer contribution of £21,395 is therefore considered necessary to improve, enhance and extend the facilities and services provided and to expand the reach of the mobile library and outreach services. This equates to £77.80 per unit, index linked to April 2020

4.4.13 The Monitoring Fee will be charged at a rate of £700 per obligation (financial and otherwise).

4.4.14 Whilst ECC have requested this figure, officers are aware that as the exact housing mix has not yet been secured. Therefore, the exact contribution cannot be confirmed until the Reserved Matter stage which will secure the specific unit mix. Therefore, the S106 will be expected to secure the contribution in line with the 'Essex County Council's Developers Guide to Infrastructure Contributions' in terms of the amount per place and the child yield calculator, for early years, primary and secondary education contributions.

#### Affordable housing

4.4.15 In accordance with planning policy, 40% of all homes to be delivered either on site or via a commuted sum. This equates to up to 110 affordable homes.

4.4.16 A tenure mix of 75% for affordable rent and 25% for intermediate housing has been agreed.

#### RAMS

4.4.17 As set out below, this is a requirement in order for the proposed development to pass the relevant tests under the 2017 Habitat Regulations.

#### Public Open Space

4.4.18 Creation and implementation of management company to manage landscape and public open spaces.

4.4.19 The provision of the Cemetery land is to be delivered via a condition and not through a S106 agreement.

## 5. MAIN CONSIDERATIONS

### 5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the NPPF require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 Policy S1 of the LDP states that “When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF” and apply a number of key principles in policy and decision making set out in the Policy. This includes principle 2 “Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations”.
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential dwellings but does allow, at m, development which complies with other policies of the LDP.

### Residential Element

- 5.1.5 As per Paragraph 79 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should “monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies”. As the LDP is more than five years old, paragraph 77 requires LPAs to “identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply”. To this end, MDC prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014- 2029’s plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023/2024, which stated there was a 6.3 year supply.
- 5.1.6 Currently the Council can only demonstrate 2.7 years’ worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government’s approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.
- 5.1.7 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council

cannot demonstrate an up-to-date 5YHLS and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.

5.1.8 Given the Council's current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF's titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless, 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'.

#### Early Years Facility

5.1.9 The proposal includes a serviced parcel of land measuring 0.13ha, reserved for an Early Years Facility (Use Class E(f)) (EYFS). This facility would provide up to 56 places and is located within the southwest corner of the site, as confirmed on the Land Use Parameter Plan.

5.1.10 Policy S8, at criterion (c), requires development to provide community services and facilities to meet local need, in accordance with Policy E3. Policy E3 states that proposals should "contribute towards the provision of community facilities where an increased need will arise in the local area as a result of the development...". In this case, the Education Authority has confirmed that the development will generate a need for early years, primary, and secondary school provision, specifically creating a requirement for 24.7 early years places.

5.1.11 ECC's latest childcare sufficiency data identifies five early years providers in the area, with only nine unfilled places recorded. While some capacity exists, this is insufficient to meet the projected demand. To address this shortfall, ECC has requested a financial contribution of £506,138 (index linked to Q1 2025), equating to £20,450 per place.

5.1.12 During informal discussions, ECC advised that there is no current need for a 56-place EYFS setting and that the development alone would not generate sufficient demand to justify a new facility, particularly given planned expansions and new provision in the area. On this basis, securing the nursery land via a Section 106 obligation may not be Community Infrastructure Levy (CIL) compliant, especially as ECC also seeks a financial contribution.

5.1.13 In response, the developer proposes that the nursery be delivered as a privately operated facility as part of the planning application. The land parcel would be secured through this Outline Planning Application, with detailed building design to be agreed at Reserved Matters stage. In addition, the developer will pay the financial contribution to ECC for the 24.7 early years places generated by the development.

5.1.14 Although ECC has expressed concern that an EYFS setting on this site could detract from existing operators, Policy E3 encourages development that improves the provision of community services and facilities. Furthermore, national policy supports widening educational choice.

## 5.1.15 Paragraph 100 of the NPPF states:

"It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- (a) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications; and
- (b) work with early years, school and post-16 promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted."

5.1.16 A private nursery facility in this location would offer diversity of choice, including provision for 0–2-year-olds and childcare outside term time. Following the Government's extension of funded hours to children from nine months old, demand for baby places is increasing. While the need arising from the development will not relate solely to this age group, the ability to provide this additional choice is a positive aspect.

5.1.17 It is acknowledged that the nursery may not attract interest when marketed for sale. However, as the land will be secured for nursery use through planning conditions, any alternative use would require a separate planning application. Furthermore, as the parcel is designated for community use, any future change of use would need to demonstrate that no viable and appropriate community-based use exists, in accordance with Policy E3. This offers the LPA assurance that the land will remain available for community purposes unless no viable option exists.

5.1.18 Having regard to Policy E3 and paragraph 100 of the NPPF, the proposed nursery land would contribute to increased provision, improve accessibility for future residents, and enhance choice within the area. On this basis, and in accordance with national policy, the principle of nursery provision is acceptable and should be afforded great weight in the planning balance.

5.1.19 Notwithstanding the above, ECC has been offered the opportunity to secure the land themselves, with an appropriate draw-down period and no financial contribution, through a Section 106 agreement, provided it can be demonstrated that this would be CIL compliant. Despite a request for updated comments, nothing has been received prior to the finalisation of this report. Any further correspondence will be updated by way of a Members' Update.

5.1.20 In summary, the proposed approach strikes an appropriate balance between meeting the development generated need for early years provision and complying with local and national policy objectives. By securing land for an EYFS facility, enabling private delivery, and providing a financial contribution to ECC for the identified shortfall, the proposal ensures that community infrastructure requirements are addressed. This solution aligns with Policy E3 of the LDP and paragraph 100 of the NPPF, offering flexibility, improving choice, and safeguarding the land for future community use. Accordingly, the principle of nursery provision should be afforded significant weight in the overall planning balance.

#### Cemetery Provision

5.1.21 The application includes the provision of 1.8ha of land to expand the existing cemetery.

5.1.22 As stated above, the site lies outside of the settlement boundary. However, Policy S8 does allow for some exceptions for development outside of the settlement boundaries 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)'*.

5.1.23 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. It also states, 'Development proposals and other measures which will help to improve accessibility to community services and facilities in a local area will be encouraged, including the expansion of existing services.'

5.1.24 MDC has three cemeteries located across the district in Maldon, Heybridge and Burnham-on-Crouch. There is no statutory duty for a Council to provide a cemetery, but the council has provided one in excess of 150 years. The cemeteries across the district are an important place for the community, therefore, meeting the criteria of being essential to the community as set out in Policy E3.

5.1.25 The Council is aware that the existing cemeteries are nearing capacity, with Maldon cemetery expected to be the first to reach capacity in the not-too-distant future. That being said the proposed land for a cemetery extension would meet the requirements of Policy E3, delivering and expanded on an important community facility and would therefore, represent a benefit of the scheme.

5.1.26 The land for cemetery provision can be secured by way of a condition that ensures the development is delivered in accordance with the land use parameter plan.

#### Best and Most Versatile Agricultural Land

5.1.27 The application has been supported by an Agricultural Land Classification Report by Askew Land and Soil Limited dated June 2025 (Ref: C987). The report specifies that the site consist of 91.1% Grade 3a, 3% Grade 3b and Non-agricultural makes up 5.9% of the site. Therefore, the site does not contain the best and most versatile agricultural land and as such no objection is raised.

#### Sustainable Development

5.1.28 It is necessary to assess whether the proposed development is '*sustainable development*' as defined in the NPPF. If the site is considered sustainable then the NPPF's '*presumption in favour of sustainable development*' applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

5.1.29 Since the application site lies outside of the defined settlement boundary for Maldon and is not allocated for development, the proposal for 275 new dwellings would clearly exceed the amount of development planned for on sites allocated for strategic housing growth in the Maldon LDP under policy S2 of the LDP. However, Maldon as a main settlement is an area that is identified for strategic growth within the LDP and therefore, the site lies in one of the most sustainable areas of the District.

Furthermore, Policy S2 also states that '*the majority of growth will be delivered through sustainable extensions to Maldon, Heybridge and Burnham-on-Crouch in the form of Garden Suburbs and Strategic Allocations*', albeit the site is not a Strategic Allocation, but it has been deemed as suitable for growth as part of the Call for Sites exercise which can be given limited weight. Further to this, the Council has approved two growth options for testing as part of the LDP Review. This includes focusing growth within the Main Settlements or the creation of a new satellite settlement or large urban extension bolted onto one of the towns, larger villages and/or settlement adjacent to the District boundary. Whilst the LDP review is still in its early stages, this further highlights the sustainability credentials of Maldon

5.1.30 Notwithstanding the above, Policy S2 also acknowledges that '*Significant infrastructure constraints exist which will strictly limit the capacity for growth in Maldon, Heybridge and Burnham-on-Crouch in excess of that set out in Policy S2. Any proposal for development in excess of the allocations set out in Policy S2 will need to demonstrate to the Council's satisfaction that:*

- *It will not prejudice or delay the delivery of the Garden Suburbs, Strategic Allocations, or planned infrastructure improvements; and*
- *There will be sufficient infrastructure capacity to support the development.'*

5.1.31 The proposal would not prejudice or delay the delivery of the Garden Suburbs or Strategic Allocations as they are now at an advanced stage. Furthermore, the proposal would not impact on planned infrastructure improvements because the necessary mitigation would be secured through conditions and/or a S106 agreement.

5.1.32 In terms of infrastructure capacity, the Local Highway Authority have raised no objection in terms of highway capacity and any educational or health requirements can be met through financial contributions.

5.1.33 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan. An assessment of the planning balance is provided later in this report.

#### *Environmental Dimension*

5.1.34 In this case, the application site is located adjacent to the settlement boundary of Maldon. However, the A414 does provide a barrier to the existing town from within the site. Nevertheless, as set out above, the application has been supported by a draft Heads of Terms which sets out a number of contributions towards infrastructure improvements and provision of services and facilities to serve Maldon and the surrounding area.

5.1.35 Chapter 9 of the NPPF relates to sustainable transport. In terms of environmental sustainability this is particularly relevant at para. 110 which states: "Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."

5.1.36 In addition, para. 115 of the NPPF states that in considering applications for development it should be ensured that “sustainable transport modes are prioritised taking into account the vision for the site, the type of development and its location”. This represents a shift in emphasis compared with the previous version of the NPPF, which stated that “appropriate opportunities to promote sustainable transport modes can be – or have been – taken up…”.

5.1.37 The application site lies adjacent the existing settlement boundary of Maldon but as stated, is notably separated from the town by the A414/Spital Road, defined as a main distributor road. There are bus stops located on Spital Road adjacent to the south eastern corner of the site that provide regular services to Chelmsford, Southminster and Burnham-on-Crouch.

5.1.38 A key to a location’s accessibility, is access to day-to-day services and facilities. The proposal includes provision for a day nursery and would provide enhancements to the existing transport network. In terms of Active Travel routes the proposal includes the provision of a 3.5m wide footway/cycleway to be provided to link the site to London Road to the north, providing a pedestrianised link into Maldon Town Centre. The new link shall include a new signalised crossing of London Road. Two further signalised crossings shall be located on the A414, one immediately east of the A414/Spital Road roundabout and the other approximately 30m south of the A414 access to Maldon Hall Farm. A 3m wide footway/cycleway is also proposed linking the new A414 crossing to the A414/B1010 Limebrook Way roundabout to the south. Therefore, the highways upgrades would improve links from the site into Maldon Town.

5.1.39 The proposal also includes the provision of a bus stop on the northbound carriageway of the A4141 south of the proposed signalised crossing, with the existing southbound stop being upgraded. These works are in addition to a financial contribution of £850,000 financial contribution to improving public transport links within the local area, offering improved alternatives to the use of the private car.

5.1.40 Given consideration to the above, although the application site is somewhat detached from the town centre, the measures proposed within the application both through on site provision and as planning obligations, would reduce the need for future (and existing) occupants to travel by car to meet their day to day needs. On this basis, the development can be made sustainable through improvements to Active travel connections and upgrades to the existing bus network.

5.1.41 The positioning of the proposed nursery land within the southeast corner of the site, would require future residents within the north westerly parcel of the proposed development in particular to walk a fair distance to the nursery location. Furthermore, its siting within the southerly portion of the site does not integrate it well into the future community. Notwithstanding, the most northerly dwelling would still be within 800m (as the crow flies) of the proposed nursery provision, meaning it would likely be in walkable distance. Furthermore, its positioning also means it would be able to serve a wider reaching area, including the existing community of Maldon. Notwithstanding this, until further detail is provided in respect of the layout at the Reserved Matters stage, any conditions relating to the Land Use Parameter Plan should be specific that this does not secure the siting of the nursery land and that this should be included as part of any forthcoming Reserved Matters application.

5.1.42 The proposal also includes the installation of a SmartGrid community energy network with photovoltaics being provided on approximately 25% of the roofs and with the proposed battery storage providing approximately 50% of the sites electricity needs, resulting in an approximate 60% reduction in CO<sub>2</sub> emissions. Subject to this being

secured by way of a condition, details of which should be brought forward at the same time as the Reserved Matters, this represents a benefit to the scheme that should be weighed in the planning balance.

#### *Economic Dimension*

- 5.1.43 The proposal would result in economic benefits through the construction phase of development, through the creation of jobs which would be fairly significant due to the scale of the proposed development. Following occupation, due to the increased number of residents, the vitality of existing facilities and services would be enhanced through increased usage and an uplift in spend. However, given the existing population size of Maldon (15,551.48 2021 Census) the provision of 275 will not create a significant uplift.
- 5.1.44 The proposal would also provide new employment opportunities associated with the nursery and proposed cemetery expansion. The number of jobs provided are likely to be limited but this represents a benefit to the scheme.
- 5.1.45 In addition, the proposed SmartGrid is expected to create a 15% reduction in electricity bills for the future residents.
- 5.1.46 This will be discussed further in the planning balance section below.

#### *Social Dimension*

- 5.1.47 The proposal would provide a significant number of homes in the District where there is currently a shortfall in the 5YHLS. The proposal comprises 40% affordable housing provision, which is policy compliant, and would greatly assist meeting the need for affordable housing in the District. The proposals would help the vitality of the town by accommodating new residents in the settlement, creating new community facilities, including a Nursery and cemetery expansion and green infrastructure all of which, combined with public open space provision, contribute to the general health and well-being of residents.

#### *Summary of principle of development*

- 5.1.48 The site is within the countryside and is currently considered to be an unsustainable location due to a lack of connections to the Main Settlement of Maldon. However, through the enhancements to public transport and the provision of education facilities and commercial facilities, officers are satisfied that the site can be made sustainable in accordance with para. 110 of the NPPF and that the principle of development can be supported.

#### Conclusion of principle of development

- 5.1.49 The Council is currently unable to demonstrate a 5YHLS and as per the NPPF, those policies in relation to housing are considered out of date and paragraph 11(d) of the Framework is engaged, whereby the adverse impacts of granting permission would need to significantly and demonstrably outweigh the benefits in order to warrant a refusal. Notwithstanding the current position regarding the Council's 5YHLS, as noted earlier in this report, the site in a sustainable location and the development would positively support the existing services and facilities in the town and contribute positively to the housing provision, and affordable housing provision, for the District. These factors weigh heavily in support of the proposal in the planning balance. This is discussed further in the conclusion of this report.

## 5.2 Cumulative Impacts

- 5.2.1 The proposed development forms part of a wider pattern of growth in the Maldon area, with several significant residential schemes recently completed or under construction. Unlike the strategic allocations identified within the adopted Maldon District LDP, this site lies outside the defined settlement boundary and is not allocated for development in the Local Plan.
- 5.2.2 As a result, planning for this site is not taking place in accordance with the spatial strategy or allocations set out in the LDP. The cumulative effect of approving development on non-allocated sites risks undermining the plan-led approach, potentially leading to uncoordinated expansion, increased pressure on local infrastructure, and challenges in delivering necessary services such as education, healthcare, highways, and green infrastructure.
- 5.2.3 While technical assessments for this application have considered the immediate impacts and proposed mitigation measures, it is important to recognise that the cumulative impact of multiple developments outside the Local Plan framework may exacerbate existing issues relating to congestion, service capacity, and landscape character. The absence of a comprehensive, strategic approach to growth in this location should be given weight in the planning balance. However, it should also be noted that the growth options considered as part of the Issues and Options mean there is a strong likelihood that Maldon will receive some strategic growth as part of the Local Plan Review.
- 5.2.4 It should also be noted that, in accordance with national planning guidance, refusal of planning permission on grounds of prematurity cannot be justified in this instance. The emerging Local Plan is at an early stage and does not carry sufficient weight to warrant refusal on the basis of prejudicing its preparation. Therefore, while cumulative impacts are a material consideration, prematurity is not a defensible reason for refusal at this time.
- 5.2.5 Furthermore, the national housing growth agenda of the government, together with the December 2024 changes to the NPPF and in particular the changes to the method for calculating housing delivery has resulted in Maldon now underdelivering in housing provision in the district. This is a material consideration in all housing development proposals. While this does not give carte blanch approval of any housing development, a balanced approach, withing up the harms against the benefits is central to the consideration of such applications. This point is considered in subsequent sections.

## 5.3 Housing Need

- 5.3.1 The NPPF is clear that housing should be provided to meet an identified need.
- 5.3.2 The current version of the Local Housing Needs Assessment (LHNA) was produced in September 2025. The 2025 LHNA provides the most up-to-date evidence concerning housing mix for the District and is a material consideration in planning decision making.
- 5.3.3 The LHNA is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and PPG, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of

housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.

5.3.4 The LHNA (2025) considers the appropriate mix of housing across Maldon District as a whole, with a particular focus on the sizes of homes required in different tenure groups. Chapter 9 of the LHNA considers the appropriate mix of housing across the District as a whole, with a particular focus on the sizes of homes required in different tenure groups. These are set out in the table below:

	Market	Affordable Owned	Affordable Rent
<b>1 bed</b>	5% - 10%	15% - 20%	25% - 30%
<b>2 bed</b>	30% - 35%	40% - 45%	30% - 35%
<b>3 bed</b>	35% - 40%	30% - 35%	25% - 30%
<b>4 bed</b>	20% - 25%	5% - 10%	10% - 15%

5.3.5 The LHNA acknowledges that housing mix recommendations should be adapted to the context and size of a given scheme. Whilst district wide delivery should match the above figures, it is recognised that individual schemes may differ. However, larger schemes and strategic sites should match the recommended mix set out above more closely as they are likely to make up a significant contribution to Maldon's overall housing delivery, as set out in paragraphs 9.60 and 9.61 of the LHNA. On this basis, and in accordance with Policy H2, which seeks to deliver a suitable mix of housing across the District over time to contribute to the creation of mixed, inclusive and sustainable communities, the maximum and minimum percentages as set out in the table below should be applied to all sites above 50 dwellings.

*Table 2 - Suggested housing mix based on the LHNA 2025*

	1 bed	2 bed	3 bed	4+ beds
<b>Market</b>	10%	35%	35%	20%

5.3.6 As this application is in Outline form, the size of properties is not being set as part of this application and would be a matter for detailed design in due course. However, the submitted Planning Statement states at paragraph 4.15 that '*the proposed housing mix for both the affordable and market homes will be in general conformity with the LHNA requirements...*'. A condition is recommended to ensure that the housing mix delivered through subsequent applications for approval of Reserved Matters meets the housing mix required through the LHNA as set out above and is not just in 'broad compliance'.

#### 5.4 Affordable Housing

5.4.1 Policy H1 requires that all housing developments of more than 10 units or 1,000 sqm contribute towards affordable housing provision to meet identified local need and address the Council's strategic objectives. The site is located in an area where the approved LDP requires 40% of units to be affordable. In accordance with this policy, the proposal would provide a minimum of 110 affordable dwellings on the site.

5.4.2 Access to good quality and affordable housing remains a significant issue for residents of the District. The LHNA 2025 confirms that affordability pressures have increased, with the median house price now standing at over 11 times average income and a significant proportion of households unable to access market housing. The rising cost of living, including fuel and food, has further exacerbated affordability

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challenges, and the number of households in need of affordable housing is likely to have grown since the adoption of the LDP. The LHNA 2025 identifies a net annual need for 284 affordable homes, with 71% of this need focused on rented provision.

5.4.3 The LHNA 2025 recommends a tenure split of 70% affordable/social rented and 30% affordable home ownership (intermediate housing), subject to viability. However, paragraph 7.69 of the LHNA 2025 recognises that the Council must consider both relative levels of need and viability when determining tenure mix. While providing Affordable Home Ownership (AHO) may improve viability and allow more units to be delivered, households requiring rented housing, particularly social rented, have more acute needs and fewer housing options. This is supported by the Housing Register data, which shows:

- 798 households currently on the Housing Register, with the highest demand for rented homes.
- Band A–C (urgent to high need) includes 240 applicants, of which:
  - 1-bed: 91 applicants
  - 2-bed: 45 applicants
  - 3-bed: 90 applicants
  - 4-bed: 14 applicants
- Temporary Accommodation pressures:
  - 13 families waiting for 3-bed homes (longest wait: 1 year 7 months)
  - 2 families waiting for 4-bed homes (longest wait: 4 years 1 month)
  - 8 individuals waiting for 1-bed homes
- Severe overcrowding: One Band B family has waited over 10 years for a 3-bed property.
- Recent bidding activity: A 3-bed new build in Heybridge (Nov 2024) attracted 88 bids, and a 2-bed (Nov 2025) attracted 80 bids, demonstrating extreme demand for rented homes.

5.4.4 Given this evidence, the proposed tenure mix has been revised to 75% affordable/social rented and 25% intermediate affordable housing to better reflect acute local need and ensure compliance with Policy H1 and the LHNA 2025 principles.

5.4.5 The Affordable Housing Statement submitted with the application confirms that the development would provide 40% (up to 110 dwellings) affordable housing. The applicant has agreed to the revised tenure split of 75% rented / 25% intermediate, which is considered justified and policy compliant. No objection is raised on this basis.

5.4.6 The LHNA 2025 also recommends that all new dwellings should meet M4(2) accessible and adaptable standards, with at least 5% of market homes and up to 10% of affordable homes meet M4(3) wheelchair user standards.

5.4.7 The Council's Strategic Housing Department has confirmed that there is great demand for three-bedroom rented houses for families. Strategic Housing Services will therefore seek to maximise the delivery of three-bedroom, five- and six-person rented houses, in line with the upper percentage figures recommended in the LHNA 2025. The NPPF also places greater emphasis on the provision of social rented properties, which should be reflected in the tenure mix secured through the S106.

5.4.8 To address the increasing need for affordable housing for older people and those with disabilities, the LHNA 2025 identifies a requirement for accessible and adaptable homes, including one-bedroom, two-person bungalows (semi-detached or terraced) as part of the affordable housing mix. These should be provided as rented properties with wet rooms or showers, and up to 10% of affordable homes should meet the higher M4(3) wheelchair user standard.

5.4.9 The Strategic Housing Department would seek further discussions with the developer to ensure that the Affordable and Social rented properties do not exceed the Local Housing Allowance inclusive of service charge, to ensure genuine affordability for those in greatest need.

5.4.10 The Strategic Housing Team fully supports the application, subject to the affordable units being developed to Nationally Described Space Standards and the gross costs (rent and service charge) being within MDC's Strategic Tenancy Strategy. The LHNA 2025 recommends that affordable housing should be delivered by Registered Providers or Housing Associations recognised and regulated by Homes England and eligible for Homes England funding. The detailed Affordable Housing Scheme, including tenure, cost, and allocation of units, must be agreed with MDC's Strategic Housing Services as part of the Section 106 Agreement.

5.4.11 A Section 106 Agreement would secure the following:

- Delivery of 40% affordable housing (minimum 110 dwellings) with a 75% rented / 25% intermediate tenure split;
- Provision of affordable home ownership products in line with national policy;
- 5% of market dwellings and 10% of affordable homes to meet M4(3) standards
- Affordable units to be delivered by a Registered Provider/Housing Association recognised and regulated by Homes England;
- Gross costs (rent/service charge) to be within the Council's Strategic Tenancy Strategy;
- All affordable units to meet Nationally Described Space Standards;
- An Affordable Housing Scheme detailing tenure, cost, and allocation of units to be agreed with the Council.

5.4.12 On the basis of the above, the proposed development would be compliant with Policy H1 of the LDP and the recommendations of the LHNA 2025, with the revised tenure mix justified by acute local need and Housing Register evidence.

5.4.13 In accordance with Policy H2 a condition will be applied to ensure that the development will provide affordable housing in clusters of no more than 15 to 25 dwellings in any single part of the site.

## 5.5 **Design and Impact on the Character of the Area**

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

5.5.2 Paragraph 131 of the NPPF states that:

*“The creation of high-quality, beautiful and sustainable 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.”*

5.5.3 Paragraph 139 states that:

*“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes...”*

5.5.4 LDP policy D1 takes this further in seeking to ensure that all development respects and enhances the character and local context and makes 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;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

5.5.5 LDP 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 any original buildings 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.

5.5.6 More detailed provisions supplementing the above requirements for high quality design and appropriate layout, scale and detailing of development are set out in the MDDG (2017).

5.5.7 The proposed density would be between 25-45 dwellings per hectare. The Framework Plan would allow for a variation in density and building heights proposed across the site to create character and identity, and to respond to the context of the site. Lower densities and building heights are proposed towards the, north south and west, creating a soft transition to proposed open countryside to the west and adjacent heritage assets. Towards the centre and east of the site, and where the site gradient is lower, the density and building heights will be greater.

5.5.8 The Land Use Parameter Plan (8790\_301 Rev D) and Green infrastructure Parameter Plan (8790\_306\_ Rev E) show that large areas of open space are

provided for within the site to provide for an appropriate layout and density to reflect the semi-rural / edge of village location.

5.5.9 Details of layout, appearance, landscaping and scale, including the matters raised in regard to the nursery land positioning, would be dealt with at reserved matters stage.

## 5.6 **Landscape and Visual Impact**

5.6.1 Policy S1(9) seeks to conserve and enhance the natural environment and Policy S8 states that the “*countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty*”. Policy D1(1) requires development to “*respect and enhance the character and local context and make a positive contribution in terms of...*” (inter alia) *architectural style, height, scale and massing, landscape setting, layout, orientation and density*”. D1(2) requires that proposals “*provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces*”, and D1(3) requires that developments “*contribute positively towards the public realm and public spaces around the development*”. The policy, D1(4), states that proposals should “*protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight...*” and at D1(8) states that developments must “*contribute to and enhance local distinctiveness*”. Policy D2(5) refers to green infrastructure and states that “*Negative impacts on ecology, landscape and green infrastructure should be minimised*”. Policy N2 of the LDP seeks to protect and enhance sites of biodiversity and geodiversity.

5.6.2 Paragraph 135(c) of the NPPF states that planning decisions should ensure that developments “*are sympathetic to local character and history, including the surrounding built environment and landscape setting...*”.

5.6.3 Paragraph 187 of the NPPF states that “*planning policies and decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes...*” and “*(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services...*”.

5.6.4 The application is supported by a Landscape and Visual Impact Assessment (LVIA) prepared by LDA Design (June 2025). The LVIA sets out the landscape context for the site at a national, county and local level. In terms of landscape character effects, the LVIA concluded the following:

- The most significant effects would be within the site itself, where the landscape would change from arable land to residential and open space.
- Long-term effects on the site’s character are judged to be ‘Moderate, Adverse.’
- Effects on land safeguarded for cemetery extension would be ‘Moderate, Adverse’ in the medium term, reducing to ‘Slight, Adverse’ after planting matures.
- Effects to the west of the site would be ‘Moderate, Adverse’ in the medium term, reducing to “Moderate-Slight, Adverse” in the long term.
- Effects on the character of Maldon Cemetery would be ‘Slight, Adverse’ in the medium term, reducing to ‘Minimal, Neutral’ once planting matures.
- Beyond the immediate site, effects would be limited and diminish rapidly with distance due to screening by vegetation and landform

## 5.6.5 In terms of the visual effects:

- The greatest visual effects are for users of Public Footpath 253\_2 with ‘Major, Adverse’ effects in both the medium and long term.
- Users of Maldon Cemetery would experience ‘Major-Moderate, Adverse’ effects in the medium term, reducing to ‘Moderate, Adverse’ after planting matures.
- Users of the footway on the south side of the bridge crossing the A414 would experience ‘Slight, Adverse’ effects in the medium term, reducing to ‘Slight-Minimal, Adverse’ in the long term.
- Public Bridleway 270\_30 would see ‘Moderate, Adverse’ effects in the medium term, reducing to ‘Slight, Adverse’ after planting matures.
- Users of the A414 would have ‘Slight, Adverse’ effect at the site access, with effects reducing further away from the site.
- National Cycle Route 1 users would experience ‘Slight, Adverse’ effects in the medium term, reducing to ‘Slight-Minimal, Adverse’ in the long term.
- Visual effects would otherwise be localised and limited, with most views screened or filtered and seen in the context of existing development.

5.6.6 The LVIA concludes that while there are significant localised adverse effects, particularly at the site boundaries, the wider landscape and visual impacts are limited and diminish with distance.

5.6.7 The Council commissioned an independent review of the LVIA, undertaken by Nigel Cowlin Landscape Assessment and Design (Ref: NC25.919-lva review, August 2025) (the NC Review). The NC Review is broadly satisfied that the submitted LVIA provides a generally sound and methodical review of the potential landscape and visual effects arising from the proposed development. However, it highlights some minor technical differences and areas where the approach could be clearer or more up to date. These are not considered significant enough to undermine the overall assessment.

5.6.8 The NC Review considers that the LVIA may underestimate both the value and susceptibility of the local landscape, suggesting it should be regarded as having “moderately elevated” value, rather than the lower “community” value attributed in the LVIA. The NC Review also finds that the scale and extent of landscape effect, particularly in the northern part of the site, would be greater than assessed in the LVIA, with the potential for “major-moderate” harm at the local and county levels.

5.6.9 The NC Review agrees that the greatest effects are localised, especially for users of Public Footpath 2 and visitors to Maldon Cemetery but considers the harm to local character and views would be higher than stated in the LVIA.

5.6.10 The NC Review suggests that omitting the north-western parcel of the development could reduce the overall level of harm from “major-moderate” to “moderate.”

5.6.11 Both the LVIA and the independent NC Review acknowledge that the proposed development will result in landscape and visual harm, particularly at the local level and potentially affecting the wider county-level landscape character, with the most significant effects arising from the inclusion of the northern parcel. However, these effects are largely localised to the site, its immediate surroundings, and key viewpoints such as the adjacent cemetery and public footpaths. The site is not within a nationally designated landscape, and the wider landscape character will remain intact beyond the development area.

5.6.12 The findings from the 2015 application in relation to the landscape and visual impacts were that '*the proposal development would have a material effect on the landscape character of the site and surroundings...*'. Therefore, that application was refused on the basis of the landscape and visual impacts (amongst others) the application was refused. However, the proposed scheme is of a lesser scale than the previously refused scheme and the Council's 5YHLS position is different. Therefore, the harm identified above in respect of this proposal must be explored further and weighed in the Planning Balance.

## 5.7 Impact on Heritage Assets

5.7.1 The application would affect the following heritage assets:

- Headlands Barn a Grade II listed building
- Maldon Cemetery a non-designated heritage asset

5.7.2 There are other heritage assets that would not be affected by the proposal:

- Maldon Hall, Maldon Wycke and granary to the north of Maldon Wycke Grade II listed buildings.
- Cemetery Lodge and Maldon Cemetery Chapel locally listed buildings.

### *Headlands Barn*

5.7.3 Despite the domesticating effects of residential conversion, Headlands Barn retains architectural and historic interest as a good example of a 17th or early-18th century threshing barn. Its architectural interest derives from its form, materials and its timber-framed structure. The barn has a historical association with the Grade II listed Maldon Hall, a 14th-century moated manor house to the southwest, but the visual relationship between the two buildings is obscured by the dense vegetation now surrounding Maldon Hall. The field which is the application site aids an appreciation of the barn's significance, by providing agricultural context. The barn's tall roof can be seen from the application site, amidst foliage, and there are views of the application site from the upper windows of the barn, albeit filtered by vegetation. The views from the barn's upper windows have only existed since the building's late-20<sup>th</sup> century residential conversion, so these are not historically significant views. The barn's setting has changed in various ways within the last 50 years. Hedgerows have been removed from the application site to create a single large field. Three barn-style houses (Nos 1-3 Courtyard Mews) have been built immediately to the east of Headlands Barn.

5.7.4 The proposed development would cause harm to the significance of Headlands Barn through the urbanisation of its agricultural setting. However, as acknowledged by the Council's heritage specialist, that harm would be limited by the existing established vegetation and would be further mitigated by supplementary planting. The mitigation is also helped by the fact that the proposed properties closest to the barn would be single storey in height and this would be managed by a condition. Considering this, the Heritage Specialist finds that the proposal will cause a low level 'less than substantial harm' to the significance of Headlands Barn, caused by the urbanisation of the listed building's agricultural and rural setting. This harm must be weighed against the public benefits of the proposal which can be found in the Planning Balance at section 5.13

### *Maldon Cemetery*

5.7.5 Maldon Cemetery is regarded as a 'non-designated heritage asset' for the purpose of paragraph 209 of the NPPF.

5.7.6 The cemetery is positioned to the northeast of the application site. It was originally established in 1855 when it occupied a modest plot south of London Road. Throughout the course of the 20th century, it was extended several times to the west, most recently in 1996. One of two original cemetery chapels survives near the northern boundary, while a Tudor-Revival style cemetery lodge was built near the entrance in 1892. Both these buildings are locally listed for the architectural and historic interest. The old cemetery retains its original boundary wall and iron entrance along its northern boundary. The site of the old cemetery is relatively flat, whereas the newer extension rises to the west and falls to the south. The site of the original cemetery is distinguishable in the landscape from some distance by its mature 19<sup>th</sup> century coniferous planting.

5.7.7 The cemetery, including the chapel, lodge boundary wall and iron gates, possesses moderate local architectural and historic interest. The original cemetery area to the east possesses the most historic value, while the whole cemetery has communal value, as a place of remembrance and contemplation. The application site contributes a sense of isolation and tranquillity to the cemetery, which aids an appreciation of its significance. However, the absence of any historic functional relationship limits the importance of the application site to the setting of the cemetery in heritage terms, as does the degree of vegetative screening, particularly around the original cemetery area.

5.7.8 In terms of the level of harm the development would have to the significance of the Cemetery, the Council's heritage specialist has deemed this to be a limited level of harm. Given that planting is proposed along the boundary with the existing cemetery and would be agreed at Reserved Matters, although the development would result in changes to part of its setting, the ability to appreciate the cemetery's local architectural and historic interest would be largely unaffected. This harm must be weighed within the heritage balance which can be found at section 5.13.

## **5.8 Impact on Residential Amenity of Future and Existing Occupiers**

5.8.1 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).

5.8.2 The application is outline in nature, with matters relevant to the impact of the development on the neighbouring residential occupiers, such as scale, appearance, and layout, being reserved for future consideration. Given that the matters mentioned above are subject to submission and revision and considering the limited level of information provided with the application, it is not possible to fully assess the impact of the proposal on residential amenity.

5.8.3 Notwithstanding the above, a development of this scale will inevitably increase levels of activity on site in comparison to the existing use. The site abuts residential development on its southern boundary. However, the proposed residential development would result in a use that is compatible in terms of amenity with the adjoining residential properties and thus, it would not adversely impact upon the amenities of the neighbouring occupiers in that respect.

5.8.4 The MDDG states that where new development backs on to the rear gardens of existing housing, the distances between buildings should be 25m (C07 Residential Amenity). The Illustrative Masterplan shows that dwellings within the southern part of the site could potentially back on to the dwellings at Maldon Hall Farm. However, as shown on the Land Use Parameter Plan there would be a soft landscaped buffer

between the proposed residential parcels and existing development to the south. Having regard to the distances that can be achieved, the residential element of the scheme could be designed to minimise any unacceptable impacts to the neighbouring occupiers in terms of overlooking, a loss of light or a dominating impact. Therefore, an appropriate layout could be produced so that the amenities of the neighbouring occupiers are not detrimentally impacted.

- 5.8.5 The site would also be large enough to ensure suitable separation distances can be achieved between the proposed dwellings and this detail would be subject to an assessment at the Reserved Matters stage. There is also sufficient space within the site to ensure that each plot will be provided with sufficient amenity space provision.
- 5.8.6 The application has been supported by a Noise Assessment (Ref: 784-B046224 June 2025). The Assessment indicates that during the construction phase noise levels at the facades of the existing noise sensitive properties will be below the BS 5338-1 noise limit criteria of 75 dBA.
- 5.8.7 In relation to the operational phase the Noise Assessment predicts that a number of plots in the indicative design, notably on the eastern boundary and a few isolated instances along the northern boundary, will be subject to exceedances of recommended guideline internal noise levels as a result of road traffic noise. The figure setting out the existing noise receptors taken from the Noise Assessment has been provided below. Whilst it is suggested that the affected dwellings/facades should be provided with an alternative means for ventilation in line with current guidance, the final design may differ at the Reserved Matters stage and a reassessment may be required. Notwithstanding this, it should be noted that the Noise Assessment expects that all receptors will be able to utilise openable windows as the primary means of ventilation. On this basis, a condition to secure certain noise criteria are met within the dwellings should be imposed. This is in accordance with the comments made by Environmental Health.

Figure 3.3: Existing Receptor Locations



5.8.8 The Noise Assessment also indicates that a 3m high acoustic barrier along the eastern edge of the site is required, along with 1.8m high close boarded fencing between plot boundaries, to offset noise in external amenity areas from the A414. Whilst this is considered appropriate, a condition will be necessary to ascertain the details of the performance, construction and location of the barrier.

5.8.9 The potential battery storage could also cause noise impacts on the future occupiers. The Environmental Health Officer has suggested a precautionary approach given that there are no confirmed locations or plant details. Therefore, a condition should be imposed requiring a more robust assessment alongside a Reserved Matters application, including the location of any substations and battery storage and the specification of chosen equipment. It is also suggested that specific consideration may also be required in relation to the noise from substations which has a low frequency element arising from the transformer which cannot be reliably assess using A-Weighted noise criteria alone.

5.8.10 The Noise Assessment also considered the noise impacts of any increase traffic movements resulting from the development and it was found that the change in noise level as a result of increased traffic associated with the proposed development would have negligible significant at all existing sensitive receptors.

5.8.11 The proposed nursery would fall within Use Class E and is considered a compatible development for a residential area.

5.8.12 In terms of air quality, the Air Quality Assessment (Ref: 784-BD046224, June 2025) reasonably concludes that there will be no significant adverse impacts as a result of the construction phase and the operational phase of the development so long as appropriate site-specific mitigation measures based on Section 8.2 of the IAQM Guidance on the Assessment of Dust from Demolition, Earthworks, Construction and Trackout are implemented during the construction phase. Whilst this is considered acceptable, a Construction Environmental Management Plan (CEMP) will be required to reduce the risk of impacts from dust during the construction phase. This can be secured by way of a condition.

5.8.13 In relation to the operational phase, the development is not within an Air Quality Management Area and the Air Quality Assessment confirms that the proposal would be acceptable from an air quality perspective. Environmental Health have been consulted and are in agreeance with this stance.

## **5.9 Access, Parking and Highway Safety**

5.9.1 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.

5.9.2 The proposed development is outline in nature, with all matters, with the exception of access are reserved. Therefore, the matters in relation the layout and provision of car parking would be assessed at the detailed stage. However, the access proposal, with the exception of internal site access arrangements, should be considered in full.

5.9.3 The application has been supported by a Transport Assessment.

Access, Transport and Highways Improvements

5.9.4 The proposed access arrangements are supported by a Transport Assessment and subsequent Addendum, prepared by SLR Consulting Limited. The scheme proposes primary vehicular access via a new roundabout on the A414 (figure below), situated north of the existing Spital Road roundabout. This new junction has been designed to accommodate all anticipated vehicle types, including buses, and has undergone a Stage 1 Road Safety Audit.

Proposed roundabout: Drawing 000213-SLR-HGN-A414-CH-SK-0001 P02

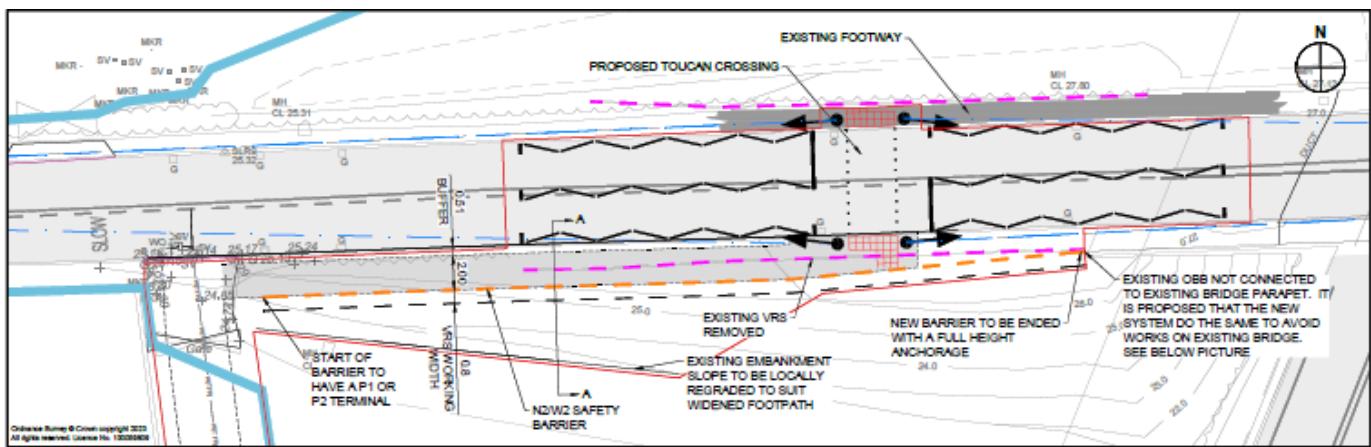


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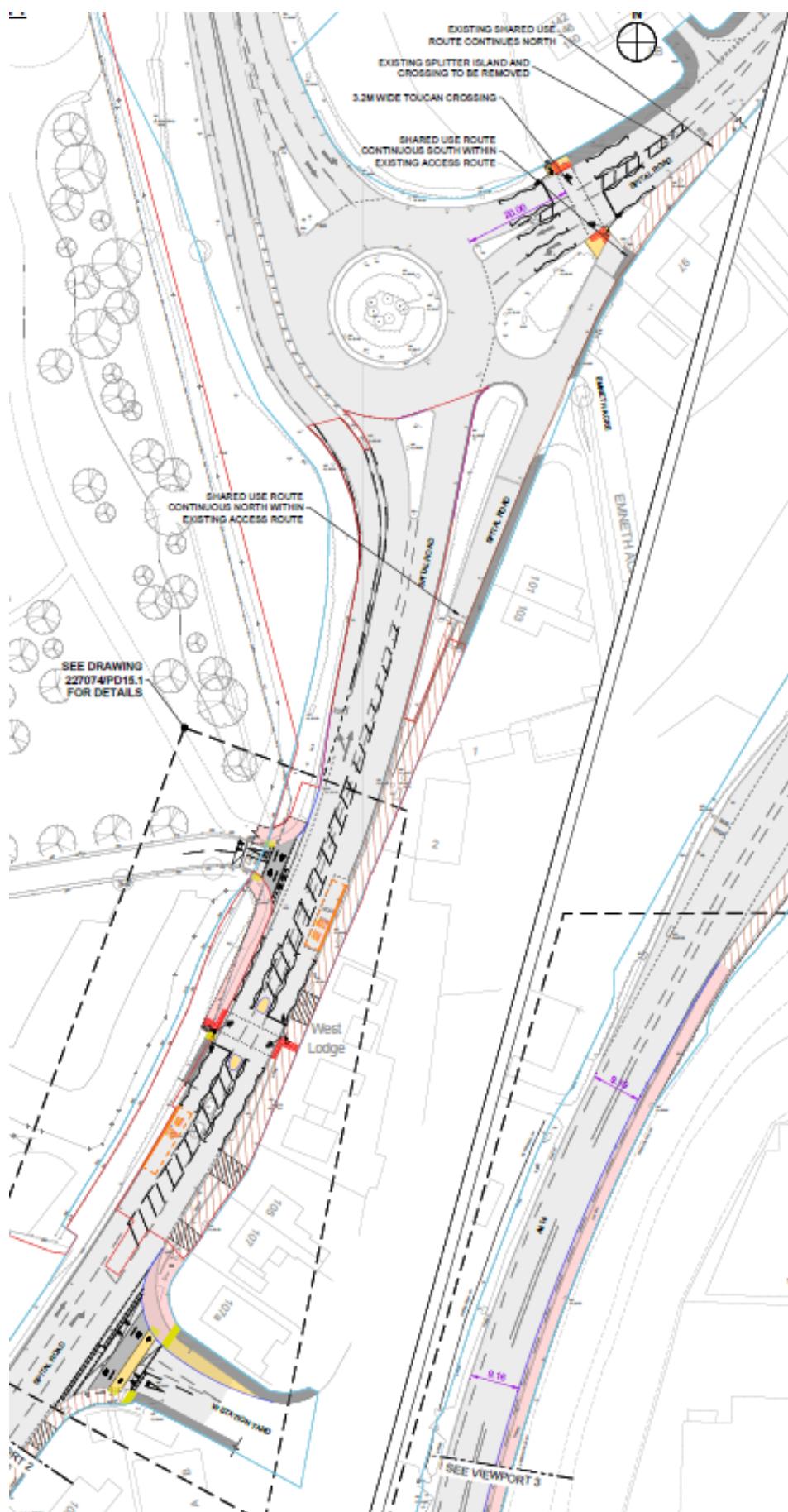
5.9.5 In addition to the main access, two emergency access points are proposed, one from London Road to the north and another from the A414 to the south of Spital Road.

5.9.6 Pedestrian and cycle access will be enhanced through the provision of new shared footway/cycleways. A 3.5 metre wide link will connect the site to London Road, where a new signalised toucan crossing will facilitate safe access to Maldon town centre. Further pedestrian and cycle connections are proposed to Spital Road and via the existing Maldon Hall Farm access onto the A414 (shown below), both of which will benefit from new signalised crossings. Additional crossings are planned immediately east of the Spital Road roundabout and to the south, linking to the A414/B1018 Limebrook Way roundabout. A signage strategy will be implemented to encourage active travel and guide residents to key destinations.

London Road crossing figure (Drawing 227074/PD02.3 Rev A) :



Spital Road Shared Use Route proposal: (227074/PD15 Rev C)



5.9.7 Public transport accessibility will be improved by the provision of a new northbound bus stop on the A414, equipped with raised kerbs, a shelter, real-time passenger information, and associated facilities. The existing southbound stop will also be upgraded. The development will be supported by a Residential Travel Plan, including travel information packs and incentives to promote sustainable travel choices. These measures can be secured by way of a condition.

5.9.8 ECC, as the Highway Authority, has raised no objection in principle to the proposed access arrangements, subject to a series of conditions and obligations. These include the delivery of the new roundabout and associated crossings, the provision of enhanced pedestrian and cycle links, improvements to bus stops, and a financial contribution of £850,000 towards public transport enhancements. The developer will also be required to prepare and adhere to a Construction Management Plan, extend the 40mph speed limit on the A414 if necessary, and ensure that public footpath Maldon 2 remains unobstructed. An updated Residential Travel Plan and annual monitoring fee are also required.

5.9.9 The Highway Authority is satisfied that, with these measures in place, the development will not have a severe impact on local highway safety or efficiency. Active Travel England has also reviewed the proposals and, while requesting further detail on certain aspects, has not objected in principle. Overall, the access strategy is considered to be safe, inclusive, and in accordance with both local and national policy, providing for the needs of all users and supporting sustainable travel choices.

5.9.10 Notwithstanding the above, Active Travel England have recommended a condition relating to street lighting. This has not been included at this stage but should be included at Reserved Matters.

#### Highway Capacity

5.9.11 A significant number of letters of representation have raised concerns regarding highway safety and traffic congestion. However, ECC as the Highway Authority has reviewed the submitted information and are satisfied that the proposal has been subject of a suitable Transport Assessment. Some errors in transposition of observed traffic data into the junction assessment models were noted, which the Local Highway Authority suggests may exaggerate capacity. However, they are satisfied that the development can be provided without a severe impact on local safety and efficiency, which is the NPPF threshold for refusal on highways grounds.

5.9.12 In the absence of an objection from the Highway Authority, Officers do not consider a reason for refusal on the grounds of highway safety could be substantiated.

#### Parking Provision

5.9.13 The Council's adopted VPS contains the Council's parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to

sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

5.9.14 It is noted that the application has been submitted in outline and limited details for off-street parking have been provided with the application. Should permission be granted a condition to secure off-street parking provision for the development that is complaint with the VPS would be imposed.

## **5.10 Ecology and Biodiversity**

5.10.1 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.'

5.10.2 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.

5.10.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. LDP Policy N2 states that, any development which could have an adverse impact 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. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

### Ecology

5.10.4 The application has been supported by an Ecological Impact Assessment (BSG Ecology, June 2025) and a Shadow Habitats Regulations Assessment (HRA) (BSG Ecology Ltd, June 2025) relating to the likely impacts of the proposed development on designated sites, protected and Priority species & habitats and identify appropriate mitigation measures.

5.10.5 Place Services Ecology initially issued a holding objection on 10 September 2025, citing insufficient ecological information to determine the application. They requested further details on on-site visitor management measures to mitigate recreational disturbance on coastal Habitat sites, an outline mitigation strategy for Skylark as a Priority species, and mandatory Biodiversity Net Gain information. In response, the applicant submitted additional material, including detailed plans for over six hectares of informal semi-natural greenspace, a 1.7 km walking route and a 4.5 km circular permissive path, together with confirmation of signage, dog waste bins and long-term maintenance commitments. A Skylark mitigation strategy was provided, based on the use of skylark plots on suitable off-site land, and habitat condition assessment sheets were supplied to address baseline data requirements.

5.10.6 Following re-consultation on 22 October 2025, Place Services confirmed that sufficient information had been provided and withdrew their objection. They advised that the development could be made acceptable subject to conditions securing a Construction Environmental Management Plan (CEMP: Biodiversity), a Farmland Bird Compensation Strategy, a Biodiversity Enhancement Strategy for protected and priority species, wildlife-sensitive lighting design, a Habitat Management and Monitoring Plan for a 30-year period, and submission of a Biodiversity Gain Plan prior

to commencement. They also recommended a financial contribution to the Essex Coast RAMS and suggested additional biodiversity enhancements, such as bat boxes, bird bricks, bee bricks and hedgehog-friendly fencing.

5.10.7 In conclusion, Place Services stated that, with these measures secured through conditions and planning obligations, the development would not result in significant adverse ecological effects and is considered acceptable in principle.

5.10.8 In addition to Place Services, Green Infrastructure Environment and Climate Action at ECC were also consulted on the application and have requested conditions securing a Habitat Management Plan and Monitoring Plan and Landscape Ecological Management Plan (LEMP). These should be secured as part of any approved planning permission.

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

5.10.9 The development is at a scale at which bespoke advice is given from Natural England (NE) is required. To accord with NE's requirements and standard advice an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The HRA has been undertaken by the Council's Ecology consultant and NE have been consulted on the findings.

*Test 1: Likely Significant Effect:*

5.10.10 The development is for up to 275 dwellings within the 22km Zone of Influence (ZoI) of the Essex Coast RAMS in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site and Essex Estuaries SAC. Within this ZoI, residents of new housing are considered likely to regularly visit relevant designated sites for recreation.

5.10.11 The application is considered by MDC to be "relevant development" in the context of the RAMS and so requires further consideration through the Appropriate Assessment stage to secure any mitigation measures necessary to avoid adverse effects on site integrity

*Test 2: The Integrity Test*

5.10.12 The developer has confirmed and agreed that the following will be incorporated within the development, as set out within the submitted Report to Inform Habitats Regulations Assessment (June 2025), appendix 1 and appendix 2.

- High-quality, informal, semi-natural areas for recreational purposes within the proposed green infrastructure design.
- Recreational opportunities for a 1.7km daily walking route and access to 4.5km circular route comprising permissive paths within the control of the Applicant combined with PRoWs, for new residents 275 dwellings will generate 660 new residents (based on 2.4 people/dwelling) and 82.5 dogs (based on Kennel Club figures for 30% households owning a dog).
- Recreational opportunities shall be promoted by way of leaflets and an interpretation board on site for the 6ha of high-quality greenspace to be provided and connections to the local public rights of way network, as shown on Appendix 1. To secure the management and maintenance of these provisions, the developer will produce a long-term management plan (either as a condition of consent or via a S106 agreement) and has committed to

including signage within the open space and leaflets for new residents to promote the open space and nearby PRoW for recreation purposes.

5.10.13 This mitigation aims to avoid impacts from the development alone.

5.10.14 Each phase of the proposal to erect 275 dwellings will trigger a proportionate financial contribution towards offsite visitor management measures for the Habitats Sites, in line with the Essex Coast RAMS (Tariff for 2025/26 is £169.45 per dwelling) for delivery prior to occupation.

5.10.15 The Council has consulted NE on this Habitats Regulation Assessment record and they have confirmed that they agree with the proposed mitigation measures for this application (Consultation Reference: 531837)

#### Conclusion

5.10.16 Having considered the proposed avoidance and mitigation measures above and compared these against NE's advice in Annexes I and II, MDC concludes that with implementation of these mitigation measures, the development will not have an Adverse Effect on the Integrity of the Habitats (European) sites included within the Essex Coast RAMS, either alone or in combination with other plans and projects.

5.10.17 Subject to the RAMS payment and open space being secured through the S106 in addition to necessary conditions

#### Biodiversity Net Gain (BNG)

5.10.18 Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

5.10.19 The application is supported by BNG information including a baseline conditions map (NSG Ecology, May 2025), BNG Assessment (BSG Ecology, June 2025) and Appendix 2 of the BNG assessment containing the BNG assessment sheets, demonstrating compliance with the statutory requirement for a minimum 10% net gain in biodiversity value. The site is expected to deliver a net gain of 10.47% in habitats and 33.1% in net gain hedgerows to be achieved through tree and hedgerow planting, ecologically diverse SuDs basins and new wildflower areas.

5.10.20 A Biodiversity Gain Plan will be required by condition prior to commencement, including:

- Pre- and post-development habitat plans and metric calculations.
- Legal agreements for long-term management (minimum 30 years).
- Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, with monitoring at specified intervals.

5.10.21 The Council's ecological consultant is satisfied that, subject to these conditions, the development will deliver measurable net gains for biodiversity in accordance with the NPPF, Environment Act 2021, and local policy.

### **5.11 Flood Risk and Sustainable Urban Drainage**

5.11.1 Policy D5 of the Maldon District LDP seeks to direct growth to areas with the lowest risk of flooding, whilst also ensuring that development proposals do not increase

flood risk elsewhere and incorporating measures to reduce causes and impacts of floodings.

5.11.2 The application site lies within Flood Zone 1 but there are localised points within the site that are susceptible to surface water flooding and is at medium risk. However, the development has been designed so that the proposed dwellings would be located in low-risk areas, and the affected part of the development would be the access from the A414.

5.11.3 Updates to the PPG state that when applying paragraph 175a of the NPPF in relation to sequential testing for surface water flood risk a '*proportionate approach should be taken.*' It goes on to state the following:

*'Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.'*

5.11.4 In light of the above, the sequential test is not required for this application and no objection is raised on the following basis:

- Both the developable area and the access road are shown to be at low risk of surface water flooding on the Environment Agency's Flood Map for Planning.
- The submitted Flood Risk Assessment and Drainage Strategy demonstrate that the development, including the spur of the new access road, will be safe from current and future surface water flood risk for its lifetime.
- The new access road will drain into the site and benefit from the on-site attenuation systems, ensuring that surface water is managed appropriately and does not increase flood risk elsewhere.
- The roundabout and main road drainage will continue to be maintained by the Highways Authority and will discharge to their existing network, with no anticipated change to current arrangements and no increase in flood risk.
- Discharge from the site will be restricted to existing greenfield rates, with a 45% uplift for climate change, in accordance with the NPPF and Essex SuDS Guidance.
- The residual pluvial flood risk is assessed as low, and in accordance with PPG, users would remain safe from current and future flood risk for the lifetime of the development, with no increase in flood risk elsewhere.

5.11.5 It is also noted that neither the LLFA nor the Environment Agency have raised objections to the application on flood risk grounds, recommending a number of conditions and thereby indicating that they have no objection to the submitted Flood Risk Assessment and Drainage Strategy.

5.11.6 Having considered the comments made by the EA and LLFA, subject to the imposition of the above conditions if the application were to be approved, there is no objection raised in respect of flood risk and drainage.

## 5.12 **Green and Blue Infrastructure**

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

5.12.2 LDP policy D1 takes this further in seeking to ensure that all development respects and enhances the character and local context and makes a positive contribution in terms of Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value.

5.12.3 LDP policy N3 requires, *inter alia*, that as a minimum, development should not increase existing deficiencies of open space, sports and leisure facilities in the locality. It also states that:

*"The requirement for new open space, buildings or sports infrastructure associated with developments will be subject to the legal tests (currently set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010) and subject to the proviso that no obligation or policy burden shall threaten the viability of the development."*

5.12.4 MDDG (C06) states that open spaces should be high quality and have a primary role or function to prevent them becoming unused or neglected and that within the development, open spaces are appropriately defined and enclosed by buildings with windows on the ground floor from habitable rooms overlooking it where appropriate. MDDG (C17) also states that noisy external activities such as play areas should be located close to the properties they serve, but far enough away to avoid noise disturbance. The proposed open space areas offer good potential for biodiversity and wildlife habitat creation.

5.12.5 Paragraph 131 of the NPPF states that *"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"*. Also, it refers in paragraph 135 (e) to optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.

5.12.6 The Planning Statement, Land Use Parameter Plan and Green Infrastructure Parameter Plan demonstrate that 7.25ha of land is proposed as open space, equating to 33% of the site area. It is also stated that the open spaces will be provided as part of the first phase of the development, which can be secured via a S106 agreement.

5.12.7 The public spaces have been described in the Planning Statement in three parts, which are described in Section 7 of the Design and Access Statement as:

- *'Valley Park – This area is characterised by a rich and high-quality landscape including attenuation basins with wetlands, extensive planting, tree clusters, pedestrian, and bicycle routes, and play. It is the primary green space at Maldon Woods and easily accessible.'*
- *'Oak Ride – This area is characterised by a linear landscape condition that accommodates tree planting, and vegetation along the eastern edge of the site. It forms part of the wider green infrastructure and active travel framework including key north-south pedestrian and bicycle routes.'*
- *'Wycke Green – This area has been sensitively designed to contextually respond to the site's location and setting, which include a number of different conditions. To the north, the development fronts on to Spital Avenue, which forms a generous east-west green corridor extending from Spital Road (east) to Valley Park (west). To the east, Wycke Green provides a new gateway into*

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*the site. The southern edge fronts on to open landscape, existing woodland, and sensitive historic farmsteads.*



- 5.12.8 The submitted Parameter Plans do not explicitly state where features such as LEAP, LAP and areas for informal recreation such as a community garden/vineyard will be sited and note them as indicative. However, based on the above, and the illustrative masterplan, there is sufficient open space within the site to provide suitable provision for Public Open Space.
- 5.12.9 The Blue Infrastructure includes attenuation basins which would be integrated into the green infrastructure above. Full details of the blue infrastructure would be required at reserved matters stage.
- 5.12.10 The application is submitted in outline, but the Parameter Plans illustrate the layout of the scheme, including the provision of public open space. In all, a substantial level of open space is provided, in part due to the need to mitigate the visual impacts of the development. The provision of open space in this instance is considered to be an extensive offering and accords in the LDP and MDDG.

5.12.11 Green Infrastructure Environment and Climate Action were consulted on the application and support the requirement of a CEMP, LEMP and Habitat Management and Monitoring Plan to be secured by conditions as discussed in the ecology section above. They have also noted that:

*'A GI Parameter Plan is included with the planning application which is positive, and the Design and Access Statement sets out the design evolution of the site. The scheme retains all landscape features including landmark oak trees, hedgerows and woodland tree belts around the site. Strong buffers to peripheral parts of the site are planned which will enhance the green infrastructure and connections to the wider network. It is intended to provide active travel routes that will connect from the north and the south of the site residential areas to join existing routes into the town centre. The Biodiversity Gain Statement projects a 10.47% gain for habitat units, a 33.19% gain for hedgerow units and no gain for watercourse units. No offsite proposals are judged necessary.'*

]

5.12.12 On this basis Green Infrastructure raise no objection to the proposal, subject to the conditions set out above and an additional condition requiring a Green Infrastructure Strategy/Landscape Strategy.

5.12.13 The consultee has also set out other considerations which are:

- Play and Natural Play: Play strategies should be informed by the character and function of green spaces, with imaginative design using landforms, level changes, water, and natural materials (e.g., logs, boulders). Natural play opportunities are encouraged alongside formal play provision.
- Sustainable Design Features: Consideration should be given to wildlife bricks, dual-purpose street furniture (such as benches with planters), and integrating these features into the landscape to enhance biodiversity and connectivity.
- Urban Greening Factor (UGF): The Urban Greening Factor is strongly recommended as best practice to improve GI provision and contribute to Biodiversity Net Gain.
- Long-term Management and Funding: Arrangements for the long-term management and funding of GI assets and green spaces, including management company arrangements, should be secured.
- Partnership Opportunities: Opportunities for collaboration, such as with the Essex Forest Initiative for tree planting, should be explored.

5.12.14 The above can be addressed through the reserved matters or secured as part of the Green Infrastructure Strategy.

### 5.13 Other Material Considerations

#### Archaeology

5.13.1 An archaeological desk-based assessment and geophysical survey, aerial photographic survey, lidar survey and geoarchaeological survey have been submitted as part of the application, which identifies that there are surviving archaeological features on site. The Historic Environment Officer at ECC notes that these appear to be medieval or post-medieval features related to agricultural landscape associated with the medieval moated complex at Maldon Hall. However, there are a number of other features identified that remain undated. The desk-based assessment has also identified the proximity of the site to the known archaeological features of prehistoric, Roman and Saxon date on the top of Maldon hill and on its slopes. Accordingly, the County archaeologist has advised that any development on

site should be preceded by a programme of archaeological investigation. This is included as a condition in the recommendation below.

### Trees

5.13.2 The application has been supported by an Arboricultural Implications Report by SJA Trees (Ref: SJA air 25194-01a, June 2025). The site contains a number of individual trees within the site and groups of trees. The development will require the removal of six moderate value and 11 low value trees to facilitate the development. Part of several trees groups and hedges also require removal. The majority of the losses will be as a result of the need to facilitate the access to the site. However, as acknowledge by the Council's Arboricultural Consultant this significant Arboricultural impact will have a short term impact and will be mitigated by the establishment of new tree planting, particularly to the north of the proposed access. This is supported by the Planning Statement which suggests that approximately 350 new trees will be planted across the site.

5.13.3 There is a veteran English Oak tree located on the eastern boundary of the site, which the Local Planning Authority has identified as a 'Legacy Tree'. Paragraph 193 of the NPPF states that:

*'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>70</sup> and a suitable compensation strategy exists;'*

5.13.4 Further to the above, current guidance states that ancient or veteran trees should be protected from root damage via a buffer zone that is at least 15 times larger than the diameter of the trunk, or 5m from the trees canopy if it is larger.

5.13.5 The Arboricultural report specifies that veteran tree will be retained and no development will occur within the buffer zone.

5.13.6 On the basis of the above, subject to conditions requiring landscaping details at Reserved Matters as well as the protection and retention details of the trees to be retained no objection is raised on Arboricultural grounds.

### Contamination

5.13.7 The application is supported by a Phase 1 Environmental Desk and Study and a Phase II Intrusive Site Investigation which concludes the site as at low risk of contamination. Environmental Health has advised that the methodologies are suitable and that they are satisfied with the conclusions drawn. On this basis no conditions regarding land contamination or necessary.

### NHS Property Services and Health Impact Assessment (HIA)

5.13.8 Policy I2 (Health and Wellbeing) of the LDP aims to improve the district's health and wellbeing through four objectives:

'1) *Addressing health issues identified in the Maldon HNA and other plans and initiatives produced by Essex Public Health, NHS England, the Mid Essex Clinical Commissioning Group, Essex Health & Wellbeing Board or any associated or successor bodies, to deliver modern healthcare which meets the needs of the District;*

- 2) *Maximising accessibility to services, particularly for vulnerable groups, through better service integration and locating new services where access can be improved;*
- 3) *Promoting suitable types of residential developments which cater for the ageing population and support healthy and independent lives; and*
- 4) *Ensuring increased access to the District's green spaces and opportunities for higher levels of physical activities.'*

5.13.9 The Policy also requires developments of 50 or more residential properties to undertake a HIA. Therefore, the application has been supported by a HIA dated June 2025 by Savills.

5.13.10 The HIA concludes that the proposed development will facilitate the creation of a healthy, vibrant, and cohesive community. The scheme encourages active transport and recreation through the provision of walking and cycling infrastructure, public transport links, and a variety of open spaces and play areas. There is sufficient capacity within local healthcare facilities to accommodate new residents, and no material adverse impact on health service demand is anticipated. No significant adverse health or wellbeing impacts have been identified. The assessment recommends that further detail be provided at the detailed design stage regarding inclusivity, dementia-friendly design, secured by design principles, management of open spaces, and public realm features such as lighting and signage.

5.13.11 However, the NHS have been consulted on the HIA and does not agree with its conclusion that there is sufficient capacity within local GP practices to accommodate the additional population. The Integrated Care System (ICS) highlights that both Blackwater Medical Centre and Longfield Medical Centre already operate with a significant floorspace deficit and patient-to-GP ratios well above the recommended standard.

5.13.12 The consultation response considers that the proposed development will generate approximately 660 new residents, further increasing demand on already constrained primary healthcare services. To mitigate this impact, the NHS requests that a developer contribution of £192,600 be secured through a S106 agreement to fund additional healthcare capacity. Without such mitigation, the ICS considers the development would impose an unsustainable burden on local healthcare services.

5.13.13 The Developer has been consulted on the above and has agreed to meet the contribution through the S106.

#### Foul Drainage

5.13.14 Anglian Water have indicated that there is capacity to accept flows from the development. Therefore, whilst consideration has been given to the concerns raised within letters objecting to the development, it would appear that the development would not cause any adverse impacts in terms of foul water. It is also noted that Anglian Water have not requested any conditions. Therefore, as there is capacity within the system, no conditions are proposed. However, the suggested informatics would be included on a decision notice which sought to approve this application.

#### Designing out Crime

5.13.15 Essex Police have recommended a planning condition requiring a Crime Prevention Strategy, Crime prevention is a material planning consideration under the NPPF,

which seeks to create safe and accessible environments where crime and disorder do not undermine quality of life (para 96). Given the significant scale of the proposed development (275 dwellings, cemetery and nursery land) and the ongoing growth in the area, it is essential to ensure that the layout and design minimise opportunities for crime and anti-social behaviour. Engagement with the Essex Police Designing Out Crime Team and incorporation of Secured by Design principles will help deliver a safe and sustainable community, consistent with national and local planning policy objectives.

## 5.14 Planning Balance and Conclusion

5.14.1 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for economic, social and environmental objectives as set out in the NPPF.

5.14.2 As such, the Council cannot currently demonstrate a 5YHLS (2.7), this means that Paragraph 11d of the NPPF as revised, otherwise known as the 'Tilted Balance', is engaged. Attention is drawn to the second bullet point of the paragraph, which states: *"any adverse impacts of doing so (approving the development) would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."*

5.14.3 In regard to the above and in judging whether the scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers, against the harm which would arise from the proposed development.

5.14.4 The main impacts of the proposal which are benefits are:

- Providing new housing for the District. This is given very substantial weight considering the volume delivered as part of the application and the current 5YHLS position. The housing need is increasing, and the Council can only demonstrate a 2.7 year supply which emphasises the weight that should be given to delivery of housing in the planning balance, notably in the context of NPPF para 11(d)(ii) requiring particular regard on provision of affordable homes. It is also noted that the NPPF now includes a new reference to mixed tenure sites (para. 71) which explicitly recognises the benefits of mixed tenure sites (which include a mixture of ownership and rental tenures, stating "mixed tenure sites can provide a range of benefits, including creating diverse communities and supporting timely build out rates, and local planning authorities should support their development through their policies and decisions...". The mix of tenures would be secured via a legal agreement. The delivery of affordable housing (110 units) is given substantial weight;
- The development would provide high quality public open space, amenity areas for existing and future residents and is given substantial weight as a result of its health, social and environmental benefits associated with the open spaces. There would also be a proposed BNG (10.47% fo habitat units and a 33.19% gain for hedgerows)The NPPF para 96(c) now also refers to "promoting good health and preventing ill-health" (this is a new reference in the NPPF) in relation to the role of planning policies and decisions in achieving healthy, inclusive and safe places, giving examples (both in the previous and current NPPF) of doing so via safe and accessible green infrastructure, local shops, allotments, and layouts that encourage walking and cycling.

- The provision of land for the cemetery expansion is given significant weight as a result of the community benefit it brings and the pressing need for burial plots in the District.
- The proposed delivery of an EYFS setting would bring a diverse offering to the area and would provide places for 0-2 year olds and places outside of term time. The NPPF specifies this should be given great weight in the planning balance.
- Economic benefits during the construction phase and ongoing economic benefits. The economic benefits from the construction phase would be temporary and the additional employment opportunities within the site would be limited to the proposed nursery provision. However, the additional dwellings would support the viability of the existing business within the town. This is given moderate weight.
- Matters in relation to landscape and ecological enhancements are given moderate weight, and the development would deliver on-site BNG, which would be secured for 30 years; and
- In addition, the development would be acceptable in terms of flood risk and drainage and would ameliorate onsite issues, subject to final details at reserved matters stage and via condition. This is given limited weight.
- Development contributions (in addition to the ones discussed above) are given significant weight. The NPPF which states that “significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development”. The scheme includes upgrades to the existing bus network, improvements to Active Travel routes through the provision of new shared footways/cycleways along with a signage strategy to encourage active travel.

#### 5.14.5 The main impacts of the development that are harmful are:

- There would be harm to the character and appearance of the area and existing landscape, which would not be reversible. This carries significant weight as the harm is fairly localised but cannot be fully mitigated against.
- Heritage – There would be less than substantial harm to Headlands Barn a Grade II listed building, and limited harm to the significance of the cemetery as a non-designated heritage asset. The decision maker must carry out the appropriate planning balance, weighing the less-than-substantial harm that has been identified to the significance of the grade II listed Headlands Barn (which, in accordance with paragraph 212 of the NPPF, carries ‘great weight’) against the public benefits associated with the proposal. The decision should also ‘take into account’ the limited degree of harm posed to significance of Maldon Cemetery as a non-designated heritage asset of moderate local architectural and historic interest.

The considerable public benefits associated with the provision of up to 275 houses, a nursery and land to extend the cemetery should outweigh the harm identified. Therefore, heritage harm does not form a reason for refusal

- The discordance with the development plan. This is given significant weight given the location of the site outside of the settlement boundary;
- Other matters of amenity, different types of pollution and highways are given very limited weight in this instance, given that the technical assessments have satisfied the relevant policies and legislation and/or can be addressed by way of conditions. Impacts resulting from overlooking and loss of privacy can be addressed at reserved matters stage.

5.14.6 Considering the application of paragraph 11 d) of the NPPF, for the reasons indicated earlier, heritage assets and habitat sites do not provide a strong reason for refusing the proposed development as per paragraph 11 d) i. This means that it is necessary to consider whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies in the NPPF for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

5.14.7 The planning balance is not a mathematical exercise whereby a number of weights of benefits equals an acceptable scheme but instead provides a rounded view of the proposals overall. It is important to recognise the benefits of the scheme but also the harms identified with this proposal, which are of importance to decision making.

5.14.8 The proposal would result in significant adverse impacts to the character of the host landscape and harmful visual effects from various perspectives which would very substantially harm the character and appearance of the area. The NPPF seeks to ensure that development is sympathetic to local character and history, including the surrounding built environment and landscape setting and contributes to and enhances the natural and local environment by recognising the intrinsic character and beauty of the countryside. The adverse impacts of the development attract significant weight. However, other material considerations, namely the substantial benefits of the scheme, comprising the provision of market and affordable housing, the various economic environmental and social benefits, and the reasonable accessibility to shops and services, all taken together, clearly outweigh any harms arising.

## 6. ANY RELEVANT SITE HISTORY

- **14/00236/SCR** - Request for a Screening Opinion to determine the requirement for an Environmental Impact Assessment (EIA) for mixed use development inc. healthcare facilities, A1 retail, care home, offices and residential. **EIA required.**
- **SOR/MAL/14/00236** - Request for Scoping Opinion under Regulation 13 of the Town and County Planning (Environmental Impact Assessment) for mixed use development at land at Spital.
- **14/01106/OUT** - Outline planning application for mixed use development comprising residential development of up to 340 dwellings, community health facilities, care home, Class A1 retail, community land, public open space, landscaping, highway works and associated works at Maldon Hall Farm – **Application refused and appeal withdrawn**
- **16/00881/SCR** - Request for a Screening Opinion to determine the requirement for an Environmental Impact (EIA). **EIA not required.**
- **23/00180/SCR** - EIA Screening opinion request for up to 350 residential dwellings with supporting amenity space, landscaping, green infrastructure, and sustainable drainage systems and means of access. The proposals may also include an extension to Maldon Cemetery and ground mounted photovoltaics – **EIA not required.**
- **25/00595/SCR** - EIA Screening opinion request for 25/00578/OUTM (Outline application with all matters reserved, except for access, for the erection of up to 275 residential units including affordable housing, land for a children's nursery (Class E), 1.8ha of land for an extension to Maldon Cemetery,

drainage works, landscaping, vehicular access to the A414, pedestrian/cycle access to Spital Avenue and London Road, and associated infrastructure works). **EIA not required.**

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils (*summarised*)

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	<p>15.07.2025 &amp; 21.10.2025</p> <p>Object:</p> <ul style="list-style-type: none"> <li>Traffic and transport concerns, including the proposed roundabout slowing traffic on the A414.</li> <li>Overdevelopment of the site. Proximity to the Cemetery.</li> <li>Sensitive rural location outside of the defined settlement boundary.</li> <li>Adverse effects on existing infrastructure capacity.</li> <li>Inadequate vehicular, pedestrian/cycle and emergency access from and to the site.</li> <li>Loss of prime agricultural land. Detimental effect on local wildlife habitat as identified in the Ecological Report.</li> <li>Contrary to policies D1, D3, H4, N2, S1, S2, S3, S8, T1 and T2 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.</li> </ul>	<p>Addressed at section 5.1</p> <p>Addressed at sections 5.5 &amp; 5.7</p> <p>Addressed at sections 5.1, 5.2, 5.9 and 5.13</p> <p>Addressed at section 5.1</p> <p>Addressed throughout the report</p>
Chelmsford City Council (CCC)	No objection – CCC welcomes the comments made by Active Travel England in relation to accessibility. Such measures may help to reduce/mitigate any increases in traffic on the A414 to the east of CCC's administrative area.	Noted.
Woodham Mortimer and Hazleigh Parish Council	<ul style="list-style-type: none"> <li>Significant number of dwellings already built or approved in the Wycke Hill South Maldon Garden Suburb area.</li> <li>No proposed medical facilities, schools, or enhanced public transport to support continued growth.</li> <li>Existing road network likely to become gridlocked; lack of Maldon</li> </ul>	Noted addressed at the relevant sections of the report.

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Name of Parish / Town Council	Comment	Officer Response
	<p>bypass exacerbates congestion risks.</p> <ul style="list-style-type: none"> <li>Increased traffic and heavier electric vehicles may strain roads and bridges.</li> <li>Accidents or maintenance on the A12 already cause rat-runs through Maldon; further development will worsen this issue.</li> </ul>	
Heybridge Parish Council	No response received	Noted
Langford and Ulting Parish Council	<p>Object</p> <ul style="list-style-type: none"> <li>Outside the settlement boundary and encroachment into the countryside</li> <li>Loss of agricultural land</li> <li>Impacts on ecology including loss of habitat and disruption to wildlife corridors. It's not been demonstrated how biodiversity gain will be achieved.</li> <li>Poor connectivity to Maldon with the A414 representing a physical barrier.</li> <li>Increase in traffic volumes causing road safety and air quality concerns.</li> <li>Lack of infrastructure and services.</li> <li>Cumulative impact of large-scale developments currently under construction.</li> <li>Premature, unsustainable development.</li> </ul>	Noted addressed at the relevant sections of the report. In terms of the cumulative impacts of development, each application must be assessed on its own merits. However, depending on the stage of existing proposals, these matters are factored into traffic modelling and education / NHS places.
Mundon Parish Council	No response received	Noted
Purleigh Parish Council	No response received	Noted
Woodham Walter Parish Council	<p>Object:</p> <ul style="list-style-type: none"> <li>Lack of education facilities</li> <li>Lack of health facilities</li> <li>Lack of infrastructure</li> <li>Increased traffic could put pressure on village roads.</li> <li>The bypass will be subsumed into developments.</li> <li>Contrary to policies S1, S2, S8, D1 &amp; H4</li> </ul>	Noted addressed at the relevant sections of the report.

7.2 **Statutory Consultees and Other Organisations (summarised)**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Active Travel England (ATE)	<p><b>25.07.2025 – Deferral:</b></p> <p>The Transport Assessment should include daily walking and cycling trip data, not just peak-hour figures, and that travel plan targets based on 2011 Census data should be supported by more up-to-date sources such as the National Travel Survey. The proposed 33% active travel target is positive but should not be reduced in future reviews and must align with a vision-led approach under the NPPF.</p> <p>The Pedestrian and Cycle Audit is welcomed but lacks sufficient analysis against standards including LTN 1/20, Inclusive Mobility (2022), and the National Design Guide. Routes must be reviewed for safety, directness, and accessibility, with reference to the Maldon LCWIP and Local Plan Policy S1.11.</p> <p>Accessibility is limited, with only a primary school within the 800 m “walkable neighbourhood” threshold and the A414 creating a major barrier to movement. The nearest bus stop is 700 m from the site, exceeding the recommended 400 m distance, and walking routes to public transport require improvement.</p> <p>ATE generally supports the proposed off-site active travel improvements, including Toucan crossings on London Road and the A414, but requests clarification and design enhancements—such as widening footways, improving lighting, addressing surfacing, and ensuring full LTN 1/20 compliance.</p> <p>Improvements are also required along Wycke Hill and at site access points to prioritise pedestrian and cycle safety and discourage use of the A414.</p> <p>The site layout supports active travel connectivity, but further attention should</p>	Addressed at section 5.9

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Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>be given to linkages with nearby developments, lighting, surveillance, and ensuring paths and play areas are not isolated. Paths, including the link to London Road, should be surfaced for all-weather use.</p> <p>ATE also requests detailed cycle parking proposals that meet both local and national standards, ensuring secure, accessible, and convenient storage for residents and staff.</p> <p>In conclusion, ATE asks the local planning authority to share these comments with the applicant's agent and to seek amendments and additional information before conditions or final wording can be agreed.</p> <p>29.10.2025 – Conditional approval: ATE reviewed the revised submission and Transport Assessment Addendum (Sept 2025). Previous concerns on trip generation, route audits, infrastructure, permeability, and cycle parking have largely been addressed. Key points:</p> <ul style="list-style-type: none"> <li>• Trip Generation &amp; Travel Plan: Daily trip data added; Travel Plan to be refined via condition.</li> <li>• Route Audit &amp; Accessibility: Structured RAG-rated audit provided; A414 severance mitigated; links to LCWIP confirmed.</li> <li>• Infrastructure &amp; Connectivity: Toucan crossings, shared-use paths, and wayfinding improvements accepted; some design preferences outstanding.</li> <li>• Permeability &amp; Placemaking: Internal footpath network and LEAP location confirmed; detailed design at reserved matters stage.</li> <li>• Cycle Parking: Compliance with LTN 1/20 assured at reserved matters stage.</li> </ul> <p><u>Overall:</u> ATE recommends conditional approval, with draft planning conditions covering Travel Plan, walking/cycling</p>	

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Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	infrastructure, access points, lighting, and cycle parking.	
Local Highway Authority	<p><u>Access and Connectivity:</u></p> <ul style="list-style-type: none"> <li>Development includes a new roundabout junction on the A414 (north of Spital Road) which meets highway standards and has been safety audited. Walking and cycling access will be provided via new signalised crossings and improved footway/cycleway links to London Road and the A414, plus additional crossings near Spital Road and Maldon Hall Farm. A new northbound bus stop with enhanced facilities is proposed.</li> </ul> <p><u>Transport Assessment:</u></p> <p>Original assessment supplemented by an Addendum with improved capacity modelling. Despite minor data errors, the Highway Authority is satisfied there will be no severe impact on highway safety or efficiency under NPPF criteria.</p> <p><u>Conditions and Requirements:</u></p> <ul style="list-style-type: none"> <li>Construction Management Plan to control access, routing, parking, loading, and wheel washing during works.</li> <li>Delivery of roundabout access and all footway/cycleway links as shown in approved drawings.</li> <li>Provision of three new signalised crossings and associated safety measures.</li> <li>Bus stop improvements and new facilities on A414.</li> <li>Contribution of £850,000 (index linked) towards public transport enhancements.</li> <li>Potential Traffic Regulation Order to extend 40mph speed limit north of site access.</li> <li>Residential Travel Plan with annual monitoring fee and Travel Information Packs for all dwellings.</li> </ul> <p>Overall: Highway Authority considers the</p>	Addressed at section 5.9

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Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	proposal acceptable subject to the above conditions, ensuring safe access and promoting sustainable transport.	
Archaeology	<p>An archaeological desk-based assessment, accompanied by a geophysical survey, aerial photographic survey, lidar survey and geoarchaeological survey has been submitted. This has identified that there are surviving archaeological features on site. The majority of these appear to be medieval or post-medieval features related to the agricultural landscape associated with the medieval moated complex at Maldon Hall. There are however a number of other features identified by the geophysical surveys and the aerial photographic surveys that as yet remain undated. In addition, the desk-based assessment has identified the proximity of the site to the known archaeological features of prehistoric, Roman and Saxon date on the top of Maldon hill and on its slopes.</p> <p>Archaeological deposits are both fragile and irreplaceable. It is recommended that if this proposal is approved that a full archaeological condition is attached to the planning consent. This is in line with advice given the National Planning Policy Framework.</p>	Addressed at section 5.13
Essex Police & Designing out Crime	<p><u>Strategic Planning Team:</u> Provided Essex Police considerations to development and infrastructure change.</p> <p>Essex Police designing out crime emphasise that the development should incorporate safe, inclusive open spaces, secure dwellings and cycle storage, and safe road layouts following a “Safe System Approach” to ensure emergency access.</p> <p>Landscaping, public areas, lighting, parking, and EV charging points should be designed to minimise crime opportunities and maintain clear sightlines, with discussions on management and maintenance.</p> <p>They recommend adopting Secured by</p>	The condition has been included and addressed at section 5.13

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Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>Design Homes standards to maximise crime prevention, in line with the NPPF and Essex Design Guide.</p> <p>28.10.2025</p> <p>The Essex Police Designing Out Crime Team would request that crime is considered a material consideration and repeat the recommendations made in our earlier planning comment response (submitted 17th July 2025) and upon further consideration, given the significant and ongoing growth in the area, would request a Planning Condition stipulating engagement with the Essex Police Design Out Crime team, together with the aim of achieving the applicable Secured By Design (SBD) for this development..</p>	
Essex Police – Strategic Change	<p>Essex Police has provided a document outlining policing priorities and initial considerations for development and infrastructure proposals as part of their strategic planning role.</p> <p>Crime prevention and Secured by Design comments will be submitted separately by the Designing Out Crime Officer (DOCO).</p> <p>Essex Police welcomes ongoing engagement to ensure policing perspectives are incorporated, including operational impacts, road traffic management, crime prevention, and infrastructure strategies.</p>	Noted
Anglian Water Services	<p><u>Wastewater Treatment:</u></p> <ul style="list-style-type: none"> <li>Maldon WRC (Water Recycling Centre) can accommodate the flows from the proposed growth.</li> </ul> <p><u>Use Water Network:</u></p> <ul style="list-style-type: none"> <li>The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.</li> </ul> <p><u>Surface Water Disposal:</u></p>	Addressed at section 5.13

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Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	The proposed method of surface water management does not relate to Anglian Water operated assets.	
Cadent Gas Network	Suggested informative to ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.	Noted
Climate and Planning Unit	No response received	Noted
Campaign to Protect Rural England	No response received	Noted
UK Power Network	No response received	Noted
Essex Bridleways	In line with paragraph 105 of the NPPF considering should be given to enhancing the public footpath to a multi user pathway to enable cyclist, rides and pedestrians to use the equitably.	This has not been included as a requirement as the statutory consultees have not raised it and given the scale of the proposal.
Essex Housing Growth Officer	No response received	Noted
Education	<p>As no mix has been advised, assumed the mix will be houses of 2 or more bedrooms. This would generate a need for 24.7 Early Years places, 82.5 Primary School places and 55 Secondary School Places.</p> <p><u>Early Years:</u> 9 unfulfilled places were recorded in the area, but there is still insufficient provision to meet this additional demand. Contribution is therefore, required.</p> <p>A contribution of £506,138 index linked to Q1 2025 is sought equating to £20,450 per place.</p> <p><u>Primary:</u> Even when considering the full operating capacity of the new school at Limebrook Way, it is not anticipated that there will be sufficient unfilled places to accommodate 275 new homes.</p> <p>A contribution of £1,687,125 index linked to Q1 2025, is sought equating to £20,450 per place.</p>	Addressed at section 5.1

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Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p><b><u>Secondary Education:</u></b>  Forecasts set out in the Ten-Year Plan demonstrate a sustained need for more capacity in the area. 60 places will be added to Plume school.</p> <p>The demand generated would require the creation of 55 new places. A contribution of £1,546,985 index linked to Q1 2025, is sought equating to £28,127 per place.</p> <p><b><u>Post 16 education:</u></b>  A contribution is not currently required. An Employment Skills Plan (ESP) should be prepared to set out how the developer will engage with and maximise local labour and skills opportunities.</p> <p><b><u>School Transport:</u></b>  All Saints Maldon CE (VC) Primary School and Plume School are walkable if infrastructure is put in place to link up with the existing footpath opposite Maldon Cemetery on London Road. No contribution is required.</p> <p><b><u>Libraries:</u></b>  A developer contribution of £21,395 (£77.80 per unit) is considered necessary to improve, enhance and extend the facilities and services provided to expand the reach of the mobile library and outreach services.</p> <p><b><u>Monitoring Fees:</u></b>  £700 per obligation (financial or otherwise)</p> <p><b><u>Employment and Skills:</u></b>  Developers should provide an Employment Skills Plan.</p> <p>The contributions have been considered in connection with the CIL (Community Infrastructure Levy) Regulations 2010 (as amended) and are CIL compliant.</p>	
Lead Local Flood Authority (SuDS)	<p><b>22.07.2025:</b>  Holding objection requiring the following:</p>	Addressed at section 5.13

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Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<ul style="list-style-type: none"> <li>• Please clarify that the long-term storage basins will be online.</li> <li>• Please clarify which catchments will discharge to which discharge location.</li> <li>• Please clarify that the existing ponds outside the site boundary which is proposed to receive flows from the site has capacity for all surface water. Please clarify who has ownership of the ponds and how long term security will be provided.</li> </ul> <p>05.09.2025: No objection subject to conditions requiring a surface water drainage scheme and maintenance details, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works.</p> <p>09.10.2025 As there does not appear to be any updated drainage information submitted, our previous formal response dated 5th September 2025 still stands.</p>	
Essex County Fire and Rescue	<p>09.10.2025</p> <p><u>Fire Service Access:</u> Access requirements under Essex Act 1987 (Section 13) noted. Insufficient detail at this stage to confirm compliance; further review required when individual plot layouts are available. Compliance with ADB B5 Section 15 expected. Key appliance requirements: minimum turning circle 17.8m and carrying capacity 18 tonnes.</p> <p><u>Building Regulations:</u> Responsibility lies with the applicant to comply. Consultation with Fire Authority will occur via Local Authority Building Control or Approved Inspectors under relevant regulations.</p> <p><u>Water Supplies:</u> Additional firefighting water supplies may</p>	These matters can be shared by way of an informative.

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	<p>be necessary; applicant advised to liaise with ECFRS Water Section.</p> <p><u>Sprinkler Systems:</u> ECFRS strongly recommends considering Automatic Water Suppression Systems (AWSS) even where not mandatory, as they significantly reduce fire risk and property loss and can support design flexibility.</p>	
Historic England	No comments.	Noted
Natural England	<p><b>25.07.2025:</b> Without suitable mitigation, the proposed development would likely:</p> <ul style="list-style-type: none"> <li>• Adversely affect the integrity of the Blackwater Estuary SPA and Ramsar site, and the Essex Estuaries SAC.</li> <li>• Damage or destroy features of interest within the Blackwater Estuary SSSI.</li> </ul> <p>To make the development acceptable, Natural England recommends securing the following mitigation:</p> <ul style="list-style-type: none"> <li>• Payment of the RAMS tariff through a legal agreement (UU (Unilateral Undertaking)/S106), as detailed in the shadow HRA (Habitats Regulations Assessment).</li> <li>• Amended HRA Appropriate Assessment to consider the project alone, with mitigation through: <ul style="list-style-type: none"> <li>• On-site greenspace provision and long-term maintenance, secured via a Landscape and Environmental Management Plan (LEMP) or equivalent.</li> </ul> </li> </ul> <p>They also advise attaching planning conditions or obligations to secure these measures.</p> <p><b>28.10.2025:</b> The advice provided in the previous responses applies equally to the amendment.</p> <p><b>04.11.2025</b> Natural England notes that your</p>	Addressed at section 5.10

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	<p>authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitat Regulations Assessment process.</p> <p>Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.</p> <p>Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.</p>	
Environment Agency (EA)	<p>31.07.2025 – No objection.</p> <p>The Applicant is required to follow the advice set out by the EA in their comments.</p> <p>28.10.2025</p> <p>No further comment on the newly submitted information.</p>	Noted an informative should be included to address this.
Essex and Suffolk Water	<p><u>Network Capacity &amp; Connections:</u> Domestic connections will be provided in line with legal obligations; non-household connections are not guaranteed. Previous enquiry (July 2023) has expired developer must submit a new pre-planning enquiry to confirm capacity and any required upgrades. Further discussion on build profiles and timings requested.</p> <p><u>Construction Water Supply:</u> Developer must demonstrate how water for construction will be sourced, including temporary supply arrangements, ensuring no adverse impact on existing infrastructure.</p>	This information can be shared by way of an informative

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	<p><u>Water Efficiency:</u> Current design meets Building Regulations target (110 l/p/d) but Essex &amp; Suffolk Water encourages adoption of regional standard (85 l/p/d) for sustainability. Early years facilities should achieve BREEAM 'Excellent' for water efficiency.</p> <p><u>Landscaping:</u> Proposed scheme should include drought-resistant planting and efficient irrigation systems to support climate resilience and water conservation.</p>	
Essex Wildlife Trust	No comments received	Noted
Green Infrastructure	<p>24.07.2025: No objection – Supports the production of a Construction Environmental Management Plan (CEMP), a Habitat Management and Monitoring Plan and Landscape Ecological Management Plan (LEMP) and should be included as conditions.</p> <p>The inclusion of a Green Infrastructure Parameter Plan and a Design and Access Statement showing the site's design evolution is welcomed. The proposal retains key landscape features such as oak trees, hedgerows, and woodland belts, with strong peripheral buffers to enhance green infrastructure and connectivity. The scheme also includes active travel routes linking the site's northern and southern residential areas to existing town centre routes. The Biodiversity Gain Statement forecasts a 10.47% net gain in habitat units and a 33.19% gain in hedgerow units no gain for watercourse units. No offsite proposals are judged necessary.</p> <p>28.08.2025 Having reviewed the additional SuDS information from the applicant which relate to ECC LLFA comments, relating to some unknowns, we are assured of control over the GI assets embedded in the SuDS strategy, as all integral elements are under one ownership and</p>	Addressed at section 5.12

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	<p>management.</p> <p>23.10.2025</p> <p>The changes relate to a deviation in red line boundary to suit highway requirements. The additional area encompasses additional trees and hedgerow within the site area. We would encourage retention of this existing vegetation as good green infrastructure and providing connectivity within the revised GI Parameter Plan.</p>	
The Maldon Society	<p>24.07.2025:</p> <p>A public consultation on the proposal generated over twenty written submissions and a similar number of oral comments, with the majority strongly opposing the development and a small number in favour or seeking mitigation of its impacts.</p> <p>Respondents' objections are summarised under twelve main points:</p> <p><u>Transport/cars:</u> Maldon's roads are congested; more houses would worsen traffic, noise, and air quality. Suggestions that the traffic data is inaccurate.</p> <p><u>Access:</u> Distances to the town centre are greater than claimed, making walking and cycling unlikely, increasing road pressure.</p>	Addressed at section 5.9
	<p><u>Other infrastructure:</u> Existing GPs, schools, and health facilities are inadequate; the development would exacerbate strain.</p>	Addressed at section 5.1 and 5.13
	<p><u>Design:</u> Concerns over housing quality, density, height, and affordable housing provision, though overall density is relatively low.</p>	<p>Addressed at section 5.4</p> <p>Amenity and layout will be considered at the Reserved Matters stage.</p>
	<p><u>Nursery:</u> Proposed land for a nursery is viewed sceptically; some suggest other uses (e.g., health facilities) would be more beneficial.</p>	Addressed at section 5.1

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	<p><u>Farmland</u>: Some respondents want the land preserved for agriculture.</p> <p><u>Environment &amp; Landscape Harm</u>: Development would harm the local environment and landscape, though a small number note potential biodiversity gains.</p> <p><u>Settlement boundaries</u>: The site lies outside the town boundary, risking loss of Maldon's character.</p> <p><u>Population Growth</u>: Some fear overpopulation or homes being bought to house outsiders; a few argued in support for younger residents to support local services.</p> <p><u>Actual housing need</u>: Questions over the genuine need for new homes, given slow progress on nearby sites.</p> <p><u>Cemetery</u>: Proximity to the new development could disturb existing graves and the cemetery's character; the proposed extension is viewed sceptically.</p> <p><u>Other concerns</u>: Existing permissions nearby should be prioritised; fears over developer motives, inadequate community engagement, and the imbalance between developer resources and local input.</p> <p>Overall, the consultation strongly objects to the proposal.</p>	<p>Addressed at section 5.1</p> <p>Addressed at sections 5.5 and 5.6</p> <p>The demographic of people choosing to buy homes in the district is not a material planning consideration. It has been demonstrated that the development could provide the necessary mitigation and financial contributions to secure the necessary infrastructure to secure the growth.</p> <p>Addressed at section 5.1</p> <p>Addressed at section 5.3</p> <p>Addressed at section 5.7</p> <p>Noted addressed at the relevant sections of the report. In terms of the cumulative impacts of development, each application must be assessed on its own merits. However, depending on the</p>

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Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>23.10.2025</p> <p>Accordingly, all of the remarks from our July '25 submission remain extant, and the Maldon Society remains strongly against this proposal.</p>	<p>stage of existing proposals, these matters are factored into traffic modelling and education / NHS places.</p> <p>Noted</p>
NHS	<p><b>Capacity Issues:</b></p> <ul style="list-style-type: none"> <li>Existing GP practices within 2km of the site (Blackwater Medical Centre and Longfield Medical Centre) are already operating above recognised capacity standards, with a combined GP/patient ratio of 1:2,805 and a floorspace deficit of 937m<sup>2</sup>.</li> </ul> <p><b>Impact of Development</b></p> <ul style="list-style-type: none"> <li>The proposed 275 dwellings would generate approximately 660 new residents, further increasing demand on already constrained primary healthcare services.</li> </ul> <p><b>Healthcare Needs &amp; Mitigation</b></p> <ul style="list-style-type: none"> <li>Additional floorspace required to support this growth is calculated at 45.2m<sup>2</sup>, with an estimated capital cost of £192,600. ICS requests this sum be secured via a Section 106 planning obligation to fund extensions, reconfiguration or relocation of premises to increase capacity.</li> </ul> <p><b>Conclusion:</b></p> <p>Without mitigation, the development would impose an unsustainable burden on local healthcare provision. The requested contribution is considered consistent with NPPF policy tests for planning obligations.</p>	<p>Addressed at section 5.13</p>
Ramblers Association	<p>No objection:</p> <ul style="list-style-type: none"> <li>Regard should be had to the 2015 refused application.</li> <li>Footpaths should remain safe during</li> </ul>	<p>The 2015 permission has been considered and was of a larger scale, with more uses</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>and after construction, kept separate from construction and future traffic, meet accessibility standards, and include safe road crossings.</p> <ul style="list-style-type: none"> <li>• Connectivity between existing paths and “through routes” must be maintained, avoiding significant increases in walking distances.</li> <li>• Landscaping and tree screens should preserve the enjoyment of the paths, supporting the Council’s tourism strategy and anticipated increase in walkers, so views of the new development do not detract from the walking experience.</li> </ul>	<p>proposed. It is not directly comparable and was more harmful than this proposal.</p> <p>An informative can be included in relation to the footpath as the Public Right of Way network is protected by the Highways Act 1980, as noted in the Local Highway Authorities response.</p> <p>Landscaping will be agreed as part of the Reserved Matters stage.</p>
Royal Society for the Protection of Birds (RSPB)	No response received	Noted
Sport England	No detailed comments have been provided but signposts to general planning guidance.	Noted

### 7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Ecology (Place Services)	<p>10.09.2025: <u>Holding objection:</u> There is not sufficient ecological information available for determination of this application and it is recommended that further details on On-site visitor management measures to avoid recreational disturbance impacts upon coastal Habitats sites are required, as well as Priority species (Skylark).</p> <p>In addition, there is insufficient information with regard to mandatory biodiversity net gains.</p> <p>22.10.2025 The Ecological Impact Assessment (BSG Ecology, June 2025) and Shadow Habitats Regulations Assessment (June 2025) have been reviewed, along with biodiversity net gain information. Sufficient ecological data is available to</p>	Addressed at section 5.10

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Name of Internal Consultee	Comment	Officer Response
	<p>support determination, and impacts can be mitigated to make the development acceptable.</p> <p><b><u>Mitigation Measures:</u></b> Measures for badgers, bats, breeding birds and great crested newts must be secured through a Construction Environmental Management Plan (CEMP). External lighting should follow Guidance Note 8 (ILP, 2023) to minimise impacts on bats.</p> <p><b><u>Farmland Birds:</u></b> A mitigation strategy for Skylark should be included within a farmland bird compensation plan and secured by condition.</p> <p><b><u>Biodiversity Net Gain (BNG):</u></b> Submitted baseline and assessment are supported. A Biodiversity Gain Plan must be provided prior to commencement, including metric calculations, habitat plans, legal agreements and monitoring. For phased development, an overall and phase-specific BNG plan will be required. Significant on-site enhancements should be managed and monitored for up to 30 years via planning obligation or condition.</p> <p><b><u>Enhancements:</u></b> Additional biodiversity enhancements recommended, including integral bat and bird boxes (for priority species), bee bricks and hedgehog-friendly fencing. These should be secured through a Biodiversity Enhancement Strategy.</p> <p><b><u>Habitats Regulations &amp; RAMS:</u></b> The site lies within the Zone of Influence for designated coastal sites. On-site mitigation measures (informal open space, circular walking routes) are considered adequate to avoid adverse effects, subject to agreement of further measures. A financial contribution (£169.45 per dwelling) towards Essex Coast RAMS visitor management must be secured by planning obligation.</p> <p><b><u>Conclusion:</u></b> Impacts can be minimised and the proposal made acceptable subject to conditions securing mitigation,</p>	

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Name of Internal Consultee	Comment	Officer Response
	<p>biodiversity net gain, enhancement measures, and compliance with Habitats Regulations.</p>	
Housing Department	<p><b>21.07.2025:</b>  The Applicant proposes 70% Affordable Rent / 30% Intermediate Affordable, based on Affordable Housing &amp; Viability SPD (2019). However, the Local Housing Needs Assessment (LHNA) 2021 provides more up-to-date evidence and identifies preferred mix as:</p> <ul style="list-style-type: none"> <li>• 75% Affordable/Social Rent</li> <li>• 25% Intermediate Affordable</li> </ul> <p>The LHNA 2021 carries more weight than SPD 2019. Therefore, Housing will support conditional on applicant confirming 75%/25% tenure split, which better meets local housing needs.</p> <p>Strategic Housing welcomes further discussions on the location, size, and tenure of affordable units as the application progresses.</p> <p>15.10.2025</p> <p>Following the implementation of the Local Housing Needs Assessment 2025, Strategic Housing Services would like to provide the following update:</p> <p>The Local Housing Needs Assessment 2025 (LHNA 2025) states an Affordable Tenure split of 70% Affordable Rented and 30% Intermediate Affordable which the Applicant have advised they will provide, (Affordable Housing Statement – P1 – 1.5). The LHNA 2025 also states the need to consider in the 70% rented and higher proportion of Social Rented properties.</p> <p>If this proposal is granted Planning Approval, Strategic Housing Services would welcome further discussion with the Applicant with regards to the mix, tenure and sizes of the affordable properties as per Policy H1 of the Local Development Plan/LHNA 2025</p>	Addressed at section 5.4
Urban Design	<p>30.07.2025:</p> <p>Links to local facilities and services within the site and the wider green infrastructure network must be designed</p>	Addressed at section 5.5, 5.6 and 5.9

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Name of Internal Consultee	Comment	Officer Response
	<p>in and planned for via Active Travel modes and sustainable modes of public transport.</p> <p>The applicant should be aware of using 2021 census data relating to transport and travel and recent traffic counting/baseline data/public consultation within a hierarchy of strategies, plans and tools:</p> <ul style="list-style-type: none"> <li>• ECC's emerging Local Transport Plan 4 (LTP4) (Part 1 publicly consulted upon Summer 2024) taking account of regional and national transport policy (Transport East Strategy, Road to Zero, Gear Change, Bus Back Better etc). Part 2 LTP4 expected Summer 2025.</li> <li>• Maldon District Future Transport Strategy, ECC, February 2025 (MDFTS) as local transport strategy that sits below LTP4.</li> <li>• Maldon and Heybridge Local Cycling and Walking Infrastructure Plan, ECC, March 2025 (M&amp;H LCWIP) for settlements over 20k population (Maldon and Heybridge populations combined as a geographic centre) i.e. their close geographic locations.</li> <li>• Essex Strategic LCWIP, ECC, 2025 strategic cycle links joining population centres</li> <li>• DfT Connectivity Tool, June 2025 – MDC piloted the tool as a small coastal, rural authority and tested it against emerging growth options via the LDP Review.</li> </ul> <p>The proposal includes a vehicular access via a new roundabout on the A414 Northern Bypass, which could intrude on the existing landscaped edge of Maldon and potentially affect the Clean Air Route for Market Hill, with technical details deferred to ECC Highways.</p> <p>A shared-use walking, cycling, and wheeling route is proposed via Wycke Hill and through Maldon Cemetery with a signalised crossing, also subject to</p>	

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Name of Internal Consultee	Comment	Officer Response
	<p>technical review. The development should prioritise active and sustainable travel to connect residents to local facilities, including the SMGS Local Centre, in line with Active Travel England guidance, Essex transport data, and national policy.</p> <p>Parameter plans for land use, density, building heights, and green/blue infrastructure are acknowledged, with no current concerns at the outline stage, but green infrastructure must ensure connectivity and accessibility across the site.</p> <p>The applicant must provide up-to-date transport and travel evidence to demonstrate compliance with LDP policy, NPPF guidance, and ECC infrastructure requirements before a recommendation can be made.</p> <p>23.10.2025 Previous concerns (July 2025) remain relevant; main amendments relate to ECC Highways and LVIA matters.</p> <p><b>Infrastructure Context:</b></p> <ul style="list-style-type: none"> <li>• North Heybridge Garden Suburb Relief Road (NHGS RR) opened October 2025, as required by the Infrastructure Delivery Plan (IDP) supporting LDP Strategic Policies S2, S3, S4.</li> <li>• South Maldon Relief Road (SMRR) is still outstanding and integral to delivering strategic growth at South Maldon Garden Suburb (Sites S2a, S2b, S2c).</li> </ul> <p><b>Access &amp; Strategic Growth:</b></p> <ul style="list-style-type: none"> <li>• Application must not prejudice or delay delivery of LDP strategic allocations or Garden Suburbs.</li> <li>• Wider landholding MAL/HY15 (850 homes) should ideally integrate with Site S2b and SMRR rather than piecemeal development of 275 homes.</li> <li>• Collaboration between landowners, developers, and infrastructure providers is recommended to plan access and</li> </ul>	<p>There is no evidence to suggest that the site will prejudice the delivery of the garden suburbs, especially given their advance stages.</p>

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Name of Internal Consultee	Comment	Officer Response
	<p>movement comprehensively.</p> <p><b>Transport &amp; Active Travel:</b></p> <ul style="list-style-type: none"> <li>Safe, direct walking and cycling routes and enhanced bus services are essential.</li> <li>Developer contributions should align with Maldon District Future Transport Strategy, LCWIP, and regional plans (Transport East Strategy, ECC Transport Plan 4).</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>Encourage strategic, coordinated approach to access and infrastructure delivery for MAL/HY15 in line with LDP policies, IDP, SPD, and endorsed Design Codes.</li> </ul>	Addressed at section 5.5, 5.6 and 5.9
Principal Conservation and Heritage Officer	<p><b>18.08.2025:</b></p> <ul style="list-style-type: none"> <li>Harm will be caused to the significance of Headland Barn (Grade II listed) through the urbanisation or its agricultural setting. Harm would be limited by the established, intervening vegetation and would be mitigated by supplementary planting. Dwellings nearest the listed barn would be single storey. Choice of materials, detailing and boundary treatments would need to be carefully managed.</li> </ul> <p>Level of harm to Headlands Barn would be low level 'less than substantial harm'.</p> <p>Development would result in changes to part of the setting of the cemetery but would cause limited harm to its significance as a non-designated heritage asset. The ability to appreciate the cemetery's local architectural and historic interest would be largely unaffected.</p> <p>Degree of harm to the Cemetery would be limited</p> <p>The considerable public benefits should outweigh the harm identified.</p> <p>If Outline permission is granted, the</p>	Addressed at section 5.7

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Name of Internal Consultee	Comment	Officer Response
	<p>layout, form, style, materials, detailing and boundary treatments will need to be sympathetically designed at the Reserved Matters Stage.</p>	
Arboriculture (Place Services)	<p>No objection: The new site access from the A414 on the eastern boundary will result in a significant Arboricultural impact in the short term.</p> <p>Submitted proposals indicate the positioning of green infrastructure immediately north of the proposed access, allowing the establishment of new tree planting in mitigation for that lost.</p>	Addressed at section 5.13
Environmental Health	<p>The Phase I and II site investigations are considered satisfactory with no further land contamination concerns.</p> <p>The air quality assessment indicates no significant impacts, with dust control during construction managed via a CEMP.</p> <p>Noise assessments show some dwellings may exceed internal guideline levels, requiring alternative ventilation and reliance on a 3 m acoustic barrier and 1.8 m fences, with conditions recommended to secure these measures.</p> <p>Substations and battery storage are potentially acceptable, but a more detailed noise assessment is advised once locations and specifications are confirmed.</p> <p>Conditions are recommended to address noise and mitigation measures.</p>	Addressed at section 5.13

## 7.4 Representations received from Interested Parties (summarised)

7.4.1 In excess of **100** letters have been received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<p>Highways, Traffic &amp; Congestion:</p> <ul style="list-style-type: none"> <li>Existing roads (A414, Spital Road, London Road, Market Hill) are already congested.</li> <li>proposed roundabout and new junction will worsen congestion and slow traffic; increased risk of rat running.</li> <li>cancellation of A12 upgrade and Maldon Relief Road compounds traffic issues; insufficient public transport provision.</li> </ul>	Addressed at section 5.9
<p>Infrastructure &amp; Services:</p> <ul style="list-style-type: none"> <li>GP surgeries, dentists, and hospitals overstretched.</li> <li>schools at capacity.</li> <li>no clear mitigation or funding for increased demand.</li> <li>sewage, drainage, and waste disposal systems under pressure</li> <li>lack of amenities within walking distance.</li> </ul>	Addressed at sections 5.1, and 5.13
<ul style="list-style-type: none"> <li>Overdevelopment &amp; Settlement Boundary: Site lies outside Maldon's defined settlement boundary and is not allocated for housing in the Local Development Plan (Policy S8).</li> <li>cumulative impact of rapid expansion unsustainable.</li> </ul>	Addressed at sections 5.1, 5.2, 5.5 and 5.6
<ul style="list-style-type: none"> <li>Loss of Agricultural Land &amp; Food Security: Development would result in loss of Grade 3/3a farmland, classified as best and most versatile.</li> <li>concerns about national food security and loss of productive arable land.</li> </ul>	Addressed at section 5.1
<p>Ecology, Biodiversity &amp; Landscape:</p> <ul style="list-style-type: none"> <li>Harm to wildlife habitats (skylarks, yellowhammers, hedgehogs, lizards, bats, deer, insects)</li> <li>loss of hedgerows, trees, and open farmland; negative impact on biodiversity and ecological networks.</li> </ul>	Addressed at section 5.10

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Objection Comment	Officer Response
<ul style="list-style-type: none"> <li>visual and landscape harm.</li> <li>loss of green space and public footpaths.</li> <li>light and noise pollution.</li> </ul>	
<ul style="list-style-type: none"> <li>Impact on Cemetery &amp; Heritage Assets: Development adjacent to Maldon Cemetery.</li> <li>loss of peace and tranquillity for mourners.</li> <li>concerns about disrespect to bereaved families.</li> <li>risk of antisocial behaviour.</li> <li>impact on listed buildings and archaeological sites.</li> </ul>	Addressed at section 5.7
<p>Flooding, Drainage &amp; Groundwater:</p> <ul style="list-style-type: none"> <li>Site sits on an artesian basin.</li> <li>risk of uncontrolled water flow, subsidence, and contamination.</li> <li>existing drainage and sewerage systems inadequate.</li> <li>lack of clear provisions for managing groundwater and surface water.</li> </ul>	Addressed at sections 5.11 and 5.13
<p>Unsustainable Development &amp; Poor Connectivity.</p> <ul style="list-style-type: none"> <li>Poor cycle and pedestrian links.</li> <li>promotes car dependency.</li> <li>no direct rail access.</li> <li>limited public transport.</li> <li>poor access to jobs and services; lack of amenities beyond a nursery.</li> </ul>	Addressed at sections 5.1 and 5.9
<p>Housing Mix &amp; Affordability:</p> <ul style="list-style-type: none"> <li>Proposed mix does not address local need for genuinely affordable rented accommodation.</li> <li>concerns about imbalance in housing provision and lack of supply for local people.</li> </ul>	Addressed at sections 5.3 and 5.4
<p>Cumulative Impact &amp; Policy Conflicts:</p> <ul style="list-style-type: none"> <li>Cumulative effect of recent and proposed developments not adequately assessed.</li> <li>contravenes multiple policies in the Maldon District Local Development Plan (D1, D3, H4, N2, S1, S2, S3, S8, T1, T2) and National Planning Policy Framework.</li> </ul>	Addressed at section 5.2

Objection Comment	Officer Response
<p>Other Concerns:</p> <ul style="list-style-type: none"> <li>• Loss of privacy and increased overlooking for neighbouring properties.</li> <li>• negative impact on mental health and wellbeing.</li> <li>• lack of community engagement and transparency.</li> <li>• potential legal issues regarding land covenants and cemetery extension.</li> </ul>	<p>Addressed at sections 5.1, 5.8 and 5.13.</p> <p>The Council has given the required notice of the application in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015</p> <p>Land covenants are not a planning consideration.</p>

7.4.2 1 letter has been received **in support** of the application.

Supporting Comment	Officer Response
<ul style="list-style-type: none"> <li>• Addressing the housing shortage requires building new homes or repurposing existing buildings, and every unit contributes positively.</li> <li>• Notes that increased population could strengthen the case for improved local healthcare facilities.</li> <li>• Suggests gardens and open spaces within the development offer better biodiversity benefits compared to existing agricultural monoculture.</li> <li>• Observes that noise from the bypass may be reduced by traffic calming at the proposed access roundabout.</li> </ul>	<p>Noted.</p>

## 8. PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

### HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

#### Affordable Housing

In order to meet the requirements of Policy H2 the following is being secured:

- 40% on site affordable housing with a tenure mix of 75% affordable rent and 25% intermediate
- 5% of market and 10% of affordable homes to be provided to M4(3) standards.

- 80% of dwellings to be provided to M4(2) standards
- the gross costs of the affordable units (rent / service charge) will be within MDC's Strategic Tenancy Strategy and delivered by a Registered Provider / Housing Association who are recognised and regulated by Homes England and eligible for funding from Homes England
- an Affordable Scheme detailing tenure, cost, allocation of units
- the Affordable units are required to meet Nationally Described Space Standards

#### Education & Libraries

Financial contributions being secured through planning obligations as follows:

- Early Years and Childcare - £506,138
- Primary Education - £1,687,125
- Secondary Education - £1,546,985
- Libraries - £21,395
- Monitoring fee - £700 per obligation

Whilst ECC have requested these figures, officers are aware that as the exact housing mix has not yet been secured. Therefore, the exact contribution cannot be confirmed until the Reserved Matter stage which will secure the specific unit mix. Therefore, the S016 will be expected to secure the contribution in line with the 'Essex County Council's Developers Guide to Infrastructure Contributions' in terms of the amount per place and the child yield calculator, for early years, primary and secondary education contributions.

#### Highways

A financial contribution of £850,000 is sought to improve public transport links between the site and key attractors in and around Maldon, Heybridge and the local area.

Provision of an updated travel plan and an annual monitoring fee of £1,817 per year from year one until final occupation.

A Traffic Regulation Order to extend 40mph speed limit north of site access

#### NHS Contribution

A financial contribution of £192,000 towards local healthcare improvements

#### Essex RAMs

A financial contribution based on the current tariff of £169.45 (2025-2026 figure) which would be £45,598.75.

#### Open Space

On site Open space maintenance

#### On site Biodiversity Net Gain

Managing and Monitoring for significant on-site enhancements

#### Green Infrastructure (GI)

Arrangements for funding and managing management company services for the lifetime of the development to ensure the ongoing maintenance of GI assets and green spaces.

Monitoring fees

Monitoring fees associated with the S106 agreement.

**PROPOSED CONDITIONS**Reserved Matters

1. The development shall be carried out in accordance with plans and particulars relating to the scale, appearance, landscaping and layout of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.

REASON: The application does not give particulars sufficient for consideration of the reserved matters.

Time Limit

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

Approved plans

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing 8790\_306\_E Green Infrastructure Parameter Plan
- Drawing 8790\_305\_D Building Heights Parameter Plan
- Drawing 8790\_304\_E Density Parameter Plan
- Drawing 8790\_301\_D Land Use Parameter Plan (excluding the siting of nursery land, which shall be agreed as part of the layout reserved matters)
- Drawing 8790\_200\_B Site Location Plan
- Drawing 001 Topographical Survey
- Drawing 006-002-Maldon\_TS01\_S1 Topographical Survey Sheet 1 of 6
- Drawing 006-002-Maldon TS01\_S4 Topographical Survey Sheet 4 of 6
- Drawing 227074/PD15 C Proposed Shared Use Route
- Drawing 000312-SLR-HGN-A414-CH-DR-0101 P04 General Arrangement
- Drawing 227074/PD02.2 Rev C London Road Proposed Crossing to Pedestrian and Cycle Access Visibility Assessment
- Drawing 227074/PD02.3 A London Road Proposed Toucan Crossing
- Drawing 227074/PD15.2 A A414 Shared Use Route
- Drawing 227074/PD15.1 B Spital Road Shared Use Route

- Drawing 000213-SLR-HGN-A414-CH-SK-0001 P02 Site Overview Plan.

REASON: To ensure the development proceeds in accordance with the approved plans and to exclude the nursery location shown on the Land Use Parameter Plan, as this location was not considered appropriate.

### Phasing

5. A Phasing Plan for the entire development shall be submitted to the Local Planning Authority for approval at the same time as the first reserved matters application.

The Phasing Plan shall include:

- The sequence of construction and occupation of dwellings;
- The timing of provision of roads, footways, cycleways, drainage, public open space, landscaping, and community infrastructure (including the nursery land and cemetery extension land);
- Temporary arrangements for access and services if any infrastructure is delayed.
- The development shall be carried out in accordance with the approved Phasing Plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development is delivered in a coordinated manner with timely provision of infrastructure and community facilities, in accordance with policies S1, S3, I1 and I2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

### Nursery Land

6. Details of the land to be safeguarded for nursery provision shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application for layout. The approved land shall be serviced in accordance with the approved Phasing Plan and made available for marketing for purposes falling within Class E(f) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), namely "Creche, Day Nursery or Day Centre", and for no other purpose without the prior written consent of the Local Planning Authority. Evidence of marketing shall be provided to the Local Planning Authority in accordance with the approved Phasing Plan subject to condition 5.

REASON: To ensure that land is safeguarded and made available for nursery provision to meet the needs of the development and to enhance the provision of community services and facilities, in accordance with policies S1, S2 E3 and I1 of the approved Maldon District Local Development Plan and in accordance with guidance contained with the National Planning Policy Framework.

### Cemetery Extension

7. The 1.81 ha of land for cemetery extension, as shown on Parameter Plan Land Use Parameter Plan 8790\_301\_D shall be safeguarded, serviced and made available for transfer to the relevant authority in accordance with the approved Phasing Plan subject to condition 5. The land shall thereafter be retained and made available for cemetery use (sui generis) only, and for no other purpose without the prior written consent of the Local Planning Authority.

**REASON:** To ensure timely provision of land for cemetery expansion to meet identified community needs, in accordance with policies S1, S2 E3 and I1 of the approved Maldon District Local Development Plan and in accordance with guidance contained with the National Planning Policy Framework.

**Dwelling mix**

8. The dwelling mix for the development hereby approved shall be agreed as part of the reserved matters application(s) and shall accord with the preferred dwelling mix set out in Table 2 within Section 5 of the Technical Advice Note accompanying the Maldon District Local Housing Needs Assessment 2025 (namely: 1-bedroom – 10%, 2-bedroom – 35%, 3-bedroom – 35%, and 4+ bedrooms – 20%), or any subsequent updated Local Housing Needs Assessment and associated Technical Advice Note.

**REASON:** In order to ensure that an appropriate housing mix is provided for the proposed development taking into account the objective of creating a sustainable, mixed community contained in Policy H2 of the approved Maldon District Development Local Plan and the guidance contained in the National Planning policy Framework.

9. The development shall provide affordable housing in clusters of no more than 15 to 25 dwellings in any single part of the site. These clusters must be designed and located to ensure integration with the wider development, including shared access routes, public spaces, and consistent design quality across tenures.

**REASON:** To ensure affordable housing is integrated within the development and not isolated, in accordance with Policy H2 of the of the approved Maldon District Local Development Plan and the National Planning Policy Framework which seek to promote mixed and balanced communities.

**Crime Prevention**

10. Concurrent with the submission of the first Reserved Matters, a Crime Prevention Strategy shall be prepared in consultation with the Essex Police Designing Out Crime Team and submitted to the Local Planning Authority for approval. The Strategy shall demonstrate how the development will incorporate Secured by Design principles appropriate to the scale and nature of the development. The approved Strategy shall be implemented in full as part of the detailed design proposals.

**REASON:** To ensure the development creates a safe and secure environment, reducing opportunities for crime and anti-social behaviour in accordance with policies D1 and S1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

**Maximum Heights**

11. The building heights in storeys shall follow the basis set out in the Building Heights Parameter Plan (Drawing 8790\_305 Rev D), with the Proposed Development modelled on the maximum development parameters as follows:
  - 6 metres – equivalent to 1 storey buildings
  - 9 metres – equivalent to 2 storey buildings
  - 11.5 metres – equivalent to 2.5 storey buildings
  - 12.6 metres – equivalent to 3 storey buildings

**REASON:** In the interests of visual amenity of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

Ground levels

12. Concurrently with the submission of Reserved Matters for layout or landscaping, details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and finished floor levels, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. REASON: In the interests of the impact on the character and appearance of the streetscene and the amenity of neighbouring occupiers, in accordance with Policy D1 of the approved Maldon District Local Development Plan and the policies and guidance contained in the National Planning Policy Framework.

Materials

13. The reserved matters for the approval of layout and appearance shall include details of the proposed materials to be used in the development.

No development shall commence until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted are 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 interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

Boundary Treatment

14. The reserved matters for the approval of layout and appearance shall include details of the proposed boundary treatment to the development.

No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be completed for each dwelling prior to the first occupation of that dwelling and shall be retained and maintained as such thereafter.

REASON: In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity 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.

Landscaping

15. The reserved matters for landscaping shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the local planning authority. Such details shall be submitted with the other reserved matters.

These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed

numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed 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 commencement of the development, unless otherwise first 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, 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.

**REASON:** To secure appropriate landscaping of the site in the interests of visual amenity and the character 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.

#### Tree and Hedge Retention

16. No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree survey detailing works required
- Trees to be retained
- Tree retention protection plan
- Tree constraints plan
- Arboricultural implication assessment
- Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

**REASON:** To secure the retention of the trees/hedges within the site in the interests of visual amenity and the character 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.

#### Highways Construction Management Plan

17 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 Plan shall provide for:

- a) vehicle routing
- b) the parking of vehicles of site operatives and visitors
- c) loading and unloading of plant and materials
- d) storage of plant and materials used in constructing the development
- e) wheel and underbody washing facilities

The construction period of the development shall be carried out throughout its duration in accordance with the Construction Management Plan.

REASON: To ensure that on-road parking of these vehicles in the adjoining roads does not occur, that loose materials and spoil are not brought out onto the highway and that construction vehicles do not use unsuitable roads, in the interests of highway safety in accordance with policy T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Site Access – A414 Roundabout

18. Prior to first occupation of the development, the roundabout access on the A414 shall be constructed in accordance with the details shown in principle on Drawing 000312-SLR-HGN-A414-CH-DR-0101 Rev P03 in Appendix E of the Transport Assessment Addendum.

REASON: To ensure safe and controlled access to and from the highway, in the interests of highway safety and in accordance with policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Pedestrian and Cycle access

19. Prior to first occupation, a minimum 3.5-metre-wide footway/cycleway linking the site to London Road to the north shall be provided in accordance with Drawing 001756-SLR-XXX-XXX-SK01 Rev P01 in Appendix C of the Transport Assessment.

REASON: To provide pedestrians, cyclists and the mobility impaired with safe access to nearby facilities and services, in the interest of highway safety, accessibility and amenity, and in accordance with policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

20. Prior to first occupation, the developer shall provide a link from the new footway/cycleway to a new signalised crossing off London Road, including necessary alterations to vehicle restraint barriers and safe cyclist merging arrangements, as shown in principle on Drawing 227074/PD02.3 Rev A in Appendix E of the Transport Assessment Addendum.

REASON: To provide pedestrians, cyclists and the mobility impaired with safe access to nearby facilities and services, in the interest of highway safety, accessibility and amenity and in accordance with policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

21. Prior to first occupation, two additional signalised crossings shall be provided:

- One immediately east of the A414/Spital Road roundabout;
- One approximately 25–30 metres south of the A414 access to Maldon Hall Farm.

Works shall include removal of existing pedestrian islands and improved crossings at Maldon Hall Farm and West Station Yard junctions, in

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accordance with Drawings 227074/PD15 Rev C and 227074/PD15.1 Rev B in Appendix E of the Transport Assessment Addendum.

**REASON:** To provide pedestrians, cyclists and the mobility impaired with safe access to nearby facilities and services, in the interest of highway safety, accessibility and amenity, and in accordance with Policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

22. Prior to first occupation, a minimum 3 metre wide footway/cycleway shall be provided to link the new A414 crossing to the A414/B1018 Limebrook Way roundabout, in accordance with Drawings 227074/PD15 Rev C and 227074/PD15.2 Rev A.

**REASON:** To provide pedestrians, cyclists and the mobility impaired with safe access to nearby facilities and services, in the interest of highway safety, accessibility and amenity, and in accordance with Policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

### Bus Stop Upgrades

23. At 50% occupation of the site, and as shown indicatively in Drawing 227074/PD15.1 Rev B in Appendix E of the Transport Assessment Addendum, a new bus stop shall be provided on the northbound A414 carriageway south of the proposed signalised crossing, including raised kerbs, bus shelter and flag, real-time passenger information screen, on-road bus cage, and timetable display case. The existing southbound stop shall be upgraded with a new flag, real-time passenger information screen, timetable display case and, unless otherwise agreed in writing, relocated raised kerbs.  
**REASON:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

### Updated Travel Plan

24. Prior to the first occupation of the development, the Developer shall submit in writing an updated residential travel plan to the local planning authority for approval in consultation with Essex County Council. The approved travel plan shall be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation. Monitoring of the travel plan shall be undertaken in accordance with the details of the planning obligation which requires a monitoring fee to be provided.  
**REASON:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

### Residential Travel Information Pack

25. Prior to the first occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport to each dwelling upon occupation of the dwelling with details to be submitted and approved in writing by the local planning authority in consultation with Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator). The Residential Travel Information Pack shall be made available for use following the written approval of the local planning authority

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REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

### Vehicle Parking

26. The scheme to be submitted pursuant to the reserved matters shall make provision for car parking for the residential element within the site in accordance with the Council's adopted parking standards at the time of submission, including the provision of electric charging points. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policy T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

### Cycle Parking

27. The reserved matters for the approval of layout, appearance and scale shall include details of bicycle and powered two wheel storage facilities for each dwelling.

The bicycle and powered two wheel storage facilities shall be constructed and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

### Amenity Space Provision

28. The reserved matters for the approval of layout and landscaping shall private amenity space for each dwelling in accordance with the requirements of the Maldon District Design Guide SPD.

REASON: To ensure the occupiers of each dwelling has access to an appropriate area of private amenity space in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

### Public Open Space Provision

29. The reserved matters for the approval of layout and landscaping shall include public open space in broad accordance with the land identified for such purposes on drawings 8790\_306\_E (Green Infrastructure Parameter Plan) and 8790\_301\_D (Land Use Parameter Plan)

REASON: To ensure the occupiers of the site have appropriate access to public open space in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

### Green Infrastructure Strategy

30. No works shall take place until a detailed Green Infrastructure Strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with a Landscape Specialist.

The Strategy shall demonstrate integration with the Essex Green Infrastructure Strategy, GI standards and ecological context.

**Management of Open Space**

**REASON:** To ensure GI and its connectivity are integral to planning/design from the outset, in accordance with Policies N1, N2 and D1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

**Surface Water Drainage Scheme**

31 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:

- Limiting discharge rates to 1:1 Greenfield runoff rates for the 1 in 1 year event, 1 in 30-year storm event will be limited to the 1 in 30-year storm event and the 1 in 100-year rate will be limited to the 1 in 100-year storm event (inclusive of 45% climate change allowance)
- 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 45% 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.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

**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 D5 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Scheme to Minimise Off Site Flooding

32. 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: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution and in accordance with policy D5 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Maintenance Plan for Surface Water Drainage Scheme

33. Prior to the first occupation of the development 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, shall be submitted to and approved in writing by the local planning authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements shall 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 D5 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

34. 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 D5 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Ecological Mitigation

35. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (BSG Ecology, June 2025) 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.

**REASON:** To conserve 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 (as amended), and in accordance with policy N2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Farmland Bird Mitigation Strategy

36. Prior to commencement of the development, a Farmland Bird Compensation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation in nearby agricultural land.

The content of the Farmland Bird Compensation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;
- b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the compensation measures by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measure.

The Farmland Bird Compensation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

**REASON:** To allow the LPA to discharge its duties under the NERC Act 2006 (as amended), and in accordance with policy N2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Combined Construction Environmental Management Plan

37. A single Construction Environmental Management Plan (CEMP) covering all construction environmental management requirements including biodiversity and Green Infrastructure protection shall be submitted and approved before any development commences.

The CEMP shall include:

- a) Construction site management
  - construction hours
  - delivery hours
  - details of site compounds, offices and welfare facilities
  - temporary lighting (design, lux levels, orientation)
  - contractor parking arrangements
  - materials storage and handling
  - temporary hardstanding's and haul routes
- b) Construction traffic and highways
  - routing of construction vehicles
  - wheel washing and road-cleaning measures
  - loading/unloading arrangements

- access management and signage
- c) Noise and vibration control
  - Best Practicable Means (BPM) under BS5228
  - piling methodology, hours and monitoring
  - vibration mitigation for sensitive receptors
  - plant acoustic measures
- d) Dust and air quality management
  - dust suppression
  - monitoring during high-risk phases
  - protocols for extreme weather
  - emissions control for non-road mobile machinery
- e) Water and pollution prevention
  - surface water and wastewater management
  - pollution control measures and spill response plan
  - protection of SuDS assets during construction
  - storage of fuels, oils and chemicals
- f) Biodiversity and Green Infrastructure protection
  - ecological protection zones and buffers
  - pre-construction checks
  - timing of sensitive works
  - ecological clerk-of-works supervision
  - measures to protect trees, hedgerows and retained vegetation
  - fencing and exclusion areas
  - early delivery of GI framework elements where feasible
- g) Waste and materials management
  - Site Waste Management Plan
  - reuse/recycling protocols
  - waste storage and collection during construction
- h) Contamination protocol
  - procedures for dealing with unexpected contamination
  - monitoring and reporting arrangements
- i) Community liaison
  - contact details for site managers
  - complaints procedure
  - arrangements for informing residents of key construction phases
- j) Plans and drawings
  - site layout plan
  - location of compounds and access points
  - pollution prevention features

- protection/avoidance zones
- lighting layout

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

**REASON:** To minimise construction impacts and to protect and conserve green infrastructure, 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 (as amended), and in accordance with policies N1 N2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Biodiversity Enhancement Strategy

38. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs or product descriptions to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- persons responsible for implementing the enhancement measures; and
- details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

**REASON:** To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of the NPPF (2024) and s40 of the NERC Act 2006 (as amended), and in accordance with policy N2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Habitat Management and Monitoring Plan (HMMP)

39. Prior to first operation of the development, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan shall be submitted to and approved in writing by the local authority, this shall include:

- the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

REASON: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

#### Lighting Strategy

40 Prior to the first occupation of the development, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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 (as amended), and in accordance with policy N2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Landscape Ecological Management and Maintenance Plan (LEMP)

41. No development shall commence until a Landscape and Ecological Management Plan (LEMP) for all Green Infrastructure (GI), SuDS features and ecological areas within the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with relevant landscape, ecology and SuDS specialists.

The LEMP shall cover all soft landscape features and ecological assets, including (where applicable):

- structural planting;

- public open space;
- SuDS features (basins, swales, rain gardens and conveyance routes);
- retained and newly planted hedgerows and trees;
- grassland, meadow and wildflower areas;
- ecological enhancement and habitat creation areas;
- ecological corridors, buffers and riparian zones.

The LEMP shall set out:

a) Description and evaluation

A description of existing and proposed landscape and ecological features, their intended functions, and any constraints affecting their management.

b) Management aims and objectives

Clear aims and measurable objectives for each landscape/ecological component, including:

- delivery and maintenance of Biodiversity Net Gain;
- habitat creation and condition targets;
- long-term sustainability of GI assets;
- integration of SuDS performance and water quality objectives;
- enhancement of ecological connectivity;
- provision of high-quality public open space.

c) Management prescriptions

Practical management measures for achieving the aims and objectives, proportionate to each feature, including:

- grassland cutting regimes;
- hedgerow and tree management;
- maintenance of SuDS vegetation and periodic de-silting;
- invasive species control;
- litter and vegetation management in POS;
- measures to protect new planting during establishment.

d) Work schedule

A schedule of landscape and ecological management operations for a minimum of ten years, including frequency and timing of activities. After the ten-year period, the approved management prescriptions shall continue to apply for the lifetime of the development, unless varied through a revised LEMP approved in writing by the Local Planning Authority.

e) Governance and funding arrangements

Details of long-term management responsibilities and funding mechanisms, including:

- the body or organisation responsible for delivering the LEMP;
- confirmation of long-term funding arrangements;
- procedures for handover from the developer to the management body.

f) Monitoring and remedial measures

A proportionate monitoring scheme, including:

- indicators to be used to assess whether management objectives are being met;
- monitoring intervals;
- procedures for identifying and implementing any necessary remedial measures;
- reporting arrangements to the Local Planning Authority.

The approved LEMP shall be implemented in full, managed and maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To secure the long-term management, protection and enhancement of Green Infrastructure, landscape features, SuDS and biodiversity assets, in accordance with Policies N1, N2 and D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### LEMP Monitoring.

42. The applicant or any successor in title shall maintain yearly logs of all landscape and ecological management operations carried out in accordance with the approved LEMP. The logs shall be made available to the Local Planning Authority upon request.

**REASON:** To ensure the site's Green Infrastructure and ecological features continue to be managed and maintained as approved, in accordance with Policies N1, N2 and D1.

#### Archaeology

43. No development or preliminary groundworks of any kind shall take place until:

- Part 1 - A programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- Part 2 - The completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and has been confirmed in writing by the local planning authority's archaeological advisors.
- Part 3 - A mitigation strategy detailing the excavation / preservation strategy has been submitted to and approved in writing by the local planning authority following the completion of the archaeological evaluation.
- Part 4 - The satisfactory completion of fieldwork, as detailed in the mitigation strategy in Part 3 has been submitted to and approved in writing by the local planning authority.
- Part 5 - The applicant has submitted a post excavation assessment which has been submitted to and approved in writing by the local planning authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork.
- Part 6 – Suitable provision has been for the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

**REASON:** To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with policy D3 of the

approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Noise Criteria within Dwellings

44. The reserved matters for the approval of layout shall ensure that the following noise criteria are met within residential dwellings:

- bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A), and an 8-hour LAeq (23:00 to 07:00) of 30dB(A), with individual noise events not exceeding 45dB LAFmax more than 10 times (23:00 to 07:00 hours)
- living rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
- dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 40dB(A)

REASON: In the interests of residential amenity accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Acoustic Barrier

45. The reserved matters for the approval of layout shall include details of an acoustic fence that shall be constructed along the eastern boundary of the development site. It shall have a minimum surface density of 10kg/m<sup>2</sup> and a minimum thickness of 25mm. The approved barrier shall be installed prior to occupation of the development and be maintained and retained in its location in perpetuity.

REASON: To ensure the amenities of the future occupiers are not subject to excessive noise and disturbance from activity and passing traffic in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Battery Storage and Noise

46. As part of any reserved matters application for layout and appearance, details of the communal battery storage and associated infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location, scale, external appearance, landscaping, and measures to protect residential amenity. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and residential amenity accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Energy Efficiency and Renewable Energy

47. The reserved matters for the approval of layout and appearance shall include details of energy efficient and renewable energy installations for each dwelling.

The energy efficient and renewable energy installations as approved shall be provided prior to the first occupation of each dwelling they serve and shall be permanently maintained and retained at all times thereafter.

REASON: In the interests of residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with policies D1 and D2 of the approved Maldon District Local

Development Plan and guidance contained within the National Planning Policy Framework.

### Refuse and Recycling

48. The reserved matters for the approval of layout and appearance shall include full details of the number, size, location, design and materials of bin and recycling stores to serve the development, together with details of the means of access to bin and recycling stores for residents and refuse operatives, including collection points if necessary.

The bin and recycling stores as approved shall be provided prior to the first occupation of each dwelling and shall be constructed and permanently retained at all times thereafter.

REASON: In the interests of residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

### Superfast Broadband Strategy

49. No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site has been submitted to and approved in writing by the local planning authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the local planning authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

REASON: In order to ensure that suitable infrastructure is provided at the site for the benefit of occupiers, in accordance with policies S1 and S3 of the approved Maldon District Local Development Plan and paragraph 119 of the National Planning Policy Framework.

## **INFORMATIVES**

### 1. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Maldon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in

## **APPENDIX 1**

paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

### **Application Documents**

As set out in section 3.1.