

**CIRCULATED
BEFORE THE
MEETING**



**REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH**

to
**NORTH WESTERN AREA COMMITTEE
17 JUNE 2026**

MEMBERS' UPDATE

AGENDA ITEM NO. 6

Application Number	25/00672/OUT
Location	Land Between 77 & 81 Broad Street Green Road, Great Totham
Proposal	Outline planning application for a two-storey house with all matters reserved except access.
Applicant	Mr L Davey
Agent	Mr George Cressall
Target Decision Date	19 June 2026
Case Officer	Jade Elles
Parish	Great Totham
Reason for Referral to the Committee / Council	Departure

Background

Following publication of the Committee report, a late consultation response has been received from Place Services Ecology in relation to the proposal, highlighting the need for additional biodiversity net gain information in accordance with statutory requirements. A completed statutory biodiversity metric and baseline habitat plan were not submitted with the application and are therefore required before the decision is issued.

Having regard to the characteristics of the site and the nature and scale of the proposed development, officers are satisfied that the statutory 10% biodiversity net gain requirement should be capable of being readily achieved. Nevertheless, the necessary metric, habitat plan and supporting information must still be submitted and reviewed to formally establish the pre-development biodiversity value and confirm the proposed approach.

As the application is in outline, the detailed layout and landscaping will be considered at reserved matters stage. The final biodiversity proposals can therefore be developed alongside those details and secured through the statutory Biodiversity Gain Plan process.

Subject to the submission of a completed BNG metric and associated plans, and the Council's ecological adviser confirming that the development is capable of achieving the statutory biodiversity gain requirement, the officer assessment and planning balance set out in the published report remain unchanged.

The overall recommendation and relevant sections of the report have therefore been updated as follows:

1. RECOMMENDATION

That the North Western Area Planning Committee delegates authority to the Director of Place, Planning & Growth to grant planning permission subject to:

- *submission of an acceptable statutory biodiversity metric, baseline habitat plan and supporting biodiversity net gain information within 4 weeks of the committee resolution;*
- *confirmation from the Council's ecological adviser that the pre-development biodiversity value has been correctly established and that the development is capable of achieving the statutory biodiversity gain requirement; and*
- *the conditions set out in the published report.*

5.4.3 (INSERT AT END OF PARAGRAPH)

Having regard to the characteristics of the site and the nature and scale of the proposed development, officers are satisfied that the statutory 10% biodiversity net gain requirement should be capable of being readily achieved. Nevertheless, the necessary metric, habitat plan and supporting information must still be submitted prior to determination. Subject to the submission of a completed BNG metric and associated plans, and the Council's ecological adviser confirming that the development is capable of achieving the statutory biodiversity gain requirement, the scheme is considered acceptable in this regard.

7.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
<i>Place Service – Ecology (late receipt)</i>	<i>Objection – inadequate information provided in relation to Biodiversity Net Gain</i>	<i>Noted – Amended Recommendation to approve subject to receipt of appropriate information prior to issue of decision.</i>

Informatives (INSERT)

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 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.