



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

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to  
**DISTRICT PLANNING COMMITTEE**  
25 June 2026

<b>Application Number</b>	<b>25/01057/OUTM</b>
<b>Location</b>	Land Opposite Prentice Hall Farm Prentice Hall Lane Tollesbury Essex
<b>Proposal</b>	Outline Planning permission with access for consideration for a residential development of up to 200 dwellings (Use Class C3); with associated access; landscaping; amenity space; drainage and associated works.
<b>Applicant</b>	Obsidian Strategic Asset Management
<b>Agent</b>	Planning Potential Ltd.
<b>Target Decision Date</b>	3 March 2026
<b>Case Officer</b>	Gareth Ball
<b>Parish</b>	Tolleshunt D'Arcy
<b>Reason for Referral to the Committee / Council</b>	<ul style="list-style-type: none"><li>• Departure – Site outside of the settlement boundary.</li></ul>

**1. RECOMMENDATION**

Recommendation A:

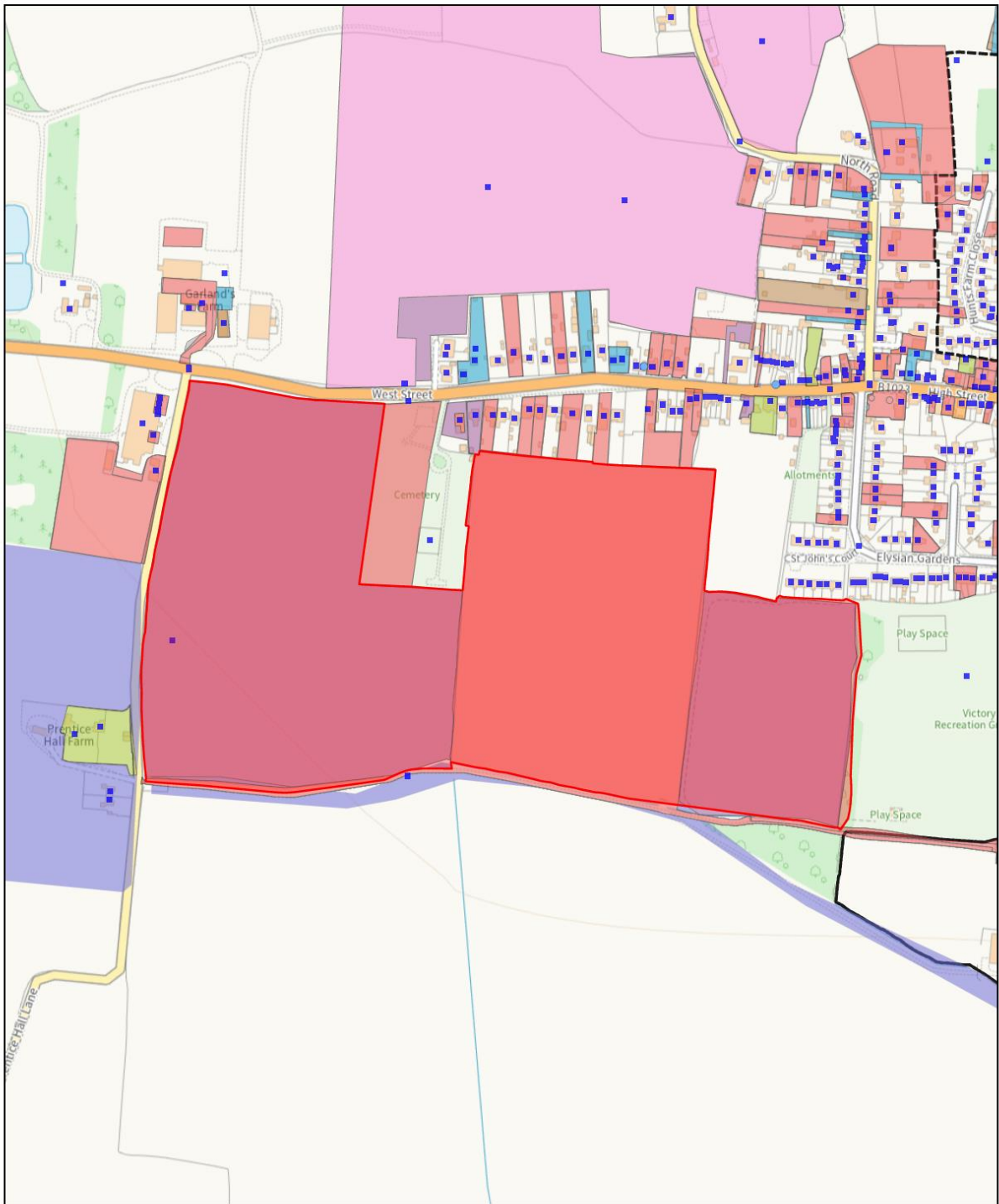
**APPROVE** and delegate authority to the Director of Place, Planning and Growth to grant planning permission subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8 and finalisation of the planning conditions as set out in Section 8.

Recommendation B:

If the Section 106 legal agreement is not completed within 6 months of the date of this District Planning Committee (or a longer timeframe if agreed by the Director of Place, Planning & Growth) then **REFUSE** the planning application under delegated powers, subject to the referral of the case to the Secretary of State for a period of at least 21 days, who may opt to call-in the decision as per the Town and Country Planning (Consultation) (England) Direction 2026.

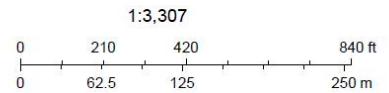
2. **SITE MAP**

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- DC Case Points
- F
  - GMS BLPU Points
- DC Case Polygons
- APPROV
  - REF
  - GLB
  - WDN
  - ANC
  - NPA
  - PCO
  - S106
  - ATP
  - Other
  - Parish Polygon
  - Ward Polygon



### **SUMMARY**

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

##### The site and surroundings

- 3.1.1 The application site (hereon referred to as the “Site”) is an 18.06ha area of land located on the western side of Tollesbury, bounded by Prentice Hall Lane to the west, West Street to the North and open countryside to the south. The Tollesbury Recreation Ground is directly to the east and there is a cemetery within the northern area of the Site, which it wraps around.
- 3.1.2 The Site is outside the settlement boundary, comprising three fields within the open countryside and is currently in use as agricultural use.
- 3.1.3 There is a Public Right of Way (PRoW) Footpath 8 running along the southern boundary of the Site and up northwards through the eastern portion of the Site, connecting to Elysian Gardens / St John’s Court.
- 3.1.4 Nearby heritage assets include:
- Tollesbury Conservation Area is located c. 50m to the northeast of the Site boundary.
  - Prentice Hall Farmhouse (grade II listed) is located to the west of the Site boundary, on the opposite side of Prentice Hall Lane
- 3.1.5 The Site is located in Flood Zone 1, which has the lowest flood risk of the zones. There are no trees with a Tree Preservation Order (TPO) on or adjacent to the Site. The Site is c. 1.2km from the Blackwater Estuary RAMSAR, Special Protections Area (SPA), Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) areas. The Site is wholly located within a sand and gravel Mineral Safeguarding Area (MSA).

##### Call For Sites

- 3.1.6 The Site was considered in the Council’s ‘Call For Sites’ (CFS) process as part of the withdrawn draft Local Plan Review in the Housing Economic Land Availability Assessment. The Site’s reference is TOL11. The review concluded that the Site would be sustainable for up to 200 dwellings, stating:

*“On balance it is considered that development of the site would be suitable. It can afford a safe pavement access to services and facilities of which the settlement has a number of and would not impact on the wider landscape and townscape.”*

- 3.1.7 The CFS process is an early-stage and high-level review and does not deem that a site will be allocated in a future Local Plan if it is found to be sustainable during the CFS assessment process. As such, officers have given this conclusion limited weight on its own standalone findings.

##### Application-specific Site History

- 3.1.8 An application (ref 23/00548/OUTM) seeking outline planning permission for up to 200 dwellings was submitted on 2 June 2023 and withdrawn on 12 March 2024.
- 3.1.9 An Environmental Impact Assessment (EIA) screening opinion request was submitted for the above application in which the Local Planning Authority (LPA)

confirmed that the proposal was not EIA development and an Environmental Statement is not required.

### The proposed development

3.1.10 The submitted planning application seeks:

*“Outline Planning permission with access for consideration for a residential development of up to 200 dwellings (Use Class C3); with associated access; landscaping; amenity space; drainage and associated works.”*

3.1.11 The application is made in outline, with the following matters reserved and therefore not for consideration within the current submission:

- Access
- Landscaping
- Layout
- Scale

3.1.12 One point of access is proposed, taken off West Street in the northwest of the Site. A two-way road would then provide vehicle and pedestrian access into the Site. Pedestrian connections are proposed in the northeast, onto Elysian Gardens/St Johns Close, and at five points onto PRow 8 which runs across the south of the Site.

3.1.13 The proposal would provide 40 per cent affordable housing, which is split into a tenure mix of 80 per cent affordable rent and 20 per cent intermediate product (such as shared ownership).

3.1.14 The proposed dwellings would be largely located in the eastern half of the Site, with a collection of dwellings proposed to be adjacent to the Site entrance, just off West Street. While the layout is in outline form, the general layout is defined by a Land Use Parameter Plan.

3.1.15 The western half of the Site is largely proposed as open space (the Site proposes 9.85ha of green space overall), with an open field for ecology and amenity uses fronting onto Prentice Hall Lane and a collection of drainage attenuation basins, allotments and an informal play area within the centre. A green corridor would run generally east-west through the eastern residential area, providing a three areas for children’s play and a central green to be used as public open space. A further area of play is proposed within the very centre of the Site. Allotments are proposed in the central southern area of the Site.

## **3.2 Conclusion**

3.2.1 The application seeks outline planning permission for up to 200 homes. The site is located in the countryside, beyond the settlement boundary of Tollesbury. It is therefore contrary to the spatial strategy of the Local Plan. The Council cannot currently demonstrate a Five-Year Housing Land Supply (5YHLS). As such, the policies most important to the determination of the housing must be considered to be out of date and National Planning Policy Framework (NPPF) Paragraph 11 directs the decision maker to grant permission unless the adverse outcomes of doing so would significantly and demonstrably outweigh the benefits. Further, the NPPF dictates that

3.2.2 The mix of housing will be secured to be in accordance with the unit sizes of the Local Housing Needs Assessment (LHNA) and the proposal is policy-compliant in

relation to affordable housing. This would be a significant social benefit through the provision of much-needed housing. The applicant suggests it is likely that a number of homes could be brought forward within the next five-year period, thereby contributing to the Council being able to evidence a 5YHLS.

- 3.2.3 The amended location of the vehicle access off West Street has addressed the previous highways objection of the Withdrawn Application ref 23/00548/OUTM. The general site layout, building heights and density (all to be secured at a high level in accordance with the submitted parameter plans) are acceptable in terms of the design of the Site itself; however, it would result in substantial development of a greenfield site in the open countryside, resulting in 'major/moderate adverse' landscape effect and a level of up to 'major/moderate adverse' visual impact. The current proposal is markedly improved in this aspect since the Withdrawn Application, noting the large green buffer in the western part of the Site (which is more prominent and less visually contained); however, this still results in a harm arising from the proposal. In addition, officers have found the proposal to result in a very low level of less than substantial harm to the grade II listed Prentice Hall Farmhouse, located to the west of the Site.
- 3.2.4 If members are minded to grant outline permission, reserved matters stage would consider the detailed design of the development, including design quality, parking, standard of accommodation and private external amenity space. The submitted parameter plans secure five areas of children's play in addition to the open green space in the west of the Site, which would provide sufficient open space for residents, which could also be used by offsite members of the public. The proposal would provide sufficient onsite measures to mitigate any impact on the Blackwater Estuary and any other ecological protected sites. The submitted Mineral Resource Assessment demonstrates that there would not be any unacceptable sterilisation of mineral resources.
- 3.2.5 Officers have conducted an assessment of the benefits against the harms, as set out in the Planning Balance and Conclusion section of this committee report, finding that the harms would not significantly and demonstrably outweigh the benefits of the provision of 200 homes towards the Council's inadequate 5YHLS taken cumulatively with the other benefits. Therefore, officers recommend that approval is granted in accordance with the 'tilted balance' in the NPPF, subject to the conditions and planning obligations recommended in this committee report.

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

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

4.1.1 The development plan has been considered on the whole and the main relevant policies are listed below:

#### **4.2 National Planning Policy Framework including paragraphs:**

- Chapter 2 Achieving sustainable development
- Chapter 3 Plan-making
- Chapter 4 Decision-making
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 6 Building a strong, competitive economy
- Chapter 7 Ensuring the vitality of town centres

- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment
- Chapter 17 Facilitating the sustainable use of minerals

#### **4.3 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk
- E6 Skills, Training and Education
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

#### **4.4 Essex Minerals Local Plan (2014):**

- S4 Reducing the use of mineral resources
- S8 Safeguarding mineral resources and mineral reserves

#### **4.5 Relevant Planning Guidance / Documents:**

- Planning Practice Guidance (PPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (2017) (MDDG)
- Maldon District Vehicle Parking Standards SPD (2018)
- Maldon District Special Needs Housing SPD (2018)
- Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS)

#### **4.6 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing**

- Affordable Housing Scheme, including:
  - Provision of at least 40 per cent affordable housing
  - Tenure split of at least 80 per cent affordable rent, 20 per cent intermediate within this provision
  - Provision of at least 75 per cent social rent within the affordable rent portion.
- Annual Travel Plan monitoring fee of £1,817 (index linked to April 2025) from first occupation until one year after final occupation
- Bus service improvements (from Tollesbury and Tiptree to Witham) financial contribution of £600,000
- Education contributions including:
  - Early years childcare financial contribution of £368,100, index linked to Q1 2025
  - Primary education financial contribution of £1,227,000, index linked to Q1 2025
  - Secondary school transport contribution of £237,880, index linked to Q2 2021
  - Libraries financial contribution of £15,560, index linked to April 2020
  - A £700 monitoring fee per obligation (£2,800 total)
- Employment and Skills Plan
- Essex Coat RAMS contribution of £169.45 per dwelling (£33,890 total)
- Financial contribution of £10,000 for the replacement and implementation of a new footbridge to the southeast of the site for Public Footpath No. 8
- Habitat Management and Monitoring Plan (HMMP)
- NHS healthcare Primary Care Network infrastructure contribution of £150,500

### **5. MAIN CONSIDERATIONS**

5.1 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 Local Development Plan (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).

#### **5.2 Principle of Development**

##### Proposed Land Use

5.2.1 While the Local Plan does support growth and housing provision, it is directed to areas per the settlement hierarchy in Local Plan Policy S8. Tollesbury is defined as a 'larger village' which is the second tier of the hierarchy. The Site lies outside of any defined settlement boundary and is not within an allocated housing site within the Local Plan. The Site falls within the open countryside. The location is therefore

contrary to the spatial strategy and settlement hierarchy of the LDP, in particular failing to accord with Policies S2 and S8 of the Local Plan.

#### Five-year Housing Land Supply (5YHLS)

- 5.2.2 Paragraph 79 of the NPPF requires the Council as the LPA for the Maldon District to “*monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies*”.
- 5.2.3 NPPF Paragraph 78 requires “*local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old*”. The Council therefore prepares and publishes a Five-Year Housing Land Availability Report, annually.
- 5.2.4 The previous application which was withdrawn (the “Withdrawn Application” ref 23/00548/OUTM) was withdrawn when the Council was able to demonstrate a 5YHLS and the presumption in favour of sustainable development under Paragraph 11(d) of the NPPF was therefore not engaged. Following changes to the calculation of housing supply in the NPPF, Maldon District Council, it was established in a report to Council on 12 February 2026 that the 5YHLS stands at 4.1 years. As such, it is recognised that the Council cannot demonstrate a 5YHLS.

#### Presumption in Favour of Sustainable Development

- 5.2.5 Chapter 2 of the NPPF seeks to achieve sustainable development, which runs throughout the policies in the Framework. Paragraph 11 presents the presumption in favour of sustainable development, with parts (c) and (d) sets out how the presumption should be applied in decision making.
- 5.2.6 NPPF Paragraph 11 provides a staged approach for determination. Sub-paragraph 11(d) states that:
- “d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [8], granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed; or*
  - ii. 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 [9].”*
- 5.2.7 As stated earlier in this committee report, the Council cannot demonstrate a 5YHLS. Footnote 8 (within NPPF Paragraph 11 above) clarifies that out-of-date policies “*includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years*”.

5.2.8 The housing-related policies in the Local Plan must therefore be considered out-of-date and the application must be determined under sub-paragraph (d), rather than (c) which relates to up-to-date plans. This will be undertaken within the Planning Balance and Conclusion section of this committee report, taking into account all material considerations assessed throughout.

#### Loss of Agricultural Land

5.2.9 Local Plan Policy D2(11) states that “*development must take into account the economic and other benefits of preserving the best and most versatile land. Where possible poor quality land should be prioritised over higher quality land*”.

5.2.10 Natural England’s (NE) Provisional Agricultural Land Classification (ALC) places the Site within an area of grade 3 agricultural land. The vast majority of Maldon District falls within this grade on the map. Grade 3 is split into two sub-categories; 3a (good) and 3b (moderate). 3a falls within the Best and Most Versatile (BMV) category. NPPF Paragraph 187 (b) recognises the wider benefits of the best and most versatile agricultural land and footnote 65 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

5.2.11 The agricultural land consultation of NE is triggered by the loss of more than 20ha of Best and Most Versatile land, which the application does not propose. Officers do however note there is a loss but take the same stance as the inspector within appeal decision 24/01004/OUTM. While the Site is within an area which may contain some grade 3a land, officers note the relatively small amount of land being lost within the proposal when the total supply within the District is taken into account. The loss will be considered within the planning balance. Objections raise the issue of a residential unit which was tied to agricultural use being severed from the land – given that officers have found it acceptable for the proposal to be brought forward, there is suitable justification for that dwelling to no longer be required to be tied to the agricultural use and land given the change in circumstances.

### **5.3 Affordable Housing**

5.3.1 The application proposes more than ten new dwellings and is therefore required to provide affordable housing, per Local Plan Policy H1. The Site is located within the ‘Northern Rural’ area defined in Figure 7 of Policy H1, which requires 40 per cent of all proposed dwellings to be affordable. The application complies with this requirement, which officers recommend securing through an Affordable Housing Scheme planning obligation within a Section 106 agreement bound to the permission.

5.3.2 The application does not detail the mix of affordable housing. Officers recommend also securing this via planning obligation to ensure compliance with Policy H1 and the recent LHNA as follows:

- Provision of at least 40 per cent affordable housing
- Tenure split of at least 80 per cent affordable rent, 20 per cent intermediate within this provision
- Provision of at least 75 per cent social rent within the affordable rent portion.

5.3.3 Details of affordable housing location within the scheme would be assessed at reserved matters stage.

- 5.3.4 Subject to the above planning obligations, the proposed affordable housing would be policy compliant provision, in compliance with Local Plan Policy H1.

## **5.4 Unit Size Mix**

### Policy Position

- 5.4.1 The matters of layout and scale are reserved. The current application therefore does not propose a unit size mix distribution, which would be considered at reserved matters stage.
- 5.4.2 Officers recommend imposing a condition which requires compliance with the most up-to-date LHNA, to secure a size mix which creates a mixed and balanced community, and is appropriate to the needs of the District. Subject to this condition, the proposal complies with the relevant parts of Local Plan Policy H2.

## **5.5 Quality of Proposed Accommodation**

- 5.5.1 Matters relating to the internal size of dwellings, provision of private external amenity space, acceptable natural light etc are not a material consideration in this outline application, as layout is reserved. The proposal seeks 'up to' 200 dwellings, which allows for flexibility to ensure that proposed dwellings are of an acceptable standard, including the requirements of the MDDG. Officers do not consider it necessary to apply conditions requiring compliance with garden sizes as this will be assessed at reserved matters stage and the LPA will have the opportunity to apply further conditions at that stage if necessary.

### Noise and Disturbance

- 5.5.2 The application was supported by a Noise Screening Report, dated November 2025, which was reviewed by the Council's environmental health team. The report identifies road traffic noise from West Street (B1023) and Prentice Hall Lane as the primary noise sources affecting the site. Agricultural activity and recreational land uses in the vicinity are identified as intermittent and consistent with the existing character of the area. There are no areas which experience Unacceptable Adverse Effect Levels (UAEL) – the Council's environmental health team therefore pose no objection, advising that noise impacts are capable of being satisfactorily mitigated and controlled through detailed design at reserved matters stage. Officers recommend a condition securing an Acoustic Design Statement to ensure that sufficient mitigation is implemented.

### Restrictions to Permitted Development

- 5.5.3 In addition to protecting the amenity of existing nearby residents and the design of the surrounding area (considered within the relevant sections of this committee report, officers consider it a reasonable requirement to remove permitted development rights (within householder classes A, B, C, D and E) for all proposed buildings. This will ensure that acceptable garden sizes are retained and not eroded by extensions, or additional windows or roof extensions harming levels of privacy. This does not necessarily prohibit future occupiers from seeking to extend their properties, but ensures that a planning assessment can determine if development is inappropriate.

## Summary of Proposed Accommodation Quality

- 5.5.4 The quality of accommodation will predominantly be assessed at reserved matters stage. At this stage, the design is in accordance with Local Plan Policy D1 in this regard.

## **5.6 Landscape and Visual Impact**

### Policy Position

- 5.6.1 Local Plan Policy S1 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 will apply 14 key principles in policy and decision making that include: *12. Maintaining the rural character of the District without compromising the identity of its individual settlements.*
- 5.6.2 The site does not fall within any formal landscape designation.
- 5.6.3 The Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments (LCA) document shows the Site to be within Landscape Area 'E1 Tolleshunt Coastal Farmland', the key landscape characteristics of which are:
- Absence of woodland.
  - Semi regular pattern of tall hedgerows, small copses and shelterbelts, although many hedgerows removed.
  - Gently undulating arable farmland behind the coastal marshland.
  - Small-scale settlements situated in close proximity.
- 5.6.4 The LCA notes within the 'visual characteristics' of the E1 area are:
- Panoramic views across coastal farmland to the Blackwater Estuary and the Tollesbury Wick
  - marshes as well as to the wooded farmland to the north and west.
  - Views to Bradwell Power Station.
  - Open landscape of flat to slightly undulating arable fields.
  - Sail lofts local landmarks at marina outside Tollesbury.
- 5.6.5 The LCA assesses E1 as having a 'moderate to high' sensitivity to change. The Site is also near LCA Landscape Areas D2 (Maldon Drained Estuarine Marsh) and C2 (the Blackwater Estuarine Marsh/Mudflats) which are also considered for longer view impacts.

### Landscape and Visual Impact Assessment

- 5.6.6 The application is supported by a Landscape and Visual Impact Assessment (LVIA), produced by aspect landscape planning. The LVIA has been independently reviewed by Nigel Cowlin Ltd on behalf of the Council. Nigel Cowlin has provided a written assessment of the methodology and conclusions of the LVIA. Officers have considered the LVIA and the review, supporting the review's findings, which are contained within the assessment in this committee report.
- 5.6.7 As this is an outline application with only access for consideration, the submitted parameter plans and illustrative layout and landscape strategy are indicative only. The LVIA and its review have therefore been undertaken on the basis that any future development would broadly follow the form shown, with built development focused

mainly within the central and eastern parts of the site, a limited cluster near West Street and the cemetery, and the western field otherwise remaining largely undeveloped apart from the access road.

Methodology and Baseline Assessment

5.6.8 The review advises that the submitted LVIA follows a well developed methodology that has been shaped by industry standard guidelines, and in general it uses language and effect assessment gradings that should be effective in communicating the issues.

The review does however note that “*a few specific aspects of the TG LVIA methodology application are a little problematic, and this will be highlighted at relevant points in my evidence*”. This is addressed within officers’ assessment of the LVIA where relevant.

5.6.9 In terms of a baseline assessment, the LVIA review notes that the Site is made up of three fields which are all relatively flat and largely sit atop the down slope towards the Blackwater Estuary. The fields are also:

- West field – adjacent to Prentice Hall Lane, south of West Street, the cemetery and Footpath 8 to the south. This field is more exposed and has no connection with the settled form of Tollesbury.
- Central field – the north largely sits behind houses fronting onto the south of West Street, then extends south to Footpath 8. Less contained to the south but has some connection with the settled form of Tollesbury.
- East field – south of St John’s Court, west of the Victory Recreation Ground. Footpath 9 runs through the middle of this field northwards. Relevantly well contained by vegetation to the south and alongside the recreation ground to the east.

Landscape Effects

5.6.10 In relation to landscape value, the submitted LVIA attributes a ‘high to medium’ landscape value for LCA E1 and ‘high’ landscape value for LCA D2 and LCA C2

5.6.11 The level of **landscape susceptibility** is agreed as ‘medium’, given that the massing of the development would be concentrated in the central and eastern fields, which are better related to the built form of Tollesbury and benefit from the greater degree of existing tree screening adjacent to the southeast.

5.6.12 The level of ‘high to medium’ **landscape sensitivity** for the Site and its immediate context is agreed.

Visual Effects

5.6.13 Section 10 of the submitted LVIA addresses the visual effects of the proposal. The selected viewpoints and visual receptors are considered acceptable. The independent review has assessed the effects, which officers are in agreement with. The effects are listed below:

<b>View Location</b>	<b>Identified Effects</b>
Road users along West Street	‘moderate adverse’
Road users along Prentice Hall Lane	‘minor adverse’
People walking Footpath 8	‘major/moderate adverse’
People walking Footpath 3 & 4 –	‘minor adverse’
People using Bridleway 20	‘minor/negligible adverse’

<b>View Location</b>	<b>Identified Effects</b>
Road users along West Street	'moderate adverse'
Road users along Prentice Hall Lane	'minor adverse'
People walking Footpath 25 (King Charles III England Coastal Path and Long Distance National Trail)	'moderate adverse'
People walking Footpath 21 (Thistly Lane)	'minor/negligible adverse'
People visiting the Victory recreation ground	'minor/negligible adverse'
People visiting Tollesbury cemetery	'moderate/minor adverse'

Table 1 - LVIA Review Visual Effects Summary

5.6.14 The LVIA review identifies the main impacts to be to Footpath 8 users, road users along West Street and Footpath 25 users. There is a lesser 'moder/minor adverse' effect on people visiting Tollesbury Cemetery. There are other visual effects as listed in the table above, but these all fall within 'minor adverse' or lower level of effect. The effects would materially alter the rural approach to Tollesbury along West Street, result in increased spread of Tollesbury and impact on the visual experience of people using the two PROWs and cemetery.

#### Landscape Proposals and Mitigation

5.6.15 The LVIA provides an assessment of how the magnitude of landscape and visual effects might reduce with successful establishment of mitigating landscape planting, particularly along the setback edge of the development in the south, within the Site. Officers (in agreement with the LVIA review) do not accept that landscaping can mitigate the magnitude of landscape effect from 'major/moderate' level of effect to 'moderate'.

#### Cumulative Effects

5.6.16 The submitted LVIA (and the independent review) note potential cumulative effects in combination with the live application for the development of 159 dwellings to the north of West Street (25/00381/OUTM). There would be an in-combination impact on the openness of the western approach to Tollesbury if both developments were to be implemented. While both application sites push the majority of the development away from the road, establishing two estate road junctions onto West Street which would urbanise the rural feel of the location. While the LVIA review advises that this should be considered, officers note that the application 25/00381/OUTM does not have a determination to grant and therefore give limited weight to this cumulative impact in current considerations.

#### Conclusion

5.6.17 The proposal would result in:

- 'major/moderate adverse' landscape effect to the site and its immediate context / local landscape setting.
- a multitude of adverse visual impacts ranging from 'minor/negligible' to 'major/moderate' adverse.

5.6.18 As advised in the LVIA review, the landscape impact is a relatively serious level of adverse landscape effect and it represents that the proposed development would

cause a notable change and degradation to the character and appearance of the local area. Officers note that the more serious effects are relatively localised, are adjacent to the built-up village of Tollesbury (rather than being completely isolated within the open countryside) and do not result in any coalescence of urban areas or impact on designated landscapes.

5.6.19 In response, the applicant submitted a rebuttal document intended for officers' review. The document sets out the applicant's views that they broadly agree with the LVIA Review; however, states that the proposed landscaping would have a far larger effect on filtering out and mitigating the impact in views than that which has been concluded in the LVIA review. The document also reminds that there is no formal landscape designation and that the landscape harm would be outweighed in the planning balance by the benefits of the application.

5.6.20 The proposal results in landscape and visual harm, contrary to Local Plan Policies D1 and H4 and the NPPF. This harm will be weighed in the Planning Balance and Conclusion section of this committee report.

## **5.7 Layout and Design**

5.7.1 Appearance, Layout and Scale are reserved matters, therefore not for consideration in this application. If outline permission is granted, the decision would be subject to the details within reserved matters. The outline application does seek to set out some constraints which the reserved matters must comply with, through the submitted parameter plans.

5.7.2 The development proposes up to 200 houses on the Site. While only indicative, the submitted Design and Access Statement (DAS) contains a building density plan which shows three areas of density (25, 30 and 35 Dwellings Per Hectare) which would focus the denser areas of development within the centre of the Site along the main spine road, with density scaling down towards the southern boundary (and open countryside beyond) and the existing dwellings to the north, on West Street.

5.7.3 The Building Heights parameter plan shows that would restrict heights to a maximum of 2.5 storeys within the central areas of the Site, including flats, and multiple key corner plots (which are shown to be occupied by primary 'landmark' buildings within the illustrative layout), with a two-storey maximum height within the majority of the built area except a 1.5-storey height in the northwest area near the vehicle entrance to the Site. The scale is considered to be in line with the surrounding area.

5.7.4 The submitted DAS provides detailed information on the appearance of proposed dwellings, including rendered images and material palettes of buildings. The information is appreciated; however, is not for consideration in this application and will need to be submitted for determination at reserved matters stage. The applicant seeks to divide the Site into four separate character areas, which would assist in breaking up the design and creating visual interest within the Site.

5.7.5 The design approach is largely consistent with existing development in Tollesbury. While officers have identified harms in terms of landscape and visual impact, which includes impacting the layout of Tollesbury, the approach to the development within the Site itself is appropriate. In that regard, the design would comply with the relevant parts of Local Plan Policies D1 and H4.

## **5.8 Open Space, Landscaping and Children's Play Space**

- 5.8.1 Landscaping is a reserved matter and therefore cannot be considered in the current outline application. The submitted illustrative layout, in addition to the submitted parameter plans (which would secure reserved matters details to be submitted in accordance with the parameter plan layout) demonstrate that
- 5.8.2 The submitted Land Use parameter plan proposes indicative locations of:
- Locally Equipped Area for Play (LEAP)
  - Three Local Areas for Play (LAPs)
  - Informal play space – open green space
- 5.8.3 The scale of provision would be appropriate for a scheme of this size and the general (indicative) location of the play spaces are well-located, providing a centralized LEAP with access to all dwellings within the development and smaller areas spaced around the outer parts of the Site's residential areas to provide closer to home options for play. Officers also note the existing offsite play space to the east. Although the development would be not reliant on this, it does provide further options. Officers are satisfied that sufficient children's play space can be provided onsite and recommend a condition to secure details of play space layout, landscaping and play features at reserved matters stage.
- 5.8.4 Subject to the recommended conditions and the reserved matters detail to be submitted, officers are satisfied that the development can provide sufficient open space and landscaping of a high quality, in accordance with Local Plan Policies D1 and N3.

## **5.9 Impact on Heritage Assets and Archaeology**

### Policy Position

- 5.9.1 In accordance with sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. As this proposal would not entirely preserve the listed building's setting, there would be some conflict with this duty.
- 5.9.2 The NPPF provides the basis for assessing heritage impact on a planning application. NPPF Paragraphs 207-221 direct the consideration of heritage harm, which are not reproduced in this report but available within the NPPF.
- 5.9.3 While the application is made in outline, the parameter plans provide constraints which the scale and location of development would be located within. An assessment on heritage impact can be made on this basis.

### Identified Heritage Assets

- 5.9.4 The following heritage assets have been identified as potentially being impacted by the proposal:

#### Conservation Areas

- Tollesbury Conservation Area

#### Designated Heritage Assets

- Prentice Hall Farmhouse (grade II listed building)

#### Non-designated Heritage Assets

- None

#### Assessment – Tollesbury Conservation Area

- 5.9.5 The Tollesbury Conservation Area (CA) is located to the northeast of the Site, c. 50m from the nearest point. Views into or out of the CA would be constrained due to the narrow width of West Street and the tight grain of buildings on the southern side of that road.
- 5.9.6 The CA is located marginally to the north of the Site's central area and runs adjacent with the Site boundary in the east, on St John's Court.
- 5.9.7 The distance and the intervening buildings and vegetation are such that the proposal would not cause harm to the conservation area's setting or significance.

#### Assessment – Prentice Hall Farmhouse (grade II)

- 5.9.8 The Site falls within the extended setting of the grade II listed Prentice Hall Farmhouse, which sits to the southwest of the Site, on the opposite side of Prentice Hall Lane. It is an early 17th century timber-framed two-storey farmhouse, which was listed in 1978. Key features of architectural interest include the building's original timber-framed structure, original fireplaces, and the decoratively moulded base at the top of the stack.
- 5.9.9 Paragraph 208 of the NPPF requires that local planning authorities 'identify and assess the particular significance' of heritage assets affected by proposals. The Glossary to the NPPF defines significance as:
- "The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic."*
- 5.9.10 The application has been assessed by the Council's conservation and heritage officer, whose comments are contained within this assessment.
- 5.9.11 The timber-framed structure of Prentice Hall has archaeological interest insofar as it retains evidence (in the form of redundant mortices etc) for the building's original design and subsequent evolution. The building's chief interest is architectural due to its age, the legibility of its historic planform, the survival of key architectural features such as original fireplaces, and as a good example of a typical 17th century farmhouse.
- 5.9.12 The Council's Conservation and Heritage officer notes that the building is no longer a working farmhouse but does retain some of its former buildings and has had little intervention in its historic features and setting. While the building itself faces east, historic mapping shows that it was the fields to the south and west which have a historical relation with the heritage asset, not the application Site.
- 5.9.13 While there is some intervening foliage (and noting that lack of a historic connection between the grade II listed building and the Site, officers note that the western part of the application Site does make a small contribution to the significance of the heritage asset's open verdant landscape setting. The proposal would impact on this setting through the introduction of urban features (such as the vehicle access) and housing. The proposal does however push the majority of built development towards the east, significantly distanced from Prentice Hall Farmhouse, which limits the impact. There

would be intervisibility and co-visibility, but the distance between buildings and low level of development in the western area of the Site limits the impact.

- 5.9.14 The conservation and heritage officer advises that the proposal would result in “a very low level of ‘less than substantial harm’ to the significance of Prentice Hall Farm”. Officers agree with this position.

#### Heritage Harm Assessment

- 5.9.15 Officers have identified the below levels of harm to relevant heritage assets. The development would not impact the setting or significance of any other designated or non-designated heritage assets.

<b>Heritage Asset</b>	<b>Harm Identified</b>
Tollesbury Conservation Area	None
Prentice Hall Farmhouse (grade II LB)	Very low less than substantial

Table 2 - Relevant Heritage Assets

- 5.9.16 This results in a cumulative level of a very low level of less than substantial harm to designated heritage assets. As heritage harm has been identified, the level of harm must be weighed against the public benefits of the proposal in accordance with Paragraph 215 of the NPPF. This assessment will be undertaken in the Planning Balance and Conclusion section of this committee report.

- 5.9.17 Officers have not identified any harm to non-designated heritage assets.

#### Archaeology

- 5.9.18 NPPF Footnote 75 advises that “*non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets*”.

- 5.9.19 The Council’s conservation and heritage officer has assessed the application and does not pose objection, advising that the Essex Historic Environment Record (EHER) shows that the proposed development is sited in an area known to have high archaeological potential, including a potential settlement enclosure of Roman date as well as potential iron age and medieval assets. Officers are broadly in agreement with the submitted archaeological desk-based assessment (DBA), considering there to be high potential for the Roman period given the cropmark evidence within the Site and excavated evidence in close vicinity.

- 5.9.20 Given the high potential for archaeological assets on the Site and the significance which they may have, officers advise in accordance with the conservation and heritage officer that a planning condition securing a phased programme of archaeological investigation be applied to the permission in order to ensure that assets are fully understood and protected. This would include trial trenching, use of archaeological professionals to undertake the evaluation (with further excavation/mitigation required if any archaeological deposits are found).

- 5.9.21 Subject to the condition, officers are satisfied that the proposal would not result in any harm to archaeological assets, in accordance with Local Plan Policy D3 and the NPPF.

### **5.10 Impact on Amenity**

#### Impacts for Consideration

- 5.10.1 The basis of Policy D1 (4) of the 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). Policy H4 (density (7)) requires consideration of the impacts of development on neighbouring amenity.
- 5.10.2 While the detailed matters of appearance (to demonstrate factors such as window location), layout and scale are reserved, this outline application seeks approval for the scope of the development through the parameter plans. This includes the general location and maximum scale of buildings, and the location of the main access routes within the scheme. The visual impact is assessed in the Landscape and Visual Impact section of this committee report.

#### Daylight, Sunlight, Outlook and Privacy/Overlooking

- 5.10.3 Given the low level of detail which can be given full weight in considerations at outline stage, officers are considering daylight, sunlight, outlook and privacy together.
- 5.10.4 The Land Use Parameter Plan allows for residential use, including access routes and incidental open space, directly adjacent to the southern boundaries of properties on West Street, St John's Court and Elysian Gardens. The MDDG states that "*where new development backs on to the rear gardens of existing housing, the distances between buildings are set out in the Essex Design Guide to a minimum of 25m*". The submitted illustrative masterplan (while illustrative only) demonstrates that the layout of the parameter plans can hypothetically contain residential development with an adequate window-to-window distance with existing buildings. The full details will be provided at reserved matters stage.
- 5.10.5 While it is noted that there would be a significant change to these properties in terms of their view, that is not a material planning consideration. Officers are also satisfied that the development can be brought forward without unacceptable impact on outlook.
- 5.10.6 The submitted Building Heights Parameter Plan proposes "dwellings up to two storeys" in all locations adjacent to existing offsite residential units with the exception of an area permitted for "up to 2.5 storeys" to act as a visual endpoint in the north of the north/south spine road. The scale of the proposed dwellings does not give way to immediate concerns of overlooking, noting that appropriate setback distances from existing properties can be achieved at reserved matters stage.

#### Noise

- 5.10.7 The proposed residential use is not a noise-generating use. Vehicle movements associated with occupiers of the development would enter the Site from West Street, distanced from existing properties and also separated from the cemetery by proposed green space. While the residential use of the area would be intensified, it would not give way to any unacceptable noise or disturbance at operational stage – officers acknowledge that there would be an impact on existing dwellings on the southern edge of Tollesbury and also people visiting the cemetery, but the proposed residential use is an acceptable neighbouring use to other residential development or cemeteries and would not be considered to result in an impact which is contrary to Local Plan Policy D1.
- 5.10.8 Noise at construction stage would be controlled through national working hours, the Construction Environmental Management Plan (CEMP) (recommended to be

secured by condition) and the Control of Pollution act. While there would certainly be a perceived impact on the surrounding area, it would be temporary and the majority of the works would be separated from existing residential development and the cemetery.

#### Smell and Pollution

- 5.10.9 The proposed residential houses would not generate levels of odour or pollution which are likely to have any significant impact on the surrounding area. While there would be an uplift in vehicle trips associated with the proposed parking, the uplift in the number of vehicles using the road would not be at a level which results in a significant detrimental increase in emissions and the vehicles would use existing roads for access, with sufficient distance between the main routes used by new vehicles and existing buildings.
- 5.10.10 The Construction Management Plan condition on the Outline Permission would also include a requirement on dust management, protecting air quality.

#### Impact on Amenity Summary

- 5.10.11 Subject to the recommended condition regarding permitted development restrictions, officers are satisfied that the proposed development would not unacceptably impact on the residential amenity of any existing dwelling. This complies with the relevant requirements of LDP Policy D1.

### **5.11 Transport, Access and Highway Safety**

- 5.11.1 The application has been reviewed by Essex County Council (ECC) highways team, who support the proposal subject to conditions (set out in the list of conditions recommended to members at the end of this committee report) summarised below:

- Construction Management Plan
- Implementation of access arrangements
- Bus stop improvements
- Public Right of Way No. 8 upgrades
- Updated Travel Plan
- Residential Travel Packs
- The following were requested as conditions but must be secured as planning obligations on the s106 legal agreement:
  - £10,000 contribution towards PRow No. 8 replacement
  - £600,000 contribution towards bus stop improvements

#### Highway Capacity

- 5.11.2 The Highway Authority have not objected to the proposal, noting that the impact of the proposed development on the capacity of the local highway or wider highway network is not expected to be significant and in no way severe.
- 5.11.3 There are multiple application sites of significant residential scale within Tollesbury that are currently under assessment:

Reference / Site	No.	Planning Stage
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	Dwellings	
25/00207/OUTM	Up to 26	Highways advise that a scheme of this size would not be assessed in relation to trip generation.
25/00381/OUTM	Up to 159	Undergoing assessment, no resolution to determine.
26/00066/OUTM	149	Undergoing assessment, no resolution to determine.
26/00161/OUTM	24	Highways advise that a scheme of this size would not be assessed in relation to trip generation.

Table 3 - Significant development sites in the local area

- 5.11.4 NPPF Paragraph 116 states that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios*”.
- 5.11.5 When assessing whether the cumulative impact of any other sites should be counted in addition to the surveyed baseline level of vehicle movements on the highway network, the decision maker must consider whether those sites can reasonably be considered to be brought forward and also apply weight according to how likely and advanced this is.
- 5.11.6 While committed development can be given full weight, and live applications which have a resolution to grant permission at planning committee can be given moderate weight, the other relevant developments are at live application stage with no committee resolution or even an officer recommendation. The sites do not benefit from a formal allocation within the adopted Local Plan. Officers therefore give very limited weight to the impact of offsite applications at the time of writing this committee report.
- 5.11.7 The Transport Assessment (TA) demonstrates that the development’s traffic generation would not have a significant or severe impact on the highway network, as concluded in review by the Highway Authority. The TA projects 112 two-way vehicle movements within both the AM and PM peak hours. While there would be additional trips, officers note that the vast majority would be driving westwards on West Street, away from areas with higher congestion. Officers are satisfied that the impact would not be significant enough to be detrimental to existing or future users, thereby complying with Local Plan Policies D1 and T2.

#### Access

- 5.11.8 The Withdrawn Application was withdrawn in part due to highways issues stemming from the two proposed access points of that development and the housing development to the north of West Street connecting to West Street at opposite points, albeit that other development was not supported. The current application has moved the main access eastwards on West Street. The Highway Authority (ECC Highways) advise that they have visited the site and assessed the information submitted by the applicant, concluding that in highway terms, the proposal is not contrary to national or local highway/transportation policy, nor current safety criteria. The access would have sufficient visibility splays and would allow for two-way traffic movements of larger vehicles and emergency vehicles, as demonstrated through the TA’s swept path analysis.

5.11.9 Public Right of Way (PRoW) Tollesbury 7 runs along the southern boundary and within the eastern part of the Site, connecting Prentice Hall Lane with St John's Close. The development proposes five new pedestrian/cycle access points onto the PRoW, which would improve the access to the footpath. The development is required to make a £10,000 contribution for the replacement of a footbridge in the southeast part of the Site. Subject to this and the approved plans, the proposal would have an acceptable impact on the PRoW. Officers recommend a condition to require provisions that the footpath remains open and accessible at all times throughout the construction period.

#### Parking

5.11.10 Layout is a reserved matter. Details of vehicle and cycle parking provision are therefore not a consideration within this assessment and will be provided at reserved matters stage. The provision will need to have regard to Local Plan Policies D1(5) and H4, as well as meeting the Vehicle Parking Standards SPD requirements.

#### Sustainable Transport and Accessibility

5.11.11 The application is supported by a Framework Travel Plan (FTP). The Highways Authority have reviewed the FTP noted that additional information was submitted in terms of improving accessibility to other modes of sustainable travel with pedestrian crossing points, cycle access, passenger transport improvements as discussed elsewhere in this committee report. The Highways Authority are satisfied that the development (subject to a detailed Travel Plan at reserved matters stage) would suitably discourage private motor vehicle trips.

5.11.12 The Site does lie outside of the defined settlement hierarchy, with the Tollesbury settlement boundary terminating directly to the north of the Site. Officers note the status of the Site within the Council's CFS was considered sustainable and appropriate for up to 200 dwellings; however, this is a high-level assessment and is not an allocation of the Site – officers therefore give this limited weight in considerations.

5.11.13 Tollesbury is categorised as a 'larger village' in the Local Plan settlement hierarchy, which is the second highest tier of settlement size. Policy S8 notes that larger villages are "*defined settlements with a limited range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport*".

5.11.14 Through the Access and Movement Parameter Plan, the scheme propose s pedestrian/cycle access connection points onto West Street in the northwest, St John's Court / Elysian Gardens in the northeast of the development and five points to the south, onto PRoW Footpath 8. While the upper northern section of the development would not have a direct access onto West Street, the Site is able to be made relatively permeable. This results in the following walkable distances from the northeast point of access on the Site (not utilising PRoW Footpath 8, given that it is unlit, or noting the main vehicle access as this increases the internal walk distance):

- Tollesbury Primary School c. 570m walk
- Nearest bus stop c. 230m walk
- Small retail unit c. 400m walk
- Tollesbury Pharmacy c. 520m walk
- King's Head Pub c. 350m walk

- 6.4ha Suitable Alternative Natural Greenspace (SANG) area within the west of the Site
- Tollesbury Recreation Ground directly east of the Site

5.11.15 Taking the above facilities into account, officers consider the Site to be in a sustainable location with sufficient access to local facilities. There would be a primary school, shop, pharmacy and some social facilities all within a c. 6-minute walk from the Site boundary, with potentially another maximum five minutes of walking time within the Site from the most distanced proposed units. The nearby bus stops on West Street provide the following services in both directions:

- 50 Colchester – Tollesbury
- 50A Colchester – Tollesbury
- 91 Tollesbury – Witham
- 92 Colchester – Tollesbury
- 95 Tollesbury – Maldon
- 95A Tollesbury – Plume School

5.11.16 Bus services generally run every 30 minutes, between 07:00 – 19:30 on weekdays, 07:30 – 18:45 on Saturdays and no services on Sundays. While the Site does have a dependable service on weekdays, it lacks bus services in the evening and on Sundays, which would necessitate other modes of travel for residents wishing to travel in those times. The additional stress on these services (through more persons needing to use the buses) would be mitigated through a £600,000 financial contribution towards service improvement, as requested by the Highways Authority.

5.11.17 Taking into account the local facilities and public transport options, and also noting other decisions and recent appeal decisions within the district, officers conclude that the Site would be in a sustainable location; however, there would be an element of reliance on private motor vehicle trips which the applicant cannot fully address.

#### Transport, Access and Highway Safety

5.11.18 While the development would require some reliance on private vehicles, officers are satisfied that the Site is in a sustainable location and would not unacceptably impact on the surrounding highways network. Subject to the conditions referred to, the development would have an acceptable impact in terms of transport, access and highway safety, in accordance with Local Plan Policies D1, T1, T2 and I1.

### **5.12 Ecology and Biodiversity**

#### Protected and Priority Species

5.12.1 The submitted Preliminary Ecological Appraisal (PEA) has identified that a Great Crest Newt has been recorded in a pond (which is proposed to be retained) onsite. The construction works taking place in close proximity to the pond have the potential to harm the European Protected Species and therefore a license must be obtained from NE demonstrating that suitable mitigation can allow for the works to proceed. The applicant has applied for a District Level License to NE and are awaiting their response. Officers are satisfied that this can be secured by planning condition, which has been the process previously in the District.

5.12.2 The Site has suitable foraging and commuting habitat for bats with good connectivity along the western and southern boundaries, which are locations where development is proposed. Officers recommend a condition to secure a lighting strategy which is

informed by best practice to ensure that existing dark corridors for light-sensitive species, in particular Barbastelle and Myotis sp., are maintained to allow for bat foraging and connectivity.

- 5.12.3 The Preliminary Ecological Appraisal (PEA) demonstrates that there is no evidence of badgers onsite; however, notes that there is onsite vegetation which limited the ability to make the assessment in areas and thereby recommended that an updated badger survey should be conducted prior to commencement – no more than three months before works commence on the Site.
- 5.12.4 The PEA estimates two pairs of skylarks with territories in the western field of the Site which would be lost due to the creation of a circular walking route. Alternative mitigation is required – this can be secured through a Skylark Mitigation Strategy condition placed on the permission.

#### Biodiversity Net Gain

- 5.12.5 As of 12 February 2024, all major development, as defined under Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015, are required to deliver a mandatory 10 per cent Biodiversity Net Gain (BNG). The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.
- 5.12.6 The application is supported by a BNG Assessment and Statutory Biodiversity Metric, both produced by Aspect Ecology, in addition to a response to consultee comments. The latter clarified that the onsite ditches were excluded from the BNG metric because they are dry for more than four months of the year. The application would achieve a 49.15 per cent onsite BNG, which is welcomed as a benefit of the proposal and would be secured through planning obligations and subject to ongoing management through recommended conditions.

#### Trees and Hedges

- 5.12.7 There are no onsite trees that are subject to a TPO or are protected by way of being inside a conservation area. There are no Veteran Trees or any Ancient Woodland onsite.
- 5.12.8 The proposal is supported by an Arboricultural Impact assessment (AIA), produced by Fabrik. The AIA has been reviewed by Place Services Arboricultural Team, who have no objection to the proposal.
- 5.12.9 The AIA identifies 99 onsite trees. The majority are proposed to be retained; however, the application proposes:
- Removal of Category C trees: T4, T60, T61, T62, T63, T64, G56 and G84.
  - Partial removal of Category C trees: G7, H83, G86, G42, G48 and H55
- 5.12.10 The trees are shown to be necessary to bring forward the development and would all be Category C, which is defined in national standard BS5837:2012 as 'low' quality and value, such as those with under 10 years of life expectancy or a stem diameter below 15cm. All Category A and B trees (defined as 'high' and 'moderate' quality) would be retained.

- 5.12.11 The loss of the Category C trees is acceptable given their lesser quality. Further, the development would mitigate this through the planting of new onsite trees, with the number to be determined at reserved matters stage but very likely to be significantly higher than the number of trees lost. Conditions are recommended to secure details of both tree and hedge/shrub retention and protection measures, to ensure that the existing higher quality trees are not damaged during the construction period.
- 5.12.12 Subject to the recommended conditions, officers consider the application to comply with the relevant parts of Local Plan Policies D1 and N1.

#### European and Other Designated Sites

- 5.12.13 The Site falls within the recreational Zone of Influence (Zol) of the Blackwater Estuary RAMSAR, Special Protection Area (SPA) and Special Area of Conservation (SAC). The Blackwater Estuary is also subject to designations as a Special Site of Scientific Interest (SSSI) Risk Zone and Marine Conservation Zone (MCZ).
- 5.12.14 The LPA is therefore required to prepare a project level Habitats Regulations Assessment (HRA) Appropriate Assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.
- 5.12.15 NE has reviewed the submitted HRA which was produced by the applicant. Maldon District Council, as the competent authority, has reviewed this HRA and agrees with the findings, therefore adopting it within the assessment of this application.
- 5.12.16 To accord with NE requirements and standard advice an Essex Coast RAMS Habitat Regulation Assessment (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 findings from the HRA Stage 1: Screening Assessment are listed below:

#### HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the Zol for the Essex Coast RAMS with respect to the below sites? **Yes**

Does the planning application fall within the specified development types? **Yes – The proposal is for a net increase of residential dwellings**

#### HRA Stage 2: Appropriate Assessment - Test 2 - the integrity test

Is the proposal for 100 houses + (or equivalent)? **Yes – up to 200 houses**

Is the proposal within or directly adjacent to one of the above European designated sites? **No**

#### Summary of Appropriate Assessment

- 5.12.17 Having undertaken an Appropriate Assessment, the development is considered to provide sufficient onsite measures to mitigate any adverse effects on the protected sites through increased recreational use resulting from the proposed development.

This stance is supported by NE subject to the proposed mitigation. The proposed mitigation comprises:

- Provision of 3ha of SANG per 1000 new population
- A breakdown of the areas that are proposed to contribute to high quality semi-natural accessible greenspace, i.e. showing the location, design and hectareage (note that Sustainable drainage systems (SuDS) can contribute to greenspace). These areas should have sufficient visual and noise screening.
- Circular dog walking routes of at least 2.3 km within the site and/or linking to surrounding Public Rights of Way (PRoW) and highway network.
- 'Dogs-off-lead' areas; dog waste bins.
- Signage on-site and information leaflets to first occupiers to promote these areas for recreation.
- The long-term maintenance and management of these provisions secured in-perpetuity.
- Essex Coast RAMS financial contribution of £175.55 per dwelling (indexed) which amounts to a maximum sum of £35,110 if 200 dwellings are constructed.

5.12.18 The submitted 'Outline SANG Plan' proposes a 6.369ha, significantly exceeding the onsite requirement by providing sufficient mitigation SANG for 2,123 residents' use. The plan also demonstrates the feasibility of a 2.3km circular walking route, which utilises PRoW Footpath 8 to the south, as well as a 'dogs off leads' area. These and the other mitigation measures will be secured through recommended planning conditions and planning obligations within a Section 106 legal agreement.

5.12.19 Subject to the above measures and planning obligations, officers are satisfied that the proposal would not result in an adverse impact on any European or other protected ecology sites, in accordance with Local Plan Policies H8, N2 and I1.

### **5.13 Drainage and Flood Risk**

5.13.1 This outline application reserved the matter of layout and a drainage scheme therefore cannot be finalised at this stage as it will need to reflect the layout of buildings, streets and drainage basins within the full layout at reserved matters stage.

#### Tidal/Fluvial Flood Risk

5.13.2 The site is wholly located within Flood Zone 1, which has a less than 1 in 1000 annual probability of flooding from rivers or the sea sources. The proposed residential use is appropriate in this Flood Zone. There are no concerns relating to tidal or fluvial flood risk.

#### Surface Water Drainage

5.13.3 The Lead Local Flood Authority (LLFA), which is ECC, originally issued a holding objection, requiring the development to ensure that local approaches are adhered to in the event that there is a clash between national and local standards. Following the submission of further information taking into account higher levels, the LLFA issued supporting comments.

5.13.4 The submitted indicative drainage strategy proposes infiltration in suitable areas, including the use of porous surface materials, and a gravity pipe drainage system, discharging to attenuation basins in the southern area of the Site, with an attenuation basin and swale running along the western area on the edge of the proposed

western field open space. The design also proposes some discharge to an existing ditch on the southern boundary, in which the discharge rate was agreed by the LLFA.

5.13.5 Officers support the application in relation to flood risk and the indicative drainage strategy, subject to the following conditions recommended by the LLFA (which would secure final drainage details, based on a layout approved at reserved matters stage):

- Surface water drainage scheme, including infiltration testing, limitation to LLFA-agreed discharge rates for 1 in 100 year storm events plus 45 per cent for climate change and details of all storage features.
- Scheme of measures to minimise offsite flood risk during construction stage.
- Maintenance plan
- Maintaining annual logs of maintenance

5.13.6 Anglian Water have no comments on the disposal of surface water, as it does not involve any of their assets, and defer to the LLFA.

#### Foul Drainage

5.13.7 Anglian Water (AW) are the operator of the local sewerage system and have confirmed that they have no assets which may be impacted by the development. AW has also advised that there is sufficient capacity to accommodate the additional foul flows from the development, as well as Tollesbury Water Recycling Centre (WRC) having sufficient capacity to accommodate the additional recycling of wastewater flows from the proposal. Therefore, there are no concerns in relation to foul drainage.

5.13.8 AW have requested a set of information be placed on the planning permission, should members be minded to grant, informing the applicant of their duties under the Water Industry Act. These requirements sit outside planning regulations and are therefore included as informatives in Section 8 of this committee report.

#### Drainage and Flood Risk

5.13.9 Subject to the submission of acceptable reserved matters and details in relation to the conditions stated within this report section, officers are satisfied that the proposal would not have any unacceptable risk in relation to flooding or drainage, in accordance with Local Plan Policies D1 and D5.

### **5.14 Minerals and Waste**

#### Mineral Safeguarding

5.14.1 The Site is located within a 'sand and gravel' Mineral Safeguarding Area (MSA), which terminates roughly in line with the Site's southern boundary and extends to the north, east and west of the Site. The County Minerals and Waste Authority requested that a Mineral Resource Assessment (MRA) be submitted, which was done in May 2026. The MRA identifies onsite resources; however also highlights the operational and policy constraints in accessing the resources. Most crucially, the resources would need to be extracted below groundwater level, meaning pumping water from a quarry to local watercourses which has ecological and flooding impacts. The County have agreed that they do not consider mineral extraction feasible given the constraints. Officers therefore conclude that there would be no unacceptable sterilisation or other impact on mineral resources, in accordance with Policy S8 of the Essex Minerals Local Plan.

5.14.2 The submitted MRA proposes use of easily extracted sand and gravel during the construction process, which negates the need for importing aggregates from offsite. This is welcomed – officers recommend a condition be used to secure a Materials Management Plan (MMP) which would set out the commitment and process of incidental extraction.

#### Mineral Infrastructure

5.14.3 The Site does not fall within a Mineral Consultation Area (MCA) as defined in Minerals Local Plan Policy S8. A Mineral Infrastructure Impact Assessment is therefore not required.

#### Waste Infrastructure

5.14.4 The Site does not fall within a Waste Consultation Area (WCA) as defined in Waste Local Plan Policy 2 and is not at risk of impacting on the operation of any waste sites. A Waste Infrastructure Impact Assessment (WIIA) is therefore not required.

#### Site Waste Management

5.14.5 As requested by ECC Waste Management, officers recommend imposing a condition on the permission to secure the submission of a Site Waste Management Plan (SWMP) which will require the development to utilise the maximum possible recovery and recycling of minerals from the demolition and construction process to reduce the need for the extraction of new minerals, in line with Minerals Local Plan Policy S4.

#### Operational Waste Management

5.14.6 As layout is a reserved matter, no details of waste management have been submitted. Officers recommend a condition to secure a Waste Management Plan, with details of refuse/recycling containers, storage and any bin-drag distances to on-street collection. Reserved matters plans will also need to demonstrate that 26-ton waste collection vehicles can access all collection points, with appropriate turning points.

#### Minerals and Waste Summary

5.14.7 Taking the above assessment into account, officers are satisfied that the development would not have an unacceptable impact on any matters relating to minerals and waste, subject to the following conditions:

- Site Waste Management Plan (demolition and construction stage)
- Waste Management Plan (operational stage)

### **5.15 Education Infrastructure**

5.15.1 The proposed development would increase the number of residents living locally, which would result in increased demand on local schools. The ECC education department have provided comments and do not object to the application, subject to the identified mitigation as follows:

- Early years childcare financial contribution of £368,100, index linked to Q1 2025

- Primary education financial contribution of £1,227,000, index linked to Q1 2025
- Secondary school transport contribution of £237,880, index linked to Q2 2021
- Libraries financial contribution of £15,560, index linked to April 2020
- A £700 monitoring fee per obligation (£2,800 total)
- Employment and Skills Plan

## **5.16 Public Safety and Human Health**

5.16.1 The Health and Safety Executive (HSE) has not commented on the application, as the Site is not within the consultation distance of a major hazard site or major hazard pipeline.

### Health Impact Assessment and Healthcare Infrastructure

5.16.2 Local Plan Policy I2 seeks to improve the District's health and wellbeing. The policy requires all residential development of 50 dwellings or more to undertake a Health Impact Assessment that measures wider impact upon healthy living and the demands that are placed upon the capacity of health services and facilities arising from the development.

5.16.3 The submitted HIA, produced by Icen, concluded that the development would have a positive health impact on all issues except 'access to education' and 'access to healthcare'. These impacts have been considered by ECC Education and the National Health Service, who are supportive of the application subject to the respective financial contributions. For Healthcare, this amounts to £150,500 towards the primary care network, which is identified to improve services to mitigate the number of new persons using them. This would be secured through a S106 legal agreement.

5.16.4 Officers consider some 'positive' potential health impacts that the HIA identified to potentially be 'uncertain' at this stage, given the outline nature of the application. This includes 'design of homes and housing', 'supporting communities' and 'environmental sustainability'. The positive intentions of the scheme are noted. Further consideration will be required at reserved matters stage, but officers have no reason to doubt that positive impacts can be achieved with mitigation.

5.16.5 Subject to further detail and the financial obligations identified, the proposal would have an acceptable impact on human health and wellbeing, in accordance with Local Plan Policies D1 and I2.

### Crime and Public Safety

5.16.6 The Health and Safety Executive (HSE) stated that the Site does not fall within a consultation distance of a major hazard site or major accident hazard pipeline and therefore falls outside of their consultation criteria.

5.16.7 The Site does not have any intrinsic safety or crime issues; however, new development will inevitably create areas of potential crime or antisocial behaviour and should be well designed to mitigate against this. If permission is granted, the subsequent reserved matters application will be required to demonstrate how the detailed design provides a safe place which minimises the risk of crime and fear of crime, in accordance with Local Plan Policy D9 and Paragraph 96b of the NPPF. An informative is recommended, advising the applicant to have regard to the comments

of the ECC Police Design out Crime team, who have provided advice on this application.

## **5.17 Air Quality**

- 5.17.1 The Institute for Air Quality Management (IAQM) guidelines indicate that this application needs to submit an Air Quality Assessment (AQA). The Site does not lie within or near any Air Quality Management Area (AQMA) or Clean Air Zone.
- 5.17.2 The application is supported by an AQA produced by Logika Group dated November 2025, which has been reviewed by the Council's environmental health team who support the application at outline stage, subject to conditions securing a CEMP and Construction Dust Management Plan, which will mitigate air quality impacts at the construction stage.
- 5.17.3 Subject to the recommended conditions, officers are satisfied that the application would have an acceptable impact on air quality, in accordance with Local Plan Policies D1, D2 and Paragraph 199 of the NPPF.

## **5.18 Land Contamination**

- 5.18.1 The application is supported by a Phase 1 Geo-Environmental Desk Study, dated November 2025, which has identified the potential for significant ground contamination to be of a 'moderate to low' level. The document and wider application has been assessed by the Council's environmental health team, who conclude that there would likely not be any significant issues in relation to land contamination. The environmental health team recommend conditions to secure a Phase 2 Land Contamination Investigation, with further conditions securing a Remediation Strategy to address any contamination if it is found, and the submission of a Verification Report to demonstrate that the contamination has been adequately remediated.
- 5.18.2 Subject to these conditions, officers are satisfied that the proposal is acceptable in terms of land contamination risk, in accordance with the relevant part of Local Plan Policy D2 and Paragraph 196(a) of the NPPF.

## **5.19 Energy and Sustainability**

- 5.19.1 Local Plan Policy D1 requires development to make a positive contribution to energy and resource efficiency. Policy D2 states that "*development should seek to maximise the use of building materials from sustainable sources and apply sustainable construction methods where appropriate*".
- 5.19.2 The submitted DAS states that Air Source Heat Pumps will be utilised, in addition to photovoltaic panels where appropriate. The DAS also includes general details that sustainable and local materials will be used in construction, with reuse of existing materials prioritised. Details of sustainable fabrics and sustainable energy generation can be secured at reserved matters stage.

## **5.20 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing**

5.20.1 The applicant has confirmed that they are willing to enter into a Section 106 (S106) legal agreement which would be bound to the permission if granted, to include the following planning obligations:

- Affordable Housing Scheme, including:
  - Provision of at least 40 per cent affordable housing
  - Tenure split of at least 80 per cent affordable rent, 20 per cent intermediate within this provision
  - Provision of at least 75 per cent social rent within the affordable rent portion.
- Annual Travel Plan monitoring fee of £1,817 (index linked to April 2025) from first occupation until one year after final occupation
- Bus service improvements (from Tollesbury and Tiptree to Witham) financial contribution of £600,000
- Financial contribution of £10,000 for the replacement and implementation of a new footbridge to the southeast of the site for Public Footpath No. 8
- Education contributions including:
  - Early years childcare financial contribution of £368,100, index linked to Q1 2025
  - Primary education financial contribution of £1,227,000, index linked to Q1 2025
  - Secondary school transport contribution of £237,880, index linked to Q2 2021
  - Libraries financial contribution of £15,560, index linked to April 2020
  - A £700 monitoring fee per obligation (£2,800 total)
- Employment and Skills Plan
- Essex Coat RAMS contribution of £169.45 per dwelling (£33,890 total)
- Habitat Management and Monitoring Plan (HMMP)
- NHS healthcare Primary Care Network infrastructure contribution of £150,500

5.20.2 If members are minded to grant planning permission, that decision would be subject to the legal agreement being signed, to secure the above obligations, prior to the decision notice being issued.

## **5.21 Planning Balance and Conclusion**

5.21.1 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.

### Presumption in Favour of Sustainable Development

5.21.2 As stated earlier in this committee report, the housing policies of the Local Plan must be considered out-of-date due to the lack of a 5YHLS. The application must be determined under the presumption in favour of sustainable development, in Paragraph 11(d).

5.21.3 To recap, NPPF Paragraph 11 provides a staged approach for determination. Sub-paragraph 11(d) states that:

*“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [8], granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed; or*

*ii. 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 [9].”*

5.21.4 Paragraph 11(d)(i) directs authorities to refuse applications where the policies within the Framework (NPPF) referred to in Footnote 7 provide a strong reason for refusal of the development. Footnote 7 lists these as:

- habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest
- land designated as Green Belt, Local Green Space
- a National Landscape
- a National Park (or within the Broads Authority) or defined as Heritage Coast
- irreplaceable habitats
- designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75)
- areas at risk of flooding or coastal change

5.21.5 As detailed in this committee report, officers do not consider there to be any strong reason for refusal under any of the policies referred to in Footnote 7 (above).

5.21.6 The NPPF therefore directs the decision-maker to sub-paragraph 11(d)(ii) – this is often referred to as the ‘tilted balance’ because it tilts the decision towards an approval. It dictates that planning permission should be granted unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*”. It also places particular regard to key policies for directing development to sustainable locations in Footnote 9.

#### Benefits of the Proposal

5.21.7 The main impacts of the proposal which are considered to be benefits (it should be noted that matters which are secured in order to address the impacts of the proposal, such as the education, ecological or healthcare financial contributions, are sized appropriately to the development’s impact and are necessary to make it acceptable in planning terms and are therefore not considered benefits):

#### Social Benefits

- The provision of 200 new suitably sized homes within the District, with a pressing need for new homes, as evidenced by the lack of a 5YHLS. This includes 40 per cent of units as affordable homes. Officers give this benefit significant weight.
- New communal open space (including the SANG in the west of the Site) and children’s play space which would benefit future occupiers of the development but also residents outside the Site boundary. Officers give this benefit significant weight.

#### Economic Benefits

- There would be some benefits in terms of job creation during the construction phase; however, this is a relatively short-term benefit. Officers give this benefit moderate weight.
- Future occupiers would utilise local facilities, improving the viability of these businesses. Officers give this benefit moderate weight.

### Environmental Benefits

- Creation of c. 10ha of green infrastructure, including a large amount of SANG which would be available to surrounding residents, and a BNG of 49.15 per cent, which is above the 10 per cent mandatory national requirement. This makes a large improvement to open space offer in the surrounding area and contributes to mitigation of impacts on nearby protected sites and protected species habitats. Officers give this benefit significant weight.
- Improvements to pedestrian links. Noting the location and destination points of the improved links, officers give moderate weight to this benefit.
- The proposed dwellings will optimise the use of sustainable fabrics and latent thermal control and will use Air Source Heat Pumps and solar photovoltaic panels to utilise sustainable energy generation within the development. This approach aligns with national sustainability aims and officers give this benefit moderate weight.

### Adverse Impacts of the Proposal

5.21.8 The application has been assessed against the relevant policies of the development plan. The main harms resulting from the proposed the development are:

- Development located outside of the settlement boundary, failing to accord with the spatial strategy of the Local Plan; however, given the lack of a 5YHLS resulting in the relevant policies being considered out of date, officers give limited weight to this harm.
- The proposal would establish built form on an open greenfield site, which officers consider to result in would result in 'major/moderate' adverse landscape effects to the immediate context/local landscape setting and up to 'major/moderate adverse' visual effects, the most significant being to people walking Footpath 8. Noting the magnitude of the adverse impacts identified, officers give this harm significant weight.
- Loss of 18.06ha of agricultural land. Noting the large amount of grade 3 agricultural land within the District, officers give limited weight to this harm.
- A low level of less than substantial harm to the grade II listed Prentice Hall Farmhouse

### Planning Balance

5.21.9 The current assessment is made in the context NPPF Paragraph 11(d), where permission should be refused if "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*".

5.21.10 Officers have weighed up the benefits and adverse impacts of the proposal within the context of the NPPF, concluding that the adverse impacts would not significantly and demonstrably outweigh the benefits of the provision of 200 dwellings while the Council cannot demonstrate a 5YHLS. This conclusion is made giving limited weight to the other relevant live housing applications within Tollesbury, given that none benefit from planning permissions or a resolution to grant.

5.21.11 Officers therefore recommend that planning permission should be granted.

## **6. ANY RELEVANT SITE HISTORY**

Application Number	Description	Decision
23/00555/SCR	Request for a Screening Opinion to determine the requirement for an Environmental Impact (EIA) on outline planning application 23/00548/OUT	EIA Not Required 22.09.2023
23/00548/OUTM	Outline planning application with all matters reserved except access, for up to 200no. dwellings (Use Class C3); new site access and internal access roads; a new community building (Use Class F2(b)); land for a community car park (Sui Generis); car and cycle parking; landscaping; sustainable urban drainage systems; public open space; Local Equipped Area for Play ('LEAP'); and associated infrastructure.	Withdrawn 11.03.2024

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	<p><u>23 March 2026</u> <b>Object</b>, for the following reasons:</p> <ul style="list-style-type: none"> <li>The development is not an appropriate scale to the southwest section of Tollesbury village, nor its steady historical growth. The location is not accessible and would necessitate vehicle trips. The proposal would have an unacceptable impact on traffic and increase the likelihood of traffic incidents.</li> <li>There would be a 16 per cent surge in the number of homes, which would unravel the social fabric of Tollesbury. The village has limited employment opportunities.</li> <li>There has been limited opportunity for community engagement with the</li> </ul>	These comments are responded to where relevant within this committee report.

Name of Parish / Town Council	Comment	Officer Response
	<p>applicant. The Parish has therefore had limited ability to comment on the scheme.</p> <ul style="list-style-type: none"> <li>• The Parish is in the process of forming a Community Land Trust for the purpose of bringing forward community-led development, as set out in the Pre-Submission draft Tollesbury Neighbourhood Plan.</li> <li>• There are insufficient primary school places to accommodate the development.</li> <li>• If Plume School in Maldon is required to provide secondary places, it does not benefit from funded transport, which will place financial burdens on parents.</li> <li>• The local sewage treatment works is under stress, resulting in untreated discharges and leaks nearby. Anglian Water is ready to invest in the network but this does not take into account any additional development.</li> <li>• The development would cause irreversible harm to farmland and nearby valued landscapes.</li> <li>• Sustainable food production is important, the proposal would result in the loss of agricultural land.</li> <li>• The development would undermine the archaeological</li> </ul>	

Name of Parish / Town Council	Comment	Officer Response
	potential that exists at the Site.	
Tolleshunt D’Arcy Parish Council	<p><u>4 February 2026</u>  <b>Object</b>, for the following reasons:</p> <ul style="list-style-type: none"> <li>• Tolleshunt D’Arcy already experiences significant traffic issues which would be exacerbated by potentially up to 400 vehicles. The roads cannot handle this level of traffic or impact.</li> <li>• There is very limited local employment in Tollesbury, meaning that the majority of new residents would need to commute, further impacting on roads including Tolleshunt D’Arcy.</li> <li>• The development would increase stress on facilities and services, including the doctors’ surgery, pharmacy, primary school, and local shops, which have not capacity and are used by residents of Tolleshunt D’Arcy.</li> <li>• Maldon District Council has recently approved two smaller developments in Tollesbury comprising 42 dwellings each. This would result in an estimated additional 84 vehicles passing through Tolleshunt D’Arcy, further increasing traffic impacts on the village.</li> </ul>	These comments are responded to where relevant within this committee report.

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Active Travel England	<u>17 December 2025</u> <b>No comment</b> , standing advice should be followed.	Noted
Arboricultural Officer (Place Services)	<u>15 December 2025</u> <b>No objection</b> , subject to the following conditions: <ul style="list-style-type: none"> <li>• Details on tree retention and protection measures.</li> <li>• Protection of existing hedges and shrubs.</li> </ul>	Noted and conditions added to Section 8 of this report.
Archaeology (Place Services)	<u>16 January 2026</u> <b>No objection</b> , subject to the following conditions: <ul style="list-style-type: none"> <li>• Phased Scheme of Archaeological investigation</li> </ul>	Conditions added to Section 8 of this report.
Anglian Water	<u>12 January 2026</u> <b>No objection</b> , subject to informatives.	Informatives added to Section 8 of this report.
Ecology (Place Services)	<u>20 May 2026</u> <b>Further information required:</b> <ul style="list-style-type: none"> <li>• Great Crested Newts (GCN)</li> <li>• Skylarks</li> </ul> <u>28 January 2026</u> <b>Further information required:</b> <ul style="list-style-type: none"> <li>• Mandatory BNG</li> <li>• Great Crested Newts</li> <li>• Skylarks</li> </ul>	Conditions added to Section 8 of this report by officers, including securing GCN and skylark information by planning condition.
Education (ECC)	<u>12 January 2026</u> <b>No objection</b> , subject to financial contributions to education services.	Contributions recommended as part of a s106 legal agreement Heads of Terms.
Essex Bridleways Association	<u>19 December 2025</u> The proposal should involve bridleway improvements and connect existing footpaths to Bridleway 20.	These were not considered necessary considering the location of the application.
Essex County Fire and Rescue Service	<u>12 December 2025</u> <b>Advice provided</b>	Noted. Informative added.
Essex Police – Designing Out Crime	<u>18 December 2025</u> <b>Advice provided</b> on design provided. We would welcome the opportunity to discuss the design with the applicant.	Noted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex and Suffolk Water	<p><u>15 December 2025</u>  <b>No objection</b>; however, the network does not have sufficient capacity to support the connection and communication with the applicant in relation to network upgrades will be required ahead of the development taking place.  We request that the developer demonstrates how water will be sourced for construction purposes, including any temporary supply arrangements.</p>	Condition added to Section 8 of this report.
Health and Safety Executive (HSE)	<p><u>19 February 2026</u>  <b>No comment</b></p>	Noted
Highways Authority (ECC)	<p><u>19 January 2026</u>  <b>No objection</b>, subject to the following conditions (and informatives also requested but not listed):</p> <ul style="list-style-type: none"> <li>• Construction Management Plan</li> <li>• Implementation of access arrangements</li> <li>• Bus stop improvements</li> <li>• Public Right of Way No. 8 upgrades</li> <li>• Updated Travel Plan</li> <li>• Residential Travel Packs</li> </ul> <p>The following were requested as conditions but must be secured as planning obligations on the s106 legal agreement:</p> <ul style="list-style-type: none"> <li>• £10,000 contribution towards PRow No. 8 replacement</li> <li>• Up to £600,000 towards bus stop improvements</li> </ul>	Conditions and planning obligations added to Section 8 of this report and S106 draft Heads of Terms.
Lead Local Flooding Authority (LLFA) (ECC SUDS)	<p><u>22 April 2026</u>  <b>No objection</b>, subject to the following conditions (and informatives also requested but not listed):</p> <ul style="list-style-type: none"> <li>• Detailed surface water</li> </ul>	Conditions added to Section 8 of this report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>drainage scheme.</p> <ul style="list-style-type: none"> <li>• Measures to minimise the risk of offsite flooding.</li> <li>• Details of maintenance arrangements</li> <li>• Annual maintenance logs</li> </ul> <p><u>22 April 2026</u> <b>No comments.</b></p> <p><u>15 April 2026</u> <b>Holding Objection. Further information required:</b></p> <ul style="list-style-type: none"> <li>• The local discharge rate should be used in calculations and takes precedent to the National Standards.</li> </ul>	
Minerals & Waste Planning (ECC)	<p><u>19 May 2026</u> <b>No objection</b>, subject to the following condition</p> <ul style="list-style-type: none"> <li>• A Site Waste Management Plan should be secured by condition.</li> <li>• A Materials Management Plan (MMP) should be secured by condition.</li> </ul> <p><u>8 January 2026</u> <b>Further information required:</b></p> <ul style="list-style-type: none"> <li>• Minerals Resource Assessment.</li> <li>• A Site Waste Management Plan should be secured by condition.</li> <li>• A Mineral Infrastructure Impact Assessment (MIIA) is not required.</li> </ul>	Noted.
Natural England	<p><u>17 December 2025</u> <b>Support</b>, subject to the development providing the following:</p>	Conditions and planning obligations added to Section 8 of this report and S106 draft Heads of

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<ul style="list-style-type: none"> <li>• 3ha/1000 new population</li> <li>• A breakdown of the areas that are proposed to contribute to high quality semi-natural accessible greenspace, i.e. showing the location, design and hectarage (note that SuDS can contribute to greenspace). These areas should have sufficient visual and noise screening.</li> <li>• Circular dog walking routes of at least 2.3 km within the site and/or linking to surrounding Public Rights of Way (PRoW) and highway network.</li> <li>• 'Dogs-off-lead' areas; dog waste bins.</li> <li>• Signage on-site and information leaflets to first occupiers to promote these areas for recreation.</li> <li>• The long-term maintenance and management of these provisions secured in-perpetuity.</li> </ul>	Terms.
National Health Service Property	<u>20 May 2025</u> <b>No objection</b> , subject to a financial contributions of £150,500 towards provision of additional health services.	Planning obligation added to Section 8 of this committee report and S106 draft Heads of Terms.
Sports England	<u>15 December 2025</u> <b>No comments.</b>	Noted

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation and Heritage Officer	<u>9 January 2026</u> The proposal would result in a very low level of less	Noted.

Name of Internal Consultee	Comment	Officer Response
	than substantial harm to the significance of grade II listed Prentice Hall Farm. The level of harm is not sufficient for me to raise a formal objection.	
Environmental Health Officer	<u>31 December 2025</u> <b>No objection</b> subject to the following conditions: <ul style="list-style-type: none"> <li>• Acoustic Design Statement</li> <li>• Construction Environmental Management Plan (CEMP)</li> <li>• Construction Dust Management Plan</li> <li>• Electric Vehicle Charging Infrastructure</li> <li>• Phase 2 Contaminated Land Investigation</li> <li>• Remediation Strategy</li> <li>• Verification Report</li> </ul>	Conditions added to Section 8 of this report.
Housing (MDC)	<u>20 March 2026</u> <b>No objection.</b>	Noted
Waste Commissioning Contracts	<u>16/12/2025</u> <b>No comments</b> , as the application is outline. The developer should refer to the technical documents when considering waste and recycling as part of the design.	Noted

#### 7.4 Site Notice / Advertisement

7.4.1 A press notice was published on December 18 2025. Site notices were placed near the Site. The public consultation period ended on 17 December 2025.

#### 7.5 Representations received from Interested Parties (*summarised*)

7.5.1 1,119 public representations were received **objecting** to the application at the time of this committee report being published and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<u>Principle of development</u> <ul style="list-style-type: none"> <li>• The development is in an inappropriate rural location and is not allocated within the current development plan. This is contrary</li> </ul>	Responses to matters relating to the principle of development are provided within the Principle of Development section.

Objection Comment	Officer Response
<p>to the plan-led system. 200 homes is a disproportionate increase in dwellings to Tollesbury. Local housing need suggested fewer houses are required.</p> <ul style="list-style-type: none"> <li>• Removal of productive farmland which would be permanently lost and weakening of food security.</li> <li>• The Site is in agricultural use, which would be lost. No evidence that the use is no longer needed has been submitted. The loss of use would result in an agricultural dwelling becoming an open market dwelling, contrary to policy.</li> <li>• The proposal would have a cumulative impact with the other live applications in Tollesbury.</li> </ul>	
<p><u>Sustainability of the Site</u></p> <ul style="list-style-type: none"> <li>• The Site has a poor bus service, with no service on Sundays and limited evening bus services. The nearest rail station is far from the Site. There are poor public transport options.</li> <li>• There is a lack of local employment opportunities. This will result in additional commuting and deliveries.</li> </ul>	
<p><u>Affordable Housing</u></p> <ul style="list-style-type: none"> <li>• The affordable housing scheme is not driven by local need and the percentages of affordable housing have been reduced since previous proposals.</li> <li>• The mix and location of affordable homes is not clear.</li> <li>• The submission documents are inconsistent in terms of affordable housing provision.</li> </ul>	<p>The proposal is at outline stage and therefore details of layout would be provided at reserved matters stage. The matters for consideration at outline stage are addressed within the Affordable Housing section of this committee report.</p>
<p><u>Design and Landscape/Townscape Impact</u></p> <ul style="list-style-type: none"> <li>• The development would urbanise a greenfield agricultural site and would significantly impact on local views and landscape harm.</li> <li>• Users of the cemetery would have their amenity and experience impacted on.</li> <li>• The development erodes the identity of Tollesbury village, creating a suburban sprawl.</li> <li>• The enjoyment of nearby public</li> </ul>	<p>Responses to these matters are provided within the Landscape and Visual Impact, Layout and Design, and Open Space, Landscaping and Children's Play Space sections of this report.</p>

Objection Comment	Officer Response
<p>footpaths and open areas would be harmed.</p>	
<p><u>Access, Highways and Parking</u></p> <ul style="list-style-type: none"> <li>• Pavements which residents would use are narrow or missing.</li> <li>• The walking and cycling access routes would be poor, which leads to a dangerous environment for pedestrians, children, cyclists, wheelchair users and pram users.</li> <li>• The development would not be in a sustainable location, outside of the settlement boundary. The application is a departure from the development plan.</li> <li>• Local roads do not have capacity for the additional car use. There would be substantial increased traffic flow in Tollesbury but also through nearby villages.</li> <li>• The vehicle access point onto West Street is unsafe and dangerously close to other proposed junctions.</li> <li>• There are existing issues with public parking availability, which would be exacerbated.</li> </ul>	<p>Responses to matters relating to these matters are provided within the Transport, Access and Highway Safety.</p>
<p><u>Natural environment</u></p> <ul style="list-style-type: none"> <li>• The development would impact bats, birds, insects, reptiles, small mammals and other protected animals on the Site. The submitted ecological surveys do not provide adequate evidence or mitigation.</li> <li>• Protected habitats, including water courses, would be harmed, including on nearby designated sites.</li> <li>• There would be an unacceptable loss of trees and hedgerow on the site.</li> <li>• The development would cause light spill and noise disturbance to local wildlife.</li> <li>• BNG has not been properly addressed, including the submitted calculations and treatment of watercourses/ditches on the Site.</li> <li>• There is a lack of new habitat creation including swift or bee bricks.</li> </ul>	<p>Responses to matters relating to these matters are provided within the Ecology and Biodiversity Section.</p>
<p><u>Flood Risk and Drainage</u></p> <ul style="list-style-type: none"> <li>• The site is a flood risk.</li> <li>• There is insufficient foul sewage infrastructure.</li> </ul>	<p>Responses to matters relating to these matters are provided within the Flood Risk and Drainage Section.</p>
<p><u>Heritage Impact</u></p>	

Objection Comment	Officer Response
<ul style="list-style-type: none"> <li>• The development would negatively impact on the historic character of Tollesbury.</li> <li>• The development harms the setting of heritage assets and listed buildings. Insufficient information is provided in this regard.</li> <li>• The submission is supported by insufficient archaeological assessment despite high archaeological potential.</li> </ul>	<p>Responses to matters relating to these matters are provided within the Heritage Impact Section.</p>
<p><u>Amenity Impact</u></p> <ul style="list-style-type: none"> <li>• The construction period would result in unacceptable noise and air pollution.</li> <li>• The development would impact on the quiet setting of the cemetery, including nearby informal play areas and roads.</li> <li>• There would be an unacceptable loss of outlook and visual amenity from existing homes.</li> <li>• The development would result in light pollution.</li> <li>• Air Source Heat Pumps and traffic would create undue noise and disturbance.</li> <li>• Vibration and visual harm from bus stops and increased traffic.</li> </ul>	<p>Responses to matters relating to these matters are provided within the Impacts on Amenity Section.</p>
<p><u>Infrastructure and Services</u></p> <ul style="list-style-type: none"> <li>• The development would place additional stress on local medical facilities, with GP appointments difficult and a deficit of surgery capacity. The cost of expanding health facilities is underestimated.</li> <li>• Increased stress on water facilities and low water pressure.</li> <li>• High levels of bacteria have been found in waters surrounding the sewage works outlet. The development would lead to increased stress on education infrastructure and Tollesbury Primary School becoming oversubscribed and does not have safe walking/cycling routes to alternative schools. There is no choice if parents wish to send children to a religious school.</li> <li>• There would be increased school transport costs and car journeys.</li> </ul>	<p>Responses to matters relating to these matters are provided within the relevant sections of this report, considered to be acceptable subject to the various infrastructure contributions which are laid out in the s106 Heads of Terms.</p>

Objection Comment	Officer Response
<ul style="list-style-type: none"> <li>The development would lead to power cuts and issues with broadband reliability.</li> <li></li> </ul>	
<p><u>Other Matters</u></p> <ul style="list-style-type: none"> <li>The submitted plans are inconsistent on many aspects.</li> <li>The applicant did not undertake any meaningful engagement with residents, which relied on online consultation.</li> </ul>	<p>Officers have assessed the submission package and consider the documents to be accurate and sufficient. The elements which display some minor inaccuracies are not central to determination and do not negatively impact on decision making.</p> <p>The application is supported by a Statement of Community Involvement (SCI) and the Local Planning Authority has carried out public consultation in accordance with statutory and local requirements.</p>

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

**HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

- Affordable Housing Scheme, including:
  - Provision of at least 40 per cent affordable housing
  - Tenure split of at least 80 per cent affordable rent, 20 per cent intermediate within this provision
  - Provision of at least 75 per cent social rent within the affordable rent portion.
  - A tenure layout plan, demonstrating acceptable clustering of affordable units and details of tenure type and unit size.
- Allotment management procedure
- Annual Travel Plan monitoring fee of £1,817 (index linked to April 2025) from first occupation until one year after final occupation
- Bus service improvements (from Tollesbury and Tiptree to Witham) financial contribution of £600,000
- Education contributions including:
  - Early years childcare financial contribution of £368,100, index linked to Q1 2025
  - Primary education financial contribution of £1,227,000, index linked to Q1 2025
  - Secondary school transport contribution of £237,880, index linked to Q2 2021
  - Libraries financial contribution of £15,560, index linked to April 2020
  - A £700 monitoring fee per obligation (£2,800 total)
- Employment and Skills Plan
- Essex Coat RAMS contribution of £175.55 per dwelling (up to £35,110 total) and implementation of mitigation measures including:
  - 3ha SANG/1000 new population

- A breakdown of the areas that are proposed to contribute to high quality semi-natural accessible greenspace, i.e. showing the location, design and hectareage (note that SuDS can contribute to greenspace). These areas should have sufficient visual and noise screening.
- Circular dog walking routes of at least 2.3 km within the site and/or linking to surrounding Public Rights of Way (PRoW) and highway network.
- 'Dogs-off-lead' areas; dog waste bins.
- Signage on-site and information leaflets to first occupiers to promote these areas for recreation.
- The long-term maintenance and management of these provisions secured in-perpetuity.
- Financial contribution of £10,000 for the replacement and implementation of a new footbridge to the southeast of the site for Public Footpath No. 8
- Management Company details
- NHS healthcare Primary Care Network infrastructure contribution of £150,500

## PROPOSED CONDITIONS

### 1 Outstanding Reserved Matters

The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, and the landscaping 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 as submitted does not give particulars sufficient for consideration of the reserved matters.

### 2 Reserved Matters Time Limit

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(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### 3 Outline Permission Commencement Time Limit

The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.

REASON To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### 4 Approved Plans and Parameter Plans

The reserved matters submitted pursuant to Condition 1 of this permission shall be submitted in accordance with the details set out in the following approved plans:

Site Location Plan LP-01 Rev B

Access and Movement Parameter Plan AMPP-01 Rev P3

Building Density Parameter Plan BDPP-01 Rev P3

Building Heights Parameter Plan BHPP-01 Rev P4

Green and Blue Infrastructure Parameter Plan GBIPP-01 Rev P2

Land Use Parameter Plan LUPP-01 Rev P5

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

**5 Housing Unit Size Mix**

The housing unit size mix for the market and affordable residential units within the development hereby approved shall be agreed as part of the reserved matters application(s) and shall accord with the housing mix requirements set out within the Maldon District Local Housing Needs Assessment (2025) or any subsequent updated Local Housing Needs Assessment.

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.

**6 Soft and Hard Landscaping Scheme**

Full details of the onsite provision and subsequent retention of both hard and soft landscape works shall be submitted concurrently with the reserved matters submitted pursuant to Condition 1 of this permission. These details shall include:

- a) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- b) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- c) Details of the aftercare and maintenance programme.

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

REASON: to secure the retention and provision of appropriate landscaping on the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan (2017) and the Maldon District Design Guide.

**7 Site Levels**

No works related to the alteration of ground levels at the site and no works above ground level shall occur until details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and floor levels, have been 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 order to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the area in accordance with policy D1 of the approved Maldon District Local Development Plan (2017).

## 8 Construction Environmental Management Plan

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 include (but not be limited to) the following details:

- safe access to the site
- vehicle routing
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel and underbody washing facilities
- Construction Dust Management Plan
- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including impacts from noise or vibration
- The location and timing of sensitive works to avoid harm to biodiversity features
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- Use of protective fences, exclusion barriers and warning signs

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) no dust emissions should leave the boundary of the site;
- c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;

REASON To ensure that on-road parking of these vehicles in the adjoining roads does not occur, prevent dust emissions, ensure that loose materials and spoil are not brought out onto the highway and that construction vehicles do not use unsuitable roads, and to protect priority and protected species and nearby designated habitats sites, in the interests of highway safety and in accordance with Policies D1, D2, D5, N1 and N2 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

## 9 Site Access

Prior to first occupation of the development, the access arrangements and off-site highway works, as shown in principle on Motion drawings nos ‘2109082-03 Rev B’ and ‘2109082-04 Rev B’, shall be fully implemented and retained as such for the life of the development. All details are to be agreed with the Highway Authority and to include, but not be limited to, the following:

- Provision of clear to ground visibility splays of 2.4m x 132m to the west and 2.4m x 142m to the east of the proposed access;
- A bellmouth access with minimum radii of 6m with a 3m shared use pedestrian / cycleway on the eastern side;
- Provision of a 3m shared use pedestrian / cycleway running from the site eastwards along the southern side of West Street to a point adjacent to no 39 West Street, with appropriate signing, lining and tactile paving;

- Provision of a 2m wide footway together with appropriate dropped kerbs and
- tactile paving on the northern side of West Street; • Provision of a pair of dropped kerb crossing points and tactile paving across West Street to the new 2m footway mentioned above;
- Extend the 30mph speed limit to the west of the site entrance and provide a new gateway feature with appropriate signing and lining as necessary.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, and to make adequate provision within the highway for pedestrians, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

#### **10 Bus Stop Improvements**

Prior to the first occupation of any dwelling within the development hereby approved, the developer shall implement bus stop improvements, to ECC specification, to include the following:

- Provision of raised kerbs, pole and flag with timetable on the northern side of West Street, for eastbound buses, with appropriate footway and hardstanding as necessary
- Provision of a shelter, raised kerbs, pole and flag with timetable on the southern side of West Street, for westbound buses, with appropriate footway and hardstanding as necessary
- Provision of a freestanding Real Time Passenger Information sign at 'The Square' bus stop, on the southern side of the High Street

REASON To encourage trips by public transport and in the interest of accessibility, in accordance with Policies S1, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

#### **11 Public Footpath Works**

Prior to the commencement of the development hereby approved, a scheme for the diversion and upgrading of Public Footpath no 8 (Tollesbury parish) within the application site shall be submitted to and approved in writing by the Local Planning Authority. The scheme of works shall be implemented in accordance with the approved details, prior to the first occupation of any residential dwelling hereby permitted.

REASON To ensure the continued safe passage of the public on the definitive right of way and provide safe accessibility to nearby facilities and services in accordance with in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

#### **12 Travel Plan**

Prior to the first occupation of the proposed development, the Developer shall submit an updated residential Travel Plan to the Local Planning Authority for approval in consultation with Essex County Council. The approved Travel Plan shall then be actively implemented for a minimum period from the first occupation of the development until 1 year after final occupation.

REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies S1, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

#### **13 Residential Travel Packs**

Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local

public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

**REASON** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies S1, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

**14 External Materials**

The reserved matters for the approval of layout and appearance shall include details of all proposed external finishing materials to be used in the development. No development above ground level shall commence until details or samples of all external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.

**REASON** In the interest of the character and appearance of the conservation area in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the guidance contained in the Maldon District Design Guide (2017) and the National Planning Policy Framework.

**15 Boundary Treatment**

Prior to the first occupation of any dwelling hereby approved, details of the siting, height, design and materials of the treatment of all boundary treatments including gates, fences, walls, railings and piers shall be submitted to, and approved in writing by, the Local Planning Authority. The approved boundary treatments shall be constructed prior to the first occupation of the dwelling to which it relates, or first use of adjoining land, and be retained as such thereafter for the duration of the development.

**REASON** To ensure the use of appropriate details to safeguard the character and appearance of the area and ensure satisfactory residential amenity, in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the guidance contained in the Maldon District Design Guide (2017) and the National Planning Policy Framework.

**16 Surface Water Drainage Scheme**

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:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 9.3l/s for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- 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 45% climate change critical storm event, *OR, if impracticable,*

- Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change
- Provision of 10% urban creep allowance applied to the impermeable areas used to calculate the required storage, in accordance with BS8582
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to the first occupation of any dwelling hereby permitted. 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, ensure effective operation of SuDS features over the lifetime of the development and mitigate environmental harm to the local water environment, in accordance with Policies D1 and D5 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

#### **17 Offsite Flooding**

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 development shall be implemented in accordance with the approved scheme, with any prevention or mitigation measures in place at all times as required.

REASON To prevent flood risk at construction stage and prevent contamination or pollution to residents or ecology, in accordance with Policies D1, D5 and N2 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

#### **18 Surface Water Drainage Maintenance Scheme**

Prior to the first occupation of any dwelling hereby approved, a maintenance plan detailing the maintenance arrangements of the hereby approved surface water drainage system, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been submitted to, and agreed in writing by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The development shall be carried out and maintained in accordance with the approved details.

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, in accordance with Policies D1 and D5 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

#### **19 Surface Water Drainage Maintenance Logs**

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 Policies D1 and D5 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

## **20 Tree Retention and Protection**

Prior to the commencement of any development hereby permitted, details shall be submitted to, 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 tree protection measures shall be carried out in accordance with the approved details and any protective fencing and ground protection shall be implemented prior to the commencement of construction works and 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.

REASON To secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide.

## **21 Hedges and Shrubs Retention and Protection**

Prior to the commencement of any development hereby permitted, details relating to fencing/ground protection to protect the hedges/shrubs to be retained in accordance with BS5837:2012 shall be submitted to, and approved in writing by, the Local Planning Authority.

The protective fencing shall be erected in accordance with the approved details before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shrub or hedge 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.

REASON To secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide.

**22 Archaeology Phased Programme of Archaeological Investigation**

(1) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation, including aerial photographic rectification, geophysical survey and archaeological trial trenching has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.

(2) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the archaeological advisors to the Local Planning Authority.

(3) No development or preliminary groundworks of any kind shall take place until the submission of a mitigation WSI detailing the excavation/ preservation strategy for approval by the Local Planning Authority.

(4) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation WSI, and approved by the Archaeological Advisors to the Local Planning Authority.

(5) The applicant will submit a Post Excavation Assessment and/or Updated Project Design for approval by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in 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 protect the site which is of archaeological interest, in accordance with Policy D3 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

**23 Acoustic Design Statement**

An Acoustic Design Statement shall be submitted to the Local Planning Authority concurrently with the reserved matters submitted pursuant to Condition 1 of this permission. The statement shall demonstrate that acceptable internal and external noise environments will be achieved for future occupiers, having regard to road traffic noise and other relevant noise sources. The statement shall include details of layout, façade design, glazing and ventilation. No development shall commence until the Acoustic Design Statement has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with all recommendations of the approved Acoustic Design Statement, which shall be implemented prior to the occupation of the relevant dwelling they relate to, and be permanently retained thereafter.

REASON To ensure that future occupiers are provided with a satisfactory living environment and are not exposed to unacceptable levels of noise, in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

**24 Phase 2 Contaminated Land Investigation**

No development shall commence until a Phase 2 intrusive site investigation and risk assessment has been submitted to and approved in writing by the

Local Planning Authority. The investigation shall assess the nature and extent of contamination and ground gas risks and include appropriate recommendations.

**REASON** To ensure that potential land contamination risks are fully assessed and that the site is suitable for residential use, in the interests of public health and environmental protection, in accordance with Policy D2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

**25 Remediation Strategy**

Where contamination is identified, no development shall take place until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority and implemented in full.

**REASON** To ensure that any contamination present on site is appropriately remediated to protect future occupiers, buildings, and the environment, in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

**26 Verification Report**

Prior to the first occupation of any dwelling hereby approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority, confirming that any approved remediation works have been satisfactorily completed.

**REASON** To confirm that the site is suitable for residential use and does not pose a risk to human health or the environment, in accordance with Policy D2 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

**27 Site Waste Management Plan (SWMP)**

No development (including demolition, site clearance or groundworks) shall commence until a Site Waste Management Plan (SWMP) has been submitted to, and approved in writing by, the Local Planning Authority. The submitted SWMP shall include, but not be limited to the following details:

- a site-wide approach to address the key issues associated with sustainable management of waste, throughout the stages of site clearance, design, construction and operation
- strategic forecasts in relation to expected waste arisings for construction,
- waste reduction/recycling/diversion targets, and monitor against these
- advise on how materials are to be managed efficiently and disposed of legally during the construction phase of development, including their segregation and the identification of available capacity across an appropriate study area

The development hereby approved shall be implemented in accordance with the approved SWMP.

**REASON** To promote sustainable resource management, minimise waste generation and ensure waste is managed in accordance with the waste hierarchy, in accordance with policies D1 of the Maldon District Local Development Plan (2017) and Policy S4 of the Essex Minerals Local Plan (2014).

**28 Construction Groundwater Sourcing**

Prior to the commencement of the development hereby approved, details of the source of water for construction purposes have been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall include:

- All proposed sources for water supply for construction activities
- Details of any temporary connections to the public water network or alternative sources such as deliveries or onsite abstraction
- Mitigation measures to minimise the use of water and prevent adverse impacts on the public network

The approved details shall be implemented and complied with for the duration of the construction phase.

**REASON** To ensure that adequate water supply is available for construction purposes without adversely affecting the integrity and capacity of the local water supply network, in accordance with Policies S1, D1 and I1 of the Maldon District Local Development Plan (2017) and the relevant parts of the NPPF.

### **29 Public Open Space Provision**

A scheme for the proposed area of public open space shall be submitted to the Local Planning Authority concurrently with the reserved matters submitted pursuant to Condition 1 of this permission. The details shall be broadly in accordance with the Landscape Illustrative Masterplan '8158.ASP4.ILSP'. The development shall be carried out only in accordance with the approved details.

**REASON** To ensure sufficient amenity space is provided to future occupiers and to mitigate visual impact on the surrounding area, in accordance with Policy D1 of the adopted Maldon District Local Development Plan.

### **30 Public Open Space Management**

Prior to the first occupation of any residential unit hereby permitted, details of the future management, maintenance schedules and funding provision of the public open space and associated landscaping (this could include surface water management provision) shall be submitted to and approved in writing by the Local Planning Authority. The site shall then be managed, maintained and funded in accordance with these details at all times thereafter.

**REASON** To ensure the site is managed and maintained for the benefit of the users of the site and its implications on the surrounding area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

### **31 Children's Play Equipment**

Prior to the first occupation of any residential unit hereby permitted, details of children's play space equipment specifications, layout and safety features shall be submitted to, and approved in writing by, the Local Planning Authority. The play space equipment shall be implemented prior to the occupation of any residential unit hereby permitted and retained in accordance with the approved details for the lifetime of the development.

**REASON** To provide sufficient local play options for children, in accordance with Policy N3 of the Maldon District Local Development Plan (2017).

### **32 Permitted Development Rights**

Notwithstanding the provisions of Class A, B, C, D, E and F of Part 1 of Schedule 2 and Class A of Part 2 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions, separate buildings, gates, walls, fencing or hardstanding shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

REASON In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

**33 Sustainability and Renewable Energy**

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 Maldon District Local Development Plan (2017).

**34 Waste Management Plan**

A Waste Management Plan shall be submitted to the Local Planning Authority concurrently with the reserved matters submitted pursuant to Condition 1 of this permission. The Waste Management Plan shall provide details including 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 and bin drag distances if necessary. No development shall commence until the Waste Management Plan has been approved in writing by the Local Planning Authority. The bin and recycling stores as approved shall be provided in accordance with the approved details prior to the first occupation of each dwelling and permanently retained at all times thereafter.

REASON To ensure that adequate refuse facilities are provided and in the interest of the visual amenity of the area in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the Maldon District Design Guide.

**35 Biodiversity Enhancement Strategy**

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 within the NPPF 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.

**36 Habitat Management and Monitoring Plan (HMMP)**

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 and to meet the requirements of Policies N1 and N2 of the Maldon District Local Development Plan (2017).

**37 Materials Management Plan**

Prior to the commencement of any development hereby approved, including any site clearance or preparation, a Materials Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include, but not be limited to, the following details:

- Details of the quantity and location of sand and gravel to be excavated as part of the development hereby approved
- An assessment of the onsite construction uses and quantities of the materials
- Confirmation of how the identified materials will be processed, stored and re-located within the development

The development hereby approved shall thereafter be carried out in accordance with the approved Materials Management Plan.

**REASON** To encourage the sustainable use of existing mineral resources and to reduce the need for construction vehicle trips in the interests of sustainable development, in accordance with Policies S4 and S8 of the Essex Minerals Local Plan (2014).

**38 Updated Badger Survey**

Prior to the commencement of the development hereby permitted, an updated badger survey shall be undertaken to identify any new or active badger setts within the site. The survey results and any required mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

If any changes in badger activity are detected or where the survey results indicate that changes have occurred that will result in badger-related ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.”

**REASON** To ensure the development does not harm protected species or their habitats, in accordance with Policy N2 of the Maldon District Local Development Plan (2017); and 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).

**39 Skylark Mitigation Strategy**

Prior to the commencement of development hereby permitted, a Skylark Mitigation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The Strategy shall include, but not be limited to:

- An assessment of existing Skylark territories and the impact/loss as a result of the development
- Details of all onsite/offsite mitigation measures to compensate for the loss
- Details of long-term management of the mitigation areas/features and a timetable for implementation

The approved mitigation measures, including any habitat creation, shall be implemented in accordance with the approved timetable for implementation and retained as such for the duration of the development.

**REASON** To protect and enhance protected, Priority and threatened species in accordance with Policy N2 of the Maldon District Local Development Plan (2017) and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

**40 Great Crested Newt License**

No works that would affect the breeding / resting place of Great Crested Newts shall commence until the local planning authority has been provided with: (a) a licence issued by Natural England pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/ development to go ahead; or (b) evidence of

site registration supplied by an individual registered to use a Great Crested Newt Low Impact Class Licence; or (c) a Great Crested Newt District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/ development to go ahead; or (d) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

**REASON** To ensure the development does not harm protected species or their habitats, in accordance with Policy N2 of the Maldon District Local Development Plan (2017); and 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).

#### **41 Wildlife Sensitive Lighting Scheme**

Prior to the first occupation of any residential unit hereby permitted, 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:

- 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
- show how and where external lighting will be installed 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 ensure the development does not harm habitats or foraging areas for light-sensitive species, in accordance with Policy N2 of the Maldon District Local Development Plan (2017); and 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).

### **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 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.

## **2. Anglian Water**

Anglian Water advise that:

1. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087 Option 2.
2. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
3. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087 Option 2.
4. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 Option 2 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

## **3. ECC Highways**

The Highways Authority (ECC Highways) advise that:

- ii. Please note that as the application is Outline for Access only; no detailed assessment of the internal layout has been undertaken at this time.
- iii. The Stage 1 Road Safety Audit and subsequent designers' response have been noted and accepted.
- iv. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 8 (Tollesbury Parish) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.
- v. There shall be no discharge of surface water onto the Highway from the site.
- vi. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

vii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

viii. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

#### **4. Waste Authority**

You are advised that access for collection vehicles including private roads should be suitable for 26 tonne vehicles to minimise collection points and manual handling for residents and crews. Storage for flats - new legislation 'Simpler Recycling' requires the Council to collect a full range of recycling including food waste for all properties including flats from 31 March 2026. <https://www.gov.uk/government/publications/simpler-recycling-in-england-policy-update/simpler-recycling-in-england-policy-update>

#### **5. Lead Local Flood Authority**

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk). Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise. We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant

information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

**6. Essex Fire and Rescue**

You are advised to contact Essex County Fire & Rescue Service in relation to the detailed design of the development, including placement of firefighting water supplies. Details are provided in the Essex County Fire & Rescue Service consultation response, dated 12 December 2025.

**7. Essex Police**

You are advised to refer to Essex Police Designing Out Crime Officer advice (see consultation response dated 18 December 2025) when considering the detailed design at reserved matters stage.