



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

to
CENTRAL AREA PLANNING COMMITTEE
29th July 2026

Application Number	26/00228/OUTM
Location	Land At Blackwater Trading Estate, The Causeway, Maldon, Essex
Proposal	Erection of warehouse units with associated vehicle parking and servicing (Renewal of planning permission OUTM/MAL/21/00540 as modified by VARM/MAL/23/00882).
Applicant	Aquila EHS Ltd
Agent	Aquila EHS Ltd
Target Decision Date	31/07/2026
Case Officer	Charlie Mumford
Parish	Maldon North
Reason for Referral to the Committee / Council	Major Application

1. RECOMMENDATION A

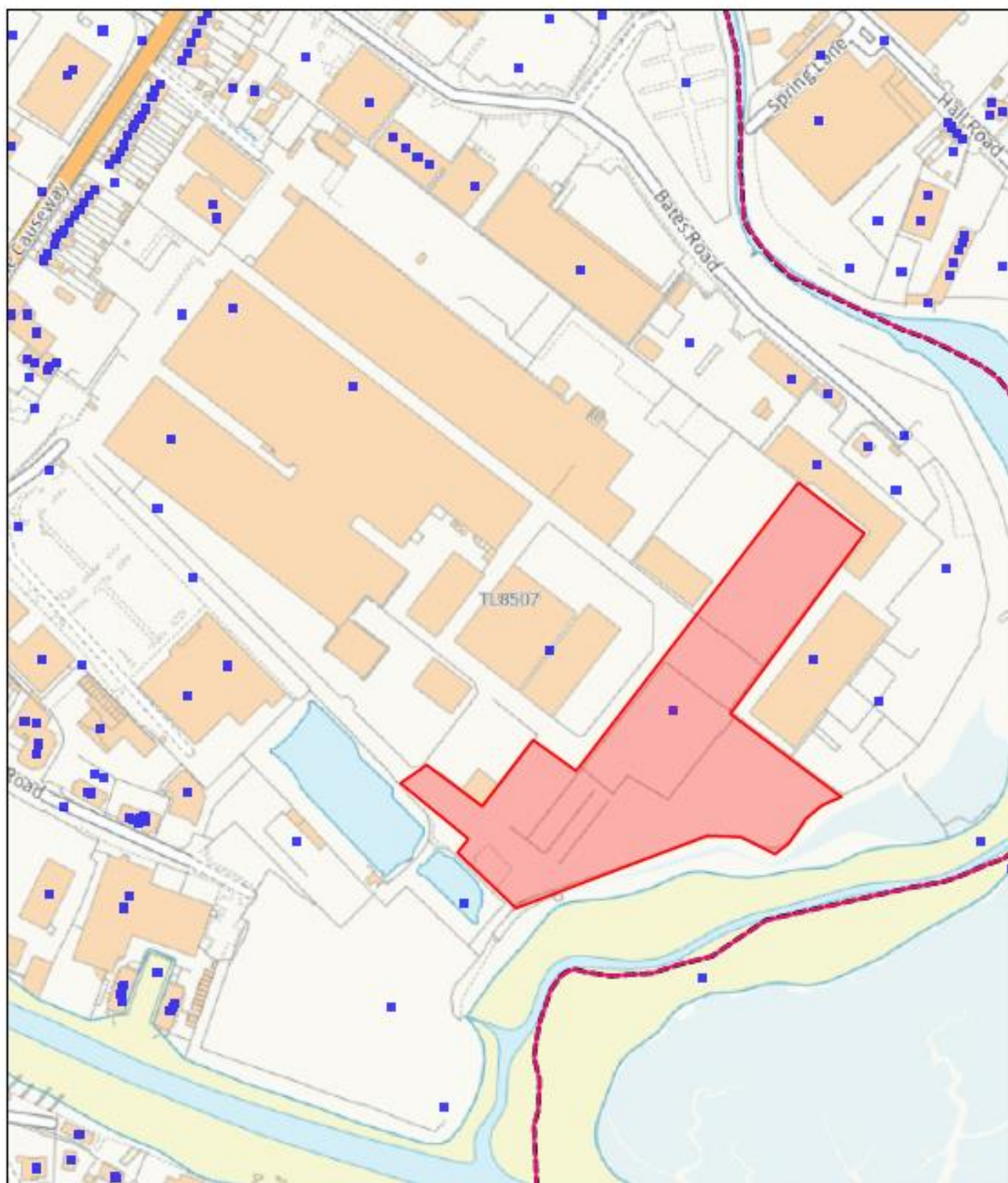
APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

Recommendation B:

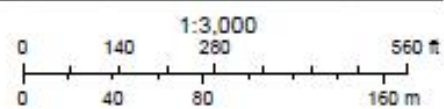
If the Section 106 legal agreement is not completed within 6 months of the date of this District Planning Committee (or a longer timeframe if agreed by the Director of Place, Planning & Growth) then **REFUSE** the planning application under delegated powers, subject to the referral of the case to the 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

Please see below.



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3. Summary Proposal / brief overview, including any relevant background information

- 3.1.1 The application site forms part of the Blackwater Trading Estate, located at its easternmost part south of Bates Road, a dead-end road giving access to Quayside Industrial Estate.
- 3.1.2 To the northeast of the site is located the recycling centre. To the southwest of the area is the Blackwater Retail Park. To the south the application site abuts the attenuation basins, which serve a drainage function. To the northwest there are a number of existing buildings and open storage areas of the Blackwater Trading Estate. Along the southern boundary of the site there is also a footpath running along Heybridge Creek which is connected with public footpath 45. On the other side of the bank of Heybridge Creek is a residential estate.
- 3.1.3 The site covers an area of approximately 2.1 hectares and currently comprises hardstanding, which appears to be largely used as an open storage and parking area in association with the existing estate uses. Access to the site is taken from a public access road that leads to the adjacent retail park as well as the industrial estate, linked with The Causeway. The application site is part of the Causeway employment area and the Causeway regeneration area and it is located within the Central Area Masterplan Area. The site lies within a Flood Zone 3. It benefits from flood defences and is located within a critical drainage area. Adjacent to the application site the land is part of the Essex Estuaries Marine Conservation Zone (MCZ) and Special Area of Conservation (SAC) and the Blackwater Estuary Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA), which is also protected under the Ramsar conservation designation for wetlands.
- 3.1.4 The proposal is a submission of a previously approved proposal, presented to the Central Area Committee on 27 July 2022 (21/00540/OUTM) and was subsequently approved subject to a S106 agreement. There followed by a Section 73 application to remove conditions 6 and 12 (relating to footpaths/PRoW) allowed at appeal (23/00882/VARM) in 2024.
- 3.1.5 The proposal relates to outline planning permission for the erection of four warehouse structures, totalling 10,474 sqm floor area of B8 storage and distribution use, which would comprise a total of seven units with associated vehicular parking and other matters reserved for future consideration. The development would utilise the existing access and extend it to the north by 77 metres. Two temporary units would be demolished to facilitate the development.
- 3.1.6 The four buildings, varying in size and scale would measure as follows:
- Unit A: 43 metres in depth, 25.8 metres in width, maximum height of 16.8 metres and comprise two storeys (mezzanine floor for office space). Unit A would include two loading bays.
 - Units B, C, D and E: 27.3 metres in depth, 77.4 metres in width, maximum height of 17.4 metres and comprise two storeys (per unit) (mezzanine floor for office space). Units B to E would include one loading bay for each unit.
 - Unit F: 90.6 metres in depth, 55.8 metres in width, maximum height of 17 metres and comprise two storeys (mezzanine floor for office space). Unit F would include four loading bays, plus a yard area.
 - Unit G: 49.4 metres in depth, 78.5 metres in width, maximum height of 17.5 metres and comprise two storeys (mezzanine floor for office space and breakout space). Unit G would include five loading bays and a yard area.

- To the east of Unit G would be a separate car park comprising 29 parking spaces, however car parking provision across the entire application site would total 107 spaces.

3.1.7 Indicative elevation plans showing the appearance of the proposed buildings have been submitted. It appears that the buildings are proposed to be of a typical industrial storage units' style, with shallow hipped roofs, double storey height, tall loading bay doors and largely glazed entrances with logos above. Materials for the construction are stated as coming under reserved matters at a later date.

3.2 Conclusion

3.2.1 Having taken all material planning consideration into account, it is considered that the proposed employment land which falls within B8 use class would be compliant with the stipulations of policies E1 and S5 of the Local Development Plan (LDP), as well as with policy CA2 of the Maldon and Heybridge Central Area Masterplan (the CAMP) and the principle of development is considered acceptable. The development is located within Flood Zone 3, however this a designated employment site where it has positioning of this type of employment uses has been considered acceptable. The impact of the development on the highway network and safety is considered acceptable and adequate off-street parking will be provided on site. A checking and monitoring fee for the Travel Plan will be secured through a Section 106 agreement. The development, subject to the imposition of appropriate conditions restricting operations hours, is considered having an acceptable impact on residential amenity. As this is an outline application, the details of appearance of the proposed development, as well as landscaping, are reserved for future consideration. In light of the above, it is considered that the proposed development, subject to conditions and developer obligations, is considered acceptable and in accordance with the Development Plan.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 39 Decision-making
- 48-51 Determining applications
- 56-59 Planning conditions and obligations
- 85-87 Building a strong, competitive economy
- 109-114 Promoting sustainable transport
- 124-128 Making effective use of land
- 131-141 Achieving well-designed places
- 161-186 Meeting the challenge of climate change, flooding & coastal change
- 187-201 Conserving and enhancing the natural environment

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

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S5 – The Maldon and Heybridge Central Area
- Policy D1– Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy D5 – Flood Risk and Coastal Management
- Policy E1 – Employment
- Policy N2 – Natural Environment and Biodiversity
- Policy T1 – Sustainable Transport
- Policy T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards (VPS) Supplementary Planning Document (SPD)
- Maldon and Heybridge Central Area masterplan SPD
- North Quay Regeneration Development Brief SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The Council is required to determine planning applications in accordance with its approved LDP unless material considerations indicate otherwise (Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70 (2) of the Town and Country Planning Act 1990 (TCPA 1990)).

5.1.2 Policy S1 refers to the NPPF's presumption in favour of sustainable development and 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, inter alia, the following key principles in policy and decision making:*

2) Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District;

3) Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;

4) Support growth within the environmental limits of the District;

5) Emphasise the importance of high quality design in all developments;

8) Ensure new development is either located away from high flood risk areas (Environment Agency defined Flood Zones 2 and 3) or is safe and flood resilient when it is not possible to avoid such areas;

13) Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”

- 5.1.3 In conjunction with policies S1 and S2, Policy S8 of the approved LDP seeks to support sustainable developments within the defined settlement boundaries. Policy S8 of the LDP identifies Maldon as one of the main settlements of the District where development should be directed to.
- 5.1.4 The application site lies within a designated employment area as defined by policy E1 of the LDP. In particular, the site is within the designated area E1 (I), The Causeway Maldon and Heybridge. The overall size of the area is 43.6 ha and the appropriate uses are defined to be B1 (now E), B2 and B8. The site currently comprises hardstanding area within the curtilage of the Blackwater Trading Estate and is largely used as open storage in conjunction with the existing uses of the estate. Policy E1 states that the designated employment areas will be retained and protected for Class B uses or Sui Generis uses of an employment nature unless it can be demonstrated that there is no reasonable prospect for the site to be used for these purposes. In this instance the development is a B8 use with associated operational development and therefore, it will comply with Policy E1. This type of use is compliant with the stipulations of policies E1 and S5 of the LDP and with C2 of Maldon and Heybridge CAMP, which *‘Promote(s) The Causeway area as a focus for a spectrum of employment and commercial activities.’*
- 5.1.5 Policy S5 states that the Maldon and Heybridge Central Area will continue to act as the focal point within the district for retail, commercial, industrial, community and tourism activities. Paragraph three of the policy states that the renewal of the Causeway Regeneration Area aims to improve supply of commercial and industrial uses in order to increase employment, including within others, modern workspaces suitable for small and medium sized enterprises and support for existing businesses that are seeking to expand. Furthermore, Paragraph one of the same policy requires any proposed development to have regard to the CAMP, of which it does.
- 5.1.6 The site is also within the North Quay Development Brief SPD area where specific infrastructure requirements for flood resilience infrastructure and walking and cycling routes are required. Regarding walking and cycling routes, please see paragraph 5.2.5 below.
- 5.1.7 The site is located within a Critical Drainage Area, as it was identified by the Essex County Council Lead Local Flood Authority (LLFA), as well as within Flood Zone 3, which benefits from existing Environment Agency flood defences. The North Quay Regeneration Development Brief SPD also highlights that the Environment Agency (EA) have difficulty accessing the tidal defence wall, outfalls and sluices from the existing industrial area and has advised that improving the access would benefit the ongoing and future maintenance to the walls/embankments and outfalls. Previous consultation with the Environment agency, highlighted that future improvements to flood defences at this location may require additional land take to ensure that the defences can be raised and recommended that an easement of 20 metres was provided from the top of the existing defence, which is to the southwest of the site. The previous approved application was amended to allow for this easement, which has been taken into account for this application. Further assessment of the impact of the development in terms of flood risk is included in the relevant section below.
- 5.1.8 On the basis of the above assessment and the previously approved scheme, the principle of development is acceptable.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development as is the effective use of land and its importance is reflected in the NPPF, policy D1 and H4 of the approved LDP and the Maldon District Design Guide (MDDG) (2017).
- 5.2.3 Although the application is outline in nature, matters of access, layout and scale are to be assessed under the current application. Matters of appearance and landscape are reserved for future consideration.
- 5.2.4 Regarding access to and within the site, the existing vehicular network of the Blackwater Trading Estate would be utilised to give access to the site, which will be extended by 77 metres northward to provide access to the parking areas, loading bays of the buildings and turning yards. As it would be a relatively small continuation of the existing access network within the wider site, no objection is raised.
- 5.2.5 With regard to access by footpaths or cycleways, appeal decision APP/X1545/W/24/3339776 of 23/00882/VARM deemed that a footway/cycleway was not required to be provided between the site and an existing footway/cycleway along the north-eastern boundary of Aldi (Blackwater Retail Park) and it was agreed by both the Council and appellant that footpath No. 45 was not affected by the development.
- 5.2.6 The proposed layout of the site would follow the existing built pattern of the industrial estate and surrounding built form. Two temporary units on the northeastern part of the site would be demolished to allow sufficient space for access to the site and proposed buildings. The area is currently open, hard surfaced and used for open storage. The proposed buildings would have large footprints and would cover a large extent of the application site; however, this is not at odds to the existing density of developed area of Blackwater Trading Estate. Sufficient space for turning facilities and parking will be provided and thus, no objection is raised in relation to the density of the development.
- 5.2.7 Although the proposed buildings would be located closer to the Heybridge Creek Frontage and the informal footpath along the site's eastern and southern boundaries, maintaining a level of visibility from areas across the river, it is noted that currently the site is used as open storage with a large amount of stored items being located adjacent to and along the boundary of the site, closer to the river and marshes. It should be also taken into consideration that the site is designated for B class uses (Light/heavy/storage uses of the Town and Country Planning Use Classes Order 1987 as amended), and therefore, this type of development, which involves large scale storage units is considered acceptable in this location, subject to its overall appearance, which is a matter reserved for future consideration.
- 5.2.8 In terms of the mass and scale, the buildings would represent typical rudimentary and utilitarian style storage units, with double storey height and large footprints. Although the buildings would materially increase the built form on the application site and they would be more visible from the areas within the industrial site and on the opposite sides of Heybridge Creek, it is considered that they would be of a scale that is proportionate to the existing built form within the industrial site and of compatible nature to the existing uses. Therefore, whilst it is accepted that the development

would have an impact on the appearance of the area, which is currently open in this area of the Trading Estate, it is not considered that the impact would be out of keeping with the existing built form and mass of the surrounding buildings or detrimental to the character of the surrounding area, in terms of scale of the buildings.

- 5.2.9 Indicative streetscene elevations have been submitted with the application. The buildings would reflect their utilitarian character, having shallow hipped roofs, double storey height, loading bay shutter gates, glazed entrances with logos above, finished in steel cladding. With the exception of the entrance to the buildings, limited fenestration is provided to the rest of the elevations. Whilst this is not unusual considering that the buildings would be used for storage purposes, it is noted that due to their proximity to the river and footpath, a sympathetic and good quality design of the commercial buildings should be delivered. However, given that appearance and landscaping are matters reserved for future consideration, at present and for the purposes of the current outline application, no objection is raised in terms of design and appearance of the proposed development.
- 5.2.10 Overall, the development, in terms of access, layout and scale is not considered that which would cause detrimental harm to the character and appearance of the industrial area. It is noted that high quality design and finishing materials would be a requirement to make the development acceptable in design terms. However, these are matters to be assessed under a future reserved matters application.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. Policy H4 points out that a poorly designed scheme can have a significantly detrimental impact to the original character and the street scene in terms of extensions and alterations within the street scene and seeks schemes to complement and even enhance an existing property and its surrounding, including in that, the property's neighbours. This is supported by section C17 of the MDDG (2017).
- 5.3.2 The application site is bordered by the wider industrial site, the retail park to the south and the Heybridge Creek to the east with large area of residential dwellings (Battle Rise) on the other side of the creek approximately 200 metres away, which would be most affected.
- 5.3.3 Given the degree of separation between the application site and Battle Rise to the east plus the industrial nature of the proposed units, there would be no impact from the proposal in terms of overlooking or loss of privacy. The application site does sit adjacent to the creek however, and there would be some, limited impact from the units, on the outlook from Battle Rise across to the west, as the proposal would intensify the site's appearance. However, given the site is used as informal open storage servicing the wider Blackwater Industrial site and is a designated employment site for Class B uses, with large warehouses and factories already present and no protected views across it, the outlook would result in minimal change and limited to no impact on the residential dwellings to the east in terms of outlook.
- 5.3.4 The applicants submitted a Noise Impact Assessment (NIA) which concludes that likely noise impacts and effects, following a desktop assessment, would be "*no adverse*" or "*low adverse*" impact. Taking this into account, the Council's Environmental Health Officer has been consulted and raises no objection subject to conditions, particularly in regard to noise control. They have recommended that noise

from plant and machinery shall not exceed the existing noise levels and that a post completion noise assessment should be completed. Whilst the industrial site is already being used, given the proximity of the development to the Heybridge Creek and neighbouring properties of the Battle Rise area, officers are in agreement that this would be in the best interests of the development and its surrounding area, in order to protect neighbouring amenity. Furthermore, the NIA is dated 2021 and although changes in the area have been minimal, an up-to-date post completion assessment would work to preclude future issues from arising.

- 5.3.5 On the basis of all the above, and subject to conditions, no objection is raised from the Environmental Health team and it is considered that the impact of the development on the neighbouring occupiers would not be detrimental to such an extent to warrant refusal of the application.

5.4 Access, Parking and Highway Safety

Access

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse-riding routes.
- 5.4.2 The proposed development does not intend to alter the existing vehicular access arrangements from the highway and would utilise the existing access from The Causeway. Furthermore, appropriate turning space has been allowed for within the scheme. The Highway authority has been consulted and holds no objection to the development, as per their previous comments on the previously approved application and have recommended conditions to ensure highway safety and access is adhered to throughout the construction of the development. Therefore, there is no objection raised in respect of vehicular access.
- 5.4.3 Matters relating to cycle and pedestrian access have been covered in paragraph 4.2.5.

Parking

- 5.4.4 In terms of parking provision on site, 107 parking spaces (including disabled spaces) have been included in the scheme. A total of 107 parking spaces of 2.9m x 5.5m size are proposed to be provided to include spaces for visitors and ancillary office spaces.
- 5.4.5 As stated in the Maldon District VPS SPD for office floorspace exceeding 200 sqm of 20% of the floorspace of the building, one space per 20 sqm is required. As per the previous approved scheme, it was deemed unnecessary to require this level of parking, given that the development would result in an area of office space much less than 20% (6.2%) of the overall development (approximately 650 sqm of ancillary office space). Therefore, a requirement for one car per 100 sqm was determined to reflect the scheme more satisfactorily. As such, the same consideration will be applied.
- 5.4.6 B8 use requires one car parking space per 100 sqm, one cycle parking space per 500 sqm for staff and one per 1000 sqm for visitors and one lorry space per 200 sqm,

plus two disabled parking bays or five percent of total capacity, whichever is the greater. Based on these requirements

- 5.4.7 On that basis, the development requires the provision of 105 parking spaces. Thus, the development, which proposes the provision of 107 parking spaces will comply with the relevant requirements of the VPS SPD.
- 5.4.8 In terms of disabled space, the Design and Access Statement and block plans indicate that there would be seven spaces, spread out across the development, located nearest to the entrances of each unit. five percent would result in five or six spaces and therefore the provided seven spaces would accord with the SPD.
- 5.4.9 The submitted Design and Access statement states that based on the SPD, 24 cycle parking space should be included in the development. Although the applicant states that the proposed development would incorporate 24 cycle parking spaces, it is considered that there is sufficient space within the site that secure and safe cycle parking can be provided that accords with the minimum requirements in the VPS SPD. Therefore, a condition requiring the submission of details for cycle parking that meet the minimum requirements would be imposed.

Highway Safety and Impacts

- 5.4.10 A Transport Assessment has been submitted with the application, including details of the existing condition of the highway network, details of the trip generation based on TRICS data and impact of the development on the highway network. It is concluded that the development would generate 14 vehicular trips in the AM peak and 16 in the PM peak. An assessment of the impact of the development on the various junctions, including Fullbridge, A414, The Causeway and the site access has also been carried out, and it has been concluded that the impact would not be material on the operation of the junctions.
- 5.4.11 The assessment has not been updated since the last application in 2021, however, the Highway Authority has been consulted and their comments remain the same as the previously approved scheme; *'the proposed development is likely to generate a modest increase in peak hour trips as the majority of the expected trips will take place outside of the peak hours. However, the impact on the local highway network capacity is expected to be limited and in no way severe'*.
- 5.4.12 Therefore, given the above assessment, there are no concerns in regard to highway safety and impact.

Sustainable Transport and Travel Plan

- 5.4.13 The site is located within an established industrial estate. Consideration has been given to the location of site and its access via sustainable modes of transport, including public transport, cycling and walking. For the reasons explained in section 4.2.5 of the report, the application site has been deemed unnecessary to provide a footway or cycleway. However, it is still noted that the wider site and location allows for sustainable means of transport.
- 5.4.14 The application is supported by Travel Plan information (dated 2022), including Travel Plan objectives and targets, as well as Travel Plan measures and initiatives and monitoring. Primary objectives in the plan include to reduce the need for unnecessary journeys, reduce reliance on private transport, increase awareness and encourage the use of sustainable transport and reduce the overall impact of the development on the area. Specific targets to achieve the objectives include 1% shift

to bicycle mode share on direct cycle routes within 5km, 1% shift to pedestrian mode share on direct cycle routes within 2km and 10% shift to car share.

- 5.4.15 As per the previously approved scheme, the Highway Authority request that a workplace travel plan should be submitted by the applicant and actively implemented for a minimum of 5 years, accompanied by a monitoring fee of £7,531 (plus the relevant sustainable travel indexation), to be paid prior to occupation of the development. This will be secured by a legal agreement.
- 5.4.16 In light of the above and subject to securing a Travel Plan by a checking and monitoring fee for the Travel Plan through a Section 106 agreement, it is considered that the development would be acceptable in terms of promoting sustainable transport required by policies S5, T1 and T2 of the LDP and the guidance contained in the NPPF.

5.5 Flood Risk and Sustainable Urban Drainage

Sequential and Exceptions Test

- 5.5.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. To assess that, a Sequential Test should be applied.
- 5.5.2 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.
- 5.5.3 The site is located within Flood Zones 3 and therefore, the development should pass the sequential test. The site is located within Flood Zone 3 similar to the rest of the established industrial estate known as Blackwater Trading Estate. This site is a designated employment site within the LDP and therefore employment development that falls within the use class proposed has already been considered acceptable in this location. For that reason, the development therefore passes the sequential test.
- 5.5.4 Paragraph 177 of the NPPF states that '*The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.*' The proposed development would be less vulnerable and therefore, in accordance with flood risk vulnerability classification table, it would not require application of the exception test.

Flood Risk Assessment and Sustainable Drainage Systems (SuDS)

- 5.5.5 As noted above the site is located within Flood Zone 3 and it is required to be supported by a Site-Specific Flood Risk Assessment. A Flood Risk Assessment and Drainage Strategy has been submitted with the application. Previous consultation with the Environment Agency (EA) under approved application 21/00540/OUT, highlighted that future improvements to flood defences at this location may require additional land take to ensure that the defences can be raised and recommended that an easement of 20 metres was provided from the top of the existing defence, which is to the southwest of the site. The previous approved application was amended to allow for this easement, which has been taken into account for this application.

- 5.5.6 Following consultation with the EA there are no objections to the development subject to conditions regarding the easement discussed above to allow the EA access to the flood defences.
- 5.5.7 In regard to flood risk, the EA have recommended that mitigation set out in the submitted Flood Risk Assessment & Drainage Strategy, prepared by Ardent Consulting Engineers, referenced 2100010-01 and dated May 2021, and the Flood Risk Assessment Addendum No. 2, referenced 2100011-01 and dated January 2022 are adhered to. They have also commented on Actual Risk confirming that the site benefits from the presence of defences, which however have effective crest level below the 0.5% (1 in 200) annual probability flood level including climate change and therefore, the site is at actual risk of flooding. It is also noted that finished ground floor levels are proposed at approximately 3.75m Above Ordnance Datum (AOD). This is below the 0.5% (1 in 200) annual probability flood level including climate change of 5.81m AOD and therefore at risk of flooding by 2.06m depth. However, first floor levels have been proposed higher than 6.55 AOD and therefore, there is refuge above 0.1% (1 in 100 years). The development also proposes flood resilience and resistance measures.
- 5.5.8 The site level is around 3.6m AOD. Assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change. Therefore, this proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain. However, the flood risk assessment includes an Emergency Flood Plan and subject to its acceptability, no objection is raised from the EA, in terms of flood risk access safety grounds.
- 5.5.9 The LLFA has been consulted and submitted a holding objection as since 2021, when the previous application was approved, there have been amendments to national policy (the National Standards for SuDS in July 2025) and local policy (SuDS Design Guide for Essex) and changes to peak rainfall climate change allowances, which came into effect in May 2022.
- 5.5.10 They comment that sites in the Combined Essex Management Catchment should use a 45% allowance for climate change (the FRA states 40%) and that due to the site pollution noted in the FRA as having a hazard level of "High" or "Very High", they state that an appropriate train of SuDS components should be installed with a minimum of two stages of treatment to be provided. Further to this, there is a requirement to provide details of how the runoff from the warehouse roofs and car parking areas would be treated prior to discharge. They ask that all areas of the site receive sufficient onsite treatment prior to discharge to ensure contaminants are not discharged into the nearby water bodies.
- 5.5.11 Given the above, officers believe that the above requirements can be met via appropriate conditions and therefore, the objection would not constitute a reasonable reason for refusal.
- 5.5.12 Anglian Water have also been consulted and raise no objection to the development. They note that no Anglian Water owned assets would be affected and that the Maldon Water Recycling Centre can accommodate the flows from the proposed growth and the relevant sewerage networks have capacity for the development. They defer to the LLFA for SuDS.
- 5.5.13 Furthermore there are no objections to the development from the Council's Emergency Planner and no proposed conditions.

5.5.14 Given the above, the proposal is deemed acceptable in regard to flood risk.

5.6 Ecology and Biodiversity Net Gain (BNG)

5.6.1 The site is located adjacent to the Blackwater Estuary, an area subject to a number of international and national coastal nature conservation designations, including:

- Sites of Special Scientific Interest (SSSIs),
- Special Areas of Conservation (SACs),
- Special Protection Areas (SPAs)
- Ramsar sites.

5.6.2 The site would therefore be regarded as a “sensitive site” where there is clear policy requirements that aim to conserve and protect nature conservation interests. These principles are reflected within policy N2 of the LDP which states that *‘All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.’*

5.6.3 A Preliminary Ecological Appraisal has been submitted alongside the application, which assess the potential impacts of the proposed development. The appraisal concludes that all potential adverse impacts, including pollution, disturbance and destruction of nests from the proposed development upon specific protected species can be mitigated for with careful design. Details of the recommendations to mitigate those impacts are included in the submitted shadow Habitat Regulations Assessment (HRA). It is also suggested that to address the impact on bird nests, clearance of the site should be outside the breeding bird season (March to August included) following inspection and also that a bird box scheme could be submitted to enhance net biodiversity. Through the above precautionary methods, it is considered that all significant impacts upon biodiversity, including any potential adverse impacts upon specific protected species, habitats and designated sites will likely be able to be wholly mitigated in line with relevant wildlife legislation.

5.6.4 As noted above the application is supported by a shadow Habitat Regulations Assessment. It should be noted that it is the Local Planning Authority’s (LPA) responsibility to produce the HRA, but consideration has been given to the submitted information and assessment in the shadow HRA report produced by the applicant and the advice received by Natural England (NE). NE’s response is of no objection and comments that, based on the plans submitted with the application, that the development would have no significant adverse impact on the statutorily protected nature conservation sites or landscapes.

5.6.5 Due to the location of the application site a range of effects at both construction and operation stage have been identified and these include the following:

- Increased noise disturbance;
- Increased human disturbance;
- Increased lighting disturbance; and
- Increased air and water pollution.

5.6.6 The impact of the development in combination with other development in the vicinity has also been considered.

- 5.6.7 The Appropriate Assessment stage includes a number of mitigation measures to address the abovementioned potential impacts arising from the development. The primary mitigation for construction disturbance is avoidance of sensitive periods in the winter period when the estuary supports significant numbers of wintering waterbirds. To mitigate human disturbance during operation, appropriate signage on the site will be installed to explain waterbird disturbance issues and to request sensitive behaviours. A sensitive construction and operation lighting strategy is recommended to be secured by condition. A Construction Environmental Management Plan should also be submitted included details of how pollutants will be managed during construction. An Operational Environmental Management Plan (OEMP) to minimise operational dust and pollutants including litter should be prepared.
- 5.6.8 The Council's Ecology consultant at Place Services, has assessed the submitted Preliminary Ecological Appraisal (Crossland Ecology, March 2026) and HRA Report (SES, May 2021) relating to the likely impacts of development on designated sites, protected and priority species & habitats and identification of appropriate mitigation measures. They are satisfied that the mitigation measures identified in the Preliminary Ecological Appraisal are suitable and should be secured by condition.
- 5.6.9 They are also supportive of the proposed which have been recommended to secure net gains for biodiversity. It is noted that reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains (BNG) and the finalised details will be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition.
- 5.6.10 In terms of BNG, as per the application, the site is considered exempt from the mandatory requirement to provide 10% measurable BNG as the development would be on existing hardstanding and would not impact existing habitats. The Council's Ecology Consultant is in agreement with this assessment.
- 5.6.11 Given the above, there are no concerns in regard to impact on the surrounding area and habitats, ecology concerns and BNG that would warrant refusal, subject to appropriately worded conditions.

5.7 Other Material Considerations

Health Impact Assessment

- 5.7.1 The NPPF supports that planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. A Health Impact Assessment (HIA) is a useful tool to use where there are expected to be significant impacts.
- 5.7.2 According to HIA in Spatial Planning guidance (October 2020) the HIA has been recognised by national planning policy and guidance as an appropriate tool to identify the health impacts of spatial plans and development projects and to develop recommendations to maximise the benefits and minimise harm.
- 5.7.3 The application is supported by a HIA which concludes as the site already accommodates employment uses in this designated employment area and this commercial area can be further developed to create a good working environment in a sustainable location. No environmental issues of concern have been identified.
- 5.7.4 It is suggested that due to the location of site and the existing employment uses in the area the development would reduce the local requirement for out commuting.

This is considered being a valid point which carries weight towards the benefits arising from the scheme.

- 5.7.5 As noted above, the application is supported by a Travel Plan including details to promote sustainable transport.
- 5.7.6 The HIA also highlights that no air quality issues have been identified in this part of the District. Furthermore, mitigation regarding noise impacts have been considered and mitigation can be secured by condition. It is also advised that monitoring of potential contamination issues is in place. Biodiversity protection and enhancement can be secured by condition, as well as flood risk impacts.
- 5.7.7 On balance, in light of the above and subject to conditions, it is considered that the development would not result in detrimental impacts on the health of the existing communities.

Archaeology

- 5.7.8 Following consultation with Place Services Archaeology, the site is found to be on former saltmarsh that was enclosed in the 19 Century. Furthermore, the Roman Small Town of Elms Farm is located to the northeast of the site and therefore it is possible that there are associated features such as wharves or salterns located within the application site. Therefore conditions for trial trenching on the site are recommended to understand if remnants associated with the Roman Small Town are present

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
21/00540/OUTM	Outline planning permission with the matters of access, layout and scale for consideration for the erection of warehouse units (Class B8) with associated vehicle parking & servicing.	Approved
23/00882/VARM	Removal of conditions 6 (footpath/cycleway link) and 12 (use of public footpath no.45) on approved application OUTM/MAL/21/00540 (Outline planning permission with the matters of access, layout and scale for consideration for the erection of warehouse units (Class B8) with associated vehicle parking & servicing).	Refused – Allowed at appeal

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	No Comment	Noted
Maldon Town Council	Support	Noted

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No objection subject to conditions.	Noted – see 4.4
Environment Agency	No objection subject to conditions.	Noted – see 4.5
Ecology	No objection subject to conditions.	Noted – see 4.6
Archaeology	No objection subject to conditions due to nearby archaeological deposits.	Noted – see 4.7
LLFA - SuDS	Holding objection	Noted – given this is a resubmission, the previous conditions and concerns will be taken into account along with concerns highlighted at this time and dealt with by condition. See 4.5
Anglian Water (AW)	No objection – No AW owned assets affected, Maldon Water Recycling Centre can accommodate the flows from the proposed growth, sewerage networks have capacity for the development.	Noted – see 4.5; informatives will be added.
Natural England	No objection – will have no adverse impact on statutorily protected nature conservation sites or landscapes.	Noted – see 4.6
Public Footpath Office	No objection – the PRoW lies outside of the site and is therefore not a cause for concern. Also covered by County Highways.	Noted
Essex County Fire and Rescue	No objection subject to further access information at Building Control stage	Noted - informatives will be added.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	and applicant to note water supplies for firefighting, sprinkler systems, request for waste materials disposed of correctly and combustible debris to not be buried during demolition.	

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted – see 4.3.4
Economic Development	No objection	Noted
Emergency Planner	No objection – lies outside of the River Blackwater and therefore outside of the remit of the Emergency Planner.	Noted

7.4 Site Notice / Advertisement

Notice Type	Posted Date	Expiry Date for Comments	Location
Site Notice x 3	07.07.2026	28.07.2026	Adjacent the site, adjacent the railings by Greggs/Travelodge car park, within the car park of the Retail Park opposite the gym – all by pedestrian walkways.
Newspaper Advertisement	09.04.2026	30.04.2026	N/A

7.5 Representations received from Interested Parties (*summarised*)

7.5.1 No letters were received **objecting** to the application.

7.5.2 No letters were received **in support** of the application.

7.5.3 No letters were received **commenting** on the application.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- A monitoring fee for the Travel Plan of £7,531 (plus the relevant sustainable travel indexation) shall be paid before occupation to cover the five-year period.

PROPOSED CONDITIONS

Conditions:

- 1 Details of the appearance and landscaping (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the LPA before any development begins and the development shall be carried out as approved.

Application(s) for approval of the reserved matters shall be made to the LPA no later than three years from the date of this permission.

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

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

- 2 As part of the reserved matters details of the siting, height, design, and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use of the development to which it relates and be retained in perpetuity as such thereafter.

REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the MDLDP.

- 3 The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works, which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial first use of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the

Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place.

REASON: To ensure that details of the development are satisfactory and in the interest of the visual amenity of the area, in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

- 4 Prior to the commencement of development, details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning Authority. The development hereby permitted shall then be constructed in accordance with the approved ground and finished floor levels.
REASON: In order to ensure that development appropriately integrates with the setting and its proposed neighbouring buildings, in compliance with the National Planning Policy Framework and policy D1 of the approved Maldon Local Development Plan (2017) and the guidance contained in the Maldon District Design Guide SPD.
- 5 Prior to their use in the construction of the development, product details and high-quality photographs or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon Local Development Plan and the guidance contained in the Maldon District Design Guide (2017).
- 6 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. wheel and underbody washing facilities
 - e. working hours
 - f. noise control measures
 - g. dust suppression measures
 - h. complaints proceduresREASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policies D1 and T2 of the Local Development Plan.
- 7 The development hereby approved shall not be occupied until such time as the vehicle parking and turning area indicated on planning application drawing number 21/02/03 REV B, has been hard surfaced, sealed and marked out in parking bays. The parking spaces shall have dimensions in accordance with the current parking standards. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policies D1 and T2 of the Local Development Plan.

- 8 Cycle parking shall be provided prior to the first use of the development hereby approved in accordance with Maldon District Council's adopted standards. The approved facility, which details shall be submitted to and approved writing by the Local Planning Authority prior to the occupation of the development hereby approved, shall be secure, convenient, covered and retained in perpetuity.

REASON: To ensure that cycle parking is proposed in accordance with the Vehicle Parking Standards SPD and policies D1 and T2 of the Maldon District Local Development Plan.

- 9 Prior to first occupation of the development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £7,531 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the five year period.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies S5, T1 and T2 of the Maldon District Local Development Plan.

- 10 No building hereby permitted shall be used until details of the number and location of electric car charging points in accordance with the adopted Vehicle Parking Standards SPD (2018) have been submitted to and approved in writing by the local planning authority. The charging points shall be provided in accordance with the approved details prior to the commencement of the beneficial use of the parking space within which they would be located.

REASON: To comply with the adopted Vehicle Parking Standards SPD (2018) in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan.

- 11 No building hereby permitted shall be used until details of the number and location of car parking spaces for disabled people in accordance with the adopted Vehicle Parking Standards SPD (2018) have been submitted to and approved in writing by the local planning authority. The parking spaces for disabled people shall be provided in accordance with the approved details prior to the commencement of the beneficial use of the parking space within which they would be located.

REASON: To comply with the adopted Vehicle Parking Standards SPD (2018) in accordance with Policies T1 and T2 of the approved Maldon District Local Development Plan.

- 12 The hours of operation of the B8 units hereby permitted shall between:

Monday to Saturday 0700 hours until 2300 hours only

REASON: In the interest of the amenity of neighbouring properties in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

- 13 No external plant or machinery shall be used unless and until details of the equipment have been submitted to and approved by the local planning authority. Any measures required by the local planning authority to reduce

noise from the plant or equipment shall be completed prior to the plant being brought into use and retained as such thereafter.

REASON: In the interest of the amenity of neighbouring properties and to safeguard the character 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 National Planning Policy Framework.

- 14 The applicant/occupier is required to have in place a flood action plan to respond to any flood warnings issued by the Environment Agency. Details of the flood evacuation plan shall previously have been submitted to and agreed in writing by the Local Planning Authority, in consultation with the Environment Agency, prior to first occupation of the development hereby permitted.

REASON: To minimise risk from flooding in accordance with the requirements of policy D5 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

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

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

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.

REASON: To minimise light pollution upon the nearby nature conservation sites and protected species in the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the Maldon District Local Development Plan and 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).

- 16 The premises shall only be used for storage and distribution purposes which are defined within Class B8 of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

REASON: In the interest of the amenity of neighbouring properties and to safeguard the character 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 National Planning Policy Framework.

- 17 No buildings or fixed above ground structures shall be placed within 20.5 metres of the landward toe of the defence, as detailed on drawing 21/02/03 revision B, dated Apr 21, provided within Appendix B of the Flood Risk Assessment Addendum No.2, dated January 2022.

REASON: To retain access to the defences for the Environment Agency to carry out its functions and ensure the defences can be maintained for continued flood risk protection in accordance with the requirements of policy D5 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

- 18 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:
- An engineering site layout of the proposed drainage network at the site. This should include the following details: manholes cover levels, invert levels, pipes dimensions, slopes, basin top and base levels, and invert levels both at inlet and outlets, outflow rates, as well as top water level in the attenuation basins/ponds during 100year plus 45 percent CC allowance.
 - Calculations for the conveyance and storage network for the proposed development. The network should not predict surcharge in 1yr events and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any marginal flooding is predicted then it should be directed away from the building using appropriate site grading.
 - 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.
 - Detailed drawings and details of an appropriate train of SuDS components to be installed, for a minimum of two stages of treatment to be provided.
 - Details of how roof and car parking runoff will be treated prior to discharge.
 - 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 occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

- 19 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: To minimise flood risk elsewhere and avoid water pollution in accordance with the requirements of policy D2 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

- 20 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.
- 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 the requirements of policy D5

of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

- 21 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 the requirements of policy D5 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
- 22 No development, including ground works or demolition, shall take place during prolonged periods of cold weather between October - March inclusive. In the event of a works suspension due to prolonged cold weather, work can resume after three days of thaw. After a continuous week of cold weather (i.e. frozen conditions for seven consecutive days), advice should be sought from the Site Ecologist or Ornithologist who shall base their guidance on the advice contained within the website of the Joint Nature Conservation Committee regarding a "Scheme to reduce disturbance to waterfowl during severe winter weather" or any other advice amending or revoking that advice.
REASON: In the interests of protecting the natural conservation designations and protected species in accordance with the guidance contained within the NPPF and Policy N2 of the approved Local Development Plan.
- 23 No development, including ground works or demolition, shall commence until a Construction Environmental Management Plan and an Operational Environmental Management Plan have been submitted to and approved in writing by the Local Planning authority.
REASON: In the interests of protecting the natural conservation designations and protected species and avoid water pollution in accordance with the guidance contained within the NPPF and Policies N2 and D2 of the approved Local Development Plan.
- 24 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Crossland Ecology, March 2026), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. The development hereby approved shall operate in accordance with the approved mitigation measures in perpetuity.
- This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
REASON: In the interests of protecting the natural conservation designations and protected species in accordance with the guidance contained within the NPPF, Policy N2 of the approved Local Development Plan, 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).
- 25 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified

ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Crossland Ecology, March 2026), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) persons responsible for implementing the enhancement measures; and
 - e) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON:

To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended) and to avoid water pollution in accordance with the guidance contained within the NPPF and Policies N2 and D2 of the approved Local Development Plan.

- 26 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title submits a programme of archaeological investigation 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. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.

REASON: To protect the site which is of archaeological interest, in accordance with policy D3 of the approved Local Development Plan and the guidance contained the National Planning Policy Framework.

- 27 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 24 above, and any subsequent mitigation has been agreed.

REASON: To protect the site which is of archaeological interest, in accordance with policy D3 of the approved Local Development Plan and the guidance contained the National Planning Policy Framework.

- 28 The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within six months of the date of completion of the archaeological fieldwork.

REASON: To protect the site which is of archaeological interest, in accordance with policy D3 of the approved Local Development Plan and the guidance contained the National Planning Policy Framework.

- 29 Noise from plant and equipment shall not exceed the existing background sound level (LA90) at the nearest noise-sensitive receptors, in accordance with BS4142.

REASON: To ensure that noise does not give rise to adverse impacts on amenity, in line with Policies D1 and D2 of the MDLDP.

- 30 A post-installation noise assessment shall be undertaken to demonstrate compliance with the above criteria, with mitigation implemented if required.
REASON: The submitted assessment is desk-based and verification is required to ensure acceptable noise levels, in accordance with MDLDP Policies D1 and D2.
- 31 No development shall commence until a phased land contamination assessment (Phase 1, Phase 2 if required, remediation and verification) has been completed and approved.
REASON: To ensure the site is suitable for its proposed use, in accordance with Policy D2 of the MDLDP.

INFORMATIVES

- 1 There shall be no discharge of surface water onto the Highway.
- 2 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. 45 (Maldon) 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.
- 3 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance for Applicants and Developers and UK best-practice guidance.

- 4 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;
 - d) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

- 5 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.
- 6 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 7 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.
- 8 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.
- 9 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.
- 10 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.
- 11 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.

- 12 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.
- 13 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.
- 14 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.
- 15 The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact Water Section at Service Headquarters, 01376 576000.
- 16 Essex County Fire and Rescue Services requests that any waste materials produced as a result of the development, or its clearance, are not burned off on site.
- 17 Where cellar / basement areas exist, any combustible debris should not be buried during demolition as subsequent accidental fires prove difficult to tackle and are wasteful of Fire Service resources.