



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

to
DISTRICT PLANNING COMMITTEE
28 OCTOBER 2026

UPDATE REPORT

Application Number	25/00381/OUTM
Location	Land North of West Street Tollesbury Essex
Proposal	Outline planning application, with all matters reserved except access for up to 159 residential dwellings (Use Class C3), a road link connecting West Street to North Road, ancillary infrastructure, public open space, play space, Suitable Alternative Natural Greenspace (SANG) and sustainable drainage.
Applicant	Welbeck Strategic Land IV LLP
Agent	DLP Planning Ltd
Target Decision Date	05.11.2026
Case Officer	Gareth Ball
Parish	TOLLESBURY WEST
Reason for Referral to the Committee / Council	• Departure – Site outside of the settlement boundary. • Any residential development proposal which includes provision for 75 dwellings or more.

1. INTRODUCTION

- 1.1 Application ref. 25/00381/OUTM was considered at the District Planning Committee on 5 August 2026. A motion to approve the application, in accordance with the Officers' recommendation, failed and a Member made a motion to refuse the application, but this was not seconded. A motion to defer the item was agreed, to allow Officers to consider the robustness of the potential reasons for refusal and give an opportunity for the applicant to provide further information on several concerns raised by the Planning Committee. This update report will highlight these matters.
- 1.2 Following the deferral of this application, an updated version of the National Planning Policy Framework (the NPPF) was published. The core direction of the NPPF remains largely unchanged; however, the structure of the NPPF has been overhauled, in addition to the presumption in favour of sustainable development being changed.
- 1.3 This report will set out responses / present updated information in relation to the topics which Members raised at the Committee meeting on 5 August. This report provides updates to the application's assessment in regard to the latest version of the NPPF.
- 1.4 The Committee report and Addendum that were considered by Members at the District Planning Committee on 5 August are attached at **APPENDIX 1** to this update report.

2. UPDATES FOLLOWING DISTRICT PLANNING COMMITTEE ON 5 AUGUST

2.1 The applicant has submitted the following further information:

- Briefing Note: Transport, produced by iTransport
- Briefing Note: Design, produced by Tor & Co
- Briefing Note: Ecology, produced by Wardell Armstrong/SLR
- Covering Letter by DLP Planning

2.2 The following are deemed relevant updates to material considerations on this application:

- The Section 106 legal agreement for application ref 25/01057/OUTM at Land Opposite Prentice Hall Farm, Prentice Hall Lane in Tollesbury was completed and the decision was issued on 22/09/2026.
- The outline application seeking up to 149 units at Land Rear Of 6 To 108 Mell Road (ref 26/00066/OUTM) was determined by Members with a 'minded to approve' decision at the District Planning Committee on 2 September 2026. The public inquiry for the appeal will take place starting on 1 December 2026. Notwithstanding the 'minded to' position, the appeal will still run its course. This would include any matters third parties are making to the appeal.
- On 12 October 2026, the Council published a revised Housing Land Supply (HLS) position for April 2026 of 4.15 years.

3. MATTERS RAISED BY MEMBERS AT THE 5 AUGUST DISTRICT PLANNING COMMITTEE

3.1 The following matters were raised by Members at the Committee meeting on 5 August, leading to the deferral of the application to allow the Applicant and Officers to provide further information to present to the Committee, prior to it reaching a decision.

3.2 Primary School Pedestrian Access

3.2.1 The Essex County Council (ECC) Education Department submitted original comments stating that there was no safe pedestrian route to the nearby Tollesbury Primary School and requested a financial contribution of £1,261,207.08 (index Linked to 2Q 2023) towards primary school transport provision. In response, the applicant submitted a Primary School Pedestrian Audit to demonstrate that there is a safe pedestrian route from the Site to the school. At the Committee meeting on 5 August, Members did not consider that there was a safe walkable route having particular regard to narrowness of the footways and road width on East Street in the location of the Kings Head public house in the historic village centre.

3.2.2 Following the deferral, the applicant has submitted a Transport Briefing Note, which advises that the applicant is willing, in principle, to accept the requested sum of money from the ECC Education Department. The Education Department confirmed on 22 September 2026 that upon review of the previously proposed pedestrian routes from the Site to Tollesbury Primary School, there would be no viable route for a child accompanied as necessary by an adult. The Education Department therefore require a primary school transport contribution in order to mitigate this to allow for children to be transported to the Tollesbury Primary School. The Highways Authority has also confirmed that they do not have any objection to this approach.

3.3 Sustainability and Infrastructure

- 3.3.1 During the Committee meeting on 5 August, Members questioned the ability of Tollesbury to accommodate the infrastructure requirements of the proposed development, especially when taking into account the cumulative impact of the other live applications in Tollesbury. Reference was made in the Committee meeting to Paragraphs 110 and 129 of the old NPPF and Local Plan Policy I1.
- 3.3.2 Paragraph 110 of the superseded NPPF version required development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The Paragraph did however go on to note that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.
- 3.3.3 The thrust of Paragraph 110 is retained in the 2026 NPPF within Policy TR3 (Locating development in sustainable locations). NPPF Policy TR3 also contains the transport-related elements of Paragraphs 115 and 117 of the previous NPPF. **APPENDIX 1** noted in paragraph 5.2.15 that there would be an element of reliance on private motor vehicles. The new NPPF is similar to the previous version in this regard, requiring development to limit the reliance on private motor vehicle trips within TR3(a). The development succeeds in this, noting the limitations of the location. The Site does have good access to a wide range of local amenities as detailed within **APPENDIX 1**, and would provide good pedestrian, cycle and wheeled links into Tollesbury while encouraging walking in the significant areas of open space onsite. While it does not fall within their usual remit, the Highways Authority has noted that “essential village services are all within walkable distance”.
- 3.3.4 NPPF Policy HC3 requires the development to “provide for new or improved community facilities and public service infrastructure which are necessary for the development to be acceptable in planning terms, whether by direct provision or a contribution to off-site improvements (which may be through Community Infrastructure Levy payments, where applicable)”. This approach is echoed by Local Plan Policy I1, which states that “developers will be required to contribute towards local and strategic infrastructure and services necessary to support the proposed development. Where the development may impact upon the local area, a Section 106 contribution may be agreed between the Council and the developer to mitigate those impacts. Where the impact may be on the public highway network, then an agreement may be made under Section 278 of the Highways Act 1980 between the developer and the Highways Authority for the developer to undertake or pay for works”.
- 3.3.5 Paragraph 129 of the previous NPPF related to achieving appropriate densities onsite, ensuring that development makes efficient use of the land. Paragraph 129 had five subparagraphs (a) to (e). The requirements are broadly retained within Policy L3(1), which states that:
- “development proposals should make efficient use of land, taking into account the identified need for different types of housing and other development, local market conditions, the availability of infrastructure (including that supporting sustainable transport modes) and its scope for improvement, a site’s connectivity and the importance of securing well-designed, attractive and healthy places”.*
- 3.3.6 Part 2(b) of Policy L3 goes on to state that in order to contribute to making efficient use of land “outside settlements, and on land at the edge of existing built-up areas which is allocated or has permission for development and so will form part of a

settlement (as defined in the glossary at Annex B), development footprints should make the best use of a site's development potential, taking into account the policies in this Framework". This part of the policy seeks to encourage increasing development density in order to best use land. This does not relate to the issues raised by Members.

- 3.3.7 Local Plan Policy I1 is unchanged since the deferral. The policy states that the Council will work with relevant partners and infrastructure providers to ensure existing infrastructure and services are protected and / or improved to meet the existing and future needs of the District. Part 2 of the policy further states that the Council will ensure that *"an appropriate level and type of infrastructure is provided for new developments where required to meet community and environmental need"*.
- 3.3.8 **APPENDIX 1** sets out various infrastructure mitigation requirements that would be secured through a Section 106 legal agreement. Local Plan Policy I1 addresses monetary contributions, stating that *"developers will be required to contribute towards local and strategic infrastructure and services necessary to support the proposed development. Where the development may impact upon the local area, a Section 106 contribution may be agreed between the Council and the developer to mitigate those impacts. Where the impact may be on the public highway network, then an agreement may be made under Section 278 of the Highways Act 1980 between the developer and the Highways Authority for the developer to undertake or pay for works"*.
- 3.3.9 The list of draft Heads of Terms in Section 8 of **APPENDIX 1** lists the infrastructure impacts that have been mitigated through securing financial contributions towards the relevant departmental body as listed. Each development site in Tollesbury secures its own set of financial contributions, which are calculated according to the scale of the development in order to offset the impacts of each development. If multiple developments in the same area were to come forward, there would be a cumulative set of financial contributions to offset the combined impacts. This methodology is widely accepted where no onsite mitigation is proposed and was accepted in the recent Spratts Farm appeal decision, which was determined under the new NPPF. That permission included similar contributions, including healthcare, education and school transport, bus services and other obligations. Subject to these financial contributions being secured, officers are satisfied that the Site and its surroundings would have sufficient existing and future infrastructure to accommodate the proposed development.
- 3.4 **Transport and Traffic Impact**
- 3.4.1 The application is supported by a Transport Assessment (TA) and a subsequent technical note to the TA. The technical note undertook an assessment of the cumulative impact of the three larger Tollesbury applications on multiple junctions, finding that all junctions assessed would be within capacity if all three developments were built out. Members were concerned on the reliability of information within the TA. Following the deferral, the Applicant has submitted a Transport Briefing Note, which sets out the following responses to matters raised at the District Planning Committee.
- 3.4.2 The assessment within the updated NPPF does not significantly change from the previous NPPF Paragraphs 115, 116 and 117. Crucially, Policy TR6 of the new NPPF maintains the need to consider potential cumulative impacts and maintains that a 'severe' adverse impact on the transport network or highway safety would need to be demonstrated for an application to be refused planning permission.

3.4.3 Main Road through the site

3.4.3.1 The technical note stressed the benefits of the northern vehicle access, allowing vehicles to utilise a secondary route, including providing access to the northern parts of Tollesbury while bypassing the sections of North Road near West Street. These are often single lane due to parked vehicles. The Highways Authority takes a neutral stance on this recognising limited benefits and disbenefits. It is recognised that the route is only likely be used by a relatively small number of vehicles. The Highways Authority states that they seek to limit the number of vehicle access points onto the highway for safety reasons; however, it should be noted that the access has been safety audited and raises no objections. The access onto North Road has placemaking benefits allowing for permeability in urban design terms for access and integration into the existing settlement and avoiding a cul-de-sac style development.

3.4.4 Resulting Impacts on Colchester Road

3.4.4.1 At the Committee meeting on 5 August, Members expressed concerns that a high number of vehicles associated with the proposed development would use Colchester Road, a Protected Lane, and other narrow routes to access Colchester. The submitted transport technical note has undertaken a brief analysis which assumes that half of all Colchester vehicle trips (23.1 per cent of all projected trips, taken over a 24-hour period) would use the North Road access route rather than the Tollesbury Road route. This analysis would result in 95 two-way trips via Colchester Road over the 24-hour period. The Highways Authority has reviewed this newly submitted information and do not agree with the findings, stating that the route is not attractive for drivers, who would be frustrated by this being a narrow road and due to difficulties for vehicles passing oncoming vehicles, thereby opting to use a route via classified roads. It is also considered unlikely that any significant number of trips from the developments under refs 25/01057/OUTM or 26/00066/OUTM would use the route along Colchester Road, due to the lack of the direct North Road access from those sites, which puts more preference on the Tollesbury Road route.

3.4.4.2 The applicant has submitted an ecology note and a heritage note as part of the additional information. Both included context on the Protected Lane. This was intended to set out that there would be no significant impact, even if the above identified level of trips were to use that route. The ecology note states that a review of the Department for Environment, Food and Rural Affairs (DEFRA) Magic website does not show any Habitats of Principal Importance (HPI) or other designated sites on or adjacent to the Colchester Road Protected Lane. The submitted note also states that the immature trees and intermittent hedgerows on the road “*do not appear to be species rich, and unlikely to be HPI and would be unlikely to fit the biodiversity criteria for Important Hedgerows under the Hedgerow Act 1997*”. Furthermore, given the distance there is no expected impact from the construction process.

3.4.4.3 It is considered that a few to no trips would be undertaken along Colchester Road, favouring the route via Tollesbury Road as the primary route that users of the site would use to access and egress the site. If Members were to consider a different conclusion, the applicant suggests that the number of trips in a worst-case scenario would be no more than 95 two-way trips per day along the Protected Lane (Colchester Road), which would not result in any significant ecology impacts on the Protected Lane, nor would this result in more than limited heritage harm to the lane as a non-designated heritage asset.

3.4.5 Road Safety

3.4.5.1 The TA included an assessment of Personal Injury Accident (PIA) data, which found that there are no specific road safety problems in the local area and surrounding streets. This was supported by the Highways Authority. Following the Committee meeting on 5 August, the submitted transport note includes updated information obtained from ECC. In the period following the previous assessment, until 30 June 2026, one additional collision has been recorded which comprises a home delivery van colliding with a pedestrian while reversing. This was caused by driver error and not any highway deficiency.

3.4.5.2 Officers remain satisfied that there are no inherently dangerous sections of public highway or any other safety concerns which would weigh against the application.

3.4.6 Construction Traffic Management Plan

3.4.6.1 During the Committee meeting on 5 August, Members raised an issue with construction traffic using North Road, Colchester Road, Back Road and Chapel Road; stating that these roads do not have capacity for construction traffic and some are subject to a 7.5-ton weight restriction.

3.4.6.2 The applicant has agreed that a Construction Traffic Management Plan (CTMP) could be applied; however, officers recommend amending the Construction Environmental Management Plan (CEMP) under Condition 9 to include details of construction vehicle routes, which would then be agreed prior to the construction work taking place and therefore a route avoiding North Road, Colchester Road, Back Road and Chapel Road can then therefore be secured.

3.5 **Cumulative Impact on the Character of Tollesbury**

3.5.1 **APPENDIX 1** sets out the assessment of Landscape and Visual Impact in Section 5.6. The cumulative impact is considered in paragraphs 5.6.15 and 5.6.16. As noted, there is limited cumulative impact, constrained to a localised area of people travelling on West Street. The applications would certainly have an impact on the footprint of the existing village; however, this in itself does not form a reasonable reason for refusal. The impacts on how the village is viewed and perceived must be identified and assessed accordingly. This was done through the submission of the Landscape Visual Impact Assessment, with due harm being noted and accounted for within the planning balance.

3.5.2 Officers note Paragraph 47 of the Spratts Farm appeal decision, which considered NPPF Policy N2, stating that *"the development would infringe Maldon District Council (MDC) Local Development Plan (MLP) Policy S8 because building a suburban housing development on part of an open field would not 'protect' the countryside. However, NPPF Policy N2 (as per previous paragraph 187 b) of the 2024 NPPF) does not 'protect' the countryside for its landscape or intrinsic character and beauty, which Policy S8 specifically endeavours to do; it merely 'considers' the environmental qualities of land proposed for development including the natural beauty of the countryside, which is not the same as protecting it. This means that even if this level of harm was considered significant and unacceptable, I would attribute only limited weight to the conflict with MLP Policy S8"*.

3.5.3 That appeal decision found moderate landscape harm (a lower level than the major/moderate adverse landscape effect identified on this application) but the Inspector considered that level to *"not be significant or unacceptable"* and attributed only limited weight under the policy framework of the new NPPF. Given the higher

level of harm, visual impacts, and noting the relatively localised main impacts, officers maintain that moderate adverse weight should be afforded in the planning balance. Policies N2 and N5 within the updated NPPF would be complied with in this regard.

- 3.5.4 NPPF Policy DP3(1) replicates much of the old NPPF Paragraph 135 – it requires development proposals to respond to the history, character and features of a site's context in order to integrate with the surroundings. The policy states that this can be achieved through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. The general type of development is reflective of the Site's surroundings. The detail would need to be assessed at reserved matters stage. NPPF Policy DP3(2) sets out seven criteria which are the principles of creating well-designed places. These comprise liveability, climate, nature, movement, built form, public space and identity. The design related aspects of this would need to be assessed at reserved matters stage.

3.6 Fire Servicing

- 3.6.1 During the planning committee meeting, a Member raised that the Essex County Fire and Rescue Service (ECFRS) comments included reference to the availability of nearby fire hydrants. The ECFRS comments included the following relevant section:

“Following a review of these documents you are advised that due to what would be considered an excessive distance to the nearest existing statutory fire hydrant, it is considered necessary that additional fire hydrants are installed within the curtilage of the proposed site. Should the development proceed, once we receive the new water main design scheme for this development from the local Water Authority, we will liaise with them directly to ensure that all necessary fire hydrants are provided.”

- 3.6.2 As stated within the comments, this matter would be resolved subsequently to a planning consent, between the Water Authority, ECFRS and the developer. Building Regulations Approved Document B secures fire hydrant requirements in Section B5, including the requirement for additional hydrants to be installed if a building is being erected more than 100m from an existing fire hydrant.
- 3.6.3 Policy DM7 of the NPPF directs decision makers to “assume, unless there is clear evidence to the contrary, that those separate regimes will operate effectively”. Part 2 of the policy goes on to state that “planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes other than where there is a development plan policy in place applying optional technical standards for the development proposed (see policy PM13)”.
- 3.6.4 Officers are satisfied that the matter can be addressed outside of this planning application, through building regulations and direct contact with the ECFRS. Officers therefore suggest that a condition requiring the location of fire hydrants is not necessary.

3.7 Anglian Water Capacity

- 3.7.1 During the Committee meeting on 5 August, Members questioned whether there is sufficient capacity in the local sewer system to accommodate the additional flows from the multiple live applications in Tollesbury. Officers re-consulted Anglian Water, who subsequently advised that the Tollesbury Water Recycling Centre (WRC) has sufficient capacity to accommodate c. 639 additional dwellings and that it therefore has more than enough capacity for the additional wastewater flows from the proposal and the other relevant Tollesbury developments (refs 25/00207/OUTM,

25/01057/OUTM, 26/00066/OUTM and 26/00161/OUTM). Officers are satisfied that there is sufficient drainage infrastructure to accommodate the proposal in a worst-case scenario, if the live applications in Tollesbury were to be fully built out to utilise current infrastructure.

- 3.7.2 At the request of Anglian Water, **APPENDIX 1** included a condition requiring the submission of a Strategic Foul Water Strategy, prior to the commencement of development. This will ensure that a sustainable point of connection to the drainage network can be established.

3.8 Assessment of the Updated NPPF

- 3.8.1 As previously stated in this report, the new NPPF makes some substantial changes to the layout of the document, but the thrust of the policy base remains largely the same except being more pro-development than the previous version, including the presumption in favour of sustainable development tilting the balance to weigh substantially in favour of sustainable development in comparison to the previous significant tilt in favour. This was also the view of the Inspector on the recently allowed appeal at Spratts Farm (MDC ref 25/00206/OUTM, Planning Inspectorate ref. 6005664). In Paragraph 4 of that decision, the Inspector stated:

“Just before this decision was issued, on 17 August, the Government issued the new revised version of the National Planning Policy Framework (NPPF). I do not consider that there is any need to revert to the main parties regarding this because the new policies for decision making in it do not substantially alter the national policies in the previous NPPF version, certainly not that would benefit the Council’s or any third party’s cases. Obviously, any reference to the NPPF refers to the policies within this new version.”

- 3.8.2 It should also be noted that the application seeking 149 dwellings in the eastern part of Tollesbury (MDC ref. 26/00066/OUTM) was considered by the District Planning Committee at its meeting on 2 September 2026, where Members resolved to be ‘minded to grant’ permission if that application was not at non-determination appeal. The Committee report for that application was assessed against the policies in the 2026 NPPF.
- 3.8.3 The 2026 is a material consideration in the determination of this application. For ease of reference, Officers have provided an assessment of how the updated NPPF affects the key considerations below.
- 3.8.4 **APPENDIX 1** lists the relevant paragraphs of the old NPPF in Section 7. These should be replaced with the follow updated policies of the 2026 NPPF:

National Planning Policy Framework (2026):

- Paragraph 17 Achieving sustainable development

Chapter 3 Decision-making policies

- DM1 Preparing development proposals
- DM2 Information requirements
- DM3 Determining development proposals
- DM6 Use of planning conditions and obligations
- DM7 Relationship with other regulatory regimes

Chapter 4 Achieving sustainable development

- S3 Presumption in favour of sustainable development
- S4 Principle of development within settlements
- S5 Principle of development outside settlements

Chapter 5 Meeting the challenge of climate change

- CC2 Mitigation of climate change
- CC3 Adaptation to climate change

Chapter 6 Delivering a sufficient supply of homes

- HO7 Meeting the need for homes
- HO8 Providing affordable homes

Chapter 11 Facilitating the sustainable use of minerals

- M6 Safeguarding mineral resources and infrastructure through decision-making

Chapter 12 Making effective use of land

- L3 Achieving appropriate densities

Chapter 14 Achieving well-designed places

- DP3 Key principles for well-designed places
- DP4 The design process

Chapter 15 Promoting sustainable transport

- TR3 Locating development in sustainable locations
- TR4 Street design, access and parking
- TR6 Assessing transport impacts
- TR8 Public rights of way

Chapter 16 Promoting healthy communities

- HC3 Community facilities and public service infrastructure serving new development
- HC4 Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits

Chapter 17 Pollution, public protection and security

- P2 Ground conditions
- P3 Living conditions and pollution
- P4 Impact of development on existing activities
- P5 Maintaining public safety and security

Chapter 18 Managing flood risk and coastal change

- F4 Assessing flood risk for decision-making
- F5 The sequential test
- F7 Ensuring development is safe from flooding
- F8 Sustainable drainage systems and watercourses

Chapter 19 Conservation and enhancing the natural environment

- N2 Improving the natural environment
- N3 Trees in new development
- N5 Maintaining the character of the coast
- N6 Areas of particular importance for biodiversity and geodiversity

Chapter 20 Conserving and enhancing the historic environment

- HE4 Securing the conservation of heritage assets
- HE5 Assessing effects on heritage assets
- HE6 Proposals affecting designated heritage assets
- HE7 Decisions on non-designated heritage assets
- HE9 Conservation areas

3.9 Principle of Development

3.9.1 Five-Year Housing Land Supply (5YHLS)

3.9.1.1 There is no change to the use of the Standard Method in calculating the 5YHLS as calculated in **APPENDIX 1**. The Council cannot currently demonstrate a 5YHLS. The assessment has now been inserted into the NPPF, contained within Policy HO1 and Annex D. This was noted by the Inspector in deciding the recent Spratts Farm decision, which was determined after the new NPPF was published.

3.9.1.2 NPPF Policy HO7 directs that “substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community”. In the absence of a 5YHLS and shortfall of affordable housing delivery, Policy HO7 applies to this application.

3.9.2 Presumption in Favour of Sustainable Development

3.9.2.1 The previous NPPF directed the decision maker to approve development which benefits from the presumption in favour of sustainable development unless there was a strong reason for refusal (under the old Footnote 7) or if the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits. **APPENDIX 1** concluded that there would be no strong Footnote 7 reason for refusal and that the adverse impacts would not significantly and demonstrably outweigh the benefits.

3.9.2.2 Policy S3 of the new NPPF sets out that the presumption in favour of sustainable development is applied separately to development within and outside of the settlement boundary. The application Site is located outside of Tollesbury settlement boundary, so NPPF Policy S5 sets out the forms of development which would benefit from the presumption outside of a settlement. Part (j)(i) of that policy relates to:

“Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test [27]), and where the development would...i. Be physically well-related to an existing settlement [28] (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure”.

3.9.2.3 The Council cannot demonstrate a 5YHLS, the proposal would be adjacent and well-related to the existing development in Tollesbury, and the scale of proposed development can be accommodated by existing or proposed availability of infrastructure. The development therefore meets the relevant criteria for this form of development and the considerations under Policy S5 are engaged.

3.9.2.4 Subsection 2 of NPPF Policy S5 states that “*in applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to,*

situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances". Officers have identified 15 national decision-making policies which state that development proposals should be refused in specific circumstances. These are listed below and have been assessed where relevant in this committee report, with a brief response provided in the below table:

Policy	Response
TC3(4)	Not applicable (N/A) – no town centre use proposed and not located in a town centre
TR6(4)	The development would not have a severe adverse impact on the transport network .
HC5(1)	N/A – no hot food takeaway proposed
L3(4)	Density is assessed in this committee report and is considered to be acceptable. The application would make efficient use of the land.
GB6(2)	N/A – the Site is not located in Green Belt
DP3(3)	The design would comply with the relevant NPPF requirements, subject to the detailed design elements to be submitted at reserved matters stage or by condition.
N4(2)	N/A – the Site does not affect a Protected Landscape
N6(1)(a)	Subject to mitigation recommended in this committee report, the development would not result in any adverse impact on any international habitats sites .
N6(2)	There would be no loss of irreplaceable habitat .
HE6(5)	N/A – the application does not result in substantial harm to, or total loss of, the significance of a designated heritage asset .
M5(1)	N/A – no peat extraction is proposed or affected
M5(2)	N/A – the application does not relate to coal or onshore gas oil extraction .
F6(1)(a)	The Site is not incompatible with the risk from fluvial or tidal flooding .
F7(2)	The development would be safe from flood risk .
F9(1)/(3)	N/A – the Site is not located within a Coastal Change Management Area .

3.9.2.5 Officers have noted that Policy F9 was not included in the original committee report list by error; however, the application is not within a Coastal Change Management Area and Policy F9 therefore does not apply.

3.9.2.6 Officers have concluded that the proposal should not be refused due to any of the identified policies in the above table. The assessment of the planning balance must however consider all material considerations, including all relevant policies within the NPPF, not only those in the above table.

3.10 Open Space, Landscaping and Children's Play Space

3.10.1 MDC does not have any local standards for recreation and open space.

3.10.2 Policy HC3 in the new NPPF directs that where a development plan does not set locally specific standards for recreational land and facilities, national standards should be used, directing the decision maker to Natural England's Green Infrastructure Standards for England, the Fields in Trust's 'standards for open space, outdoor sport and play' and Sport England guidance in relation playing pitches.

3.10.3 The Fields in Trust green space calculator requires a minimum of 2.04ha of green space for the proposed development, on the basis of 159 new dwellings. This

includes a further breakdown within the 2.04ha, which can be dictated at reserved matters stage. The development includes 3.6ha of green space and can clearly significantly exceed the requirements. Noting the scale of provision, officers still recommend giving moderate weight to this benefit.

3.11 Considerations Significantly Unchanged

- 3.11.1 **Affordable Housing** – No significant change in considerations. Officers have had regard to the requirements of the updated NPPF, including Policy HO8. The policy change does not make any change to considerations on affordable housing.
- 3.11.2 **Unit Size Mix** – Officers position has not changed, recommending a condition to secure the unit size mix to comply with the most up-to-date Local Housing Needs Assessment, to inform the detailed layout at reserved matters stage. Policy HO8(3) of the new NPPF allows for flexibility in the unit size mix of market homes where an application meets or exceeds the requirements for proportion and mix of affordable housing tenures.
- 3.11.3 **Quality of Proposed Accommodation** – No significant change in considerations. NPPF Policy P3 reiterates the previous Paragraphs 187(e) and 198, which are also covered by Local Plan Policy D1.
- 3.11.4 **Impact on Heritage Assets and Archaeology** – No significant change in considerations. The updated NPPF does not change the scope of heritage assets to be considered. The heritage assessment under Paragraphs 207 to 221 of the previous NPPF has been replaced by Policies HE4, HE5, HE6, HE7 and HE9. Officers maintain the same level of harm to heritage assets, which is noted in the planning balance.
- 3.11.5 **Impact on Amenity** – No significant change in considerations. Taking NPPF Policy P3 into account, the matters have already been considered.
- 3.11.6 **Ecology and Biodiversity** – No significant change in considerations. Policies N2 and N6 in the updated NPPF maintain the same general approach to assessment. Equally, there is no change in the approach to European and other Protected Sites, or mandatory 10 per cent Biodiversity Net Gain (BNG).
- 3.11.7 **Drainage and Flood Risk** – No significant change in considerations. The updated NPPF directs considerations of sequential testing, drainage and flood risk through Policies F4, F5 and F7. These policies capture the same approach as the previous NPPF, as supported by the Planning Practice Guidance.
- 3.11.8 **Minerals and Waste** – No significant change in considerations. NPPF Policy M6 requires non-mineral development not to constrain potential future use for mineral working in a Mineral Safeguarding Area and requires Local Planning Authorities to consult the Mineral Planning Authority. The Mineral Planning Authority was consulted as part of the application, considered the application under the relevant policies of the Essex Minerals Local Plan, and concluded that there would be no unacceptable impact on the Mineral Safeguarding Area when noting the portion of the Site which would not be workable due to a standoff from nearby housing. The application complies with the relevant policies of the updated NPPF.
- 3.11.9 **Health** – No significant change in considerations. Policy HC3 of the updated NPPF sets out that developments should provide infrastructure to make the development acceptable in planning terms but allows for this to be done through contribution to off-site improvements.

- 3.11.10 **Air Quality** – No significant change in considerations. The application was supported by an Air Quality Impact Assessment which is supported and would meet the requirements of Policy 3(2)(c) of the updated NPPF, which generally reintroduces the requirements under the old Paragraph 199.
- 3.11.11 **Land Contamination** – No significant change in considerations. Paragraphs 196 and 197 of the old NPPF are reiterated through NPPF Policy P2. There are no additional requirements.
- 3.11.12 **Energy and Sustainability** – No significant change in considerations. The new NPPF Condition CC3 would be addressed by the recommended condition.

4. UPDATED PLANNING BALANCE AND CONCLUSION

- 4.1 Taking the above assessment into account, Officers conclude that the presumption in favour of sustainable development is engaged, in accordance with the requirements of NPPF Policies S3 and S5. NPPF
- 4.2 Policy S5(1) directs that application “should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework”.
- 4.3 The assessment of this planning balance is set out below, taking into account all material considerations.
- 4.4 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):
- 4.5 Social Benefits
- The provision of 159 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 substantial weight. Officers have amended this benefit from significant to substantial weight following the Spratts Farm appeal decision based on the new NPPF.
 - New communal open space (including the Suitable Alternative Natural Greenspace (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 moderate weight.
- 4.6 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.

4.7 Environmental Benefits

- Creation of c. 3.6ha of green infrastructure, including a large amount of SANG which would be available to surrounding residents, and a BNG of 20.9 per cent habitat units and 47.33 per cent hedgerow units, 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 moderate weight.
- Improvements to pedestrian links on Footpaths 4 and 17 within the site. Officers give limited 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.

4.8 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 effect. Noting the magnitude of the adverse impacts identified, Officers give this harm significant weight.
- Loss of 9.24ha 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 Tollesbury Conservation Area and the grade II listed 76 West Street and a limited harm to the Non-Designated Heritage Asset (NDHA) Protected Lane Colchester Road.

4.9 Weighing the above benefits and harms of the development, Officers conclude that the substantial benefits would not be substantially outweighed by any of the identified adverse effects.

4.10 Following the deferral of the application and assessment of additional information in response to Members' queries, Officers recommend that (with reference to the conditions within the original Committee report and addendum, attached at **APPENDIX 1** of this report, as amended by the conditions within this report) the District Planning Committee:

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 of **APPENDIX 1** and the updated Heads of Terms as set out in section 6 of this report.

If the Section 106 legal agreement is not completed within three months of the date of this District Planning Committee, or an extended time period as agreed between the applicant and the Council, then delegate authority to the Director of Place,

Planning and Growth to **REFUSE** the planning application , 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.

5. CONSULTATIONS AND REPRESENTATIONS RECEIVED

5.1 Statutory Consultees and Other Organisations

- 5.1.1 Following the District Planning Committee on 5 August, the following new consultee comments were received:

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water	Clarification that there is sufficient infrastructure to accommodate cumulative increase.	Noted.
Essex and Suffolk Water	The network does not have existing capacity; however, Essex and Suffolk Water have no objections to this development and in accordance with our statutory obligations, we will facilitate a connection to our water network for the proposed development. The application should demonstrate how they source construction groundwater.	Noted. Condition 44 added to include groundwater sourcing details.
ECC Highways	No objection, including no objection having reviewed the submitted transport technical note.	Noted

5.2 Representations received from Interested Parties

- 5.2.1 Following the District Planning Committee on 5 August, three new public representations have been received. The representations object to the development. No new considerations are raised that were not stated in the previously considered representations.

Objection Comment	Officer Response
The application has not identified any details of a Sustainable Point of Connection to the foul drainage network.	Condition 27 is recommended to secure these details.
Application ref 26/00161/OUTM should be considered.	As detailed in this report, Anglian Water have confirmed that the WRC has sufficient capacity, including application ref 26/00161/OUTM. A specific update on that

Objection Comment	Officer Response
	application was not requested of Anglian Water.
The submitted BNG Metric is out of date and should be updated.	The report is acceptably recent and any changes to the site from that pre-development baseline would be taken into account, as per national requirements.
Essex and Suffolk Water state that the network does not have sufficient capacity to accommodate the application and that they are in communication with the applicant. They do not comment on the combined effect of the different planning applications. These comments were omitted from the original committee report.	Comments were received late in the process and are included within the "Statutory Consultees and Other Organisations" table within this Update Report for clarification. They advise that there is no objection to the application and that they will facilitate a connection to the water network in accordance with their statutory obligation.
The use of Q3 2024 index linked figures is out of date. There is a discrepancy in the cost per place of the Early Years and Childcare contribution.	The figures represent those used by the Education Authority and are index linked so that the value is maintained over time. Clarification is being sought regarding the £14.01 cost discrepancy per place.
The LVIA does not sufficiently consider the residential views of adjoining properties.	This matter is considered in Paragraph 5.6.13 of the committee report for 5 August 2026 District Planning Committee.

6. PROPOSED CONDITIONS INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

UPDATED HEADS OF TERMS

- 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.
 - Affordable Housing – The requirement for a tenure layout plan, demonstrating acceptable clustering of between 15 and 25 units of affordable dwellings, and details of tenure type and unit size.
 - At least 80 per cent of open market units to be constructed to Building Regulations Approved Document M requirements for M4(2) (Adaptable and Accessible Dwellings).
 - At least 10 per cent of both the Affordable Rent and Intermediate dwellings to be constructed to Building Regulations Approved Document M requirements for M4(3) (Wheelchair User Dwellings) and 80 per of both the Affordable Rent and Intermediate dwellings to be constructed to Building Regulations Approved Document M requirements for M4(2) (Adaptable and Accessible Dwellings).
 - Housing delivery and monitoring to include notification of the Council upon completion of the first dwelling and an annual build-out report on

the completed units that preceding year and anticipated completions for the following year.

- 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 £450,000
- Education contributions including:
 - Early years childcare financial contribution of £286,043, index linked to Q3 2024
 - Secondary education financial contribution of £874,246, index linked to Q3 2024
 - **Primary school transport contribution of £1,261,207.08, index linked to Q2 2023**
 - Secondary school transport contribution of £189,114.60, index linked to Q2 2023
 - Libraries financial contribution of £12,370.20, index linked to April 2020
 - Employment and Skills Plan
 - A £700 monitoring fee per obligation
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) contribution of £175.55 per dwelling (up to £ 27,912.45 total).
 - Provision of 3.6ha Suitable Alternative Natural Green Space (SANG)
 - A breakdown of the areas that are proposed to contribute to high quality semi-natural accessible greenspace
 - On-site open space facilities which include dog waste bins and interpretation boards.
 - Homeowner information packs to new residents The long-term maintenance and management of these provisions secured in-perpetuity.
- Management Company details
- NHS healthcare Primary Care Network infrastructure contribution of £119,400
- Maldon District Council Section 106 administration and monitoring fee of £1,638

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:

- TOR-PP-001 Land Use Plan, received 23/07/2026
- TOR-PP-002 Rev A Building Heights Plan, received 23/07/2026
- TOR-PP-003 Site Location Plan
- TOR-PP-005 Rev A Open Space Parameter Plan

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

5 Housing Unit Size Mix (AMENDED in the Addendum to the Committee meeting on 5 August)

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

REASON In order to ensure that an appropriate housing mix is provided for the proposed development taking into account the objective of creating a sustainable, mixed community contained in Policy H2 of the approved Maldon District Development Local Plan to meet the Local Housing Needs Assessment for the District, 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 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.

8 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).

9 Construction Environmental Management Plan (CEMP) AMENDED

No development, including demolition, site clearance or preliminary groundworks shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall contain and address to the statutory industry standards of health and safety regulations, professional codes of practice, cost frameworks, and quality management systems, the following matters:

- (a) Hours of use for the construction of the development including deliveries
- (b) Hours and duration of any piling operations
- (c) Vehicle haul routing in connection with construction, remediation and engineering operations. This shall avoid the use of North Road, Colchester Road, Back Road and Chapel Road
- (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site
- (e) Details of construction of any access or temporary access, onsite haul roads, and details of temporary parking requirements
- (f) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems)
- (g) Loading and unloading of plant and materials locations
- (h) Details of any temporary hardstandings
- (i) Details of temporary hoarding
- (j) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime
- (k) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
- (l) Measures to reduce dust including dust suppression, control and containment of air emissions incorporating Best Practice Means along with air quality mitigation and monitoring
- (m) For dust and air quality management and mitigation:
 - i. The identification of all dust-generating activities and sensitive receptors, and appropriate mitigation at boundary interfaces where identified including timber/steel panels, scaffolding, dust/debris netting/mesh
 - ii. The specific mitigation measures to be implemented across all phases (demolition, earthworks, construction, and trackout) including water suppression, haul-road speed limits, vehicle/wheel washing facilities, and covering of material transport/stockpiles
 - iii. Procedures for visual daily/weekly site inspections, dust monitoring (where deemed high risk), and clearly defined trigger/action levels
 - iv. Details of any groundwater sourcing for construction activities, including any temporary connections to the public water network, deliveries or onsite abstraction for water supply purposes for the construction phase. Mitigation measures to minimise the use of water shall also be submitted.
- (n) Measures for water management including wastewater and surface water discharge
- (o) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals
- (p) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development

- (q) A Site Waste Management Plan
- (r) For ecology and biodiversity:
 - i. Risk assessment of potentially damaging construction activities
 - ii. Identification of “biodiversity protection zones”
 - iii. 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)
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features
 - v. The times during construction when specialist ecologists need to be present on site to oversee works
 - vi. Responsible persons and lines of communication
 - vii. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person
 - viii. Use of protective fences, exclusion barriers and warning signs
- (s) Details of security lighting layout and design, and
- (t) Contact details for site managers including information about community liaison including a method for logging, handling and monitoring complaints.

Works on site shall only take place in accordance with the approved CEMP. 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, N2 T1 and T2 of the Maldon District Local Development Plan (2017) and Policies p3, P4, TR4, TR6 and F8 of the National Planning Policy Framework (2026).

10 Primary Site Access Visibility Splays

Prior to first occupation of any dwelling in the development hereby approved, the primary site access on the B1023 West Street shall be provided with visibility splays as shown in i-Transport’s Drawing ‘ITB15549-GA-007 Rev O’. The visibility splays shall be retained and maintained in accordance with the approved drawing for the lifetime of the development.

REASON To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway, in the interest of highway safety 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).

11 Primary Site Access Works

Prior to the first occupation of any dwelling in the development hereby approved, details of the access arrangements and off-site highway works for the primary site access on West Street, as shown in principle on i-Transport’s Drawing ‘ITB15549-GA-007 Rev O’, shall be fully implemented and then maintained and retained as such for the life of the development. Prior to commencement of the development all details as listed below shall be submitted to and approved in writing with the Local Planning Authority, including:

- Dropped kerb crossing together with tactile paving at the bellmouth of the proposed site access junction;
- A 2 metre footway on the western side of the proposed access road and a segregated 5m footway / cycleway on the eastern side;

- A 2 metres footway on the north side of West Street linking the proposed site access road with Public Footpath no 3 to the west of the site;
- A 4 metre wide segregated footway / cycleway on the north side of West Street to link with a new dropped kerb crossing (together with tactile paving) of West Street to the east of the site access;
- Extension of the 30mph speed limit to the west of the site entrance (with precise location to be agreed with the Highway Authority) and provide a new gateway feature with appropriate signing and line markings as necessary;
- In addition to the above, provision of a 3m shared use pedestrian footway / cycleway running from the aforementioned crossing of West Street to the east of the site access, along the southern side of West Street for approximately 230m, with appropriate signing, lining and tactile paving.

The approved details shall be implemented in full, prior to the first occupation of any dwelling hereby approved, and retained as such for the life of the development.

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).

12 Secondary Site Access Visibility Splays

Prior to first occupation of any dwelling in the development hereby approved, the secondary site access on North Road shall be provided with visibility splays as shown in i-Transport's Drawing 'ITB15549-GA-002 Rev H'. The visibility splays shall be retained and maintained in accordance with the approved drawing for the lifetime of the development.

REASON To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway, in the interest of highway safety 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).

13 Secondary Site Access Works

Prior to the first occupation of any dwelling in the development hereby approved, the access arrangements and off-site highway works for the secondary site access on North Road, as shown in principle on i-Transport's Drawing 'ITB15549-GA-002 Rev H', shall be fully implemented and then maintained and retained as such for the life of the development. Prior to commencement of the development all details as listed below shall be submitted to and approved in writing with the Local Planning Authority, including:

- Subject to approval by Essex Highways, a dropped kerb crossing together with tactile paving at the bellmouth of the proposed site access junction;
- A 2 metre footway on the southern side of the proposed access to connect with the existing pedestrian facility on North Road and leading into the proposed segregated 5m footway / cycleway within the site;
- Vegetation clearance and carriageway widening of North Road together with advance warning signs of the proposed site access.

The approved details shall be implemented in full, prior to the first occupation of any dwelling hereby approved, and retained as such for the life of the development.

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).

14 Bus Stop Improvements

Prior to the first occupation of any dwelling within the development hereby approved, details of bus stop improvements shall be submitted to, and approved in writing by, the Local Planning Authority. The bus stop improvements shall include the following:

- Provision of painted new bus cage, raised kerbs, pole and flag with timetable display on the northern side of West Street, for eastbound buses, with appropriate footway and hardstanding as necessary and dropped kerb (together with tactile paving) of the access to 76a West Street;
- Provision of a painted new bus cage, shelter, raised kerbs, pole and flag with timetable display 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.

The bus stop improvements shall be implemented prior to the first occupation of any dwelling within the development hereby approved.

REASON To encourage trips by public transport and in the interest of accessibility and ensure an acceptable impact on townscape and heritage assets, in accordance with Policies S1, D1, D3, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

15 West Street Crossing

Prior to first occupation of any dwelling in the development hereby approved, and as shown in principle in Drawing 'ITB15549-GA-014' of the Transport Assessment, the developer shall provide dropped kerb crossings together with tactile paving on West Street at its junction with North Road and Elysian Gardens. The crossing shall be retained and maintained in accordance with the approved drawing for the lifetime of the development.

REASON To provide pedestrians and the mobility impaired with safe accessibility to the centre of Tollesbury, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

16 Public Footpath Works

Prior to the commencement of the development hereby approved, a scheme for the diversion and upgrading of Public Footpath Nos. 4 and 17 (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 Policies T1 and T2 of the Maldon District Local Development Plan (2017).

17 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).

18 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 to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided at first occupation of the development hereby approved 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).

19 Car Parking

Concurrently with the submission of reserved matters pursuant to Condition 1 of this permission, details of the vehicle parking, including visitor parking, shall be submitted to and approved in writing by the Local Planning Authority. The approved parking and charging provision shall be implemented in full prior to the first occupation of the dwelling to which it relates or stretch of road which visitor parking is located upon, and shall thereafter be retained and kept available for such use at all times thereafter.

REASON To ensure that adequate vehicle and cycle parking and electric vehicle charging infrastructure is provided in accordance with the Maldon District Vehicle Parking Standards SPD, Policies D1, H4, T1 and T2 of the approved Maldon District Local Development Plan, and the guidance contained within the National Planning Policy Framework.

20 Cycle Parking

Concurrently with the submission of reserved matters pursuant to Condition 1 of this permission details of cycle parking storage shall be submitted to, and approved in writing by, the Local Planning Authority. The storage shall be in accordance with the cycle parking standards in Maldon's Vehicle Parking Standards SPD (2018). The approved facilities shall be secure, convenient, covered and shown to be appropriately located in rear gardens. The cycle storage shall be implemented in accordance with the approved details prior to the first occupation of each relevant dwelling hereby approved and retained in accordance for the duration of the development.

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.

21 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.

22 Boundary Treatment

Concurrently with the submission of reserved matters pursuant to Condition 1 of this permission, 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.

23 Surface Water Drainage Scheme

No development 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:

- Limiting discharge rates to 1.12l/s/ha for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- 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 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 be implemented prior to the first occupation of any dwelling hereby permitted and then retained and maintained throughout the lifetime of the development.

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.

24 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.

25 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.

26 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.

27 Foul Water Strategy

No development shall commence until a Strategic Foul Water Strategy has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Anglian Water. The strategy shall identify a Sustainable Point of Connection to the public foul network.

Prior to occupation, the Strategic Foul Water Strategy shall be fully carried out in complete accordance with the approved scheme prior to the first occupation of any dwelling within the development hereby approved,

REASON To protect water quality, prevent pollution and secure sustainable development in accordance with Policy D5 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

28 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 in writing by the applicant, for written 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 Local Planning Authority has been approved.
- (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 Local Planning Authority.
- (5) The applicant shall submit a Post Excavation Assessment and/or Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork. 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.

29 Phase 2 Contaminated Land Investigation

Prior to the commencement of any development hereby approved, 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 include timescales and phasing of remediation works and the following:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a) Human health,
 - b) Property (existing or proposed) including buildings, crops, livestock, etc, woodland and service lines and pipes,
 - c) Adjoining land,
 - d) Groundwaters and surface waters,
 - e) Ecological systems
 - f) Archaeological sites and ancient monuments;
- (iii) An appraisal of remediation options, and proposal of the preferred option(s).

This shall include timescales and phasing of remediation works.

This investigation shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

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.

30 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.

31 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.

32 Public Open Space Provision

A scheme for the proposed area of public open space shall be submitted in writing 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 'TOR-PP-005 Rev A Open Space Parameter Plan'. 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.

33 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.

34 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).

35 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).

36 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.

37 Photovoltaic Panels

Prior to the occupation of any dwelling hereby approved to which photovoltaic panels are proposed, full details of any photovoltaic panels, mounting frames and any associated equipment shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include:

- Panel dimensions and specifications
- Height above roof level (demonstrated through section drawings)
- Colour, finish and surface treatment
- Mounting angle and method of installation
- Inverter units, switchgear and supporting infrastructure

The photovoltaic panels shall be installed prior to the first occupation of the relevant dwelling which they are attached to, and retained in accordance with the approved details thereafter for the lifetime of the development.

REASON To provide sustainable energy to the development, protect the amenity of neighbouring occupiers and future residents, and to ensure an appropriate design to protect the character of the area, in accordance with Policies S1, D1, D2 and D4 of the Maldon District Local Development Plan (2017).

38 Mitigation Measures

The development, including construction, hereby approved shall be carried out in accordance with the details contained in the Technical Note – Ecology Walkover Assessment (Wardell Armstrong, March 2025), Breeding bird report (September 2025), Bat Survey (2021) report (Wardell-armstrong, October 2023) Preliminary Ecological Appraisal (Wardell Armstrong, October 2023), Wintering bird survey report (Wardell Armstrong, April 2025) and Bat Activity Survey 2025 Addendum (Wardell Armstrong, September 2025).

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON To enhance protected, Priority and threatened species and allow the LPA to discharge its duties within the NPPF and s40 of the Natural Environment and Rural Communities (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.

39 Construction Environmental Management Plan for Biodiversity

Prior to the commencement of any development hereby approved, a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- 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).
- 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 development hereby approved shall adhere to and be implemented strictly in accordance with the details within the approved CEMP (Biodiversity) throughout the construction period.

REASON To conserve 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.

40 Farmland Bird Compensation Strategy

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

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

- purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;

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

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

REASON To conserve 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.

41 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.

42 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).

43 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).

44 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.

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 they have assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Officers note the applicant states the SuDS scheme may / will be adopted by Anglian Water. As yet the applicant has not engaged with the Council, therefore Officers cannot comment, at this stage, on the proposal's suitability. Anglian Water encourage the use of SuDS and if the developer wishes us to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Design Strategic Assessment (PDSA) form available on our website Sustainable drainage systems (anglianwater.co.uk), or please contact planningliaison@anglianwater.co.uk.

The lead local flood authority is the statutory consultee for all surface water drainage systems on major developments and should be contacted as soon as possible regarding the proposal.

3. ECC Highways

The Highways Authority (ECC Highways) advise that:

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.

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 Tollesbury public footpath nos. 4 and 17 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.

The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.

Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details to be agreed with the Highway Authority).

The internal proposals should be in accordance with Maldon District Council's adopted vehicle and cycle parking standards.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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.

4. 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.

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 18 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 15 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.

5. Essex Fire and Rescue

You are advised to contact Essex County Fire and 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 and Rescue Service consultation response, dated 30 April 2025.

6. Essex Police

You are advised to refer to Essex Police Designing Out Crime Officer advice (see consultation response dated 1 May 2025) when considering the detailed design at reserved matters stage.