



Appeal Decision

Inquiry held on 2-4 and 9-11 June 2026

Site visit made on 2 June 2026

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2026

Appeal Ref: 6004910

Land west of the Cemetery, London Road, Maldon, Essex CM9 6LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by LSL Partners and Cirrus Land against Maldon District Council.
 - The application reference is 25/00578/OUTM.
 - The development proposed is the erection of up to 275 residential units including affordable housing, land for a children's nursery (Class E), 1.8ha of land for an extension to Maldon Cemetery, drainage works, landscaping, vehicular access to the A414, pedestrian/cycle access to Spital Road and London Road, and associated infrastructure works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 275 residential units including affordable housing, land for a children's nursery (Class E), 1.8ha of land for an extension to Maldon Cemetery, drainage works, landscaping, vehicular access to the A414, pedestrian/cycle access to Spital Road and London Road, and associated infrastructure works on land west of the Cemetery, London Road, Maldon CM9 6LJ in accordance with the terms of the application reference 25/00578/OUTM and subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal is made in outline with all detailed matters reserved for later consideration other than for access. The access details include vehicular access to the A414, and pedestrian/cycle accesses to A414 Wycke Hill/Spital Road and London Road respectively. They also include alterations to Wycke Hill to form a shared pedestrian/cycle route. They do not include internal roadways shown on the illustrative drawings, nor do they include any alteration to the access point for the farm track onto London Road in the northwest corner of the site.
3. The appeal was lodged before the Council issued its decision and has therefore proceeded as an appeal against non-determination. I have however had regard to the putative reasons for refusal in framing the main issues.
4. A group called 'Say No to Building on Maldon Hall Farm' were given Rule 6 status. They took a full part in the inquiry as a main party with the ability to present evidence and cross examine witnesses for the appellant.

5. The appeal is accompanied by a legal undertaking setting out a number of obligations linked to the proposed development. I consider those obligations in more detail later in my reasoning.
6. Certain issues of concern initially raised by the Council and the Rule 6 party are no longer being pursued. For the Council those issues include putative reason for refusal 1 (cumulative effect on infrastructure planning) and putative reasons for refusal 4-8 (impacts arising from the absence of legal obligations). For the Rule 6 party the issues no longer being pursued include the effect of a greater amount of development than that proposed, provision of infrastructure, impact on heritage assets, and the impact on protected bird species.

Main Issues

7. In light of the resolution or withdrawal of some issues of initial concern as noted above, I consider the main issues in this appeal to be as follows:
 - The effect on the character and appearance of the landscape
 - The effect on the road network
 - The location of the development in relation to the spatial strategy of the Local Plan
 - Accessibility to facilities and services by sustainable modes of transport
 - The effect on the living conditions of occupiers of residential properties at Maldon Hall Farm by reason of privacy and obstruction of the driveway
 - The effect of a lack of housing land supply.
8. It is also necessary to consider the benefits of the scheme, and how the main issues and other material considerations should be weighed against one another. I do this in the planning balance.

Reasons

Landscape character and appearance

9. The site lies within landscape character area F6 – Woodham Wooded Farmland of the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments 2006. The key landscape characteristics of the area are described as a broad wooded east-west ridge giving way to small, rounded hills to the southeast, open arable farmland framed by woodland and hedgerows, and smaller irregular fields on the wooded ridge.
10. The appeal site exhibits many of these characteristics consisting as it does of a large open arable field with a smaller vineyard and irregular grassed area on its northern part. It lies on the southern slopes of the east-west ridge whose crest is defined by London Road at this point.
11. The site is separated from the built up area of Maldon by the A414 which runs immediately to the east in a cutting and is screened by a belt of trees. The site is also screened from the north by Maldon Cemetery and a covered reservoir, and from the south by belts of trees and properties in and around Maldon Hall Farm.

Views from the west are more open across intervening arable fields bounded in part by hedgerows and field trees and interspersed with small blocks of woodland.

12. The area is not nationally or regionally designated for its landscape character nor is it a valued landscape within the meaning of paragraph 187 of the National Planning Policy Framework (the Framework). It has previously formed part of the Chelmer and Blackwater Ridge Special Landscape Area designated by Essex County Council in the 1980s, which covered an extensive area to the west of Maldon. That designation has since been withdrawn. Given the finer grained and more detailed analysis carried out as part of the 2006 landscape character assessment for Maldon, I place greater weight on it in this appeal. Notwithstanding the lack of formal designation, the site nevertheless forms part of the countryside lying to the west of Maldon which has its own intrinsic character and beauty.
13. Despite its separation from the built up part of Maldon, the site is largely contained by the topography and landscape features around it. The position of built development on the site and its separation from the ridge by the cemetery and reservoir mean that it would not have any appreciable effect on the skyline or the Lower Chelmer River Valley landscape character area lying to the north. The A414 and its treed banks screen it from the east. Although some of the tree belt would be removed to form a new vehicular access, it would nevertheless retain in large measure its screening function. To the south, tree belts along the field margin and the mature gardens of residential properties at Maldon Hall Farm would serve to limit views from this direction.
14. It is only to the west that wider impacts on the landscape would be felt. In my view those effects would be limited and diminish quickly as one moves further away from the site. Seen from the bridleway about 1km to the west, only relatively small parts of the site are visible at any one time because of intervening hedgerows and woodland. From this slightly more elevated position, the roofs of houses in Maldon also start to appear, as does an electric infrastructure facility north of Maldon Hall. Development on the site would therefore be viewed in conjunction with these features rather than just open countryside.
15. In terms of visual effects, it was agreed that the three main public viewpoints are the public footpath along the western boundary of the site, the cemetery, and the public bridleway 1km to the west. The appellant and Council are also agreed that, once landscaping has matured, the effect on views from these receptors would be major adverse, moderate adverse and slight adverse respectively. I agree with those assessments as users of the footpath would clearly see and experience development on the site irrespective of the amount of landscaping used. More distant views from the bridleway would be largely mitigated for the reasons described above.
16. The Rule 6 party and another interested party who spoke at the inquiry consider that there would be a greater adverse effect on visitors to the cemetery, because development would erode its tranquil countryside setting. While I acknowledge the strength of feeling expressed on this point, most visitors to the cemetery are doing so in order to visit graves rather than use it as a viewpoint over the countryside. The development proposes to reinforce the existing trees around the cemetery with further planting to soften and screen views of the development from it. While that may reduce its connection with the wider landscape and increase background noise to a modest extent, the proposed development would not prevent the

operation of the cemetery for its primary purpose. The assessment of visual effects from the cemetery as moderate adverse is therefore a reasonable one.

17. Having regard to these landscape and visual effects, I conclude that the development would overall have a moderate adverse effect on the wider landscape. To that extent it conflicts with Policies S1, S8, D1 and H4 of the Maldon District Approved Local Development Plan 2014-2029 (the Local Plan) in so far as they seek to protect the intrinsic character and beauty of the countryside and the landscape setting of Maldon. However, I find that harm to be moderated for the reasons set out above.

Effect on the road network

18. Paragraph 116 of the Framework says that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. There is no evidence to suggest that there would be an unacceptable impact on highway safety. My attention has therefore focused on whether the development would result in a severe residual cumulative impact on the road network in Maldon.
19. The application was submitted with a transport assessment, including modelling of relevant highway junctions in the vicinity of the site and a new roundabout to gain access to the site from the A414. In response to comments made by Essex County Council (the Highway Authority), revised modelling work was undertaken and presented in a transport assessment addendum. The revised modelling work reflects an approach based on past behaviour rather than relying on a vision-led approach which assumes a modal shift towards more sustainable forms of travel. Both assessments take account of future traffic growth, including additional traffic generated by planned developments in Maldon.
20. It is agreed between the appellant and the Council in a supplementary transport statement of common ground that other than for the A414 Wycke Hill/Wycke Hill Business Park/B1018 Limebrook Way/A414 Maldon Road roundabout (the Morrisons roundabout), all the other modelled junctions or those referred to in the putative reason for refusal have sufficient capacity to accommodate the additional traffic from the proposed development as well as that from future traffic growth. Concern about the A414/Spital Road roundabout was addressed during the course of the inquiry, where it was accepted that the addition of pedestrian crossings to 2 of the arms would not prevent the junction operating effectively. It is also agreed that the proposed new roundabout has adequate capacity to serve the appeal scheme and other traffic on the road network.
21. The appellant's modelling work shows that the Morrisons roundabout is likely to operate beyond design¹ and theoretical² capacity in peak periods in the model year (2031). Two arms would experience delays of about ¾ minute (AM peak) and 2 minutes (PM peak) at A414 Wycke Hill, and about 1 minute (AM peak) at B1018 Limebrook Way. Traffic generated by the development would add further delays to these arms increasing the delays to about 1½ minutes (AM peak) and about 3 minutes (PM peak) at A414 Wycke Hill, and about 1½ minutes (AM peak) at B1018 Limebrook Way. Delays on other arms of the roundabout or at other peak times

¹ Defined as 0.85 RFC (ratio of flow to capacity)

² Defined as 1.0 RFC

- would be less and would operate within theoretical capacity, and in most instances within or close to design capacity.
22. The Council criticises the appellant's transport modelling on traffic flow profiles and the use of calibration adjustments. However, the model assumptions used had been amended to accord with the advice of the Highway Authority during the application process. While the Highway Authority noted that some transposition errors in the revised junction modelling may slightly exaggerate capacity, it was satisfied that overall, the transport assessment and its addendum provide a suitable basis on which to judge impacts on the highway network, and that such impacts would not be severe.
 23. Notwithstanding its criticisms of the transport modelling, the Council's assessment of the increase in delays at the Morrisons roundabout generated by traffic from the development results in similar forecasts to those of the appellant, albeit the model year (2031) base figures are somewhat higher, and the delay at B1018 Limebrook Way in the AM peak is also higher. Based on those forecasts, the cumulative delays would be about 1½ minutes (AM peak) and about 3½ minutes (PM peak) at A414 Wycke Hill, and about 3½ minutes (AM peak) at B1018 Limebrook Way.
 24. In light of the views of the Highway Authority, I prefer the appellant's transport modelling approach, although given the similarities in forecasts I do not consider the relatively small differences between them and the Council to be determinative in this appeal.
 25. There is no definition of what constitutes 'severe' in the context that term is used in paragraph 116 of the Framework, but it was agreed between the highway witnesses that it was intended to be a high bar. In my view the paragraph also requires that the impact of traffic growth be considered once mitigation has been taken into account, that it should be based on the cumulative impact of traffic growth from all sources, and that it should take account of the whole road network rather than just one part of it.
 26. The modelling shows that traffic generated by the development would measurably increase delays at the Morrisons roundabout, and that those delays would exacerbate an already congested junction that operates above capacity at busy times. However, those cumulative delays would be in the order of a few minutes and would affect only 2 arms of the roundabout at peak times. Additional traffic would be added to other parts of the road network but no other junction capacities would be exceeded.
 27. The modelling results also describe a worst case scenario, reflecting past behaviour rather than any modal shift that might occur to non-car borne forms of transport given the improvements to pedestrian and cycle accessibility proposed as part of the development. Although I was presented with little evidence to demonstrate that such improvements do change behaviour, it is reasonable to assume that they would mitigate forecast delays to an extent.
 28. I conclude that some additional delay would be caused to the flow of traffic at the Morrisons roundabout at busy times, but even when taken with forecast growth in traffic from other sources the cumulative delay would not amount to a severe impact on the road network when taken as a whole. Consequently, there is limited conflict with Policies S1, S2, S8, D1, H4, T1, T2 and I1 of the Local Plan in so far as those policies relate to the ability of road infrastructure to accommodate new

development, but not to the extent that it amounts to a reason to prevent the development on its own.

Spatial strategy of the Local Plan

29. Policy S2 sets out the spatial strategy of the Local Plan which is to focus strategic growth at the district's main settlements, the majority of which is to be delivered through strategic allocations. A smaller amount of development is directed to the rural villages to support their local needs, in accordance with a hierarchy based on size and services. Outside these settlements and strategic allocations, Policy S8 of the Local Plan says that planning permission will only be granted for development where the intrinsic character of the countryside is not adversely impacted upon and it meets one or more criteria which identify development appropriate in a countryside location.
30. The appeal site lies outside the settlement boundary of Maldon as defined on the adopted Policies Map and it is not allocated for development in the Local Plan. Furthermore, it does not fall within any of the criteria set out in Policy S8 and would have a moderate adverse impact on the landscape character of the countryside for the reasons set out above. As such the proposed development does not accord with the spatial strategy of the Local Plan and conflicts with Policies S2 and S8 of the Local Plan.
31. After a slow start, the spatial strategy is now delivering the housing requirement set out in the Local Plan. However, that requirement is no longer consistent with the significantly higher level of housing need identified using the standard method of calculation in Planning Practice Guidance, as required by the 2024 Framework. Nor does the Plan have sufficient headroom or flexibility in the strategy to meet the revised housing need. It is for that reason the Council puts only moderate weight on the conflict with Policies S2 and S8 and has not raised it as a putative reason for refusal.
32. The Rule 6 party argues that the difference between housing need and the plan requirement is not because the Council has failed to deliver housing but because of an arbitrary change in the way housing need is calculated, over which the Council had no control or adequate warning. For that reason, it considers the conflict with the spatial strategy should still be given very substantial weight.
33. While I understand the difficulties caused by the change to how housing need is calculated, it is the Government's objective to significantly boost the supply of homes and it expects local planning authorities to revise their development plans to achieve that objective in line with the latest national planning policy. In the meantime, individual decisions on development proposals are required to have regard to the revised housing need position. Since the spatial strategy of the Local Plan will not achieve the level of housing now required it must accordingly carry less weight. I conclude that the proposed development would conflict with Policies S2 and S8 of the Local Plan, but for the reason explained above that conflict only carries limited weight.

Accessibility to facilities and services

34. The site is currently separated from the built up area of Maldon by the A414. The proposed development seeks to improve accessibility in a number of ways. Vehicular access would be provided via a new roundabout from the A414. To the

south, pedestrian and cycle access would be provided by a toucan crossing south of the A414/Spital roundabout, a puffin crossing east of the same roundabout, and alterations and extensions to the existing footway along the eastern side of A414 Wycke Hill to form a 3m wide shared use route. To the north, pedestrian and cycle access would be provided by a new 3.5m wide shared route connecting to London Road with a new footway and toucan crossing linking to the pedestrian footway on the northern side of the road.

35. The proposal also includes the provision/upgrading of bus stops with passenger information on the A414 south of the site, a financial contribution to improve the bus service, and a package of measures in a transport plan designed to encourage the use of sustainable forms of transport by new residents.
36. In terms of pedestrian/cycle accessibility, the improvements listed above would enable safe and secure access across the A414 both north and south of the site to facilities and services in the built up area of Maldon. The distances to these facilities differ, but the majority fall within a 2km walk including primary and secondary schools, the High Street, supermarkets, a medical centre and the hospital. That is less than the 800m/10minutes walking distance in the National Design Guide but as noted in Manual for Streets, that is not an upper limit and walking offers the greatest potential to replace short car trips, particularly those under 2km³.
37. All facilities in Maldon would be within reasonable cycling distance, including the leisure centre and the main park. There are some discrepancies between the main parties on distances to facilities, but none that alter my view that most facilities and services would be within reasonable walking or cycling distance of the site.
38. In terms of the quality of the walking and cycling routes, the Council criticises the width of some pavements, lack of tactile paving, crossing conditions, steep gradients and lack of dedicated cycle lanes. However, the footway along the northern side of London Road at 1.5m still meets the minimum acceptable width under most circumstances⁴, and once into the built up area of Maldon, the choice of routes increases, including the option of using pavements on either side of the roads. Pedestrians or cyclists who wish to avoid the narrower pavements or steeper hills in the older parts of Maldon would for the most part be able to do so. In my view the quality of the routes would not deter residents of the site from accessing facilities or services on foot or by bicycle.
39. Access to the bus service would be gained from the new and improved bus stops south of the site on the A414. Walking distance to the bus stops averages about 500m (from the centre of the site), with almost all built development within 800m. These distances exceed the maximum walking distance of 300m to a bus stop for a service of a frequency less than 12 minutes or better as recommended by the Chartered Institute of Highways and Transportation⁵, but would still be within the maximum threshold distance of 800m recommended by bus operators⁶.
40. The bus service operates a half hourly service Monday to Friday early to late, with a similar level of service on Saturdays starting a little later, and an hourly service on Sundays. Routes include a service to Chelmsford with its higher order facilities

³ Department for Transport: Manual for Streets 2007: paragraph 4.4.1

⁴ Department for Transport: Inclusive Mobility 2021: paragraph 4.2

⁵ Chartered Institute of Highways and Transportation: Buses in Urban Developments: table 4

⁶ Go Ahead and Stagecoach: Bus Services & New Residential Development, 2025: paragraph 2.1

and train station, which has rail services to London Stratford and Liverpool Street. In the context of a rural district, I consider this to be a reasonable level of service.

41. Both the Council and appellant have referred me to the Department for Transport's connectivity tool, although have interpreted it in different ways. On the one hand, the appellant has pointed to the site being one of the more accessible locations in the district, while the Council has highlighted that in its current form the site is less well connected than 80% of the existing population of England and Wales. I find neither interpretation very helpful as my assessment of accessibility is focused on the site rather than a comparison with other land in the district, and includes the accessibility improvements proposed as part of the scheme which do not feature in the connectivity tool output. Of more relevance is the view of Active Travel England who, having considered the scheme in some detail, recommends conditional approval.
42. I conclude that, subject to the planned improvements to vehicular, pedestrian, cycle and bus provision, the proposed development would be sustainable in terms of its accessibility to facilities and services and would be able to offer a genuine choice of transport modes for residents living on the site. I therefore consider there would be no conflict with Policies S1, T2, H4 and D1 of the Local Plan in so far as they relate to the need to maximise accessibility to facilities and services.

Effect on living conditions

43. Properties at Maldon Hall Farm to the south of the site are conversions or replacements of former farm buildings around Maldon Hall. They are positioned in an informal layout within their own gardens, which are separated from communal areas by fencing and hedging. A public footpath runs along the drive and there is also a permissive path that runs around the field margin along the backs of some of the properties.
44. The proposed development would bring new housing closer to these existing properties and is likely to increase the use of the footpath. However, there would be no change to where the properties and their gardens could be viewed from. It was explained at the inquiry that the permissive path would be moved further away from the properties, with the intervening area planted to reinforce the existing areas of woodland at the southern end of the site. This would address overlooking from new houses of the existing properties. Existing residents may feel a reduction in the sense of seclusion that they currently enjoy, but I do not consider that there would be any harmful loss of privacy.
45. Concern about obstruction to the drive arises from the inclusion of a children's nursery on the site and the possibility that parents may park on the drive to drop off or pick up their children. Pedestrian and cycle access would be gained at the entrance of the drive but there would be no vehicular access to the site from this point. The drive to Maldon Hall Farm is a private, single-width road with no public right of vehicular access. While there is nothing physically to stop parking on the drive, I think it unlikely that parents would wish to do so when they would be able to drive to the nursery via the new roundabout and park directly outside. The likelihood of indiscriminate parking taking place in the manner suggested would therefore be low.
46. I conclude that the living conditions of occupants of properties at Maldon Hall Farm would not be harmed and there would be no conflict with Policies H4 and D1, which

amongst other criteria seek to avoid unacceptable impacts upon the amenities of nearby properties.

Housing land supply

47. During the course of the appeal, the appellant and Council were able to narrow their disagreement over housing land supply. Their respective positions are now 3.52 years' supply (appellant) and 3.97 years' supply (Council). The difference between these figures relates to 4 disputed housing sites and the applicability of a small sites windfall allowance. It takes account of clarification on one of the sites addressed in an addendum note.
48. I received evidence from both parties on the disputed sites. However, both planning witnesses are agreed that the range is sufficiently small that it makes no difference to their respective weightings in the planning balance. I take a similar view that in the circumstances of this case the difference between the parties on housing land supply is not determinative. It is therefore not necessary for me to consider the extent of the housing land shortfall in any greater detail.
49. More importantly, as it is agreed that a five year housing land supply cannot be demonstrated, paragraph 11d) of the Framework is engaged, which says that planning permission should be granted unless policies in the Framework provide a strong reason for refusal, or any adverse impacts would significantly and demonstrably outweigh the benefits having particular regard to key policies in the Framework (sometimes referred to as the 'tilted' balance). I consider the comparative weight of this and other issues later in my planning balance.

Other Matters

50. There are a number of heritage assets close to the site. Those which the parties accept may be impacted by the development comprise the grade II listed Headlands Barn and the non-designated park and garden at Maldon Cemetery.
51. Headlands Barn is a timber-framed former threshing barn of impressive size located close to the southern edge of the site. It has been converted to residential use but retains its general form with a dominant clay tiled roof sloping down in a catslide, and black weatherboarded sides above a brick plinth. Its significance lies in its age, structure and group value as one of the principal farm buildings previously associated with Maldon Hall. Its wider setting includes the agricultural land surrounding the former farmstead. The development would erode this agricultural setting to a degree, although in visual terms it would be largely screened from the barn by existing and proposed woodland, and the domestication of the barn's immediate setting has already reduced its historic links with the countryside. A very modest amount of harm would therefore be caused to the significance of the barn, although that would be at the lower end of the less than substantial scale referenced in paragraph 215 of the Framework.
52. Maldon Cemetery is recognised locally as a non-designated heritage asset because of its historic association with Maldon as the principal burial space for the town from the mid-19th century onwards within landscaped grounds. The site forms part of the countryside setting of the cemetery. I have considered the effect of the development on the setting of the cemetery as part of my reasoning on landscape, concluding that there would be a moderately adverse impact. That applies equally to its significance as a non-designated heritage asset.

53. Great weight needs to be given to the conservation of heritage assets. Nevertheless, in light of the low or moderate harm caused to the significance of these two heritage assets, I consider that harm to be outweighed by the public benefits of the proposal, which I set out in more detail in my planning balance.
54. The site lies within the zones of influence of the Blackwater Estuary Special Protection Area and Ramsar site, and the Essex Estuaries Special Area of Conservation. Given its size and proximity, I cannot rule out the possibility that the development might have a significant effect on the ecological value of one or more of these areas. It is therefore necessary for me to carry out an appropriate assessment.
55. The ecological areas are noted for their mosaic of rare habitats including saltmarsh, intertidal mud flats, shingle and coastal grazing marsh. These habitats support a wide variety of plants and animals, including nationally important numbers of waterbirds and invertebrates. An increase in informal recreation generated by the development could increase disturbance of these areas, with consequent adverse effects to wildlife and their habitats. However, taking account of the advice of Natural England these effects can be mitigated through the provision of open space on the site, links to walking routes, and a contribution to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy.
56. The proposed development includes open space of a type and scale commensurate with the advice of Natural England. Its provision and maintenance can be secured by condition, and a contribution towards the mitigation strategy is included as a planning obligation in the submitted legal undertaking. Subject to these mitigation measures, I am satisfied that the development would not have any significant adverse effect on the designated ecological areas.
57. The site is located within flood zone 1 as shown on the Environment Agency's Flood Map for Planning, which indicates a low risk of fluvial flooding. There are a few areas that are at risk of surface water flooding although these are mainly around the margins of the site and would not preclude development. A sustainable drainage system can be secured by condition which would prevent increasing surface water flood risk both on and off the site.
58. Most of the site is graded 3a under the agricultural land classification and is therefore categorised by the Framework as best and most versatile agricultural land. The development would give rise to the loss of productive farmland. While I recognise the economic and other benefits of such farmland, according to the consultation response from Natural England the majority of agricultural land around Maldon is of such a grade. It is therefore likely that wherever new development takes place, it will have to use land of a similar quality. Furthermore, given the size of the site in relation to the area of land in the district under cultivation, I do not consider that it would materially reduce the productivity of the wider area.
59. There are concerns that the current proposal could be seen as part of a larger scheme for development of land west of Maldon. That is in part prompted by a previous proposal for a larger mixed-use scheme on the site, and the site being part of a larger area considered in the housing and economic land availability assessment. While other development proposals have or could be made in this part of the district, for the purposes of this appeal I must focus on what is being proposed in the development as submitted, rather than any hypothetical larger

- scheme. If further proposals were to come forward, it would be for the emerging local plan or subsequent applications to consider the implications of such schemes.
60. The site has been subject to an ecological impact assessment which identified that it is used by skylarks, which are recognised as a priority species. The proposal is accompanied by a farmland bird compensation strategy that seeks to improve off-site habitat for skylarks and other farmland bird species. The strategy can be secured through a condition.
61. My attention has been drawn to a range of other appeal decisions, amongst them Southminster⁷ and Maldon Hall Farm⁸.
62. In Southminster, an appeal was dismissed for a residential scheme of 220 dwellings because of the impact on the character and appearance of the area, notwithstanding a greater shortfall in housing land supply than at present. While that scheme may have been of a similar scale to that now proposed, the site is located in a different part of the district with different landscape characteristics and associated with a settlement of a different size. The circumstances resulting in the dismissal of that appeal are therefore not comparable to the current appeal site or its impact on the landscape and I give it only limited weight.
63. So far as the Maldon Hall Farm appeal decision is concerned, I have considered the potential effect on the access drive, including its width, in my reasoning on living conditions. The Inspector's comment that the development was unlikely to lead to pressure for additional residential development in the area was made in the context of it replacing the last unconverted barn at Maldon Hall Farm. That development does not establish a precedent for any wider development, including on the current appeal site, which I judge entirely on its own merits. I address flood risk elsewhere under other matters.
64. The Rule 6 party has suggested that the new roundabout on the A414 might lead to traffic diverting into Maldon town centre, which might reverse recent air quality improvements. I have been given no evidence to suggest that either of those assumptions would transpire. Based on the highway assessment, the new roundabout would have ample capacity and is therefore unlikely to lead to any material diversion of traffic from this section of the bypass.
65. Lastly, concern has been raised at the ability of public health and education services to accommodate additional demand from the development. The Council has not pursued such a concern, nor are there objections from the relevant health or education providers subject to the provision of financial contributions towards the provision of additional infrastructure. While I understand the concern expressed, it is a matter for service providers to respond to new development by providing improvements or additional capacity where necessary, rather than existing capacity being seen as a limiting factor on development unless such improvements or additional capacity are not possible. Notwithstanding the comments made in the Local Plan examination report, none of the consultation responses from infrastructure providers suggest that to be the case here.

Legal undertaking

⁷ APP/X1545/W/24/3351697 – Land north of Homefield and west of Tillingham Road, Southminster

⁸ APP/X1545/W/17/3190651 – Maldon Hall Farm. Spital Road, Maldon

66. The proposal is accompanied by a legal undertaking and deed of variation containing a number of planning obligations.
67. An obligation would secure 40% of units as affordable dwellings with tenure, mix, and accessibility thresholds consistent with the requirements of Policies H1 and H3 of the Local Plan. This obligation is necessary to help meet the identified need for affordable housing in the district.
68. The provision and maintenance of open space on the site would be secured to meet the needs of future residents and to mitigate pressure on designated ecological sites. A financial contribution would also be made to the Essex Coast mitigation strategy for the same reason.
69. Financial contributions would be made toward national health service infrastructure, education infrastructure including early years and childcare provision, primary and secondary places, and library provision. These obligations are necessary to address additional demand on public health and education services.
70. A sustainable transport contribution would be made to improve the bus service. During the course of the inquiry it was clarified that this would support an improved bus service for a period of 5 years. Funding would be provided for the extension of a 40mph speed limit on London Road, and a residential travel plan would further promote the use of sustainable modes of transport, including incentives to walk, cycle or use the bus service in preference to the motor car. These obligations are necessary to support the use of sustainable modes of transport and to accord with the requirements of Policies T1, T2 and T3 of the Local Plan.
71. A financial contribution would be made towards the management and monitoring of biodiversity net gain on the site and off-site compensation if that is required. In combination with a condition requiring its calculation and implementation, the obligation is necessary to meet the statutory requirement for biodiversity net gain.
72. An obligation has been added to the undertaking setting out a framework for the transfer of land to the Council as an extension to Maldon Cemetery. The cemetery has only some 5 years' capacity left, and its expansion would be of public benefit to ensure burials can continue to take place within it. That would be of advantage not only to residents on the site but also the wider public.
73. An obligation has been added to provide a mechanism for marketing land for a children's nursery. Essex County Council as the Education Authority recognises that the development would generate a need for additional early years and childcare provision but prefer to secure a financial contribution towards providing that care in the wider community rather than on-site provision of a facility that would be larger than needed to cater for early years' demand arising from the development alone. There is no planning objection to a children's nursery on the site but given that a financial contribution has been secured through a separate obligation the provision of a children's nursery on the site is not necessary to make it acceptable in planning terms. I therefore give little weight to the obligation requiring marketing of land on the site for a nursery.
74. For the avoidance of doubt, I consider paragraphs 1.6-1.8 (the 'blue pencil' clauses) of the legal undertaking are engaged for the obligation relating to the marketing of land for a children's nursery. For all other obligations, I consider they

meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. I have therefore given them weight in my decision.

Planning balance

Benefits

75. The development would provide up to 275 dwellings of mixed size and type. That would provide a sizeable addition to the housing stock in the district, in a location that I have found to be sustainable in terms of its accessibility to facilities and services. The number of new dwellings is of particular benefit given the need for housing in the district and the likelihood that the need will not be met in the foreseeable future. I give this benefit significant weight.
76. The housing on the site would include up to 110 affordable dwellings, of which 75% would be for affordable rent and 25% would be for intermediate tenures. Evidence submitted to the inquiry shows that there is a pressing need for more affordable housing in the district, and that the need is growing. Affordability is recognised as a problem in Maldon, where the ratio of lower quartile house prices to lower quartile earnings is 11:1. As with general market housing, it is unlikely that the need for affordable housing will be met, or even narrowed, in the foreseeable future. Against that background the provision of a considerable number of affordable dwellings carries significant beneficial weight.
77. Evidence suggests that Maldon Cemetery will reach its capacity within the next 5 years. Provision of land to expand the cemetery would allow its continued operation as a burial space for the town. The Council has indicated that it is willing to acquire the land for its intended function. This benefit is specific to the proposed development, as it is unlikely that expansion of the cemetery could be achieved in any other way. I therefore give this benefit moderate weight.
78. The development is intended to include an innovative community energy network which aims to generate approximately 50% of the development's power demands through solar and battery arrays. That would achieve a reduction in carbon emissions over and above existing and anticipated building regulations, as well as delivering cheaper electricity to occupants of the scheme. It would support national policy aims of contributing to radical reductions in greenhouse gas emissions and providing renewable and low carbon energy and associated infrastructure. I give that benefit moderate weight.
79. The development would also have economic benefits in the short term for the construction industry, and in the longer term from the spending power of new residents and their availability as part of the local workforce. I give those benefits moderate weight.
80. The improvements to walking, cycling and bus service infrastructure are primarily designed to meet the needs of the proposed development, although they would also benefit the wider public on the western side of Maldon. Similarly, while the proposed open space is required to meet the needs of future residents and mitigate recreational pressures, it would also be accessible to other members of the public who may live nearby or be visiting residents on the site. I give these benefits limited weight.

81. Biodiversity net gain is estimated to meet and exceed to a limited extent the requirements of the Environment Act 2021. The development would therefore have some modest benefit to the biodiversity of the site, to which I give limited weight.
82. The provision of a children's nursery would provide an additional community facility for Maldon and is supported by Policy E3 of the Local Plan and national policy in paragraph 100 of the Framework. However, having regard to the views of the Education Authority the early years' and childcare needs arising from the development would be better met through the support of other nursery facilities in Maldon, which would be supported by the financial contribution secured as part of the legal undertaking. On that basis, and while there is no objection to having a nursery on the site, I give it only limited beneficial weight in the planning balance.

Weighting

83. Set against these benefits are the conclusions I have reached on the main issues. In summary those are that the development would have a moderate adverse effect on the landscape. I include in that effect the loss of some trees on the site. It would also have a limited adverse effect on the free flow of the road network. While the latter effect is not so severe as to amount to a reason for dismissal on its own, it is an adverse effect that carries weight in the overall planning balance.
84. The development would conflict with the spatial strategy of the Local Plan, but because that strategy is not delivering the level of housing need now required by national policy, that conflict only carries limited adverse weight.
85. So far as the other main issues are concerned, I have concluded that subject to the planned transport improvements the site would be accessible to facilities and services, and that there would be no harmful impact on the living conditions of nearby properties. These carry neutral weight in my decision.
86. I have also concluded that while less than substantial harm would be caused to historic assets, the benefits noted above outweigh that harm, both individually and in combination with other harms.
87. In balancing my conclusions on the main issues and other considerations, I must have regard to the presumption in favour of sustainable development contained in paragraph 11d) of the Framework. Because I have found that the Council cannot demonstrate an adequate housing land supply, national policy requires that planning permission be granted unless either of 2 criteria apply. The need to apply the presumption in favour of sustainable development is reinforced by Policy S1 of the Local Plan.
88. So far as the first criterion is concerned, there are no strong reasons for refusal when assessed against the national planning policies listed in footnote 7 of the Framework.
89. The second criterion requires that permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

90. I consider there would be a range of benefits accruing from the development, the most significant of which would be the provision of a substantial number of new dwellings, including affordable dwellings, to meet housing need. Balanced against these significant benefits are the moderate harm to the landscape and the limited harm to the road network. So far as the key policies are concerned, I conclude that the site would be a sustainable location subject to the proposed transport improvements, it would secure affordable housing, and no concerns have been expressed in terms of making effective use of the land or being able to secure a well-designed scheme at the reserved matters stage.
91. In the context of the 'tilted' balance, I conclude that the moderate and limited adverse impacts I have identified do not significantly or demonstrably outweigh the benefits, particularly those which are of significant benefit. Accordingly, the Framework supports planning permission being granted.

Conditions

92. Conditions were discussed at a round table session at the inquiry. A revised list was submitted to which I requested further changes. I have adopted that final list other than in two respects.
93. Firstly, and notwithstanding the requirement for a construction environmental management plan to be approved, I consider it necessary for the new access road to be built prior to the bulk of development commencing on site, thereby limiting disruption to traffic on the road network and the living conditions of residents living close to the site. I have therefore reworded condition 22 to require construction of the roundabout before construction of the dwellings. This would enable construction of the access and other roads within the site to commence before the roundabout was installed, but prevent building works on the dwellings before the new access was operational.
94. Secondly, conditions requiring details to be submitted at the reserved matters stage are unnecessary because those are matters which are already within the control of the Council. It was agreed that some of the initial draft conditions so worded were necessary in their own right and it was appropriate to include them at this outline stage. I have therefore reworded these clauses as pre-commencement conditions, which is what in effect they are, but in a form that now meets the tests in the Framework.
95. I have also made some wording changes in the interests of accuracy and consistency, and have reordered the conditions in accordance with the advice in Planning Practice Guidance⁹. The appellant confirmed at the inquiry that the pre-commencement conditions were acceptable. I have taken that to also refer to the conditions I have reworded for the reason explained above.
96. A condition is necessary to require submission of reserved matters. Conditions setting time limits for submission and commencement and listing the approved plans are necessary for certainty.
97. A phasing plan is required to ensure the development is delivered in a coordinated manner. A crime prevention strategy is required to achieve a safe and secure environment and reduce opportunities for crime and anti-social behaviour. A

⁹ Planning Practice Guidance ID: 21a-024-20140306

condition limiting the heights of buildings is required in the interests of design and impact on the landscape. Details of tree retention and protection are required in the interests of the character and appearance of the area and its ecological value. A green infrastructure strategy is required to ensure that green infrastructure is integrated into the scheme and maintained thereafter.

98. Conditions are required to ensure surface water drainage is controlled to prevent flood risk on and off-site, and to ensure future maintenance. A condition is required to ensure measures are taken to provide recreation space, including walking routes, to mitigate against visitor pressure on designated habitats. A condition is required to mitigate against the loss of habitat for farmland bird species. A construction environmental management plan is required to minimise construction impacts and to protect the ecological value of the site. A condition is required to ensure that investigation and recording of any archaeological remains is carried out before the site is developed. A habitat management plan is required to ensure that biodiversity net gain is achieved on the site and that the habitat is maintained for the long term.
99. An acoustic barrier is required on the eastern side of the site to mitigate noise disturbance to future occupiers. Installation of renewable energy infrastructure is necessary to reduce carbon emissions from the development. A condition requiring a fire risk management plan for the renewable energy infrastructure is necessary in the interests of safety. A condition requiring noise limits for new dwellings is necessary in the interests of the living conditions of their occupants. Agreement on the mix of housing sizes is necessary to ensure the development meets the housing needs of the district.
100. Conditions are required to ensure that the transport improvements to the road network required to make the site accessible are implemented. The timing for the roundabout I have set out above. The other transport improvements including the footway along London Road, signalised crossings on London Road, A414 Wycke Hill and Spital Road, shared footway/cycleway along the A414 Wycke Hill are required before first occupation. Provision and improvement of the bus stops on A414 Wycke Hill is required at or before occupation of 50% of the units. Conditions requiring a revised travel plan and travel information pack are necessary to encourage the use of sustainable forms of transport
101. A condition controlling lighting on the site is necessary in the interests of protecting onsite habitat, particularly for priority species. A landscape and ecological management plan is required for the long term management and maintenance of habitat on the site.

Conclusion

102. The proposed development would conflict with policies relating to the spatial strategy of the Plan, protection of the landscape, and the ability of the road network to accommodate the development. It would therefore conflict with the Local Plan when taken as a whole. However, the presumption in favour of sustainable development contained in paragraph 11d) of the Framework weighs heavily in favour of the scheme. I conclude that this significant material consideration outweighs the conflict with the Local Plan and that planning permission should be granted.
103. Consequently, I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR

Appearances:

For the appellant:

Zack Simons KC and Odette Chalaby	Advocates
Charlie Mitchell MA MCMLI	Director, LDA Design
James Bancroft BSc (Hons) MBA MCHIT	Director, SLR Consulting
Ben Pycroft BA (Hons) MRTPI	Senior Director, Emery Planning
Kieran Wheeler BSc (Hons) DipTP MRTPI	Director, Savills
Catherine Munn	Associate Director, Savills

For the Council:

Nick Grant	Advocate
Nigel Cowlin BA (Hons) DipLA MCMLI	Director, Nigel Cowlin Ltd
Christopher Slack BA (Hons) MA FCIHT	Associate Director, RGP Consulting
Councillor Tony Fittock BSc	Maldon District Council
Martin Moss BSc (Hons) DipTP MRTPI	Associate, Bell Cornwell LLP
Simon Quelch	Senior Legal, Maldon District Council

For the Rule 6 Party (Say No to Building on Maldon Hall Farm):

Sarah Dodsley

Gail Lopez

Interested parties:

Kevin Jennings	Resident
Danny Ballinger	Resident

Appeal documents:

Documents relevant to the appeal, including documents received during and after the inquiry, are available to view at: [Civica Town - Planning Documents](#)

Schedule of conditions

1. The development hereby permitted shall be carried out in accordance with plans and particulars relating to the scale, appearance, landscaping and layout of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
2. Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing 8790_306_E Green Infrastructure Parameter Plan
 - Drawing 8790_305_D Building Heights Parameter Plan
 - Drawing 8790_304_E Density Parameter Plan
 - Drawing 8790_301_D Land Use Parameter Plan
 - Drawing 8790_200_B Site Location Plan
 - Drawing 001 Topographical Survey
 - Drawing 006-002-Maldon_TS01_S1 Topographical Survey Sheet 1 of 6
 - Drawing 006-002-Maldon_TS01_S4 Topographical Survey Sheet 4 of 6
 - Drawing 227074/PD15 C Proposed Shared Use Route
 - Drawing 000312-SLR-HGN-A414-CH-DR-0101 P04 General Arrangement
 - Drawing 227074/PD02.2 Rev C London Road Proposed Crossing to Pedestrian and Cycle Access Visibility Assessment
 - Drawing 227074/PD02.3 A London Road Proposed Toucan Crossing
 - Drawing 227074/PD15.1 B Spital Road Shared Use Route
 - Drawing 000213-SLR-HGN-A414-CH-SK-0001 P02 Site Overview Plan.
5. Prior to the commencement of the development hereby permitted, a phasing plan for the entire development shall be submitted to and approved in writing by the local planning authority. The Phasing Plan shall include:
 - The sequence of construction and occupation of dwellings
 - The timing of provision of roads, footways, cycleways, drainage, public open space, landscaping, and community infrastructure (including the nursery land and cemetery extension land)
 - Temporary arrangements for access and services if any infrastructure is delayed
 - The development shall be carried out in accordance with the approved Phasing Plan.
6. Prior to the commencement of the development hereby permitted, a crime prevention strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall demonstrate how the development will incorporate Secured by Design principles appropriate to the scale and nature of the development. The approved strategy shall be implemented in full as part of

the detailed design proposals.

7. The building heights in storeys shall follow the basis set out in the Building Heights Parameter Plan (Drawing 8790_305 Rev D), with the proposed development modelled on the maximum development parameters as follows:
 - 6 metres – equivalent to 1 storey buildings
 - 9 metres – equivalent to 2 storey buildings
 - 11.5 metres – equivalent to 2.5 storey buildings
 - 12.6 metres – equivalent to 3 storey buildings.
8. Prior to commencement of the development hereby permitted, information in accordance with the requirements of BS5837:2012 in relation to tree retention and protection shall be submitted to and approved in writing by the local planning authority as follows:
 - Tree survey detailing works required
 - Trees to be retained
 - Tree retention protection plan
 - Tree constraints plan
 - Arboricultural implication assessment
 - Arboricultural method statement (including drainage service runs and construction of hard surfaces).

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials associated with each phase have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.
9. Prior to commencement of the development hereby permitted a Green Infrastructure Strategy shall be submitted to and approved in writing by the local planning authority. The Strategy shall:
 - Demonstrate how Green Infrastructure (GI) is integrated into the site design from the outset, having regard to the Essex Green Infrastructure Strategy, GI standards and ecological context
 - Identify the location, connectivity and design principles for all GI components, including public open space, SuDS features, ecological corridors and structural planting
 - Set out how the GI Strategy aligns with and informs the Landscape and Ecological Management Plan (Condition 41) and the Habitat Management and Monitoring Plan (Condition 39), ensuring consistency between design intent and long-term management.

The approved GI Strategy shall be implemented as part of the development and inform subsequent reserved matters applications.
10. Prior to commencement of the development hereby permitted a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the local

planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 1:1 Greenfield runoff rates for the 1 in 1 year event, 1 in 30-year storm event will be limited to the 1 in 30-year storm event and the 1 in 100-year rate will be limited to the 1 in 100-year storm event (inclusive of 45% climate change allowance)
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

11. Prior to commencement of the development hereby permitted, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented as approved.
12. Prior to commencement of the development hereby permitted, details of the on-site visitor management measures to avoid recreational disturbance impacts upon coastal Habitats sites shall be submitted and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details. These measures shall include the appointment of 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.
13. Prior to commencement of the development hereby permitted, a Skylark Mitigation Strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall be sufficient to offset the loss or displacement of skylark breeding territories identified as lost or displaced and shall include provision of offsite measures in nearby agricultural land. The Skylark Mitigation Strategy shall be implemented prior to the commencement of the development in accordance with the approved details and all features shall be retained for a minimum period of 10 years.
14. Prior to commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) covering all construction environmental management requirements including biodiversity and green

infrastructure protection shall be submitted and approved in writing by the local planning authority. The CEMP shall include:

- Construction site management
 - construction hours
 - delivery hours
 - details of site compounds, offices and welfare facilities
 - temporary lighting (design, lux levels, orientation)
 - contractor parking arrangements
 - materials storage and handling including loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - temporary hardstanding's and haul routes
- Construction traffic and highways
 - routing of construction vehicles
 - wheel washing and road-cleaning measures
 - loading/unloading arrangements
 - access management and signage
- Noise and vibration control
 - Best Practicable Means (BPM) under BS5228
 - piling methodology, hours and monitoring
 - vibration mitigation for sensitive receptors
 - plant acoustic measures
- Dust and air quality management
 - dust suppression
 - monitoring during high-risk phases
 - protocols for extreme weather
 - emissions control for non-road mobile machinery
- Water and pollution prevention
 - surface water and wastewater management
 - pollution control measures and spill response plan
 - protection of SuDS assets during construction
 - storage of fuels, oils and chemicals
- Biodiversity and Green Infrastructure protection
 - ecological protection zones and buffers
 - pre-construction checks
 - timing of sensitive works
 - ecological clerk-of-works supervision
 - measures to protect trees, hedgerows and retained vegetation
 - fencing and exclusion areas
 - early delivery of GI framework elements where feasible
- Waste and materials management
 - Site Waste Management Plan
 - reuse/recycling protocols
 - waste storage and collection during construction
- Contamination protocol
 - procedures for dealing with unexpected contamination
 - monitoring and reporting arrangements
- Community liaison
 - contact details for site managers
 - complaints procedure
 - arrangements for informing residents of key construction phases
- Plans and drawings

- site layout plan
- location of compounds and access points
- pollution prevention features
- protection/avoidance zones
- lighting layout.

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

15. No development or preliminary groundworks of any kind shall take place until:
- Part 1 - A programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted and approved in writing by the local planning authority
 - Part 2 - The completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and has been confirmed in writing by the local planning authority's archaeological advisors.
 - Part 3 - A mitigation strategy detailing the excavation / preservation strategy has been submitted to and approved in writing by the local planning authority following the completion of the archaeological evaluation.
 - Part 4 - The satisfactory completion of fieldwork, as detailed in the mitigation strategy in Part 3 has been submitted to and approved in writing by the local planning authority.
 - Part 5 - The applicant has submitted a post excavation assessment which has been submitted to and approved in writing by the local planning authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork.
 - Part 6 – Suitable provision has been for the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.
16. Prior to commencement of the development hereby permitted, a Habitat Management and Monitoring Plan (HMMP) for on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan shall be submitted to and approved in writing by the local planning authority. The HMMP 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 local planning authority 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 local planning authority, in accordance with the methodology specified in the approved HMMP.

17. Prior to commencement of the development hereby permitted, details of an acoustic barrier to be constructed along the eastern boundary of the development site (including details of acoustic performance, materials, means of construction and height) shall be submitted to and approved in writing by the local planning authority. The approved barrier shall be installed prior to occupation of the development and be maintained and retained in its location in perpetuity.
18. Prior to commencement of the development hereby permitted, details of energy efficient and renewable energy installations for each dwelling and renewable energy installations for the scheme in accordance with the Outline Energy and Sustainability Statement (rev. R01) dated 6 June 2025 shall be submitted to and approved in writing by the local planning authority. 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.
19. Prior to the commencement of the development hereby permitted a Fire Risk Contingency Management (FRCMP) in relation to the Battery Energy Storage System (BESS) shall be submitted to and approved in writing by the local planning authority. The FRCMP shall include details relating to potential emergency response implications, including as a minimum:
 - The proposed management of the fire hazards and risk at and to the facility
 - Any safety issues for emergency responders responding to any emergencies at the facilities
 - How safe access to and within the facility will be achievable for emergency vehicles and responders, including to key site infrastructure and fire protection systems
 - Details of fire detection and suppression systems (e.g. water supply) on site
 - Details of any natural and built infrastructure, and on-site processes that may impact or delay effective emergency response
 - Details of any surrounding infrastructure which may be impacted by an incident on-site and how these will be mitigated (including traffic diversion strategies, communication protocols with nearby facilities, and temporary relocation plans).The development shall be constructed, operated and maintained in accordance with the FRCMP as may be approved until such a time that the site ceases for the purposes of energy generation.
20. Prior to the commencement of the development hereby permitted, details to ensure that the following noise criteria are met within residential dwellings (in compliance with BS8233:2014) shall be submitted to and

approved in writing by the local planning authority:

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

The approved details shall be implemented as part of the development.

21. Prior to the commencement of the development hereby permitted, details of the housing mix shall be submitted to and approved in writing by the local planning authority. The housing mix should seek to comply with Maldon District Council's Local Housing Needs Assessment 2025 or subsequent updates. The development shall be carried out in accordance with the approved housing mix.
22. Prior to works to construct the dwellings hereby permitted, the roundabout access on the A414 shall be constructed in accordance with the details shown in principle on Drawing 000312-SLR-HGN-A414-CH-DR-0101 P04 General Arrangement.
23. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) purpose and conservation objectives for the proposed enhancement measures
 - b) detailed designs or product descriptions to achieve stated objectives
 - c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans
 - d) timetable for implementation.The development shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.
24. Prior to first occupation of the development hereby permitted a minimum 3.5m wide footway/cycleway linking the site to London Road to the north shall be provided in accordance with Drawing 227074/PD02.2 C London Road Proposed Crossing to Pedestrian and Cycle Access Visibility Assessment.
25. Prior to first occupation of the development hereby permitted the developer shall provide a link from the new footway/cycleway to a new signalised crossing off London Road, including necessary alterations to vehicle restraint barriers and safe cyclist merging arrangements, as shown on Drawing 227074/PD02.3 Rev A.
26. Prior to first occupation of the development hereby permitted two additional signalised crossings shall be provided:
 - One immediately east of the A414/Spital Road roundabout
 - One approximately 25–30 metres south of the A414 access to Maldon Hall Farm.

Works shall include removal of existing pedestrian islands and improved crossings at Maldon Hall Farm and West Station Yard junctions, in accordance with Drawings 227074/PD15 Rev C and 227074/PD15.1 Rev B.

27. Prior to first occupation of the development hereby permitted, a minimum 3-metre-wide footway/cycleway shall be provided to link the new A414 crossing to the A414/B1018 Limebrook Way roundabout, in accordance with Drawings 227074/PD15 Rev C and 227074/PD15.2 Rev A.
28. Prior to the first occupation of the development hereby permitted, an updated residential travel plan shall be submitted to and approved in writing by the local planning authority. The approved travel plan shall be implemented for a minimum period from first occupation of the development until 1 year after final occupation.
29. Prior to the first occupation of the development hereby permitted, details of a residential travel information pack shall be submitted to and approved in writing by the local planning authority. The approved residential travel information pack shall be made available to each dwelling on first occupation.
30. Prior to first occupation of the development hereby permitted, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed in writing by the local planning authority. Maintenance shall be carried out in line with the agreed arrangements for the lifetime of the development. 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.
31. Prior to first occupation of the development 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:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.
32. Prior to first occupation of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be

approved in writing by the local planning authority. The LEMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period)
- g) Details of the body or organisation responsible for implementation of the plan
- h) A timetable for ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved details.

33. At or before occupation of 50% of the dwellings hereby permitted, and as shown on Drawing 227074/PD15.1 Rev B, a new bus stop shall be provided on the northbound A414 carriageway south of the proposed signalised crossing, including raised kerbs, bus shelter and flag, real-time passenger information screen, on-road bus cage, and timetable display case. The existing southbound stop shall be upgraded with a new flag, real-time passenger information screen, timetable display case and, unless otherwise agreed in writing, relocated raised kerbs.

***** End of Conditions*****