
Appeal Decision

Inquiry held on 30 September and 1 October 2014

Site visit made on 1 October 2014

by Lesley Coffey BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 December 2014

Appeal Ref: APP/X1545/A/14/2213988

Land adjacent to Spital Road, Wycke Hill, Maldon, CM9 6SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Linden Partnerships Ltd/Dartmouth Park Estates Limited against the decision of Maldon District Council.
 - The application Ref OUT/MAL/13/00763, dated 15 August 2013, was refused by notice dated 29 November 2013.
 - The development proposed is the demolition of the existing buildings and the erection of up to 120 residential dwellings with associated vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing buildings and the erection of up to 120 residential dwellings with associated vehicular access at Land adjacent to Spital Road, Wycke Hill, Maldon, CM9 6SH in accordance with the terms of the application, Ref: OUT/MAL/13/00763, dated 15 August 2013, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

2. The inquiry was adjourned on 1 October 2014 and closed in writing by letter dated 27 October 2014 to enable the parties to agree the form and wording of the obligations in relation to highway infrastructure contributions.
3. The proposal is an outline application for 120 dwellings with all matters except the access reserved for subsequent approval. The Appellant submitted a plan showing how the development might be accommodated, but the plan is for illustrative purposes only and there could be alternative layouts for the site. It nevertheless provides a useful guide when considering the proposal before me.
4. The Appellant submitted a Unilateral Undertaking under s106 of the Act which covenants to provide affordable housing and make financial contributions towards infrastructure. I consider this matter below.

Background and Preliminary Matters

5. The appeal proposal was originally refused on a number of grounds. The first reason for refusal stated that the proposal was premature, could potentially inhibit the delivery of a significant proportion of the housing growth and

strategic infrastructure proposed in the Draft Local Development Plan (LDP), and may prejudice the deliverability and soundness of the LDP.

6. The second reason for refusal related to the detail of the scheme. It stated that the appeal proposal would be isolated from the existing urban area and would materially harm the rural landscape. It also stated that the flood work required by the Environment Agency had not been undertaken. In addition, the Council had concerns in relation to the layout of the site in terms of the noise implications for future residents, the impact of the appeal proposal on Wycke Meadow Local Wildlife Site, and considered that there was insufficient evidence to demonstrate that the site could satisfactorily accommodate the level of development sought.
7. The Statement of Common Ground narrowed the differences between the parties. They agreed that, subject to the imposition of appropriate conditions, the proposal would be acceptable in terms of its effect on the local highway network, flood risk, the effect of noise on future residents and landscaping.
8. The Submission Maldon LDP was sent to the Secretary of State on 25 April 2014. The appointed inspector raised concerns in relation to the soundness of the housing strategy, housing delivery and a number of other matters. In the light of these concerns the Council resolved, in July 2014, that in order to boost the five year supply of housing land it would invite, and favourably consider, planning applications within the South Maldon Garden Suburb (which includes the appeal site) provided they accord with the submitted LDP. Such applications are expected to comply with the emerging South Maldon Garden Suburb Masterplan Framework (the Masterplan) and the Infrastructure Delivery Plan (IDP).
9. In the light of this resolution the Council advised that it would not be presenting evidence against the Appellant's case. Subsequent to this, the Essex Wildlife Trust, a Rule 6 party, advised that it would not be attending the inquiry.

Main Issues

10. Taking the above matters into account I consider the main issues to be:
 - Whether the proposal would make satisfactory provision for infrastructure; and
 - The effect of the proposal on biodiversity.

Reasons

11. The appeal site is situated about 2km from the town centre on the south-western edge of Maldon. It is bound by the A414 Wycke Hill to the north-west. Limebrook Way and the Limebrook roundabout lie to the north-east of the site and form part of the Maldon Ring Road. On the opposite side of Limebrook Way is Wycke Hill Business Park which includes a supermarket and petrol station. Wycke Meadow Local Wildlife Site forms the eastern boundary of the site and adjoins Maldon Wick Nature Reserve.

Infrastructure

12. The Council acknowledges that it cannot demonstrate a five year supply of housing land and therefore policies S1, S2 and H1 of the Maldon Replacement

Local Plan 2005 (the extant development plan), which seek to restrict new housing development outside of settlement boundaries, cannot be considered up-to-date. In order to boost the supply of housing within the District the Council has resolved to rely on the proposed Garden Suburbs and strategic allocations within the emerging LDP.

13. Policy S3 of the LDP sets out the principles to be incorporated within the Garden Suburbs, whilst policy S4 sets out the key infrastructure requirements for the South Maldon Garden Suburb and requires proposals to accord with a Masterplan endorsed by the Council. The justification for the required infrastructure is set out in the clarification to the policy.
14. LDP policy I1 aims to ensure that appropriate infrastructure is provided for new developments to meet community and environmental needs. It explains that development within the Garden Suburbs will be expected to contribute collectively and proportionally to the infrastructure for the growth area in which it is located. The IDP provides details of the critical infrastructure required to support strategic growth. The SMGS Masterplan sets out the areas of infrastructure that individual sites are expected to contribute to.
15. The LDP is an emerging plan and has not yet been subject to examination. Although it cannot be afforded full weight, it has been subject to public consultation and is at a relatively advanced stage. Policies S3 and S4 accord with the National Planning Policy Framework (NPPF) in so far as it requires local plans to plan positively for the development and infrastructure required within an area. Whilst it is unclear whether there are any outstanding objections to policies S3 and S4, the principles within them have been incorporated within the South Maldon Garden Suburb Masterplan. This has been developed in partnership between Maldon District Council, developers/landowners and the local community. Following a period of public consultation, it was adopted by the Council in September 2014. Therefore, having regard to paragraph 216 of the NPPF, I accord policies S3 and S4 considerable weight.
16. The submitted Unilateral Undertaking contains obligations in relation to the provision of affordable housing, education, healthcare, highway maintenance, a travel plan, air quality monitoring, highway infrastructure, allotments and youth and children's facilities.
17. The proposal would provide 30% of the dwellings as affordable housing and would therefore accord with policy H9 of the adopted Local Plan. It would meet an identified need for affordable housing and would be consistent with paragraph 50 of the NPPF which promotes the creation of sustainable, inclusive and mixed communities.
18. The proposal includes a contribution towards Early Years and Childcare, primary education and secondary education. The contribution has been calculated in accordance with the formulae within the *Essex County Council Developers' Guide to Contributions 2010*. I am satisfied that these contributions are necessary to provide facilities to cater for residents of the development, or to mitigate the impact of the development on existing facilities. The Healthcare contribution would provide healthcare facilities within 3 miles of the appeal site to meet the needs of future residents in accordance with the IDP.

19. In order to facilitate the appeal proposal there is a requirement for a roundabout from Spital Road, a footpath adjacent to Spital Road and a Toucan Crossing at Limebrook Way. These measures will also benefit future residents of other developments within SMGS. In terms of SMGS overall, there is a need for works at the B1018 /Langford Road/Heybridge Approach, Limebrook Way, the Oak Brook corner junction, the Maldon Relief Road, and public transport.
20. There was a difference between the parties as to how the necessary highway infrastructure should be funded and provided. The mechanism for funding the various elements of the necessary highway infrastructure has been agreed by the parties and is set out within the Unilateral Undertaking. In addition to the works above, it includes provision for the maintenance of the Toucan Crossing and a financial contribution towards a Travel Plan for residents. I am satisfied that the contributions sought by the Council are required to deliver the necessary infrastructure and would accord with the principles within the SMGS Masterplan. The mechanism within the Unilateral Undertaking would ensure that the contributions are fairly and reasonably related to the development.
21. The Unilateral Undertaking includes a contribution towards air quality management to be used for a modelling programme encompassing the main roads to the south and east of Maldon. The Council explains that the contribution would be used to monitor the effect of the proposal on air quality within the area and would be beneficial to other schemes coming forward within the locality.
22. An Air Quality Assessment was submitted with the application. The maximum predicted annual mean nitrogen dioxide concentration was 87.3% of the relevant Air Quality Limit Value (AQLV). Although the Council did not object to the proposal on the basis of air quality, it was concerned that any errors in the predictive modelling could mean that the AQLV may be exceeded. It was also concerned that no predicted levels for the years following the development were submitted.
23. The appellant submits that the Air Quality Assessment was a robust assessment and included a number of worst case assumptions, including that vehicle exhaust emissions and background pollution levels would not reduce from the 2011 levels. Therefore allowing a 10% margin for error within the modelling results the proposal would remain within the AQLV limit even if existing emission and pollution levels remain unchanged.
24. Paragraph 124 of the NPPF advises that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, including the cumulative impacts on air quality from individual sites in local areas. In the case of the appeal proposal the evidence indicates that it would not exceed the relevant AQLV limits and future residents would not be adversely affected by unacceptable levels of air pollution. Therefore on the basis of the available evidence, I conclude that the Air Quality Management Contribution is not necessary to make the development acceptable and would not comply with Regulation 122.
25. The Unilateral Undertaking also covenants to make a contribution towards the provision of allotments within the SMGS. The December 2013 IDP identifies a shortage of allotment space in some areas within the District, but these do not include Maldon. There is no available evidence to show whether the existing allotments are fully used, or whether there is a waiting list for allotments within

the Maldon Area. Insufficient evidence has been submitted to persuade me that the financial contribution sought towards allotments is necessary to make the development acceptable. Although allotments are identified within the Masterplan as part of the Green Infrastructure required to support the SMGS, the appeal proposal would contribute towards Green Infrastructure through the provision of open space including play areas and would be compliant with the overall aims of the Masterplan.

26. The provision of youth facilities is sought by Policy S4 of the emerging LDP, and the requirement for the appeal site to contribute to such facilities is set out at Table 5.2 of the Masterplan. The LDP is an emerging plan and the Masterplan does not form part of the development plan. Nevertheless, the necessary infrastructure and community facilities are an essential element of the delivery of the SMGS and the provision of such infrastructure is consistent with the NPPF. The appeal proposal together with other development within the SMGS is likely to generate a demand for youth facilities. The contribution would, together with other pooled contributions, assist with meeting such demand. I therefore conclude that the contribution towards youth facilities is necessary to make the development acceptable. I accept that the absence of such contributions did not form part of the reason for refusal. However, the appellant would have been aware of the need for this requirement through involvement with the SMGS Masterplan.
27. With the exception of the Air Quality Management Contribution and the Allotment Contribution, I am satisfied that the infrastructure contributions sought by the Council are necessary to make the development acceptable in planning terms and that the scale of the contributions is directly, fairly and reasonably related to the development in scale and kind. I therefore conclude that such contributions are reasonable and necessary, and would comply with the tests within Regulation 122.

Biodiversity

28. The appeal site is located adjacent to Wycke Meadow Local Wildlife Site which adjoins Maldon Wick Nature Reserve. The latter is designated as a SSSI. It occupies a former railway line and is elevated above the surrounding land. Both sites are managed by the Essex Wildlife Trust (EWT) and are open to the public.
29. The footpaths within Wycke Meadow are overgrown, suggesting that it is not intensively used at present. EWT and some local residents are concerned that the proposal could lead to increased public pressure on these wildlife areas. The appeal proposal would provide three areas of open space, including two play areas close to Wycke Meadow. Additional areas of open space and provision for alternative recreational opportunities will be provided elsewhere within SMGS. In addition, future residents will be provided with information packs detailing the sensitivity of the meadow and nature reserve, and outlining the other opportunities for dog walking and outdoor recreation within the local area. Therefore, whilst it is probable that as a consequence of the appeal proposal the existing low levels of usage will increase, the provision of alternative open space and recreational opportunities should avoid any significant harm arising from increased public usage of Wycke Meadow or Maldon Wick Nature Reserve. I therefore agree with Natural England that,

- provided the proposal is implemented in accordance with the submitted application, there should not be any adverse impact on either site.
30. The proposal would provide buffer strips adjacent to the hedgerows and the brook. Essex Wildlife Trust considers that where practical these areas should be based on retained habitat and suggests that some of them may be inadequate in depth. However, the depth of the buffer strips proposed by the appellant are broadly comparable with that suggested by EWT. Having regard to the indicative plan I am satisfied that this matter can be addressed as part of the reserved matters.
 31. The appellant submitted a Phase I habitat survey, a reptile survey, a bat roost potential and activity survey and mitigation strategies in relation to bats and reptiles. The bat survey found a maternity roost of brown long-eared bats within the Rosary (one of the existing properties on the appeal site). It also recorded brown long-eared bats, common and soprano pipistrelle bats foraging and commuting across the site.
 32. Bats are a European Protected Species under Article 12 (1) of the European Commission's Habitats Directive. This prohibits the deliberate killing, catching or disturbing of species and damage to or destruction of their breeding sites or resting places. In the event of a breach of Article 12, the applicant would need to apply to Natural England for a derogation licence based on the exceptions set out in Article 16.
 33. The Conservation of Habitats and Species Regulations 2010 places a duty on decision makers to have regard to the requirements of the Habitats Directive and deals with the licensing regime. The removal of the roost would require a derogation licence from Natural England. The mitigation strategy includes the provision of alternative roosting areas within a proposed garage situated close to The Rosary, and temporary roosting opportunities on mature trees within the site. In addition, the existing hedgerows will be retained and enhanced. The proposal also aims to protect the foraging areas identified within the survey and an appropriate lighting scheme. In view of the mitigation and compensatory measures proposed there is no reason to suppose that Natural England will not grant a derogation licence.
 34. The reptile survey found a small population of common lizards, towards the eastern part of the appeal site. It is proposed to relocate these lizards to a receptor area along the eastern boundary of the site and to erect a temporary exclusion fence during construction.
 35. Previous records indicate that water voles were present at the pond at Wycke Meadow, however, the appellant's survey found no evidence of water vole activity. Having regard to the proposed mitigation strategy I conclude that the proposal would comply with policy CC3 of the Local Plan and would not give rise to any significant harm to the protected species and biodiversity on the appeal site.

Other Matters

36. Some residents are concerned that the additional traffic generated by the proposal could give rise to traffic congestion within Maldon and Danbury, and that the proposal would fail to improve existing transport infrastructure or make adequate provision for pedestrian safety. The Highway Authority found

that, subject to the mitigation measures outlined above, the proposal would not have a significant impact on the local highway network. The needs of pedestrians would be met through the provision of footpaths within the site and a footpath adjacent to Spital Road, together with a Toucan Crossing at Limebrook Way. The proposal accords with the principles within the Masterplan, which have been subject to extensive consultation and would be unlikely to have an adverse effect on highway safety or traffic.

37. The provision of affordable homes will meet an urgent need for such accommodation, for which there is a demand throughout the District. No persuasive evidence has been submitted to indicate that there would be an over-concentration of such dwellings within Maldon.
38. The Flood Risk Assessment was considered by the Environment Agency. It did not object to the proposal subject to conditions in relation to surface water drainage and flood modelling. At the inquiry the Council explained that the flooding modelling relates to the proposed SMGS rather than the appeal proposal specifically. It is intended that, subject to further investigations, surface water run-off will be managed through a number of measures including the use of impermeable paving, swales and ditches and attenuation measures in order to manage run-off. Consequently, subject to the submission of a suitable scheme, the proposal would make adequate provision for surface water drainage on site and would not increase flood risk elsewhere.

Planning Balance

39. The Council acknowledges that it cannot demonstrate a five year supply of housing land, and therefore the policies relevant to housing within the Local Plan cannot be considered up-to-date. The proposal will contribute to the 5 year housing land supply, and boost the supply of housing in Maldon in accordance with aims of the NPPF. At the inquiry the Council confirmed that it welcomed the proposal in principle provided it made adequate provision for the necessary infrastructure.
40. The proposal would give rise to some harm due to the loss of the countryside. Balanced against this, the provision of 120 dwellings (including affordable dwellings) would be a considerable benefit of the proposal. The proposal would be economically, environmentally and socially sustainable. Both parties agree that the appeal site has the potential to create a sustainable, high quality residential development. The proposal would make satisfactory provision for infrastructure and would not give rise to any significant harm to biodiversity. Overall I conclude that the considerable benefits of the proposal would not be outweighed by the harm arising from the loss of the countryside.

Conditions

41. I have considered the Council's suggested conditions in the light of advice at paragraphs 203 and 206 of the NPPF and the Planning Practice Guidance published on 6 March 2014. I have amended and amalgamated a number of the suggested conditions in the interests of clarity and in order to avoid unnecessary duplication.
42. Details of reserved matters should be submitted for approval. The design and appearance of the dwellings are reserved matters, therefore separate conditions requiring the submission of materials and details of boundary

- treatment are not necessary. Due to the variation in levels across the site details of the proposed levels should be submitted for approval. Details of the proposed highway works and the proposed Toucan Crossing should be submitted for approval. Car parking should be made available prior to the occupation of the associated dwellings.
43. The appellant submitted mitigation strategies in relation to bats and reptiles. However, the surveys on which these are based should be updated in order to ensure adequate protection for any protected species present on the site. Details of proposed external lighting should be submitted for approval to avoid disturbance to bat species and other wildlife which avoid areas of artificial illumination. In the interests of biodiversity it is also necessary to restrict clearance work during the bird breeding season.
44. I consider that an Arboricultural Method Statement and Tree Protection Plan, including the provision of protective fencing, is necessary to safeguard the existing trees and hedges on and adjacent to the site. Details of the proposed play areas should be submitted for approval together with a scheme for their future management. Conditions in relation to the arrangements for the implementation and management of the landscape scheme are necessary.
45. In order to ensure satisfactory living conditions a scheme to protect future residents from road noise is necessary. Although the appellant proposes the use of a sustainable drainage scheme, further details, together with arrangements for foul water drainage, are necessary and should be submitted for approval. A scheme for archaeological investigation is also needed. A Construction Management Scheme is required in order in the interests of amenity, highway safety and biodiversity.
46. The Council did not object to the proposal on the basis of the indicative housing mix submitted at the time of the application, nor did it submit any evidence to suggest that the proposal would conflict with policy H2 of the LDP Local Plan which requires developments to provide a suitable mix and range of dwellings. The layout of the site, and consequently the mix of dwellings, will be constrained by a number of factors, including the need to make satisfactory provision for drainage and biodiversity. I therefore consider that a condition requiring details of the mix of dwellings to be submitted for approval to be unnecessary.

Conclusion

47. For the reasons given above, subject to the provisions of the Unilateral Undertaking, with the exception of the financial contributions towards Air Quality Management and allotments, I conclude that the appeal should be allowed.

Lesley Coffey

INSPECTOR

Appeal Ref: APP/X1545/A/14/2213988**Schedule of Conditions**

- 1) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 2) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 4) Prior to the commencement of development details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning Authority. The development implemented in accordance with the approved details.
- 5) Prior to the commencement of development details of the highway works shown on drawing number LAP 7641/02A, or any other such arrangements agreed with the Local Planning Authority, together with a programme of works, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - The provision of a roundabout on the A414 to serve the development;
 - The provision of a 3m wide footway/cycleway around the northern perimeter of the site along part of Limebrook Way and Spital Road;
 - The provision of improvements to the existing bus stops on Spital Road to provide bus lay-bys, raised kerbs, shelters and a pedestrian crossing point.The scheme shall be implemented in accordance with the approved details and programme of works.
- 6) Prior to the commencement of development details of the proposed 'Toucan' crossing shown on LAP drawing no.7641/02A, together with an independent Stage 1 Road Safety Audit, shall be submitted to and approved in writing by the Local Planning Authority. The 'Toucan' crossing shall be implemented in accordance with the approved details prior to the first occupation of any dwelling.
- 7) Prior to the occupation of relevant part of the development, the associated parking areas shall be constructed, surfaced, and made available for parking in accordance with the approved details and retained as such thereafter.
- 8) Prior to the commencement of the development, including any clearance works, a comprehensive up-dated ecological survey of the site shall be undertaken. The results of the survey, together with a detailed scheme of mitigation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall include details of measures to protect acknowledged ecological interests during the construction period of the development. The development

- shall be implemented in accordance with the approved mitigation scheme.
- 9) No clearance or destruction of any vegetation or structure which may be used as a breeding site shall take place during the bird breeding season, (1st March to 30th August) unless otherwise previously agreed in writing with the Local Planning Authority.
 - 10) Prior to the installation of any external lighting, except for the dwellings hereby permitted, the precise details of any proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall take into account any ecological mitigation measures as identified in the ecological surveys. The external lighting shall be installed in accordance with the approved details.
 - 11) Prior to the commencement of development, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The Arboricultural Method Statement shall include the details of the specification and location of tree and hedgerow protection, shown on a tree protection plan (TPP). The TPP shall also show root protection areas of all retained trees and details of pruning or removal of trees and hedges both within and overhanging the site. The Arboricultural Method Statement shall provide details of any construction activities that may require works within the protected root areas. All works shall be carried out in strict accordance with the approved details.
 - 12) Prior to the commencement of any works, including demolition, protective fencing in accordance with the approved Tree Protection Plan shall be erected on the site and shall be retained for the duration of the construction period.
 - 13) Prior to the commencement of the development, details of the Local Equipped Area for Play (LEAP) and Local Area for Play (LAP), together with a timetable for the provision of these areas, shall be submitted to and approved in writing by the Local Planning Authority. The LEAP and LAP shall be provided in accordance with the approved details and timetable and shall be permanently retained for such purposes thereafter.
 - 14) Prior to the commencement of the development a scheme setting out the future management and maintenance of the amenity space, the LEAP and LAP and the ecological buffer zones shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be managed and maintained in accordance with the approved details thereafter.
 - 15) The landscaping details required to be submitted in accordance with Condition 3 shall include a detailed scheme of planting, together with a arrangement for the aftercare and maintenance of the scheme, and a programme of implementation. The development shall be carried out in accordance with the approved details including the programme for implementation.
 - 16) Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

- 17) Prior to the commencement of the development a detailed specification for protecting the proposed dwellings from noise from road traffic shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the indoor ambient noise levels detailed in the table below will not be exceeded.

Location	Day time: 07.00 to 23.00	Night time: 23.00 to 07.00
Living Room	40dB LAeq,16hour	
Dining Room	45dB LAeq,16hour	
Bedroom	40dB LAeq,16hour	35dB LAeq,8hour

Additionally the ambient sound level from road traffic noise on balconies, terraces and outdoor living areas shall not exceed 55dB LAeq, 16hour.

The scheme shall be implemented in accordance with the approved details prior to the occupation of any dwelling to which it relates and the measures shall be maintained thereafter.

- 18) Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the first occupation of the development.
- 19) No development shall take place until a 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, including arrangements for the future maintenance and management, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the runoff from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details prior to the first occupation of the development.
- 20) No development, including any site clearance or groundworks of any kind shall take place within the site until a programme of archaeological investigation (such as trial trenching and monitoring) has been submitted to and approved by the Local Planning Authority. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
- 21) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel and underbody washing facilities;
 - v) Mitigation measures to protect ecology on site;

- vi) measures to control the emission of dust and dirt during construction;
- vii) Pollution control: protection of water courses and ground water and soils; fuel storage areas and sewage disposal.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Robert Jameson	Attwaters, Jameson Hill Solicitors
He called	
Tim Parton	Planning Officer
Chris Purvis	Planning Officer

FOR THE APPELLANT:

Richard Humphreys QC	
He called	
Mary Davies	Ecological Consultant
Brendan McCarthy	Flood Risk Consultant
Andrew McDonald	Transport Consultant
Daniel Lampard	Planning Consultant

INTERESTED PERSONS:

Judy Lee	Maldon Society
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DOCUMENTS

- 1 Developers' Guide to Infrastructure Contributions (2010) submitted by the local planning authority
- 2 Infrastructure Delivery Plan Part 1 (June 2012) submitted by the local planning authority
- 3 Infrastructure Delivery Updates June 2013, December 2013, May 2014 submitted by the local planning authority
- 4 South Maldon Garden Suburb Strategic Masterplan Framework submitted by the local planning authority Consultation Draft
- 5 Pre-Submission Local Development Plan 2014-2029 submitted by the local planning authority
- 6 Key Dates Timeline submitted by the local planning authority
- 7 Correspondence with stakeholders in South Maldon Garden Suburb submitted by the local planning authority
- 8 Essex County Council estimate for roundabout submitted by the local planning authority
- 9 Letter from NLP dated 16 September 2014
- 10 Appellants' comments in respect of Draft Conditions
- 11 Infrastructure Phasing Schedule submitted by the appellant
- 12 Essex County Council comments in respect of Draft Masterplan Submitted by the local planning authority
- 13 Draft Unilateral Undertaking submitted by the appellant
- 14 Draft conditions submitted by the local planning authority
- 15 Executed Unilateral Undertaking submitted by the Appellant
- 16 Joint statement on infrastructure matters