



Appeal Decision

Site visit made on 22 May 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/X1545/W/24/3351210

Land Rear of Pippins, Kelvedon Road, Great Totham, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Simon Harding of MAB Planning Solutions Ltd against the decision of Maldon District Council.
 - The application Ref is OUTM/MAL/24/00005.
 - The development proposed is outline planning permission with access, layout and scale for consideration for the erection of 25 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning permission with access, layout, and scale for consideration for the erection of 25 dwellings at Land Rear of Pippins, Kelvedon Road, Great Totham, Essex in accordance with the terms of the application Ref OUTM/MAL/24/00005, subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline with appearance and landscaping reserved for later approval. I have had regard to the submitted plans but have regarded elements relating to landscaping and appearance as indicative.
3. I have used the description of development and site address used by the Council in its decision notice. I note that these were also used on the appellant's appeal form.
4. The Council has confirmed that it no longer wishes to defend reasons for refusal 2, 3 and 4, which all relate to planning obligations. I have no reason to disagree with those findings.
5. The National Planning Policy Framework (the Framework) was updated in December 2024. The main parties were given the opportunity to comment on the updated version. These comments have been taken into consideration.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site comprises an undeveloped parcel of land to the east of Kelvedon Road. It is set behind a row of established residential properties which face directly

onto Kelvedon Road. Despite its proximity to these properties, the site undisputedly falls outside of any designated settlement boundary. In that context, the site falls within the countryside in terms of the development plan, where development will be strictly controlled to appropriate uses.

8. Noting the existence of residential development to the south and west, the appeal site contributes to a clear transition between the linear development along Kelvedon Road and the open countryside to the east. The open nature of the site, together with the screen of mature trees beyond, is readily visible from the entrance to the site. It is also glimpsed between gaps in buildings, seen from part of the public right of way which runs along the southern boundary of the site (before it becomes enclosed by mature vegetation) and from the private vantage points of properties in the south and west. The undeveloped and soft landscape formed by the site contributes to a verdant, rural character here.
9. The proposed development would introduce up to 25 dwellings to the site, together with additional access roads, parking areas and domestic gardens. This would result in the development of a significant proportion of the site, visible from the viewpoints set out above. As a result, the currently verdant nature of the site would be diminished and the development would have a harmful urbanising effect here. Although the properties would potentially be of a similar scale to those that exist to the immediate south and west, and further landscaping is proposed, this would not overcome the detrimental impact on the rural character of the site and surrounding area. In any case, neither matters of appearance nor landscaping are before me.
10. In addition, the tightly packed nature of the proposed development would be at odds with the prevailing pattern of development along Kelvedon Road, in which properties generally sit within garden plots arranged traditionally relative to the street. This would be in marked contrast with the cul-de-sac layout of the proposed development.
11. I note the existence of a recent residential development to the south of the site. This was allowed at appeal and comprises four properties. That is a relatively small development which, although is somewhat at odds with the local pattern of development, is closely associated with more historic development to the south. In any case, the existence of that development and the partly enclosed nature of the appeal site are not reasons to automatically accept the development proposed.
12. The appellant makes reference to Policy GT01 of the Great Totham Neighbourhood Plan. This seeks to avoid development outside of settlement boundaries unless a series of exceptions are met. One of these, at part B(i), is that it should be demonstrated that no available and deliverable sites exist within the settlement boundary. In response to this, the appellant refers to the development of only individual properties within the village over the years, with no scope for the development of larger sites. However, this is not evidence of a lack of available or deliverable land. I therefore have insufficient evidence before me to conclude that the proposed development would meet this policy objective.
13. Overall, I conclude that the proposed development would harm the character and appearance of the area, contrary to the relevant provisions of Policies S1, S8 and N3 of the Maldon District Local Development Plan. These policies, in summary and when taken together, seek to ensure a high standard of design in development, to protect the district's rural character and that of the countryside for

its intrinsic character and beauty. This is in a similar vein to the provisions of the Great Totham Neighbourhood Plan insofar as development within settlement boundaries is concerned.

Other Matters

Housing Supply

14. The submitted evidence indicates that the Council cannot demonstrate a five-year housing land supply. This is not disputed by the Council which sets out that, at the time of the original application, the figure stood at 6.35 years. However, since this time and taking into account the recent changes to the Framework, the Council's housing land supply figure currently stands at 2.7 years. Consequently, the Council is falling considerably short in respect of supply. This is a matter I return to in the planning balance.

Heritage

15. The appeal site is located within the wider surroundings of Grade II listed building, 12 and 14 Kelvedon Road and Grade II* listed building Great Ruffins. The garden to Great Ruffins is considered a non-designated heritage asset. Mindful of the statutory duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving their settings.
16. The principally verdant surroundings of these assets, of which the appeal site forms part, contribute somewhat to their significance. Nevertheless, the position, nature and extent of the proposed development, together with the limited intervisibility between the appeal site and those assets, would mean the existing physically and visually separate relationship between the sites would be maintained. The historic and architectural interests of the assets would remain unaffected. The retention of reasonable separation distances and intervening landscaping features, in particular, would reinforce this. Ultimately, the proposed development would not compromise the settings of the nearby heritage assets, or the contribution they make to their significance.

Third party comments

17. A series of matters have been raised by neighbours and others, both supporting and objecting to the scheme. Objections include issues such as the loss of peaceful village life and overdevelopment, highway safety, wildlife loss, pressure on infrastructure, unstable land, light pollution, the accuracy of plans and a lack of notification.
18. In respect of the loss of green space and character and appearance more generally, I have dealt with these matters above. There is no dispute between the Council and appellant in respect of highway and pedestrian safety, wildlife and biodiversity, or light pollution, and based on the evidence before me I have no reason to reach an alternative conclusion on these matters. Moreover, any mitigation or enhancement measures could satisfactorily be secured by condition, should the appeal be allowed. Matters relating to safety and disturbance during construction would be dealt with by a construction management plan.
19. Infrastructure mitigation measures, including in respect of healthcare and education, have been secured via a legal agreement that has been submitted in

support of the appeal, discussed further below. There is no substantive evidence before me to support concerns regarding land instability. I note a comment around the accuracy of plans. However, I consider the submitted plans to be sufficiently precise to enable a fair assessment of the proposal without being prejudicial to interested parties. In respect of the concerns raised about lack of notification, this has not affected my consideration of the appeal scheme.

Special Protection Area

20. The appeal site has been identified as falling within the Zone of Influence of the Essex Estuaries Special Area of Conservation, Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. All public bodies have a duty to take reasonable steps to further the conservation and enhancement of these designated areas. There is the potential for significant impacts on the SPAs identified as a result of any net increase in residential development within the Zone of Influence. This is principally due to pressures on the sites by reason of their attractiveness as a location for recreation.
21. The Conservation of Habitats and Species Regulations 2017 (the Regulations) require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment in circumstances where the plan or project is likely to have a significant effect on a European site, alone or in-combination with other plans or projects.
22. The Council has an established process of seeking financial contributions from new development to fund measures identified through the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The RAMS sets out a strategy to resolve disturbance to the protected sites. Mitigation measures include wardening of the sites, the promotion of responsible use of the sites, schemes to raise awareness, interpretation and signage and habitat creation and monitoring. Natural England and the Council's ecology service have confirmed their satisfaction with this approach. I have no reason to disagree. A financial contribution of £163.86 per dwelling would be secured through the submitted Section 106 Agreement.
23. Based on the evidence before me, there is an appropriate mechanism in place that would secure a financial contribution to the RAMS, which I have found necessary to mitigate the impact of the proposed development on the negatively affected protected sites. There is no evidence before me to demonstrate that any other adverse effects exist. I therefore conclude that the proposed development would not lead to unmitigated adverse effects on the integrity of the protected sites.

Legal agreement

24. A signed Section 106 Agreement, dated 9th September 2024, has been submitted by the appellant. This would secure a series of planning obligations, including, but not limited to:
 - the provision of a healthcare contribution of £12,400;
 - the provision of a library contribution of £77.80 per dwelling;
 - the provision of a primary education contribution of £19,425;

- the provision of a secondary education contribution of £26,717;
 - the provision of a sports pitch contribution of £20,000;
 - the provision of a RAMS contribution of £163.86 per dwelling;
 - the provision of on-site affordable housing.
25. Paragraph 58 of the Framework and Regulation 122 of the CIL Regulations sets out three tests that planning obligations must meet. Firstly, they must be necessary to make the development acceptable in planning terms. Secondly, they must be directly related to the development. Thirdly, they must be fairly and reasonably related in scale and kind to the development. I am satisfied that the planning obligations would meet the requirements of the Framework and the CIL Regulations.

Planning Balance

26. As set out above, there is an undisputed housing land supply shortage in the district, currently standing at 2.7 years. The extent of this shortfall is significant. As such, the provisions of Framework paragraph 11.d are engaged.
27. This sets out that permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As 11.d(i) does not apply in this case, I therefore turn to 11.d(ii).
28. The proposed development would contribute up to 25 dwellings towards the Council's housing shortfall, including a proportion of affordable housing secured through the submitted S106 Agreement. Mindful of the significant undersupply of housing land in the district, and noting the Government's objective of significantly boosting the supply of homes, I attach substantial weight to these public benefits.
29. Additionally, there would be other economic benefits, including through employment during construction (albeit temporary) and an increase in the use of local businesses and services following completion of the development. While there are relatively few local businesses and services in proximity to the site, those in the wider area would undoubtedly benefit through the increase in residents. I give these public benefits moderate weight.
30. On the other hand, I have identified adverse impacts of the proposed development in respect of character and appearance, with the site lying outside of any established settlement boundary. Due to the overall scale of the scheme, together with its physical relationship and intervisibility with established built form, I afford this harm moderate weight.
31. Overall, I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the substantial benefits, when assessed against the policies of the Framework taken as a whole. On this basis, the scheme would benefit from the presumption in favour of sustainable development and permission should be granted.

32. In coming to this conclusion, I have had regard to the appeal decision at Land North of Homefield and West of Tillingham Road, Southminster CM0 7DT, which was brought to my attention. Whilst this case is acknowledged, the characteristics of each site and location are different. The appeal site is located some distance away from Southminster and that scheme proposed a significantly larger development than that before me. As such, the circumstances that applied to that case, and the planning balance there, are not directly comparable to those here.

Conditions

33. The Council has provided a list of conditions that it suggests should be applied in the eventuality that the appeal is allowed. I have assessed those, and others recommended by statutory consultees and within the submitted evidence, with reference to the advice in the Framework and Planning Practice Guidance. I have amended the wording of some, and combined provisions of others without altering their fundamental aims.
34. In addition to requiring commencement within the relevant statutory period, I have imposed a condition requiring adherence to the relevant plans (insofar as they relate to matters under consideration and set parameters for future submissions). I have also imposed a condition relating to details of reserved matters. These are both imposed for certainty.
35. Conditions relating to details of appearance, boundary treatments and landscaping are required for certainty and in the interests of character and appearance. A condition relating to a construction management plan is necessary in the interests of the protection of the living conditions of existing residents. Conditions relating to archaeology are imposed in the interests of the protection of the historic environment. Conditions relating to the protection of existing trees and requesting details of foundations are imposed in the interests of tree health. Conditions relating to drainage and flooding have also been imposed in the interests of sustainability and to avoid flood risk.
36. Conditions requiring the submission of a construction environment management plan, biodiversity enhancement strategy and an external lighting strategy are required in the interests of sustainability and the protection and enhancement of biodiversity. Conditions relating to car and cycle parking and travel information are required in the interests of sustainability and to ensure the appropriate provision of parking spaces.
37. Conditions relating to vehicular access, highway treatments and public rights of way are necessary in the interests of certainty and highway and pedestrian safety. Conditions relating to the contamination are required for certainty and in the interests of the living conditions of future occupiers.
38. Conditions relating to reserved matters, the protection of trees, biodiversity measures, a construction management plan, archaeology, sustainable drainage and contamination measures are pre-commencement as they are necessary to ensure that any potential risks are known, and mitigation measures properly planned in, prior to the commencement of development.

Conclusion

39. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

A Price

INSPECTOR

Richborough

SCHEDULE OF CONDITIONS

- 1) Prior to the commencement of the development hereby permitted, details of the appearance and landscaping (hereinafter called “the Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 2) Applications for the approval of Reserved Matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
- 3) The development hereby permitted shall begin no later than two years from the date of approval of the last of the Reserved Matters to be approved.
- 4) The development hereby approved shall be carried out in accordance with the submitted drawings: 23.058-UD1 Rev A; 23.058-UD6 Rev A; 23.058-UD9 Rev B; 23.014_DRAINAGE_WB_D01 PL1; 23.5374.01 Rev D; 2430-E-1 Rev A; 101; 102; 103; REDW-3474-406; HWA10753.01-TCP; HWA10753.01-TPP; 24030/E/2 Rev B.
- 5) As part of the Reserved Matters, details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented prior to the first occupation of the development and be retained thereafter.
- 6) As part of the Reserved Matters, full details and specifications of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority.

The details of the soft landscape works shall include:

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

The soft landscape works shall be carried out as approved within the first available planting season (October to March) following the commencement of the development. If within a period of five years from the date of the planting of any tree or plant (or its replacement), it is removed, destroyed, dies, or becomes seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place.

The details of the hard landscape works shall include:

- Details of walls with brick types, construction design and dimensions;
- Details of paved surfacing, with materials finishing and edgings;
- Details of street furniture, with designs materials and dimensions.

The hard landscape works shall be carried out as approved prior to the first occupation of the development hereby permitted.

- 7) The scheme to be submitted pursuant to the Reserved Matters shall make provision for car parking for the dwellings within the site in accordance with the Council's adopted parking standards at the time of submission. The parking areas shall be constructed, surfaced, laid out and made available for such purposes prior to the occupation of the development in accordance with the approved scheme and retained thereafter.
- 8) Prior to the commencement of the development hereby permitted, including any ground works or demolition, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for:
- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) no dust emissions should leave the boundary of the site;
 - c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays;
 - e) the parking of vehicles of site operatives and visitors;
 - f) loading and unloading of plant and materials;
 - g) storage of plant and materials used in constructing the development;
 - h) wheel and underbody washing facilities.

The approved plan shall be adhered to throughout the construction period.

- 9) Prior to the commencement of the development hereby permitted, except demolition, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include:
- verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of the CIRIA SuDS Manual C753;
 - limiting discharge rates to 3l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event;
 - provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event;
 - demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event;
 - provision of 10% urban creep allowance;
 - 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 approved scheme shall be implemented prior to occupation.

- 10) Prior to the commencement of the development hereby permitted, a scheme to minimise the risk of off-site flooding caused by any surface water run-off and groundwater during construction works and to prevent pollution shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 11) Prior to the commencement of the development hereby permitted, details of the foundations to be used for the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 12) Prior to the commencement of any groundworks, a Construction Environmental Management Plan (CEMP (Biodiversity)) shall be submitted to and approved in writing by the Local Planning Authority, in line with the Preliminary Ecological Appraisal (Hybrid Ecology Ltd, September 2023) and Letter from Ecology (Hybrid Ecology Ltd, February 2024). The CEMP (Biodiversity) shall include the following.
 - risk assessment of potentially damaging construction activities;
 - identification of “biodiversity protection zones”;
 - practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - the location and timing of sensitive works to avoid harm to biodiversity features;
 - the times during construction when specialist ecologists need to be present on site to oversee works;
 - responsible persons and lines of communication;
 - the role and responsibilities on site of an ecological clerk of works or similarly competent person;
 - use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period.

- 13) Prior to the commencement of the development hereby permitted, an Archaeological Assessment by an accredited archaeological consultant to establish the archaeological significance of the site shall have been submitted to and approved in writing by the Local Planning Authority. This shall inform the implementation of a programme of archaeological work. The development shall be carried out in accordance with the approved scheme.
- 14) Prior to the commencement of the development hereby permitted, the applicant (or their agents, the owner of the site or their successors in title) shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
- 15) Prior to the commencement of the development hereby permitted, other than that required to carry out necessary investigation (including demolition, site clearance, removal of underground tanks and old structures) an Investigation and Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. A written report of the findings must be produced and must include:
- (i) a survey of the extent, scale and nature of contamination on the site;
 - (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments.
 - (iii) an appraisal of remediation options, and proposal of the preferred options.

This must be conducted by a competent person and in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'.

- 16) Where identified as necessary, no development shall take place, other than that required to enable or carry out remediation, until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks has been submitted to and approved in writing by the Local Planning Authority. The Remediation Scheme must include all works to be undertaken, remediation objectives and remediation criteria, a timetable of works and site management procedures. The Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved Remediation Scheme, a Verification Report that demonstrates the effectiveness of the

remediation carried out must be produced and submitted to the Local Planning Authority within 28 days. This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

The remediation works shall be carried out in accordance with the approved details prior to the commencement of the development, unless where commencement is required to carry out remediation. Such circumstances shall be highlighted in the Remediation Scheme submitted for approval.

- 17) Prior to, or alongside the submission of the first Reserved Matters application, the following details shall be submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012:

- tree constraints plan;
- arboricultural method statement (including drainage service runs and construction of hard surfaces).

Protective fencing and ground protection shall be implemented and retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes 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 details.

- 18) Prior to, or alongside the submission of the first Reserved Matters application, 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 of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The development shall be implemented in accordance with the approved details and retained thereafter.

- 19) Prior to the first occupation of the development hereby permitted, the shared vehicular access shall be implemented as shown on drawing EDW-3474-406. The access shall be reconstructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres for the first 6 metres into the site and shall

be provided with a 2-metre-wide footway on the northern side of the access. The access shall be provided with kerbs and tactile crossings. The full details shall be agreed in consultation with the Highway Authority.

- 20) Prior to the occupation of the development hereby permitted, the access at its centre line shall be provided as shown on drawing REDW-3474-406, with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres, in each direction, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall be provided before the access is first used and retained free of any obstruction at all times.
- 21) Prior to the occupation of the development hereby permitted, and as shown on drawing REDW-3474-406, the front fence for 'Pippins' shall be removed and re-constructed behind the highway boundary and visibility splay.
- 22) Prior to the occupation of the development hereby permitted, and as shown on drawing REDW-3474-406, an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority shall be confirmed. The new route shall be constructed to the satisfaction of the Local Planning Authority prior to the occupation of the development.
- 23) Prior to the occupation of the development hereby permitted, and as shown on drawing REDW-3474-406, the internal shared access road and continuation of the 2-metre footway (new route of public right of way) and provision of a turning head, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that purpose.
- 24) Prior to the occupation of the development hereby permitted, cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained thereafter.
- 25) Prior to the occupation of the development hereby permitted, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council. This shall include six one-day travel vouchers for use with the relevant local public transport operator. This pack, including tickets, is to be provided by the Developer to the occupiers of the dwellings free of charge.
- 26) Prior to the 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. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

- 27) Prior to the 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 areas/features that are 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;
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans, Isolux drawings 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.

- 28) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

END OF SCHEDULE

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