



Appeal Decision

Hearing held on 22 July 2026

Site visits made on 21 and 22 July 2026

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2026

Appeal Ref: 6007184

Land South of Daws Heath Road, Thundersley SS7 2TA

- 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 Rainer Developments Limited against the decision of Castle Point Borough Council.
 - The application Ref is 25/0660/OUT.
 - The development proposed is outline planning permission (all matters reserved except for vehicular access) for up to 58 dwellings (50% of which to be provided as affordable homes) together with new vehicular access, parking, public open space, play space, attenuation basins and enhanced landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning permission (all matters reserved except for vehicular access) for up to 58 dwellings (50% of which to be provided as affordable homes) together with new vehicular access, parking, public open space, play space, attenuation basins and enhanced landscaping at Land South of Daws Heath Road, Thundersley SS7 2TA in accordance with the terms of the application, Ref 25/0660/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal is submitted in outline with only access to be determined at this stage. The proposal is accompanied by a parameter plan that has been treated as broadly indicative in nature.
3. A draft Section 106 Agreement accompanied the appeal and was considered during the Hearing. Following the close of the Hearing, a completed Agreement dated 23 July 2026 was provided. This Agreement has been taken into account and is discussed further later in this decision.
4. An unaccompanied site visit was made on the 21 July 2026 and 22 July, as agreed with the main parties, when the appeal site was viewed from within the site, from Daws Heath Road and from Bridleway Benfleet 85 that runs through West Wood proximate to the west and southern boundaries of the appeal site.
5. My attention has been drawn to a previous dismissed appeal at the site¹. Whilst there are similarities in terms of the description of development the extent of the appeal site differs in that it has been reduced. Moreover, the previous appeal was

¹ APP/M1520/W/23/3329585 dated 16 July 2024

determined under a different version of the National Planning Policy Framework (the Framework). The importance of determining similar cases in a similar manner is acknowledged. However, in this circumstance the material considerations differ following the revisions to the Framework and the introduction of grey belt land. In any event I have determined the appeal on its own merits, and on the evidence before me.

6. The Council is preparing an emerging local plan (ELP). The information before me indicates that the Examining Inspectors have identified significant concerns about the soundness of the Plan in respect of housing requirement and supply. Consequently, this matter is due to be considered through a single-issue hearing session ahead of the ELP as a whole. As such, the ELP is a considerable way from being finalised and I, therefore, attach very limited weight to the ELP.
7. On 17 August 2026 a new Framework was published. As this could affect the issues and matters in this case, the Council and the Appellant were invited to make further comments. My decision reflects the latest version of the Framework, and the responses received on it.

Main Issues

8. The main issues are:

- i) Whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development policies with particular reference to whether the appeal site represents Grey Belt land and meets the Golden Rules;
- ii) The effect of the proposal on Ragwood Riding Centre;
- iii) The effect of the proposed development on the significance of heritage assets;
- iv) The effect of the proposal on landscape character; and
- v) The integrity of habitats sites.

Reasons

Whether grey belt land and whether inappropriate development in the Green Belt

9. The site lies within the Green Belt adjacent to the settlement of Thundersley. It sits within a relatively small gap between a footpath that runs alongside no 112 Daws Heath Road to its western boundary and the Ragwood Riding Centre to the east. The site is undeveloped and evidence of former paddocks, divided by vegetation, were evident at the time of my site visit.
10. The Council does not have an up-to-date adopted Local Plan policy framework for Green Belt matters and therefore the Green Belt reason for refusal relies upon national policy contained within the Framework.
11. The Framework (chapter 13) states that the objective of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The government attaches

great importance to Green Belts, the essential features of which are their openness and permanence.

12. Policy GB7 of the Framework sets out certain categories of development as not being inappropriate in the Green Belt, and therefore should not be regarded as harmful to the Green Belt or be required to demonstrate very special circumstances.
13. The appeal proposal is advanced as conforming with policies for grey belt land. Grey belt is defined in the Framework² as '*land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in policy GB2*'.
14. Annex E of the Framework sets out considerations for informing judgements as to whether land is grey belt and methodology on how decision-makers should consider whether a site's contribution to the Green Belt is strong, moderate, or weak / none. If it is grey belt, I will also need to consider whether development would fundamentally undermine the five Green Belt purposes taken together across the plan area. I consider these matters in turn as follows:

Purpose a) – to check the unrestricted sprawl of large built-up areas

15. In considering the relevant purposes of the Green Belt I have had regard to the Castle Point Borough Green Belt Review (2013) (GBBR), that was prepared and published by the Council, and included an appraisal of the appeal site's contribution to the purposes of the Green Belt. Subsequent Green Belt reviews have been prepared by the Council which include appraisals of parcels of land which include the appeal site, but none of these specifically appraise the appeal site as a standalone parcel.
16. The 2018 Green Belt Review identified the appeal site as part of the much larger Parcel 4, which was assessed as making a very strong contribution to Green Belt purposes and was therefore not taken forward for Stage 2 assessment. However, this was a strategic, parcel-level assessment rather than a site-specific evaluation. The review acknowledges that broad parcels may contain local variations and that more detailed assessment is required where individual sites are promoted for development. Consequently, while the Stage 1 findings explain why Parcel 4 was excluded from further consideration, they do not determine the appeal site's own Green Belt performance or function.
17. The 2025 Green Belt Assessment identifies the appeal site as Parcel GB14 and assessed it together with the adjoining Parcel GB29 (Ragwood Riding Centre). Collectively, the parcels are found to make a strong overall contribution to the Green Belt, scoring strong against purpose (a).
18. Whilst development of the site would extend built form onto currently undeveloped land, the site is physically contained by strong features. At the Hearing, the Council conceded that development of the appeal site would not create an extended "finger" of development into the Green Belt. This is consistent with Annex E of the Framework, which identifies such development patterns as a characteristic of land making a strong contribution to Green Belt Purpose (a).

² Annex B: Glossary

19. Daws Heath Road provides a clear northern boundary, with ancient woodland defining the southern boundary and part of the eastern edge. Residential development associated with Thundersley lies to the west, with the Ragwood Riding Centre and a cluster of bungalows to the east. Together, these features represent clear and enduring boundaries, such that development of the site would be physically contained and further outward expansion would not readily follow.
20. Whilst the Council submits that the site's contained nature means it performs strongly in relation to Green Belt purpose (a), I reach a different conclusion. Although the proposal would extend built development onto currently undeveloped land and would therefore result in some urban sprawl, the containment of the site significantly limits the extent of that harm. Consequently, I do not consider that the development would lead to unrestricted urban sprawl or materially undermine the Green Belt's role in checking the outward spread of the urban area.
21. These findings broadly align with the Council's GBBR 2013 which recognised that the surrounding ancient woodland would restrict the potential for further urban sprawl or encroachment. The review assessed the site as having an 'amber' Green Belt impact indicating that it could be removed from the Green Belt with limited effect on its strategic function. It further concluded that a revised Green Belt boundary could be established using existing field boundaries, woodland and built development.
22. It is recognised that the GBBR 2013 predates both the Planning Practice Guidance (PPG)³ and Annex E of the Framework on assessing the contribution that land makes to Green Belt purposes. Whilst Annex E incorporates the methodology previously contained in the PPG, neither document altered the purposes themselves. As such, the review's conclusions regarding the site's physical containment and limited potential to facilitate further sprawl remain relevant. Furthermore, my conclusions are also consistent with those of the Inspector in the 2024 appeal decision, who found that the surrounding woodland would restrict further spread of development towards Daws Heath and that the proposal would not result in wholly unrestricted sprawl or fundamentally undermine the wider Green Belt's role in serving this purpose.
23. I have carefully considered the characteristics and context of the appeal site. Given its containment by strong and enduring boundaries, and the limited prospect of facilitating further outward expansion, I find that the appeal site's contribution is not strong in respect of purpose (a).

Purpose b) – to prevent neighbouring towns merging into one another

24. The Framework clarifies that Purpose (b) of the Green Belt only concerns the merging of towns, and expressly states that it does not relate to villages.
25. The parties agree that Daws Heath is a village, the appeal site does not perform a role in preventing the merging of towns and, in that respect, Purpose (b) is not engaged. Accordingly, I conclude that Purpose (b) would not be compromised by the appeal proposal.

³ Paragraph: 005 Reference ID: 64-005-20250225

26. However, the Council raises concerns regarding the role of the appeal site in maintaining separation of Thundersley and Hadleigh, which lies to the south of the appeal site, beyond the ancient woodland.
27. Notwithstanding the presence of ribbon development extending eastwards along Daws Heath Road from Thundersley, the appeal site provides a readily perceptible gap between Thundersley and Daws Heath. Whilst development of the appeal site would result in the small group of bungalows (nos 154-164 Daws Heath Road) being perceived as more closely associated with Thundersley, the extent of the intervening undeveloped land and the physical separation provided by the surrounding landscape would remain substantial. I am therefore satisfied that the proposal would not result in the merging of Thundersley and Hadleigh.

Purpose d) – to preserve the setting and special character of historic towns

28. Thundersley is not a historic town. It is agreed between the parties that the appeal site makes no contribution to Purpose (d) of the Green Belt, and I have no reason to reach a contrary view.
29. For the reasons stated above, I conclude that the appeal site comprises grey belt land.

Tests for development on grey belt land

30. Policy GB7(1)(g) of the Framework requires all of the following to apply: the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; there is an evidenced unmet need for the type of development proposed; the development would be in a sustainable location, with particular reference to policy TR3 of the Framework; and in the case of major development involving the provision of housing, the development proposed complies with policy GB8. I consider these matters as follows

Green belt purposes

31. In respect of the remaining purposes of the Green Belt, it is not disputed that the proposal would not assist in urban regeneration through the recycling of previously developed or other urban land. Rather, the proposal relates to largely undeveloped countryside and therefore does not contribute towards Green Belt purpose (e).
32. The appeal site comprises a relatively small part of the extensive Green Belt within the borough. Nevertheless, having regard to Green Belt purpose (c), the site forms part of the countryside and the proposed development would constitute an encroachment into it. Be that as it may, the site is a contained parcel influenced by surrounding development and other urbanising features, with views of it largely limited to a small number of nearby receptors. Consequently, the site does not perform a significant strategic Green Belt function, and its development would not materially harm the role, effectiveness or integrity of the wider Green Belt. Taking these factors into account, I conclude that, whilst the proposal would result in some encroachment into the countryside, it would not fundamentally undermine the remaining purposes of the Green Belt or the continued functioning of the wider Green Belt in this area.

Evidenced unmet need

33. Footnote 41 of the Framework defines 'evidenced unmet need' for housing by reference to the absence of a five-year housing land supply or a Housing Delivery Test (HDT) score below 75%.
34. The Council acknowledges that it is unable to demonstrate a five-year supply of deliverable housing sites. A supply of only 0.91 years represents a substantial and acute shortfall against identified housing requirements.
35. Alongside the publication of the 2026 Framework, the Government released HDT 2024 and 2025 measurements. At the time of the Hearing the HDT 2023 measurement was 54%. Castle Point's HDT 2024 measurement⁴ was 29% and the latest 2025 measurement is 11%. Therefore, there is an evidenced unmet need for the type of development.
36. I return to the absence of a five-year housing land supply later in my decision.

Sustainable location

37. The revised Framework places increased emphasis on locating development in sustainable locations. Policy TR3 of the Framework requires development proposals generating significant movement to be located where they support sustainable patterns of movement and provide genuine transport choices.
38. There are a range of day-to-day facilities within walking and cycling distance of the appeal site, accessible via the existing pedestrian / cycle network. Bus stops from which services to and from Southend-on-Sea, Hadleigh and Rayleigh, as well as facilities in Thundersley, are within walking distance of the site. As such, there is agreement between the parties that the proposed development would be in a sustainable location, and I have no reason to conclude otherwise.

Golden Rules

39. For major development involving the provision of housing, the Framework requires compliance with Policy GB8. The main parties agree that the scheme would comply with the 'Golden Rules' as set out in Policy GB8 of the Framework, including in relation to its minimum 50% affordable housing, the provision of new green spaces accessible to the public, and improvements to local infrastructure, and I do not reach a finding to the contrary. In accordance with the Framework, substantial weight is therefore afforded to the proposal's compliance with the Golden Rules.

Conclusions in respect of Green Belt

40. As the development would utilise Grey Belt land, meet the requirements of Policy GB7(1)(g) of the Framework, including the Golden Rules, it would not, by definition, be inappropriate development in the Green Belt. Consequently, there is no need to further consider harm to openness or very special circumstances.

Ragwood Riding Centre

41. The appeal site has, until recently, been used by Ragwood Riding Centre (riding centre) for grazing. It is understood that the lease expired in April 2026 and at the time of my site visit no horses were present on the land.

⁴ published 17 August 2026

42. The Council advance that the proposed development would result in the closure of the riding centre, resulting in the loss of employment and leisure facilities. Whilst I have not been directed to any local plan policies that would specifically protect the existing use the Council advances that the proposal would be contrary to the Framework insofar as it seeks to support the rural economy and promoting safe and healthy communities, with reference to Policies HC6, HC7 and E4 of the Framework.
43. The Appellant challenges the assertion that the loss of grazing paddocks would necessarily result in the closure of the riding centre. Whilst I do not doubt that the loss of grazing land would have implications for animal welfare, and may result in a reduction in the numbers of animals able to be kept at the riding centre, I am not persuaded that there is a direct causal relationship between the loss of the grazing paddocks and the imminent closure of the riding centre. Whilst anecdotal evidence was presented at the Hearing regarding the difficulties that the loss of the grazing land would be likely to create, there is no substantive evidence before me to demonstrate that suitable alternative grazing provision is unavailable within the locality, that the riding centre could not continue to operate on a reduced scale whilst remaining viable, or that the proposal would inevitably result in the closure of the facility. Furthermore, whilst I accept that the horses concerned may have differing age, welfare and health requirements, no compelling evidence has been provided to show that appropriate alternative accommodation could not be secured for them, if necessary.
44. The Council estimates that this would result in the loss of 4.4 full time equivalent (FTE) jobs and would have wider implications having regard to supply chains associated with the riding centre, including feed providers, farriers etc. The Appellant has sought to quantify in more detail⁵ the economic impacts should the riding centre close. It is estimated that this would result in a maximum loss of £326,800 in gross value added (GVA) at a regional scale, including £251,400 within Castle Point. Whilst the loss of the facility would be regrettable, the scale of the economic harm would be modest when considered against the wider local and regional economy. Furthermore, this must be weighed against the economic benefits of the proposed development, including constructed-related employment, associated supply chain expenditure and ongoing expenditure generated by future occupiers once the development is completed and occupied.
45. The Council contends that the closure of the riding centre would give rise to negative social impacts. Although the facility may contribute social value beyond the local area, insufficient evidence has been presented to demonstrate that any resulting needs or benefits could not reasonably be accommodated by alternative provision elsewhere.
46. It is also contended that, should the proposal be permitted, concerns would arise regarding the turning out of horses adjacent to a construction site and, following occupation of the dwellings, from activities such as loud music and the use of fireworks by residents. It is argued that such noises and disturbances could affect the horses, causing them to react unpredictably to unfamiliar sounds, sights, or smells, thereby creating potential risks to animal welfare and the safety of staff and clients. These concerns are speculative in nature and are not supported by any substantive evidence.

⁵ TNSEB Tyrley 2026

47. The site is located within an existing environment where a variety of activities, noises, and human interactions already occur. The possibility that future residents may generate occasional noise or other disturbances does not, in itself, establish a planning reason to withhold permission. Any potential issues relating to noise nuisance or anti-social behaviour would be subject to separate legislative controls. Consequently, insufficient evidence has been presented to demonstrate that the proposed development would result in material harm to the continued operation of the equestrian use or create unacceptable risks to horses, staff, or clients.
48. Drawing the above points together, I am not persuaded that the proposal would result in the closure of the Ragwood Riding Centre. However, even if the riding centre were to cease operations, I consider the degree of harm would be modest given the scale of the site.
49. Policy HC7 of the Framework applies to the loss of existing open space, sports and recreational buildings and land. However, the appeal site comprises privately owned grazing land and does not constitute a public recreation facility, playing field, sports ground or other land formally established for recreational purposes. In these circumstances, I am not satisfied that the appeal site falls within the scope of Policy HC7 and, consequently, it would not conflict with that policy.
50. I have also considered the Council's contention that the site forms part of, or contributes to, a facility of community value. However, the Framework distinguishes between recreational facilities and 'key community facilities', the latter being defined by Policy HC6 as established local services and infrastructure such as shops, public houses, places of worship, health facilities, community halls and cultural venues. A commercial riding centre is not expressly identified within that definition, and no substantive evidence has been provided to demonstrate that it performs an equivalent function as an essential component of local community infrastructure. Furthermore, recreational uses are addressed separately under Policy HC7, reinforcing the distinction drawn by the Framework. Accordingly, I afford limited weight to the Council's suggestion that the appeal site should benefit from protection as a key community facility and the proposal does not conflict with Policy HC6 of the Framework.

Heritage assets

51. The appeal site is proximate to Nos 96 and 98 Daws Heath Road, a pair of Grade II listed buildings. I have therefore borne in mind the statutory requirements placed upon decision-makers by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (the Act).
52. Nos 96 and 98, known as Hillside Cottage, comprises an 18th or early 19th century former pair of cottages that retains its original timber doorways on the principal elevation. The building is a two-storey, white weatherboarded structure with a red pantile roof fronting Daws Heath Road. The weatherboarding conceals the timber-framed construction referred to in the listing. Their significance is derived in part from their age, surviving historic fabric and their relationship to the evolution of the settlement. The Appellant's Archaeological and Heritage Assessment (AHA) acknowledges that the listed cottages once stood in relative isolation, however, twentieth century urban development has since enveloped the area. As a result, intervening development has removed any intervisibility between the appeal site and the listed cottages, along with any historic functional relationship that may

previously have existed. Accordingly, I agree with the main parties that the appeal site does not contribute to the special interest of the listed buildings as part of its setting and the proposal would have no effect on the significance of the listed building. The proposal therefore complies with Policy HE6 of the Framework.

53. To the north of the appeal site is No 137 Daws Heath Road, a building regarded as a non-designated heritage asset (NDHA). The local listing highlights the building as an attractive pair of farm labourer cottages. It comprises a painted white rendered (likely brick) building of modest proportions on its principal façade and was likely once two cottages, now combined into one. It comprises two storeys and has a large central chimney stack with dentiled detailing and a gabled slate roof. Its upper floor contains two casement windows on the principal front façade. The building is detached and sits within a tall, hedged boundary which serves to largely screen it from the road and the Site.
54. I have had regard to the significance of the NDHA and the effect of the proposed development upon that significance, in accordance with the relevant provisions of the Framework.
55. The Appellant's AHA identifies its significance is derived in part from its historic and architectural interest as an attractive pair of simple farm labourer's cottages. There is no evidence to suggest a direct functional or historic relationship between the cottages and the appeal site. Nevertheless, the appeal site remains as a remnant of the rural landscape within which the cottages would historically have been experienced, and in that respect, it makes a modest contribution to their significance. The proposed development would introduce built form into the setting of this NDHA, resulting in a limited degree of harm to its significance. A matter that I return to later in my decision in accordance with Policy HE7 of the Framework.

Landscape character

56. Policy N2 of the Framework requires consideration of the environmental qualities of the land, including landscape character and the natural beauty of the countryside, and opportunities to conserve or enhance those qualities. The Landscape, Visual and Green Belt Assessment (LVGA)⁶ identifies the appeal site as being within the Urban Landscapes Landscape Character Type (LCT G), and the South Essex Coastal Towns Landscape Character Area (LCA G3).
57. LCT G is characterised by its predominantly urban character, comprising extensive twentieth-century residential and commercial development, whilst also containing important open spaces that provide recreational opportunities, support biodiversity, and function as green infrastructure within the urban environment. LCA G3 is characterised by a mixed landscape in which urban development is the dominant influence, interspersed with areas of gently undulating farmland, remnant hedgerows, and significant woodland, particularly in the Daws Heath, South Benfleet and Hockley areas. The Appeal Site exhibits elements of these characteristics, forming part of a transitional landscape where open land and vegetation sit alongside established urban development. These features give the site a generally pleasant character.
58. The Council does not dispute the conclusions of the LVGA insofar as it concludes the Appeal Site is of medium landscape quality, value and sensitivity. Whilst not

⁶ CSA Environmental Report August 2025 Ref: CSA/6343/04

forming a reason for refusal the parties agree that there would be some landscape harm.

59. Having regard to the context of the appeal site, influenced by a well-established urban context and, when considered alongside its former equestrian use rather than agricultural function, its character is more reflective of an edge-of-settlement location than open countryside.
60. The introduction of built development into a currently undeveloped parcel of land would undoubtedly result in a change of character. Although indicative, the supporting plans illustrate that the site could be developed whilst maintaining the majority of trees and hedgerows on site and that significant landscape buffers could be incorporated into the site layout. While the detailed design would be considered at the reserved matters stage, there is no evidence to suggest that the site could not be developed in a way that respects and reflects the character of the surrounding area.
61. Due to the visual containment afforded to the site by existing landscape features and built development the visual impact of development of the site would be largely limited and localised. Existing vegetation would filter and break up views. Furthermore, as retained and proposed landscaping becomes established, it would provide increased screening and help to soften the visual presence of the development.
62. For these reasons, I conclude that the proposal would give rise to some harm to landscape character and appearance which draws the proposal into conflict with Policy N2 of the Framework. Such harm would be limited in extent and largely confined to the site itself and its immediate surroundings. Nevertheless, it is a harm to be considered in the Planning Balance later in my decision.

Habitats sites

63. From the evidence before me, the habitats sites affected by the proposal are the Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar site, Foulness SPA and Ramsar site, Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar site and the Essex Estuaries Special Areas of Conservation (SAC). These Habitats Sites form part of the internationally important Essex Coast estuarine complex, supporting extensive mudflat, saltmarsh, grazing marsh and coastal lagoon habitats, together with internationally significant populations of wintering and migratory waterbirds. The Essex Estuaries SAC is additionally designated for a range of estuarine and saltmarsh habitats of European importance that contribute to the ecological integrity of the wider Essex coastline.
64. The appeal site lies within the visitor catchment area from which a significant proportion of users of these designated sites are drawn. Consequently, the proposed development has the potential to increase visitor numbers and, in turn, recreational pressure on these internationally important habitats. Such effects, particularly when considered in combination with other plans and projects, could adversely affect the integrity of the designated sites. As such, it is necessary for me, as the competent authority, to conduct an appropriate assessment (AA) in relation to the effect of granting permission on the integrity of the Habitats Sites. I have sought further evidence on this matter and Natural England was consulted.

65. To address this potential impact, the Section 106 Agreement secures a financial contribution in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This contribution would support a package of strategic mitigation measures endorsed by Natural England. Both the Council and Natural England, are satisfied that the measures secured through the agreement would provide appropriate mitigation and ensure that the integrity of the SPA, Ramsar and SAC sites would not be adversely affected. Based on the evidence before me, I have no substantive reason to reach a different conclusion. I am also satisfied that the planning obligation meets the tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations.
66. I therefore conclude that the integrity of the identified Habitats Sites would not be harmed by the development. Accordingly, it would be compliant with Policy N6 1(a)(i) of the Framework that seeks to protect areas of particular importance relating to habitats sites. Consequently, there is no clear reason for refusing the development proposed in respect of such matters.

Other Matters

67. In respect of matters relating to drainage and flooding, the proposal is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy, the principles of which have been accepted by the Council. Whilst further details would be required through the discharge of conditions, there is no compelling evidence before me to indicate that the proposal would exacerbate flood risk on, or off the site.
68. The Highway Authority has not raised any issues in relation to the safety of the access itself or the capacity of the surrounding road network to accommodate the development, despite suggestions from local residents that it is already a heavily congested area at peak times.
69. Concerns were expressed about pressure on local infrastructure and services. Nonetheless, the submitted planning obligation would secure appropriate contributions towards infrastructure provision, and I am satisfied that the impacts arising from the additional population could be appropriately mitigated.
70. Other concerns relate to the design, scale and massing of the proposed development and its effect on the character of the area. However, such matters would be considered as part of the reserved matters.
71. Some interested parties contend that the proposal should not be re-considered given the previous dismissal of an appeal on the site. Whilst the previous appeal decision is an important material consideration, it does not prevent the submission or consideration of a subsequent application. The current proposal must be assessed on its own planning merits, having regard to any differences in the scheme, changes in policy, the evidence before the decision-maker, and all other material considerations. Accordingly, I have taken the earlier appeal decision into account but have reached my conclusions based on the circumstances of the present case.
72. The concerns, outlined above, were considered by the Council at the application stage and did not form part of the reasons for refusal. Having regard to the information before me, including the comments of statutory consultees, and the recommended conditions and obligations, there is no compelling evidence before

me that would lead me to come to a different conclusion to the Council on these matters.

Planning Obligations

73. The statutory tests for planning obligations are set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL). They must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development. The Council submitted a CIL compliance schedule identifying how each suggested obligation is consistent with its adopted policies and the requirements of the Regulations.
74. The section 106 provides that 50% of the proposed dwellings would be affordable and requires a scheme to be submitted which would, amongst other things, provide for a tenure split to subsequently be agreed. For the reasons previously stated, I consider the provisions in relation to affordable housing would be reasonable and necessary to make the development acceptable in planning terms.
75. Obligations relating to Biodiversity Net Gain (BNG) would be necessary to ensure the delivery of such measures consistent with the provisions of the Framework. I am satisfied that the obligation requiring a RAMS contribution is necessary to mitigate the recreational impacts arising from the proposed development on the identified habitats sites, thereby ensuring compliance with the requirements of the Habitats Regulations.
76. Obligations relating to provision, management and maintenance of open space including play would be necessary to meet needs of future occupiers. Obligations relating to the provision of residential travel information packs and highway works would be necessary to ensure appropriate access and to support sustainable travel choices in accordance with the Framework.
77. The planning obligation would also provide financial contributions towards healthcare, primary education, early years and childcare provision, and library, thereby helping to mitigate the additional pressure that the development would place on local infrastructure and community services.
78. The obligation would secure a financial contribution towards the expansion and installation of electric vehicle charging infrastructure at the existing Chelmsford Ambulance Hub. This contribution would help address the increased demand generated by the development and support the provision of sustainable emergency service infrastructure and I therefore consider this to be reasonable and necessary.
79. Having regard to the scale and complexity of the obligations secured, I am satisfied that provisions in respect of monitoring are reasonable and necessary to enable the Council to monitor compliance with the Agreement.
80. Having considered each obligation I am satisfied that the S106 Agreement includes the provision of infrastructure, which is necessary, directly required and fairly and reasonably related in scale to this development. Accordingly, I am satisfied that each of these obligations fall within the provisions of the CIL Regulations and the Framework.

Planning and heritage balance

81. The revised Framework introduced a presumption in favour of sustainable development for certain proposals outside settlement boundaries through NDMPs S3 to S5, replacing the presumption contained within the previous Framework. Policy S5(5) states that where development is found not to be inappropriate through the application of Policies HC8 and GB7, planning permission should be granted unless the benefits are substantially outweighed by any adverse effects when assessed against the national decision-making policies in the Framework and applying paragraph 2 of that policy.
82. Having found that the appeal site comprises grey belt land and that the proposal satisfies the requirements of Policy GB7, including the Golden Rules, the proposal is not inappropriate development in Green Belt terms.
83. I have identified a limited degree of landscape harm and limited harm to the significance of a NDHA. Although that harm would be limited, Policy HE7 (2) of the Framework states that where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.
84. The Appellant advances a number of considerations in favour of the proposal which I consider below:

Provision of housing

85. The parties agree that only 0.91 years' worth of housing land supply can currently be provided and that this represents a significant deficit. The HDT results show past housing delivery at levels substantially below requirements. The latest measurement indicates a figure of 11% which indicates a severe housing shortage, with only one Local Planning Authority having a worse HDT measurement than Castle Point.
86. Pending the adoption of a new local plan, the Council has indicated that it is endeavouring to maximise development on brownfield land. Nevertheless, it is difficult to envisage how identified housing needs can be adequately met without some release of land from the Green Belt. In any event, this does not affect the current five-year housing land supply position. Moreover, there is insufficient evidence before me to conclude that the Council's approach to prioritising brownfield development is materially influencing the rate of housing delivery. Based on the evidence before me, and in the absence of an up-to-date development plan, I have no substantive basis to conclude that housing supply is likely to improve significantly in the short to medium term.
87. Accordingly, the provision of 58 dwellings carries substantial weight and would align with Policy HO7 of the Framework which reflects the Government objective to significantly boost the supply of homes.

Affordable housing

88. The Council does not dispute that the delivery of affordable housing is at exceptionally low level. The evidence indicates that in the 11 years since the start of the Strategic Housing Market Assessment (SHMA) period in 2014/15, the Council has delivered an average of just 7 affordable dwellings per annum (or 6%

of total completions), net of Right to Buy. In the year 2024/25 the net increase was just 1 affordable dwelling.

89. The latest Local Housing Needs Assessment (LHNA) identifies a need for 86 affordable dwellings per annum. The Council accepts that there is a substantial demand for affordable housing, reflected in the significant number of households on the housing register and the extended waiting periods experienced by those seeking affordable accommodation⁷. As with market housing, there is no evidence before me that there is likely to be a marked improvement in the delivery of affordable housing in the short to medium term.
90. The appeal scheme proposes to deliver 50% affordable units (or up to 29 affordable units). This exceeds the Council's Developer Contributions Guidance Supplementary Planning Document 2008 which seeks only 35% affordable housing provision. The proposed 50% provision accords with the Golden Rules set out at the Framework. Accordingly, I concur that the delivery of 50% affordable housing should be afforded substantial positive weight, particularly given the Council is underperforming against its housing delivery requirements. In this respect the proposal would align with Policy H08 of the Framework in respect of providing affordable homes.

Open space

91. The appeal scheme includes the provision of public open space within the site, including an equipped play area. Although this provision is principally required to meet the needs of the development, it would nevertheless represent a public benefit of the scheme. The facilities would be available not only to future occupiers of the proposed dwellings but also to existing residents and visitors in the locality, thereby enhancing opportunities for recreation, informal play and social interaction. This would contribute positively to the health and wellbeing of the community and weighs in favour of the proposal.

BNG

92. The proposal seeks to deliver BNG of 2.88 habitat units and 1.92 hedgerow units, equating to percentage gains of 29.45% for habitats and 21.29% for hedgerows respectively. Accordingly, the BNG arising from the scheme would be in excess of the adopted policy requirement of 10%; and this is afforded significant weight.

Enhancement to ancient woodland

93. Land to the east and south of the appeal site is ancient woodland. Although indicative at this time, the submitted plans incorporate a 30m buffer between the residential development area and the ancient woodland, surpassing the minimum 15m buffer recommended in Natural England and Forestry Commission guidance. The submitted Ecological Impact Assessment (EclA) and Habitat Management and Monitoring Plan (HMMP) would set out measures to enhance areas of ancient woodland⁸ to improve its condition.
94. Whilst the Council considers the weight to be attributed to this benefit is reduced on the basis that the works proposed would likely be carried out anyway by Essex Wildlife Trust (EWT), the evidence indicates that the land is not in their ownership

⁷ Data published by MHCLG confirms that on 31 March 2025, there were 748 households on the Housing Register in Castle Point.

⁸ Valerie Wells Wood

(but rather the same ownership as the appeal site). Consequently, EWT does not manage it, or have rights to do so. The Framework recognises that ancient woodland is an irreplaceable habitat and I consider the enhancement to the condition of such habitat to attract significant weight as a benefit of the proposal.

Utilisation of a suitable and sustainable site to help meet development needs

95. Thundersley is identified to be one of the most sustainable settlements in the borough to accommodate growth. It is common ground, and I agree, that the appeal site is in a highly accessible location. No technical constraints to development have been identified and on this basis the site is considered suitable and sustainable for development.

Economic benefits

96. The Appellant identifies a range of economic benefits based on metrics derived from national studies as set out in the Technical Note on Economic and Social Benefits (TNESB)⁹. These have not been contested by the Council.
97. In summary, these benefits include 25 direct, indirect and induced net additional FTE jobs across the East of England, including an estimated 10 for Castle Point residents, during the construction period, and an estimated 65 economically active and employed residents. It further indicates the generation of up to £1.3 million resident expenditure annually on retail and leisure goods and services, with capacity to support 10 jobs in these sectors on an ongoing basis. £1.25 million is expected in Council Tax over ten years that would help fund public services in Castle Point and Essex. A further £1.3 million could also be generated via CIL payments to support investment in local infrastructure and the generation of £3.6 million Gross Value Added (GVA) contribution across the East of England region, including £2.8 million concentrated in Castle Point.
98. In the absence of substantive evidence that there is a causal link between the proposal and the closure of Ragwood Riding Centre, even if the centre were to close the economic impact of such would be limited in comparison to the benefits derived from the appeal proposal as a whole.

Concluding remarks on the benefits

99. Taking the above benefits together, I attribute them substantial positive weight in the planning balance, particularly, the provision of market and affordable housing and the contribution these would make towards housing supply at a time when the Council is unable to demonstrate a five-year housing land supply.
100. The proposal would comply with the Golden Rules and would deliver the associated benefits sought by Policy GB8(2) of the Framework. Accordingly, I attach substantial weight to this matter in the planning balance.
101. Having had regard to the significance of the NDHA and the limited harm that the proposal would cause, I have undertaken the balanced judgement required by Policy HE7(2) of the Framework. In doing so, I find that the benefits of the proposal outweigh the heritage harm.

⁹ Technical Note on Economic and Social Benefits February 2026 - Turley

102. Taking all of the above matters into account, I conclude that the overall planning balance falls clearly in favour of the development.

Conditions

103. Policy DM6 of the Framework states that conditions should only be imposed where they are necessary to make the development acceptable in planning terms, relevant to the development and planning considerations generally, sufficiently precise to make them capable of being complied with and enforced and reasonable in all other respects.

104. A draft list of conditions formed the discussion at the Hearing. I have considered those conditions against the tests outlined in the Framework and the advice in the PPG. I have made minor amendments, where necessary, to make them more concise, precise and enforceable.

105. The schedule includes several pre-commencement conditions that in this instance are necessary for the development to prevent harm and disturbance given the site's proximity to surrounding residential properties and its landscape and ecological context.

106. In addition to the standard conditions relating to outline schemes and the submission of reserved matters (1-3), it is necessary, in order to provide certainty, to identify the plans to which the decision relates (4), but only insofar as they relate to the matter of access and the parameters of the proposed scheme.

107. Concerns were raised regarding the potential effects of construction activities, including noise and disturbance. However, any such impacts would be temporary in nature and could be appropriately controlled through a Construction Management Plan (CMP) (5) requiring the implementation of suitable construction management measures. Accordingly, I am satisfied that the living conditions of nearby occupiers would be adequately protected.

108. Conditions in respect of contamination (6-7), including any necessary remediation, are required in the interests of human health and the environment. Conditions to manage any risks associated with surface water, drainage and off-site flood risk (8-10) are necessary to ensure no environmental harm arises.

109. In the interests of highway safety conditions would secure an appropriate access and road surface (11 and 20).

110. Interested parties raised concerns regarding the proposal's potential impact on wildlife. However, the proposal has been supported by adequate information to indicate that the development would secure mitigation and enhancement measures. Moreover, no ecological objections have been raised by the relevant consultees. Subject to the recommended planning conditions, I am satisfied that biodiversity would be protected and enhanced and specifically that protected species would not be adversely affected. The proposal would therefore accord with the biodiversity duty under section 40 of the Natural Environment and Rural Communities Act 2006 (as amended).

111. In this regard, a condition to secure the submission and implementation of a Biodiversity Construction Environmental Management Plan (12) is required to ensure that the development would not have an adverse impact on local biodiversity. At the Hearing the need for a Habitat Management and Monitoring

Plan (13) was discussed with the Appellant taking the view that the condition was reasonable and necessary as the provision goes beyond statutory BNG. I concur that such a condition is reasonable and necessary to ensure on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development. A Biodiversity Enhancement Strategy (14) and actions required in accordance with Ecological Appraisal (16) are necessary to enhance Protected and Priority species/habitats. A wildlife sensitive lighting condition (15) is necessary in order to prevent light pollution and protect biodiversity.

112. The evidence before me indicates that the appeal site lies within an area of archaeological interest. The Appellant considers the suite of archaeological conditions suggested by the Council to be onerous and unnecessary. However, the Archaeological and Heritage Assessment¹⁰ does not rule out the presence of archaeological remains beneath the site. In these circumstances, I consider it appropriate to impose a condition requiring an archaeological watching brief during development. Such a condition would ensure that any archaeological remains encountered are appropriately recorded and investigated. Accordingly, given the archaeological potential of the site and the current level of investigation undertaken, I am satisfied that this condition (17) is proportionate, reasonable and necessary, and therefore meets the relevant tests for planning conditions.
113. In the interests of reducing the need to travel by car and promoting sustainable travel conditions requiring residential welcome packs (18) and bus infrastructure enhancements (19) are reasonable and necessary.
114. The Council has suggested a condition requiring parking provision. However, the layout and associated parking arrangements would be considered, along with layout, at the reserved matters stage. I therefore do not consider such a condition to be necessary at this stage, and it would therefore fail the tests for planning conditions.
115. The Council has suggested a number of informative notes. However, I have not attached these to the decision as informatives are advisory in nature, do not form part of the operative decision, and are not enforceable. Nevertheless, the Appellant may wish to have regard to them in the implementation of the development.

Conclusion

116. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise. The Council's case rests on national policy considerations rather than any inconsistency with development plan policy. I therefore find no conflict with development plan policy.
117. Having regard to Policy GB7 of the Framework, I have concluded that the proposal would not constitute inappropriate development in the Green Belt. Furthermore, the proposal would comply with the Golden Rules, and in accordance with Policy GB8 of the Framework, this attracts substantial weight in favour of granting permission. I am also not persuaded that the proposal would directly result in the closure of the Ragwood Riding Centre.

¹⁰ The Environmental Dimension Partnership Ltd February 2023 ref: edp6171_r001b

118. Any landscape harm would be limited and localised and therefore attracts limited weight against the proposal.
119. Having undertaken an AA, I am satisfied that the proposal would not adversely affect the integrity of the relevant Habitats Sites. Similarly, having undertaken a balanced judgement I conclude that the limited harm to the significance of the NDHA, through development in its setting, would be outweighed by the benefits of the scheme. Accordingly, the application of policies relating to habitats sites and heritage assets does not provide a clear reason for refusing the development.
120. By contrast, the proposal would deliver substantial benefits, most notably the provision of market and affordable housing in an area where there is a severe and persistent shortfall in housing land supply. Such contributions align with Policies H07 and H08 of the Framework and should be afforded substantial weight. When considered alongside the proposal's other benefits, these considerations clearly outweigh the identified adverse effects.
121. Drawing all the matters together, and having regard to the material considerations before me, I conclude that the benefits of granting permission would not be substantially outweighed by any adverse effects when assessed against the national decision-making policies of the Framework as a whole. Accordingly, the appeal should succeed.

R. Gee

INSPECTOR

Schedule of Conditions

1. Prior to the commencement of the development, approval of details of the appearance, landscaping, layout and scale of the development hereby approved (the 'reserved matters') shall be obtained from the Local Planning Authority. The development shall be implemented in accordance with the approved details.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than 3 years from the date of this outline permission.
3. The development hereby permitted shall commence no later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan L01, Proposed Site Access 19137 SK_T_001 P5 and Land Use Parameter Plan 758-P02.
5. No development shall commence, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The Plan shall provide for:
 - a) An indicative programme for carrying out the works;

- b) Details of a nominated developer/resident liaison representative with an address and contact number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions with the ongoing development.
- c) Measures to minimise the emission of dust, dirt and noise (including vibration) generated by the construction process, to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).
- d) Procedures for managing all construction traffic management and vehicle routing, including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site, and measures to ensure these are adhered to.
- e) The arrangements for the parking of site operative vehicles and visitors within or around the site during construction, and any external storage of materials or plant throughout the construction phase;
- f) Wheel and underbody washing facilities.
- g) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- i) A scheme for recycling/disposing of waste resulting from demolition and construction works.
- j) Before and after condition survey to identify defects to highway in the vicinity of the access to the site, and where necessary ensure repairs are undertaken at the developers' expense where caused by the developer.

The approved Construction Management Plan shall be implemented in full for the entire construction period.

6. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:
- 1) A site investigation, based on the submitted Phase I desk study (JUBB Consulting Engineers Ltd. June 2025), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. This must include the depth of any Made Ground across the site, confirm sulphate concentration of site soils, determine the strata and soil strength profile beneath the site, and assess groundwater depth and likelihood of running sands. A copy of the site investigation and findings shall be submitted to the Local Planning Authority without delay, upon completion;
 - 2) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. No deviation shall be made from this

statement without the express written agreement of the Local Planning Authority;
and

3) A Closure Report, to be submitted upon completion of the works. The closure report shall include full verification details as set out in (2). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified as clean.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

7. Prior to the commencement of works, a detailed unexploded ordnance risk assessment in accordance with CIRIA Report C681 shall be carried out by a specialist contractor and submitted to the Local Planning Authority.
8. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
 - a) 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.
 - b) Limiting discharge rates to 12l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
 - c) 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.
 - d) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
 - e) Final modelling and calculations for all areas of the drainage system.
 - f) 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.
 - g) Detailed engineering drawings of each component of the drainage scheme.
 - h) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - i) An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.
 - j) Use of water butts should be considered as the development is in a critical drainage area.

The scheme shall subsequently be implemented prior to first occupation of the dwellings and shall be retained in that manner thereafter.

9. No development shall commence until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction

works and to prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be adhered to and implemented throughout the construction period.

- 10 Prior to first occupation of the development, a drainage maintenance plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system, including SuDS, and the maintenance activities/frequencies, has been submitted to and approved, in writing, by the Local Planning Authority. Drainage maintenance shall be carried out thereafter in accordance with the approved details.

Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

11. Prior to first occupation of the development, the access point at Daws Heath Road shall be provided as shown in principle on JUBB drawing SK_T_001 rev P5. The vehicular access points shall be constructed at right angles to the highway boundary and to the existing carriageway with an appropriate dropped kerb vehicular crossing of the footway with clear to ground visibility splay. Such vehicular visibility splays of 2.4m x 120m in both directions, shall be provided before the road junctions are first used by vehicular traffic and retained free of any obstruction at all times thereafter. All redundant access points along the site frontage shall be suitably reinstated with full upstand kerb and footway provision.
12. Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) 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).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

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

13. Prior to commencement of the development hereby approved, A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:
- a) a non-technical summary;

- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) 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;
- d) 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;
- e) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- f) details of the content of monitoring reports to be submitted to the Local Planning Authority including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

14. Prior to any works above slab level, a Biodiversity Enhancement Strategy for biodiversity enhancements for Protected and Priority Species, prepared by a suitably qualified ecologist in line with the recommendations of the (Ecological Impact Assessment - Tyler Grange Ltd, November 2025) 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 (where relevant);
- d) Persons responsible for implementing the enhancement measures; and
- e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

15. No development shall commence above ground level until a lighting design scheme for biodiversity (in accordance with Guidance Note 08/23 Institute of Lighting Professionals) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- a) identify those areas/features on site that are particularly sensitive for bats 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.

No external lighting shall be installed other than in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.

16. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Tyler Grange Ltd, November 2025) as submitted with the Outline Application. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
17. No development, including any groundworks, shall take place until a Written Scheme of Investigation (WSI) for an archaeological watching brief has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the archaeological monitoring to be undertaken, together with arrangements for the recording, reporting, publication and archiving of any archaeological remains encountered.

The development shall thereafter be carried out in accordance with the approved WSI. The archaeological watching brief and any post-investigation assessment shall be completed in accordance with the approved details, and the resulting report shall be submitted to the Local Planning Authority within a timescale to be agreed as part of the approved WSI.

18. Prior to occupation of the first dwelling in the development, the Developer shall submit to the Local Planning Authority for approval in writing, in consultation with Essex County Council, a Residential Welcome Pack which includes details of travel plan measures to encourage the use of sustainable modes of transport and to include 6-day travel ticket for bus travel from the development site.

The Residential Welcome Pack as approved should be provided to each dwelling upon first occupation.

19. Prior to occupation of the proposed development, bus infrastructure enhancements shall be provided to upgrade the existing two stop facilities on Daws Heath Road to the west of the proposed development, to include raised and drop kerb sets and Real Time Information, as shown in principle on JUBB drawing SK_T_001 rev P5. Both sets of improvements shall be completed at the expense of the developer and to the satisfaction of the Highway Authority.

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

*****End of Schedule*****

APPEARANCES

FOR THE APPELLANT

Paul Tucker KC	Kings Chambers
Sam Hollingworth	Ceres Property
Will Gardner	EDP
Grant Stevenson	Rainer Developments & Strategic Land
Stuart Tym	Knights PLC
Rebecca Taylor	Knights PLC
Isabel Ede	Cres Property

FOR THE LOCAL PLANNING AUTHORITY

Asitha Ranatunga	Cornerstone Barristers
Stephen Garner	Castle Point Borough Council
Michelle Katzler	Castle Point Borough Council

INTERESTED PARTIES

Councillor T Copsey

Councillor L Dixon

Councillor J Knott

Councillor K Knott

Councillor R Lillis

DOCUMENTS SUBMITTED DURING THE HEARING

Speaking note of Councillor T Copsey

Speaking note read by Councillor J Knott on behalf of Castle Point Wildlife Group

Unsigned, updated and agreed version of Section 106 Agreement