



Appeal Decision

Inquiry held on 25-26 November 2025

Site visit made on 26 November 2025

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th December 2025

Appeal Ref: APP/W1525/W/25/3368272

Land South of J18, A12, Sandon, Chelmsford, CM2 7RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
- The appeal is made by Pigeon (Sandon) Ltd, Richard Holmsted Speakman and Sally Ann Judith Speakman against Chelmsford City Council.
- The application Ref is 24/01768/OUT.
- The development proposed is described as “Outline planning application for a commercial development of up to 46,605sqm of mixed employment, logistics, storage and distribution uses (use classes E(g)(iii), B2, B8) supporting associated development, infrastructure and landscaping. Appearance, landscaping, scale and layout reserved. Access being sought.”

Decision

1. The appeal is allowed, and outline planning permission is granted for “a commercial development of up to 46,605sqm of mixed employment, logistics, storage and distribution uses (use classes E(g)(iii), B2, B8) supporting associated development, infrastructure and landscaping. Appearance, landscaping, scale and layout reserved. Access being sought” on Land South of J18, A12, Sandon, Chelmsford CM2 7RZ in accordance with the terms of the application reference 24/01768/OUT, and subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was made in outline with approval sought for access. Layout, appearance, landscaping and scale would be the subject of future applications for approval of reserved matters. Plans were submitted showing the access and an indicative layout of the site. Indicative plans have been treated as such.
3. As the appeal was submitted against the failure of the Council to give notice within the prescribed period of their decision on the application, no reasons for refusal were available at the time the appeal was submitted. The Council did subsequently produce putative reasons for refusal and an Officer Report to support them.
4. A Case Management Conference was held on 1 September 2025 with representatives of the appellant and the Council. At that conference, procedural matters including the main issues, and the format of the evidence were discussed and clarified, but the merits of the proposal were not discussed.
5. During the appeal process and in advance of the opening of the inquiry, the Council confirmed that they support the granting of planning permission on appeal. In the most up to date Statements of Common Ground (SOCG) between the Council and the appellant it was agreed that planning permission should be granted.

6. Third parties however maintain their objections to the proposal and appeared at the inquiry to make their case.
7. In light of the late agreement between the main parties on the main issues, it was suggested by third parties that the submission of the information which led to that agreement was procedurally unfair and inconsistent with the two tests set out in the judgement of Holborn Studios¹. I have considered this but am satisfied that the approach of the main parties, and indeed, my approach to the submitted information is wholly consistent with the Holborn Studios judgement.
8. The information which led to the agreement between the main parties represents neither a substantial difference nor a fundamental change to the application. The development for which outline planning permission was sought has not changed. Indeed, the Council is clear that each of their putative reasons for refusal was expressed in terms of an insufficiency of information, and there was no in-principle objection to the proposal in this location.
9. In considering the procedural test in the Holborn Studios judgement, given the timeline of publication of information, and the opportunity at the inquiry for third parties to make their case, I do not consider that, even notwithstanding my conclusion that the information represented an amendment to the proposal, there was any procedural unfairness as a result.
10. During the inquiry, reference was made to a duplicate application, apparently for the same proposal, on the same site which is with the Council for determination. Other than such references, I have no details of that application. I do not consider it necessary to have details of it, and do not consider that it has any bearing on my decision in this appeal.

Main Issues

11. Having regard to the putative reasons for refusal, the main issues are
 - the effect of the proposal on the operation, capacity and safety of the A12 and the local road network,
 - whether or not the proposal is in a suitable location with regard to local and national policies for employment sites, sustainable transport and accessibility,
 - whether the proposal would be at risk from all forms of flooding and would lead to an increased flood risk elsewhere, and
 - the effect of the proposal on safeguarded minerals within the site.

Reasons

Local road network

12. A highway-specific SOCG² was submitted, signed by the appellant, the Council, the County Council in their role as Local Highway Authority (LHA) and National Highways (NH) in their role as the Strategic Highway Authority with responsibility for the A12, which is part of the Strategic Road Network.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

² Core Document C12

13. That SOCG made clear that subject to the imposition of conditions, the proposals would not have an unacceptable effect on the operation, capacity or safety of the strategic or local highway network.
14. The SOCG includes detailed schedules of transport and highways considerations agreed between the appellant and both the LHA and NH. These cover a wide range of information, including, but not limited to existing highway conditions, the detail of the proposals, the detail of required changes to the wider networks, the suitability, accuracy and reliability of modelling, including the appropriateness of the data, assumptions and forecasting within it, as well as agreement on the future effects of, and acceptability of the appeal scheme. This agreement extends to, and includes consideration of new, controlled crossings on the A12 slip roads.
15. Taken together with the other written evidence, this sets out the existing highway context, the proposal, the likely effects of the proposal including traffic volumes, the proposed access and highway works and their effects, as well as an overall agreed conclusion that the proposal is acceptable in all of these regards and the development will accord with local and national transport policies. I agree with these conclusions.
16. I acknowledge the concerns of residents, but there is nothing before me to contradict the detailed technical evidence in this appeal that the proposal would not cause any harm to highway safety or convenience on the local or strategic road network. In considering the concerns of local residents, I note in particular the evidence of Mr Sykes at Stomor Civil Engineering Consultants for the 4 Parishes Working Group³. I accept that his evidence is a technical assessment of the proposal which does not wholly concur with that of the appellant. I also note the personally described, lived experience of day-to-day users of the local highway network. However, it is clear from the evidence of the appellant⁴ that the areas of concern have been assessed in detail. It is also clear that there is an atypically high level of confidence and agreement between the appellant, the LHA and NH as to the likely effects of the proposal on the local and strategic highway network, and on the acceptability of those effects.
17. I am also satisfied that the proposal, the mitigation and the modelling which supports it properly takes into account future growth in network demand and usage, the adjacent Hammonds Farm development proposals and other relevant future planned growth.
18. The proposal would therefore, subject to conditions, not have a negative, unacceptable or otherwise harmful effect on the operation, capacity and safety of the A12 and the local road network. In this, it would not conflict with national policy in the National Planning Policy Framework (the Framework) requiring no unacceptable impact on highway safety, or that any residual cumulative impacts on the road network, following mitigation, being severe, taking into account all reasonable future scenarios.

³ Inquiry Document 8, Core Document B10

⁴ Mr Marshall's evidence in chief, Core Documents G01-G11

Location

19. The site is located on, and proposed to be accessed from a classified, major road, immediately adjacent to the Strategic Road Network in the form of the A12. Regardless of the decision to cancel a DCO which apparently sought to upgrade the A12, the local and strategic road network around the site has the capability to serve the development and the traffic it would create.
20. Furthermore, the site is within easy walking distance of the Sandon Park and Ride, which is itself well-served by public transport. Other, existing bus routes also pass the site entrance, with stops on both sides of the road. It is clear, from the evidence of the appellant, and my observations on site, that these public transport connections are already well used in spite of the limited footways in certain areas.
21. The proposal would improve connections and links between the site and existing public transport opportunities and would also significantly improve opportunities for non-car, non-public transport modes of transport.
22. I consider that the site is therefore already a sustainable one, and the improvements which the proposal would deliver can only add to that. This combination of suitability for the proposed use with very little impact on the local road network, owing to the proximity to the strategic road network, and real, practical opportunities for sustainable transport for employees is somewhat unusual, and to my mind reinforces the overall sustainability and suitability of the site for the development proposed.
23. That land to the north of this site is expected to be developed under the emerging Local Plan for a substantial number of homes, facilities, infrastructure and further employment space will add to the overall sustainability of the appeal site. It is however important to note that the appeal site is a stand-alone employment site which is not reliant on other sites or wider master planning for its delivery or for the realisation of benefits associated with it. The appeal site is also not reliant on other sites or wider master planning for my conclusions on its sustainability and suitability to be properly reached.
24. The appeal site is within a Rural Area as defined in Policy S11 of the Chelmsford Local Plan 2013 to 2026, adopted 27 May 2020 (the Local Plan). Appropriate development in such areas is set out in relevant Development Management Policies, in this case, Policy DM8. Setting aside the requirements around the effect of development proposals on the character and beauty of the countryside, the proposal is fundamentally not one of the forms of development allowed for in Rural Areas by this policy.
25. The Local Plan does however set out spatial principles for the location of new development, in order to achieve strategic priorities. As a well-connected, accessible and sustainable location, promoted for development in the emerging plan which itself seeks to build on the strategic priorities of the Local Plan, the proposal does not conflict with the spatial principles set out in Policy S1. For the same reasons, the proposal would not conflict with the aim of Policy S7 to focus employment growth to the most sustainable locations in accordance with the settlement hierarchy.

26. The proposed allocation of the site within the emerging plan reinforces the conclusion that the site is one of the most sustainable locations for growth, consistent with the requirement of Policy S7.
27. Whilst there is conflict with Policy DM8 of the Local Plan, I find that the site is in a suitable location with regard to local and national policies for employment sites, sustainable transport and accessibility. This is consistent with national policy in the Framework to ensure that sustainable transport modes are prioritised taking into account the vision for the site, the type of development and its location. In these terms, the proposal would also not conflict with Policies S1, S7 or S11 of the Local Plan.

Flooding

28. The initial Flood Risk Assessment (FRA), Flood Risk Modelling Files and model were not considered satisfactory by the Environment Agency (EA). Following updates, clarification and revision, an updated FRA was produced along with updated hydraulic and hydrology modelling. The EA is now satisfied that the modelling is representative of flood risk in the area and is an appropriate basis for the FRA. The EA note that the model now includes a post-development scenario incorporating the Sandon Brook footbridge and proposed ground-level changes. The EA are now satisfied with the FRA, its conclusions and the recommendations within it, subject to those recommendations, mitigations and compensatory arrangements being secured by condition.
29. I note criticisms by third parties of the evidence and the modelling used in the Flood Risk Assessment. However, I cannot set aside the fact that the EA, who most latterly assessed the relevant information on 9 October 2025⁵ are satisfied with the proposal in respect of flooding, subject to the imposition of conditions.
30. I would also make clear that the modelling and FRA work, including, logically, the response of the EA, was carried out in light of the most up-to-date flood mapping dataset, NaFRA2.
31. Taking all of the above into account, it is now clear that subject to the imposition of conditions, the proposal would not be at unacceptable or unmanageable risk from all forms of flooding and would not lead to an increased flood risk elsewhere. As such, it does not conflict with Policy S2 or Policy DM18 of the Local Plan. It is also consistent with national policy in the Framework and guidance in the Planning Practice Guidance (the PPG).

Minerals

32. The initial Minerals Assessment submitted with the application was not considered to provide sufficient information for the Mineral Planning Authority to determine whether or not it was practical or feasible to extract minerals within the site in advance of their effective sterilisation upon the carrying out of the proposal on the site.
33. A revised Minerals Assessment and Minerals – Supplementary Information technical note was submitted during the appeal process. The Mineral Planning Authority is now satisfied that the minerals within the site are not of a volume, quality or spatial distribution which would make extraction commercially viable.

⁵ Core Document B29

However, a condition has been agreed to ensure the incidental extraction of minerals during the development of the site, to ensure that those minerals that can be, are recovered and put to beneficial use.

34. The proposal would not therefore have an unacceptable effect on safeguarded minerals within the site and does not then conflict with Policy S8 of the Essex Minerals Local Plan 2014. It is also consistent with national policy in the Framework which promotes an effective use of land.

Other Matters

35. The appeal site is within the Sandon Neighbourhood Plan 2023 – 2036 area, but not within the defined Sandon village setting, which is clearly shown on map 3 in the plan. Even though the proposal is not therefore subject to Policy SAN H1 of the Neighbourhood Plan, in light of the evidence before me and my own observations during my site visits, I am satisfied that the proposal would not conflict with that policy in any event. The agreed and accepted evidence before me on biodiversity, and in particular, biodiversity net gain leads me to conclude that there is no conflict between the proposal and Policy SAN G1 of the Neighbourhood Plan.
36. As set out in my Preliminary Matters above, the Council and appellant agree that planning permission should be granted for the appeal proposal. Agreement on the acceptability of the proposal in respect of all matters is set out in the SOCGs⁶. It is also plain from the evidence of the Council that they are overall, satisfied that the balance of harms and benefits, the development plan and material considerations in the case weigh in favour of the grant of planning permission.⁷
37. However, third parties have raised, and continue to maintain, objections to the proposal on a number of grounds. In addition to those not dealt with in my main issues above these objections include amongst other things, the propriety of the approach to the proposal, need, landscape and visual effects, the loss of best and most versatile (BMV) agricultural land, heritage harm and wildlife/biodiversity effects.
38. I give no weight to the allegation that the timing of the appeal application and indeed, the appeal, was in some way deliberately planned to ensure that this proposal was considered at the same time as elements of plan consultation, and indeed, other similar applications elsewhere in a deliberate attempt to confuse or frustrate the ability of third parties to engage with this proposal, the plan-making process, or indeed, frustrate the ability of the Council to carry out all of their development management and plan-making functions effectively. There is no evidence to support this. Indeed, the number of representations would seem to contradict such allegations. Similarly, it is plainly not an abuse of the system or an abuse of the process to submit a planning application and then pursue an appeal.
39. Concerns over the relationship of this proposal to the plan-making process are valid and understandable. However, the Framework sets out a very clear test around prematurity at paragraphs 50 and 51. This makes plain that the circumstances in which arguments that an application is premature only arise in limited circumstances. Demonstrating these limited circumstances also requires the satisfaction of a multi-step test.

⁶ Core Documents C10, C11, C12

⁷ Core Document A53, C06, Proof of Evidence of Neil Jordan, Inquiry Document 2

40. It is clear in this case that given the overall level of employment need the proposal is neither so substantial, nor would its cumulative effect be so significant that it would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development central to an emerging plan.
41. It is clear that the proposal accords with the settled view of the Council as to the scale, location and phasing of new development in the emerging plan, however, the proposal is not so large, or so central to that emerging plan that a decision on it now would skew or otherwise undermine the plan-making process.
42. Whilst I acknowledge that the Council is due to carry out another round of Regulation 19 consultation on their emerging plan, they have themselves made clear that the focus of this consultation is housing matters. No changes are proposed to the emerging employment allocations, the proposed allocation of the appeal site, or the evidence which underpins those decisions or the overall approach to employment land in the emerging plan.⁸
43. I note the suggestions that the proposal represents an untested pattern of growth. However, in light of the current stage of the emerging plan, the detailed evidence which supports it as well as the attested-to level of engagement with the plan-making process, and the clear level of engagement with this application and appeal process, I am satisfied that the pattern of growth, the location and effects of the proposal are far from untested.
44. Given that, and the explicit acknowledgement by the Council that they have considered the Framework tests and do not consider that the proposal could be justifiably refused on the grounds of prematurity⁹ further weight is added to my conclusion that the proposal is not premature and that the plan making process is not undermined or otherwise skewed by this proposal.
45. There is an identified need for the employment floorspace provided by the appeal proposal. This need is greater than that identified in the adopted Local Plan, but as is common ground between the parties, the Local Plan is deemed out-of-date with respect to employment need. In any case, the need which the Local Plan seeks to deliver is based on data from 2015. In contrast, the up-to-date need evidence before me in this appeal, and on which the emerging plan is based, is from 2023 and 2024.
46. Although the proposal would result in development on and of a currently open field in agricultural use within a designated Rural Area, the site is visually well-contained with a sense of enclosure provided by woodland. There is strong evidence that the site has a low landscape value as well as a medium-high landscape capacity for development. It is also immediately adjacent to the A12 and A414, and close to the developed edge of Chelmsford.
47. Short and long-distance views of any completed development on the site would be possible, but in time, the effect of these would be reduced by landscaping, both new and retained. The Development Parameters plan, required by condition also sets maximum building heights for different areas of the site, as well as defining the development and landscaping areas to reduce and manage landscape and visual effects of the proposal.

⁸ Core Document C11

⁹ Core Document C10 and Proof of Evidence of Neil Jordan

48. As such, acknowledging that appearance, scale and layout are reserved matters and not before me for detailed assessment, I am satisfied that the proposal could give rise to a form of development which would not harm amenity, the living conditions of occupiers of existing nearby properties, the character and appearance of the area, or adversely affect the intrinsic, identified character and beauty of the Rural Area.
49. The Framework encourages decisions to be made in recognition of the importance of BMV agricultural land. This must of course be balanced against other considerations. Whilst the proposal would lead to the loss of some BMV agricultural land, given the amount of such land across the district, the loss of this site is considered by the Council to represent only a small measure of harm. I agree with this assessment.
50. There are a number of designated and non-designated heritage assets whose significance would be affected by the proposal. These are a number of listed buildings, a registered park and garden and a local manor house. The effects of the proposal on these has been assessed in detail by the appellant in their Built Heritage Statement¹⁰, and although there is minor disagreement between the conclusions of that statement and the conclusions of the Council's Conservation Officer, the overall worst-case scenario is that the proposal would give rise to a low to very-low level of less than substantial harm to the significance of these heritage assets through development within their setting.
51. The proposal would deliver a substantial biodiversity net gain (BNG). The proposal would result in a 19.59% gain in habitat biodiversity units, 163.89% in hedgerow biodiversity units and 20.02% in watercourse units. This significantly exceeds the statutory requirement. Although I note concerns that such gains are theoretical, they are professionally calculated, and their implementation and monitoring are secured by condition. In this, it is also important to note the relatively low biodiversity of a field used for agricultural purposes.
52. A Preliminary Ecological Assessment submitted with the application confirmed that the proposal would result in no significant impacts to rare or high value habitats or protected species.
53. I note concerns over the appeal development setting a precedent for other such development in the area. Consistency in decision making is an important part of the planning process, but all decisions are made on the particular merits of the case, including consideration of the peculiarities of the site, its surroundings and the effects of a development. Although in this case, on this site, in relation to the context of this site I have found that the development would be acceptable, those conclusions do not necessarily have relevance beyond the particular circumstances of this development and would not harm the ability of the Council to refuse inappropriate or otherwise harmful development proposals elsewhere.

¹⁰ Core Document A12

Planning balance

54. The Local Plan dates from 2020 and the main parties agree that the most important policies within it for determining the application, particularly with regard to the amount of employment land to be delivered are deemed out of date by the Framework. Parties further agree that the test at paragraph 11d of the Framework is engaged.
55. The main parties agree that there are significant public benefits arising from the proposal. These include, but are not limited to an important, meaningful contribution towards identified employment need, a significant number of construction and operational jobs and expenditure in the Council area, a significant yearly addition to the economy. These benefits would accrue in a sustainable location, which can be safely and sustainably accessed, on a site which would also deliver significant biodiversity net gain and new on-site green infrastructure.
56. I have identified that there is a low to very-low level of less than substantial harm to the significance of a number of designated heritage assets. Great weight should be given to the assets' conservation, but the harm I have identified should be weighed against the public benefits of the proposal. A similar level of harm has been found to the significance of a non-designated heritage asset, and a balanced judgment is required having regard to the scale of that harm.
57. Taking into account the substantial public benefits of the proposal set out above, I find that the public benefits of the proposal do clearly outweigh the level of less than substantial harm I have found. As such, policies in the Framework that protect heritage assets do not provide a strong reason for refusing the development proposed. The main parties also reached this conclusion in their original SOCG.
58. The proposal would also result in some loss of BMV agricultural land, but this loss is considered acceptable in face of the benefits that would accrue from the proposal, and the amount of such land in the area.
59. Although the proposal is in outline, I consider that the development applied for could achieve well-designed places, consistent with the requirements of national policy set out in the Framework. The evidence before me on views, landscape and character effects, likely future landscaping and scale parameters and effects leads me to conclude that whilst development on the site would be visible, this would not be unduly harmful or otherwise unacceptable.
60. Weighing all of the above in the balance, I do not find that the adverse impacts of granting permission for the appeal proposal would significantly and demonstrably outweigh the substantial benefits I have found, having particular regard to policies for directing development to sustainable locations and making effective use of land.
61. The proposal therefore benefits from the presumption in favour of sustainable development set out in the Framework.
62. This conclusion is the same as that reached by the Council.¹¹

¹¹ Proof of Evidence of Neil Jordan

Conditions

63. In their SOCGs the Council and appellant have suggested a list of agreed conditions to be attached, should planning permission be granted. Having had regard to the requirements of the Framework and the PPG I have imposed the conditions as requested. I am satisfied that they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
64. There is also clear policy justification for the conditions imposed, as well as obvious links between the main issues, other matters of concern and the conditions, reinforcing their necessity and relevance.
65. I am satisfied that the conditions which require off-site works are appropriate as they require the carrying out of works which are expedient for the purposes of or in connection with the development authorised by this permission.
66. Conditions 30 to 33 remained the subject of disagreement between the appellant and the Council as to whether or not they should be imposed at outline stage. The appellant suggests that they are fundamentally matters of layout which can be conditioned in subsequent approvals of reserved matters. Whilst I note that point, I consider that they are in fact needed to clarify what should be submitted at reserved matters stage, and as such, it is necessary, relevant and reasonable for them to be imposed at this stage.
67. I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the PPG.

Planning obligation

68. I have had regard to the evidence, including the CIL compliance statement and the Framework in considering whether the requirement for contributions towards local open space, travel planning, employment and skills planning and the biodiversity net gain monitoring fee meets the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010. I am satisfied that such contributions would be necessary to make the development acceptable in planning terms, directly relate to the development and are fairly related in scale and kind to the development.
69. A signed and sealed obligation under section 106 of the Act has been provided which provides for the above contributions. The Council confirmed that the obligation meets their requirements, both legally and with regard to what it will secure and deliver.
70. I agree with that conclusion.

Conclusion

71. Notwithstanding that the proposal benefits from the presumption in favour of sustainable development in the Framework, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

72. I have found only very limited conflict with the development plan above, essentially relating to the location of the site within a Rural Area, in which development of this type is not permitted. Overall, I find that the proposal does accord with the development plan read as a whole.
73. Although my conclusion on the development plan is sufficient to warrant the grant of planning permission, there are also significant material considerations which weigh in favour of the proposal, and which should be set out. These have been agreed between the Council and the appellant, and there is nothing in the written evidence before me, nor was anything presented at the inquiry which leads me to disagree.
74. As noted, the proposal does benefit from the presumption in favour of sustainable development set out in the Framework. In addition, the proposal would deliver economic, environmental and social benefits, and include significant biodiversity net gain, the provision of employment land, support for economic growth, including many jobs and off-site highway improvements.
75. The appeal site is also proposed to be allocated for the appeal proposal in the emerging local plan. I accept that the allocation in the emerging plan is of somewhat limited weight. The plan has not yet been submitted for examination and there are objections to its allocation. However, the evidence base which informed the selection of the site and the assessment of it, are material to this decision, and do weigh in favour of it. Moreover, the consideration of a planning application such as this one, requires greater and additional detail than a site allocation, and the proposals are of course, subject to public consultation and scrutiny. Further opportunity for consultation and engagement will of course arise during any subsequent applications for approval of reserved matters.
76. I also note, and give significant weight to the Council agreeing, in the SOCG, their appeal statement and in their opening statement that planning permission should be granted. This agreement and position arises regardless of the different conclusions which the appellant and Council maintain on the overall compliance of the proposal with the development plan read as a whole.
77. There is nothing within the other matters which I have set out that leads me to a different conclusion, or otherwise affects my reasoning in this decision.
78. Rather than undermining the plan-led system, I consider that my consideration of this proposal, including the context to it, reinforces it. My reasoning and conclusion emphasises the primacy of the development plan, consistent with the test at section 38(6) of the Act.
79. Overall, I find that the proposal accords with the development plan when read as a whole. Even if the extremely limited conflict with it were to be fatal, then there are material considerations which weigh significantly in favour of the proposal and lead me to the same conclusion.
80. The appeal should then be allowed, and outline planning permission granted.

S Dean

INSPECTOR

Appearances

FOR THE APPELLANT:

Richard Turney KC

Instructed by Howes Percival LLP, called;

Neil Marshall FCIHT

Sam Hollingworth MRTPI

Partner, i-Transport LLP

Associate Partner, Ceres Property

Jessica Ferguson, Associate at Ceres Property, appeared for the conditions discussion.
Jay Mehta, Partner at Howes Percival LLP, appeared for the planning obligation discussion.

FOR THE LOCAL PLANNING AUTHORITY:

Josef Cannon KC

Instructed by the Borough Solicitor, called no witnesses.

Neil Jordan, Principal Planning Officer at Chelmsford City Council, appeared for the conditions and planning obligation discussions.

INTERESTED PARTIES

Peter Irvine	Chair Little Beddow Parish Council, 4 Parishes Working Group and local resident
Keith Ferguson	4 Parishes Working Group and local resident
David Mountain	Local resident
Mandy Hessing	Chair Danbury Parish Council and local resident
Alan Roche	Parish Councillor and local resident
Martin Cross	Sandon Parish Council and local resident
Julia Jeapes	City Councillor for the area
Kevin Sykes MEng MCIHT	Stomor Civil Engineering Consultants for the 4 Parishes Working Group
Laura Beech MRTPI	Associate Director at Walsingham Planning on behalf of the 4 Parishes Working Group
Keith Boyce	Local resident

Core Documents

Separate list attached.

Documents submitted during the inquiry

1. Appellant's opening statement
2. Council's opening statement
3. Keith Ferguson statement
4. Mandy Hessing statement
5. Alan Roche statement
6. Martin Cross statement
7. Julia Jeapes statement
8. Kevin Sykes of Stomor Civil Engineering Consultants statement
9. Laura Beech of Walsingham Planning statement
10. Appellant's closing statement

Documents submitted after the close of the inquiry

1. Signed and certified completed planning obligation, dated 9 December 2025.

Schedule of conditions

1. 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 permission and no development shall commence until reserved matters has been granted for that phase.
2. The development hereby permitted shall take place no later than 2 years from the date of approval of the last of the reserved matters to be approved.
3. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") for a phase shall be submitted to and approved in writing by the local planning authority before any development on that phase takes place and shall accord with the following plans:

Site Location Plan 21014 F0010 Rev H
Development Parameters 21014 F0023 Rev H

The development shall be carried out as approved.

4. No development shall commence until a detailed phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan. The phasing plan shall include details of the following:
 - A) Minerals development
 - B) Non-minerals development
 - C) Provision of access, main movement routes and parking within the site
 - D) Surface water features and other strategic utilities
 - E) Structural landscaping and planting provisions
5. Prior to commencement of any development (including site clearance works), ground works (or any other works disturbing the ground), site preparation or construction works on a phase the following shall be submitted to and approved in writing by the local planning authority for that phase:
 - Pre-work badger survey
 - Ground level bat survey
 - Water vole survey
 - Pre-work check for otters
 - Precautionary Working Method Statement for GCN and reptiles
 - If vegetation clearance to take place within the nesting season, a pre-works survey for Kingfisher, Barn Owl and Quail

In the event that pre-work surveys or checks do confirm the presence of protected species, the survey results as submitted to the local planning authority prior to the commencement of works (as above) shall be accompanied by a mitigation statement prepared by a suitably qualified ecologist setting out their advice for further actions in accordance with relevant legislation.

6. Prior to commencement of development (including any preparatory ground works (or any other works disturbing the ground)) on a phase, a programme of archaeological and geoarchaeological investigation to be set out within a Written Scheme of Investigation (WSI) shall have been submitted to and approved in writing by the local planning authority for that phase.

7. Prior to commencement of development (including any preparatory groundworks (except works associated with the archaeological investigation)) a programme of archaeological evaluation as identified in the WSI (defined in condition 6 above) on a phase shall have been carried out and results submitted to and approved in writing by the local planning authority for that phase.
8. Prior to commencement of development (including any preparatory groundworks (except works associated with the archaeological investigation)) on a phase a mitigation WSI detailing the excavation/preservation strategy shall have been submitted to and approved in writing by the local planning authority for that phase.
9. No development (including any preparatory groundworks (except works associated with the archaeological investigation)) shall commence on those areas containing archaeological deposits within a phase until evidence of satisfactory completion of fieldwork and date of completion of fieldwork, as to be detailed in the mitigation WSI, has been submitted to and approved in writing by the local planning authority for that phase.
10. Within 6 months of the date of completion archaeological fieldwork the applicant shall submit for approval in writing by the local planning authority a Post Excavation Assessment and/or Updated Project Design. This will cover the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.
11. No development shall take place on any phase, excluding site clearance and enabling works, until a method statement covering the following matters has first been submitted to and approved in writing by the Local Planning Authority.
 - A. A method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use; and
 - B. A method to record the quantity of recovered mineral (re-use on-site or off-site) and to report this data to the Minerals Planning Authority upon completion of the development.

The agreed method statement shall be implemented in the course of construction as approved.

12. No phase of development shall commence until a Construction Environmental Management Plan (CEMP) relevant to that phase has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

- i. The management and routing of construction and demolition traffic including: the location and general arrangement of access points for site traffic, routes within the site to be kept free of obstruction, details of the off-site routing of construction and demolition traffic including arrangements of any abnormal loads, any temporary traffic management/signage, on-site parking arrangements for construction vehicles and vehicles of site operatives and visitors, directional signage on and off-site,
- ii. Measures, which shall include wheel and underbody washing facilities, to prevent and promptly mitigate deposition onto the highway of soil, silt or other debris from construction vehicles including monitoring and enforcement procedures,
- iii. Arrangements and areas on site for the loading and unloading of plant and materials,
- iv. The location and size of site compounds and areas for storage of plant and materials,
- v. hoarding positions,
- vi. Specific details of the initial works to construct the access including details of the location and requirements of any interim site compound, storage areas and off-roading parking areas for site operatives and confirmation of the duration of this phase of work,
- vii. A scheme to prevent surface water discharge onto the highway during construction
- viii. Measures to control the emission of dust and dirt during construction,
- ix. Measures for the control of noise and vibration during construction, and details of delivery and construction working hours,
- x. Procedures for maintaining good public relations, including complaint management procedures, community consultation and liaison and confirmation of site contact details for public/Council liaison,
- xi. Procedures for how retained Green Infrastructure, such as trees, hedges and vegetation, will be protected during construction,
- xii. The clearance of Himalayan Balsam shall be carried out as part of the preparatory site works with methodology for this, to prevent spread, to be detailed within the CEMP. If however there is a need to clear Himalayan Balsam prior to commencement and before agreement of the full CEMP, such details shall be submitted to and approved in writing by the local planning authority under a pre-CEMP statement, which if agreed shall be included within the full CEMP when it is submitted for approval.

The approved Construction Environmental Management Plan shall be adhered to throughout the duration of the construction period. The Construction Environmental Management Plan shall be managed and monitored by the applicant (or subsequent developer) throughout its operation.

13. No phase of development shall commence until a scheme to minimise offsite flooding caused by surface water run-off and groundwater during construction works and measures to prevent pollution has been submitted to and approved in writing by the local planning authority for that phase. The approved scheme shall be adhered to throughout the construction period for the development.
14. No phase of development shall commence until final, detailed drawings and sections showing the finished levels of all parts of the development in relation to the levels of the surrounding area have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details.
15. No phase of development shall be constructed above slab level, until details of the materials to be used in the construction of that phase of the development have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
16. No phase of development shall commence until a specification of all hard and soft landscaping works relating to external areas and content for that phase has been submitted to and approved in writing by the local planning authority to include layouts and large-scale drawings with written specification as necessary of the following:
 - i. hard materials type and setting out,
 - ii. steps, kerbs and ramps,
 - iii. seating,
 - iv. freestanding lighting columns,
 - v. handrails/guardrails,
 - vi. waste and recycling receptacles,
 - vii. cycle stands,
 - viii. existing trees, hedges or other soft features to be retained,
 - ix. definitive proposed planting specification containing species and sizes,
 - x. tree pits, root barriers and staking,
 - xi. any in-built method(s) of irrigation

All outside areas of the development as approved shall be laid out, planted, equipped and implemented in accordance with the agreed specifications and in accordance with the agreed phasing plan, but shall in any event be completed prior to the occupation of the final unit and shall be permanently retained thereafter in accordance with a management plan, to be submitted and approved.

If within a period of 5 years from the date of planting of any tree or other substantive element of the soft landscaping scheme or retained landscaping, that tree or part of the landscaping scheme (or any replacement planting to which this same provision would apply), is removed, uprooted, or destroyed, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or landscaping of the same size and species as that originally planted shall be planted at the same place.

17. No development shall commence until a detailed surface water drainage scheme for the entire site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and agreed in writing by the local planning authority and the detailed surface water drainage scheme should include but is not limited to:

- Run off from the site restricted to a maximum of 28.5l/s for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 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.
- 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.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The approved scheme shall be implemented prior to first operational occupation of the development.

18. Prior to any construction above slab level, in a phase, details of the proposed treatment of all boundaries, including drawings depicting the location, appearance and dimensions of boundary treatments for that phase shall be submitted to and approved in writing by the local planning authority.

19. In relation to tree protection, tree surgery and construction methods, the development shall only be carried out in accordance with the submitted Arboricultural Impact Assessment dated 22/11/2024 by Hayden's Arboricultural Consultant.

20. No development shall take place on any part of the site until a written Habitat Management and Monitoring Plan (HMMP), in the form of the national Natural England and DEFRA template, for a minimum period of 30 years for the site has been submitted to and approved in writing by the Local Planning Authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:
- details setting out how the onsite or off-site gains will be managed;
 - details of the persons responsible for the implementation, management and monitoring;
 - details of how habitats will be monitored (including specific details for each type of habitat);
 - details, including a schedule, of monitoring reports to be submitted to the local planning authority over at least a 30 year period;
 - details of how management will be reviewed;
 - details of adaptive management to account for habitat restoration if the management plan is not working.
21. Prior to commencement of development on a phase a Landscape Ecological Management and Maintenance Plan (LEMP) and work schedule for a minimum of 10 years shall have been submitted to and approved in writing by the local planning authority for that phase. The LEMP should include the following:
- Purpose and objectives of the LEMP
 - Scope of areas to which it relates
 - Management/maintenance of habitat, ecological and landscape features
 - Monitoring of the wellbeing of habitat, ecological and landscape features – to include the recording of yearly logs of maintenance which shall be made available for inspection by the local planning authority on request
 - Habitat enhancement
 - Responsibility
- The LEMP shall be implemented in accordance with the approved details.
22. Prior to the first operational occupation of the development a SUDS Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies (which shall include the need to maintain a yearly log of maintenance) shall have been submitted to and agreed in writing by the Local Planning Authority. The SUDS Maintenance Plan shall be implemented as agreed.

23. No external lighting shall be installed on a phase until such time as a lighting strategy for biodiversity has been submitted to and approved in writing by the local planning authority for that phase. The strategy shall:

- a) identify areas/features on the site that are sensitive to bats and birds and that are likely to result in disturbance in or around their breeding sites and resting places or along important territory routes used to access key areas of their territory, for example, foraging; and
- b) show how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb or prevent the above species using their territory or having access to their breeding sites or resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No additional external lighting shall be installed without prior written consent from the local planning authority.

24. The vehicular access from the site shall be taken from the A414 Maldon Road as shown in principle on drawing No. ITL210222-GA-004 Revision B.
25. The highway works and improvements shall be provided prior to the first occupation of the development (any phase) and shall be carried out in accordance with the details as shown in principle on drawing Nos. ITL210222-GA-003 Revision A , ITL210222-GA-004 Revision B and ITL210222-GA-011 Revision A as shall be informed by the Stage 1 Road Safety Audit.
26. Prior to the first occupation of any phase of development an updated Framework Travel Plan based on the structure and content of the Framework Travel Plan (Walker Engineering, November 2024) shall be submitted to and approved in writing by the local planning authority which is to include a 15% mode share reduction from a business-as-usual baseline.

Prior to first occupation of each phase a Travel Plan based on the approved Framework Travel Plan for that phase shall be submitted to and approved by the local planning authority.

27. Prior to the first occupation of the development Real Time Passenger Information screens shall be added to the existing bus stops on Maldon Road known as Old Boarding School adjacent to the site.
28. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) referenced LP284 – CHE-LINK-GEN-XX-RP-C-FRA01 Version 5 and dated Oct 2025 and the mitigation measures detailed within the FRA and associated Hydraulic modelling report IJL-JBAU-00-00-RP-HM-A01-C05-0001.

Further details shall be provided with the reserved matters submission confirming flow routing and topographic level information to demonstrate that lost storage will be replaced at the same level at which it is lost and that flood water will return to the river as water levels fall.

The mitigation measures shall be fully implemented prior to occupation.

29. a) The development hereby permitted shall be built to a minimum sustainability standard of BREEAM Very Good (or its successor);
- b) Prior to commencement of respective phases of development, a Design Stage Assessment (under BREEAM or its successor) shall have been carried out and a copy of the Interim Certificate or the Assessor's summary score sheet shall have been submitted to and approved in writing by the Local Planning Authority;
- c) Within the first six months of first occupation of the respective phases of development and/or each unit, a Post Construction Review (under BREEAM or its successor) shall have been carried out and a copy of the Final Certificate or the Assessor's final summary score sheet for that phase shall have been submitted to the Local Planning Authority verifying that the agreed standards have been met.
- d) a copy of the Final Certificate, if it is not submitted with the summary score in accordance with c), shall be submitted to the local planning authority within six months following approval of the final summary score sheet.
30. Prior to commencement of respective phases of development the number and location of safe, accessible and covered bicycle parking for employees and visitors shall be submitted to and approved in writing by the local planning authority. The approved cycle parking and related works shall be implemented prior to first operational occupation of that phase of the development and shall thereafter be kept available for that purpose only.
31. Prior to commencement of respective phases of development the number and location of parking spaces, number and location of loading and unloading bays and details of turning facilities shall be submitted to and approved in writing by the local planning authority. The approved parking and related works shall be implemented prior to first operational occupation of that phase of the development and shall thereafter be kept available for that purpose only.
32. Prior to the first operational occupation of the respective phases of development details confirming the number, location and specification of electric vehicle charging points shall have been submitted to and agreed in writing by the local planning authority. The approved electric vehicle charging points shall be implemented prior to first operational occupation of the respective phases of the development.
33. Prior to their installation, details of the facilities for the storage of refuse and recyclable materials relating to each phase of development shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the facilities for the storage of refuse and recyclable materials have been provided in accordance with the approved details.

End of schedule of conditions