

Mr Roger Moreland  
2 Appleberry Place  
Burnham-on-Crouch  
Essex  
CM0 8QN

22 October 2025

Planning Services  
Maldon District Council  
Princes Road  
MALDON  
CM9 5DL

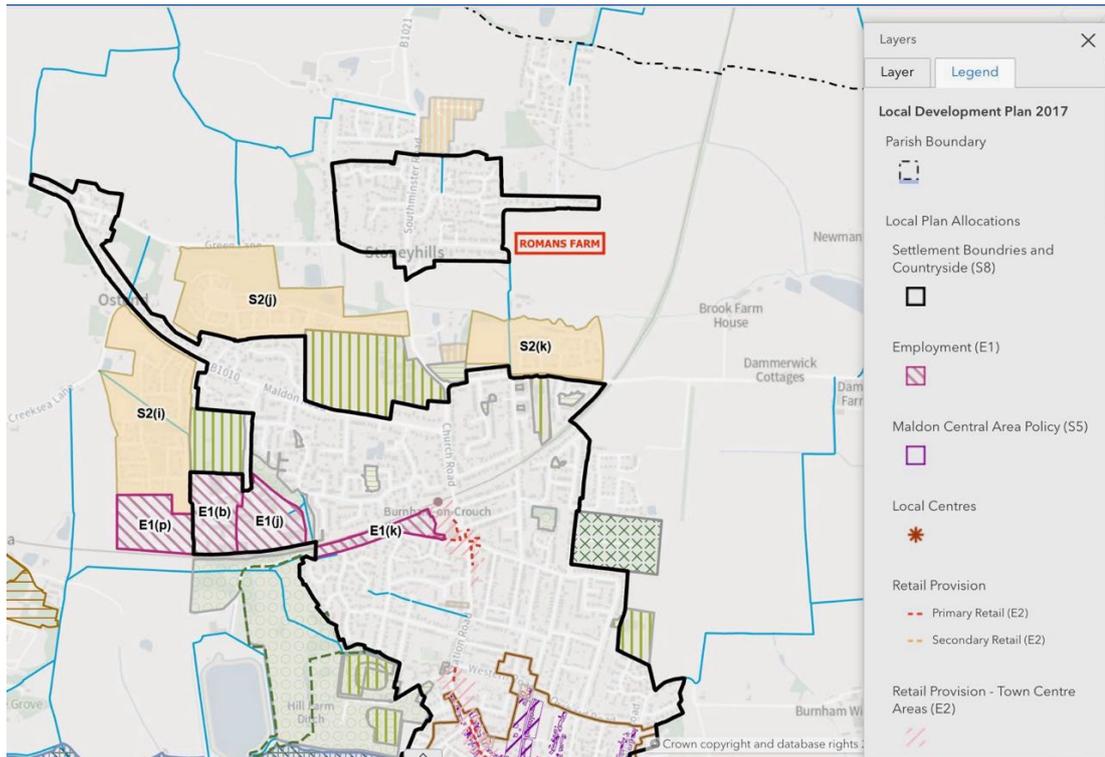
Dear Sir / Madam

**PLANNING REF 25/00840/OUTM, LAND ADJACENT ROMANS FARM CHASE AND MILL ROAD BURNHAM-ON-CROUCH ESSEX**

I strongly object to this application because it conflicts with the Maldon Local Development Plan (MLDP), the Made Burnham-on-Crouch Neighbourhood Plan (BNP), the National Planning Policy Framework 2024 (NPPF), Manual for Streets 2 (MfS2), the Equality Act 2010 and other material guidance.

The main grounds for objection are set out below in the paragraphs which follow:

1. **ROMANS FARM IS OUTSIDE SETTLEMENT BOUNDARIES AND IS NOT IN A STRATEGIC GROWTH AREA OR A GARDEN SUBURB**
- 1.1. The site is outside the settlement boundaries for Burnham and Stoneyhills as set out in the MLDP. The image below (Figure 4 on page 14 of the Made BNP and the policy map in the MLDP for the South East Area of the District) shows the Employment and Housing Area Allocations from the MLDP. The application site at Romans Farm is named in red on the image and it clearly shows that this site lies outside the settlement boundaries, which are shown by the black boundary lines.



- 1.2. On page 15 of the BNP, it emphasises that an improved quality of life for all is fundamental to the neighbourhood plan:

*“A fundamental objective of the Neighbourhood Development Plan is to ensure that the strategic growth brings improvements to the quality of life for all. The Neighbourhood Development Plan’s strategic growth supports the Maldon District Council/Burnham-Town-Council strategic approach and is therefore based on the consideration of development capacity, the environmental and infrastructure constraints, land availability, local opportunities as well as advice received both from statutory and non-statutory bodies and organisations. It also takes into account consultation responses received. This has led to a strategy that has adopted the position from the Maldon District Council Emerging Local Development Plan (2014-2029), in concentrating development in Burnham-on-Crouch, one of three of the District’s main settlements.”*

- 1.3. Policy S2 of the MLDP says that strategic growth in Burnham-on-Crouch will be confined to three strategic growth areas, which are shown in the image in paragraph 1.1. On page 17 of the MLDP it says:

*“Significant infrastructure constraints exist which will strictly limit the capacity for growth in Maldon, Heybridge and Burnham-on-Crouch in excess of that set out in Policy S2.”*

- 1.4. Policy S6 says that:

*“Significant infrastructure constraints exist which strictly limit the capacity for development in the Burnham-on-Crouch area which is in excess of that set out in Policy S2.”*

1.5. Further clarification is also provided on housing growth in policy S6:

*"Although Burnham-on-Crouch has many of the day to day services and facilities and access to local jobs that residents need, its growth potential is severely limited by its relative isolation in the east of the District away from the wider strategic road network. The current level of service provision is not as high as that in Maldon and Heybridge. It is therefore appropriate to limit the level of growth for Burnham-on-Crouch to meet its own needs. As set out in Policy S2, the LDP seeks to deliver a minimum of 450 dwellings in Burnham-on-Crouch."*

1.6. The fact that infrastructure in Burnham-on-Crouch is not well developed enough to sustain growth beyond the three strategic growth areas is reinforced in the application itself. Anglian Water have expressly said they will object to this application in their report in Appendix 4 of the FRA and Drainage Strategy Part 1:

*"Anglian Water does not currently have a strategic investment scheme planned within this catchment, therefore, at planning, Anglia Water will seek to utilise the planning system as a mechanism to control the risk of flooding to the environment and local network by objecting to this development."*

1.7. On 28 July 25, planning application 24/00947 (Land West of Thatched Cottage Green Lane Burnham-On-Crouch Essex) was refused. The site is located to the west of the Romans Farm site across the junction with Southminster Road. Two of the reasons given for refusal were:

*"The site is outside of a defined settlement boundary and is in open countryside. The site is in a poorly accessible location due it being on a narrow, unlit lane, with no footway and the national speed limit of 60mph. Future occupants of the site would therefore be heavily reliant on the use of the car to gain access to everyday services and facilities, as such the proposal does not provide a sustainable form of development. The proposal is therefore contrary to Policies S1, S2, S8, D1, H4, T1 and T2 of the Maldon District Local Development Plan (2017), the Maldon District Design Guide (2017) and the policies and guidance in the National Planning Policy Framework."*

*The site is within a rural location which provides an important green break between settlement boundaries. The proposed development, by virtue of its design, height and layout, results in an incongruous form of development that is out of keeping with the character and appearance of the surrounding area. The development would therefore be unacceptable and contrary to Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017), the objectives of the Maldon District Design Guide (2017) and the policies and guidance in the National Planning Policy Framework."*

1.8. The Romans Farm site is similar in characteristics to the Green Lane site and is positioned on the same belt of green break between the settlement boundaries. It is, therefore, also contrary to the same policies cited in the decision notice for application 24/00947.

2. **THE DEVELOPMENT OF ROMANS FARM WILL HAVE A HARMFUL EFFECT ON THE CHARACTER AND APPEARANCE OF THE AREA**

- 2.1. This site has been the subject of two planning applications. Both were for 5 houses to be located along the western side of the field alongside Mill Road. The 2014 application (14/01156) was refused with the harmful and intrusive effects on the countryside being one of the reasons given:

*"The development of the site would appear visually intrusive within the rural countryside in this location, which is recognised for its landscape value in the adopted Local Plan. The proposed development would therefore be contrary to policies S2, CC6 and BE1 of the adopted Maldon District Replacement Local Plan, guidance contained within the National Planning Policy Framework and policies S1, S8 and D1 of the Submission version of the Local Development Plan."*

- 2.2. An amended application (15/00831) was submitted in 2015 and the reason for refusal once again cited the harmful effects on the rural landscape:

*"Policies S2 and H1 of the Maldon District Replacement Local Plan and policies S1 and S8 of the submitted Maldon District Local Development Plan seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries and to ensure that new residential developments are directed to appropriate and sustainable locations. In addition, policies BE1 and CC6 of the Maldon District Replacement Local Plan and policies D1 and N2 of the submitted Maldon District Local Development Plan require that new developments in rural locations do not adversely affect the character of the rural landscape. In this case the location, form and design would result in a cramped form of unsustainable development out of character with this rural location contrary to the requirements of the above policies."*

- 2.3. The decision on 15/00831 was appealed (APP/X1545/W/16/3142043). The Planning Inspector dismissed the appeal and amongst the reasons given were the harmful effects the application would have on the character and appearance of the area:

*"I have found that the proposal would result in significant harm to the character and appearance of the area. As such it would conflict with the development plan and would not accord with the environmental dimension of sustainable development. When assessed against the Framework taken as a whole that harm would significantly and demonstrably outweigh the limited benefits associated with the proposal."*

- 2.4. In 2018 another application (18/01165) was submitted for a replacement building and annex on the site of Romans Farm itself. This site is located just to the south of the application site. This application was refused, with the harmful effect on the character and appearance of the countryside significant in the reasons for refusal:

*"Both elements of the proposed development would therefore have a substantial and unacceptable visual impact on the intrinsic character and beauty countryside [sic] that would be caused by the substantial increase of residential built form at the site and the domestication of the countryside. The proposal is therefore unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan, policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan and*

*the guidance contained within the National Planning Policy Framework.”*

- 2.5. Application 20/00111 was submitted in 2020 and was for 8 dwellings on the site of the Romans Farm buildings to the south of the application site. It was refused with the harm on the character and appearance of the countryside amongst the reasons given for refusal:

*“The proposed development would substantially alter the open character of the area and have an unacceptable visual impact on the countryside though the urbanisation and domestication of the site resulting from the construction of 8 dwellings on the site. In addition, the layout of the site would result in an overly car dominated western part of the site which is highly visible from public views, particularly from the public right of way running along the western site boundary. Furthermore, the design of the fenestration on the dwellings and the positioning of the dwellings in the plots would result in a contrived appearance. The proposal would therefore be unacceptable and contrary to policies S8, D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.”*

- 2.6. 20/00111 was appealed as APP/X1545/W/21/3267306. The appeal was dismissed in 2021. The detrimental effect on the character and appearance of the countryside was cited by the Planning Inspector within his reasoning for dismissal in paragraphs 11, 13 and 14 of the Appeal Decision:

*“I consider that the proposal would have a significantly urbanising effect on the character of the appeal site. This would be apparent particularly from the public footpath which runs to the west of the site. Medium range views of the dwelling roofs at least would be available over the boundary hedge on the approach from the north. Closer range views into the site, including the concentration of parking spaces, would be available from the site entrance. Having regard to the site’s rural character and separation from the built-up area, I consider that these effects would be detrimental to the intrinsic character and beauty of the countryside.*

*I have already found that the proposal would be detrimental to the intrinsic character of its countryside setting. The houses would feature large areas of glazing on the south elevations and much smaller openings and porches on the north elevations. As a result, when viewed from the proposed access running between the two rows of dwellings, the elevations on the north side would have a very different character from those to the south. Those to the north would appear more like rear, private-facing elevations. I recognise that this arrangement is intended to optimise the energy efficiency of the dwellings. Nevertheless, its awkwardness would add to the alien appearance of the dwellings in this setting. The effect would not be justified by the appearance of the existing buildings on the site which, although varied, is essentially rural.*

*Consequently, I find that the proposal would have a harmful effect on the character and appearance of the area. It would, therefore, conflict with LP Policies S8, D1 and H4 in as much as they require proposals to respect and enhance the local character and context including in their design features, layout and orientation. Nor would the proposal comply with Framework paragraph 130 to the extent that it has similar aims.”*

2.7. Harm to the intrinsic character and beauty of the countryside is a common theme going through all the refusals and dismissals on this site. The land has been found to be visually and physically separate from the built-up area. It has a stronger affinity to open countryside, such that large-scale housing here would be unsustainably located and would have a significantly urbanising and detrimental effect on the intrinsic character and beauty of the countryside. Public views from the adjacent public footpath would be adversely affected. Those findings still apply and are reinforced by the applicant's own Landscape and Visual Appraisal acknowledging a large adverse effect. This will be particularly damaging and is contrary to the MLDP and the NPPF.

**3. ACCESS TO ROMANS FARM HAS NOT BEEN DESIGNED WITH COMMUNITY VIEWS IN MIND**

3.1. The Statement of Community Involvement that comes with the application (Supporting Information 22) cites six supportive comments at paragraph 4.4. Appended to the report are all the comments that the applicant says were received. 161 in total (this does not include the six responses which Welbeck received via email). One of those comments was about bungalows being included, one comment cannot be cross referenced to the detailed comments in the appendix and therefore it cannot be accepted as having been received. Four comments were effectively 'cherry picked' from much wider ranging comments and taken out of context from the meaning of the comment they were drawn from. When read in their context the comments were wholly negative. The table below shows the six comments cited as being supportive in the Statement of Community Involvement in the left-hand column and the comment they were taken from in the appendix is shown in the right-hand column to demonstrate how they have been taken out of context. (All comments have been printed as they appear in the appendix):

<b>SUPPORTIVE COMMENTS ACCORDING TO PARA 4.4</b>	<b>APPENDIX 5 FEEDBACK - WHAT THE COMMENTS ACTUALLY SAY</b>
<i>"I'm all for new homes"</i>	<i>"I'm all for new homes nobody likes them on there doorstep. REDACTED Then they got sent to Woodahm ferries to go to school on a bus. Since then 2 new estate s have been built. The roads can't cope when there's an accident . And if the access is gonna be marsh rd √ mill rd they won't cope. If there would be an estate of big houses 5√6 bed then lower the amount needed."</i>
<i>"In principle I don't disagree or have any issue with and understand the need for more houses, that are required in the country as a whole"</i>	<i>"In principle I don't disagree or have any issue with and understand the need for more houses, that are required in the country as a whole, with the caveat for your "Romans Farm proposal" that there is adequate infrastructure, to support the massive increase in population in Burnham On Crouch by which I mean all the obvious needs to support such increased population, adequate roads, Doctors surgery, spaces, school spaces, dentist spaces, water supply, sewerage</i>

SUPPORTIVE COMMENTS ACCORDING TO PARA 4.4	APPENDIX 5 FEEDBACK - WHAT THE COMMENTS ACTUALLY SAY
	<p><i>treatment etc. all of which are currently beyond coping with the current population of Burnham. However there is a fundamental and much bigger issue with your Proposal, and that is to assume access to and from this particular proposed site via Mill road! Mill road is totally inadequate to have an additional 200-300 vehicles per day using what is effectively a single-track road in places, lorries and delivery vehicles already have to mount the single pavement to pass each other and have caused several "accidental" damages to other parked vehicles, add on to this additional delivery from food deliveries, postal deliveries, internet shopping deliveries, additional refuse collection for 200 properties and none of the above even considers all the necessary vehicles, equipment and supplies to build such an estate. It may be better to consider a link road to cut across and join Marsh road just west of the railway line even if this means bridging the narrow "Panels Brook". I can assure you that myself and most if not all residents of Mill road will oppose this proposal with every possible legal challenge and will not be helpful in anyway with access in/out of Mill road should this proposal be approved as is, I strongly suggest you look into alternative access for this estate proposal."</i></p>
<p><i>"Yes looks very interesting and will be keeping an eye on developments. Would love to know if Bungalows are in your thoughts at some stage."</i></p>	<p><i>"Yes looks very interesting and will be keeping an eye on developments. Would love to know if Bungalows are in your thoughts at some stage."</i></p>
<p><i>"if you build a cadet centre for the local air cadets who are currently in a church hall then you have my support!"</i></p>	<p><i>"Road access not capable of supporting new housing. Loss of habitat. Oversubscribed schools and Doctors' surgeries. These new developments always provide housing for people moving to the area rather than in the area thus placing more demean on local infrastructure that is not coping now. That said, if you build a cadet centre for the local air cadets who are currently in a church hall then you have my support!"</i></p>
<p><i>"Don't deny more homes are needed"</i></p>	<p><i>"Don't deny more homes are needed but we have schools, doctors, and dentists"</i></p>

<b>SUPPORTIVE COMMENTS ACCORDING TO PARA 4.4</b>	<b>APPENDIX 5 FEEDBACK - WHAT THE COMMENTS ACTUALLY SAY</b>
	<i>that are full. Plus the roads are not built for the levels of traffic we already have. We would need infrastructure and more of these things to make these houses a viable option"</i>
<i>"I am not against the proposal of 200 houses"</i>	<b>THIS COMMENT DOES NOT APPEAR IN THE DETAILED APPENDIX OF FEEDBACK.</b>

3.2. In fact, there are 16 pages of feedback in the appendix, but only 136 responses are set out not 161 as stated by Welbeck Land in their report. What has happened to the other 31 responses is not explained.

3.3. Our analysis shows that only 0.74% of the comments are supportive, 99.26% are negative about the proposal and 52.21% specifically cite access via Mill Road as a major concern and, in particular, its inadequacy (as well as the inadequacy of surrounding roads) to safely accommodate additional traffic, both during construction and once the development is occupied. Other issues emerging as recurring themes include:

3.3.1. The lack of capacity in local schools, GP and dental services, and the absence of any credible plan to address these deficits;

3.3.2. Concerns about the loss of greenfield land, impacts on wildlife (including protected and priority species), and the erosion of the rural character of Burnham-on-Crouch;

3.3.3. Fears that the cumulative impact of this and other recent developments is overwhelming local infrastructure and services, reducing quality of life for existing residents;

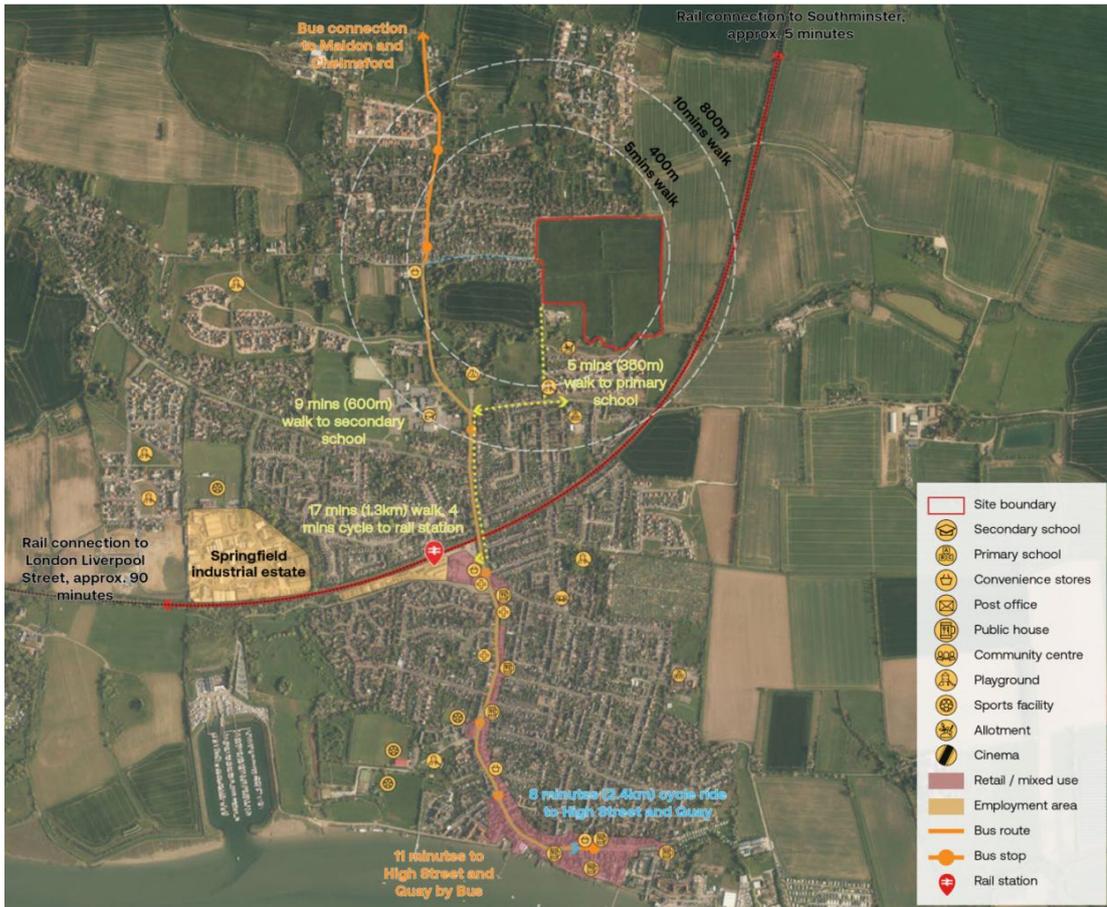
3.3.4. Specific concerns from residents of Mill Road and Stoney Hills about noise, light pollution, loss of amenity, and safety risks from increased traffic and construction activity.

3.4. Welbeck Land established a website at [www.landatromansfarm.co.uk](http://www.landatromansfarm.co.uk) to invite feedback for its proposals for the site. In response to the question "Why here?" on the website, it said:

*"The site is well-connected, within walking distance of schools, shops, the railway station, and local bus stops, making it a sustainable location for new homes. It is also free from significant constraints."*

**The assertion that this site is sustainable is refuted and this issue is dealt with in more detail in section 9 of this objection.**

3.5. This section was accompanied by a graphic to show various things, including walking time. The graphic is shown below:



- 3.6. The 400m (and, therefore, the 800m too) walking time and distance is in error. Section 4 below provides information about widths of Mill Road and distances to the bus stop at Eves Corner from various points along Mill Road. Those points are labelled A, B and C on the first image and A, B, C and D on the second image. Those points are shown in purple and the distances from the bus stop to each of them are shown on the tables on each image. All the measures were taken using a measuring wheel and verified using Google Earth. They are, therefore, real life walking distances.
- 3.7. The Welbeck Land image at paragraph 3.5 shows that the 400m walking distance (or 5 minute walking time) is from the North East corner of the site. The real-life distance using Mill Road to the same point is just over 1km. As that 400m walking distance and time is in error, it can be concluded that the 800m distance is also in error. This also calls into doubt the accuracy of the other distances and walking times illustrated on the consultation website. The responses to the consultation were, therefore, based on more favourable information than is the situation in fact and was clearly misleading and in error.
- 3.8. Welbeck Land's consultation and their analysis of it cannot be relied upon. There was only one comment which suggested a through road should be built through the site before construction started and this has become a key part of the application. The issue is not a through road across the field and there is no evidence to suggest it is an issue for the residents of Stoney Hills. Rather, it is the risk to highway safety from access to the application site through Mill Road. This key issue has simply not been dealt with. It cannot be dealt with because of the constraints on the main stretch of

Mill Road from the junction with Southminster Road to the junction with Romans Farm Chase.

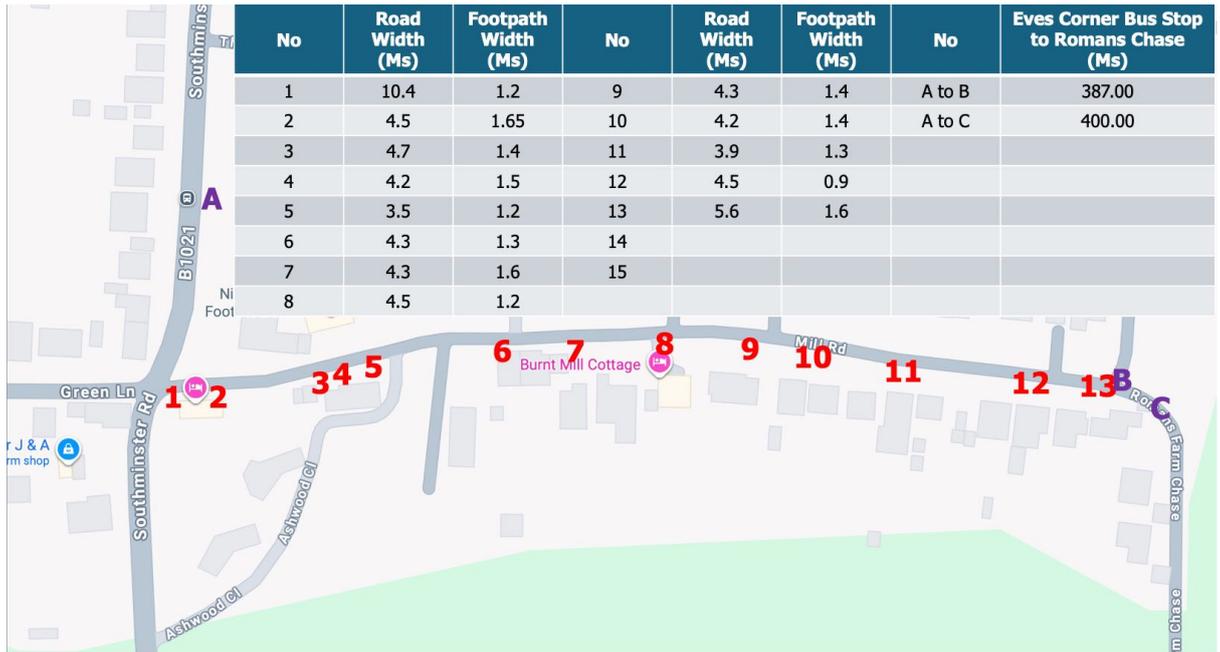
3.9. Paragraph 137 in the NPPF expects that applications should demonstrate meaningful design evolution in response to community feedback. In this case, the core issues raised by local residents, particularly concerning access, infrastructure, and environmental impact remain unresolved or are deferred to post-consent conditions. The weight of public opposition, the consistency of concerns and the failure to address these issues in the application should be given significant weight in the planning balance and are further grounds for refusal.

4. **200 HOUSES ON ROMANS FARM REPRESENTS A 142% INCREASE IN THE NUMBER OF HOUSES SERVED BY MILL ROAD AND THIS WILL NEGATIVELY IMPACT HIGHWAY SAFETY ON MILL ROAD**

4.1. The number of dwellings serviced by Mill Road will increase to 341 from 141. A 142% increase which will bring with it an increase of at least 400 vehicles using an unclassified road not built for this volume of traffic. It is an over capacity that will create conflict between vehicle, bicycle and pedestrian and it will negatively impact highway safety.

4.2. Mill Road was not built to service that amount of traffic. It is an unclassified road which does not meet the standard width (5.5m) for a road in a new development of this size (Essex Design Guide, table of Street Types). At its widest on the part of Mill Road that leads to the junction with Romans Farm Chase from the junction with Southminster Road it is 4.7ms wide and narrows to 3.5ms within a few metres. There are only two points after this choke point when the road reaches 4.5ms wide. Visibility along Mill Road is impeded by the width, narrowing and shape of the road. To put this in perspective a 7.5 tonne lorry can only be 2.55m wide. Two lorries cannot pass each other safely along Mill Road without mounting the only pavement on the road. This can only risk highway safety and raise the level of risk of conflict between pedestrians, cyclists and vehicles substantially.

4.3. The footway was also measured at each of those points. The measures confirm that the road and the footway are both too narrow at most points along the length of Mill Road. The images below show the widths of both the road and the footway at 24 points along the length of Mill Road (location indicated by the red numbers) from the junction with Southminster Road. The tables on each image show the relevant measures against each number:



4.4. In addition to taking physical measurements, two time lapse cameras were set up in two different locations on the stretch of Mill Road from the junction with Southminster Road at Eves Corner to the junction with Romans Farm Chase. The table below shows the time and date the cameras were in position and the number of vehicle and pedestrian/bicycle movements that were recorded:

DATE	TIME	VEHICLE MOVEMENTS	PEDESTRIAN / BICYCLE MOVEMENTS	TOTAL MOVEMENTS
13 & 14.10.25	07:00 (13.10) to 07:00 (14.10)	529	118	647
14 & 15.10.25	12:45 (14.10) to 14:25 (15.10)	813	146	959

- 4.5. Many instances of conflict impacting highway safety on Mill Road have been documented and images showing examples are attached at appendix 1. These images show the real-life experience of traffic movements on Mill Road. They represent the reality of what residents already have to contend with on a day-to-day basis. Video clips can also be provided. Vehicles park on the pavement making the road even narrower and impossible to pass safely without a lot of care. A new development of 200 houses is highly likely to increase the number of vehicles parked on the pavement in Mill Road when there are visitors to the estate. This will increase the level of congestion and represents a significant risk to highway safety.
- 4.6. If 200 houses were to be built on Romans Farm, this would represent a 142% increase in the number of houses. The table below applies this increase to the movements recorded above to illustrate what the number of movements would be on Mill Road:

VEHICLE MOVEMENTS	PEDESTRIAN / BICYCLE MOVEMENTS	TOTAL MOVEMENTS
1,280	286	1,566
1,967	353	2,320

- 4.7. The increase would lead to almost 2.5 times more movements in each category on a road that cannot be widened to accommodate more traffic due to existing physical constraints that cannot be overcome. Examples of the conflict that currently exists between vehicles and pedestrians/bicycles are illustrated in appendix 1. This level of increase on a road where works to mitigate the risks could not be undertaken due to the physical constraints on Mill Road, represents a substantial risk to highway safety. This is contrary to the NPF and, therefore, the application should be refused on these grounds
- 4.8. Emergency vehicles will also face potential conflict. An Ambulance could be up to 2.45ms wide; a fire tender requires a minimum road width of 3.7ms according to the Essex Design Guide. At its narrowest point, Mill Road is 3.5ms and so health and safety with the numbers of houses proposed must be called into question with Mill Road being proposed as the access road for such a large increase in the number of houses it serves. (One of the images in appendix 1 shows how narrow Mill Road becomes when an ambulance is in attendance at an emergency call). There is no possibility of widening Mill Road because it is constrained by properties on both sides.
- 4.9. Mill Road has one footpath adjacent to the carriageway along its northern side. At 10 points out of 13 measured that footpath measures less than 1.5ms wide. Its width is as low as 0.9ms in one place, and in most places, it is between 1.2 and 1.4ms wide.

A footpath should be 2m wide to accommodate wheelchair users and their carers. Inclusive Mobility guidance indicates preferred 2.0m footway widths, with 1.5m often treated as a minimum where constrained. This footpath is substantially substandard to accommodate either wheelchair or pram users and brings them into unacceptable conflict with vehicles and cyclists thus creating a risk to safety. One resident who uses a mobility scooter already has to travel in the road because of the narrow footpath. That risk increases unacceptably with the substantial increase in traffic that will accrue if this development was to proceed. The road is simply unsafe to provide access to a development of this size and the increase in traffic of all types it will bring with it.

- 4.10. The Planning Inspector visited Mill Road when he was hearing the appeal (APP/X1545/W/21/3267306) for 8 houses on Romans Farm in 2021. He reviewed the concerns expressed about the suitability of the road to deal with the additional traffic for 8 houses and said:

*"The proposal would also conflict with Framework paragraph 111 which presumes against development that would have an unacceptable impact on highway safety".*

- 4.11. This proposal introduces more risk to safety at the junction between Mill Road and Romans Farm Chase because of the conflict between vehicles at the point where they would leave and depart the site and where Public Footpath 14 (PF14) meets that junction. PF14 is categorised as a PR1 by Essex County Council which means it is heavily used. It is a very busy route for parents taking their children to and from St Mary's C of E primary School on Marsh Road. No amount of mitigation can reduce the higher risk to safety that will result from this dangerous conflict between vehicles, pedestrians and cyclists as a result of creating a through road, which does nothing to mitigate the real issue that the stretch from Romans Farm Chase to Southminster Road running east to west is simply not wide enough to cope with increased traffic flows of the types described above. No mitigation is possible on that stretch of the road.

## **5. THE ROMANS FARM APPLICATION CONTAINS UNACCEPTABLE AND UNRESOLVED MATERIAL RISKS RELATED TO TRANSPORT AND HIGHWAY SAFETY**

- 5.1. The proposed development raises significant and unresolved concerns regarding transport and highway safety, particularly in relation to access via Mill Road. The Essex County Council (ECC) Highways response (pre-app ref. 33194, 11 June 2025) confirms that the new access points onto Mill Road do not fully achieve the recommended 2.0m x 43m visibility splay to the west, as required for a 30mph road. The main (southern) access only provides a 2.0m x 35m splay to the west, measured to a 1.0m offset into the carriageway rather than to the kerb line, and this splay is further compromised by the presence of parked vehicles and the proposed chicane arrangement.
- 5.2. The northern access is similarly constrained, with visibility splays reliant on offsets and subject to obstruction from parked vehicles. ECC Highways has not accepted the applicant's justification for reduced splays, noting that the combination of offset measurements, physical constraints, and potential obstructions means the required standard is not met. Critically, any southbound vehicle waiting at the chicane would further obstruct sightlines from Mill Road, creating clear safety implications. This

fundamental deficiency remains unresolved in the revised plans and represents a significant and ongoing highway safety risk. (The images at Appendix 1 illustrate the potential risk from real life experience of traffic using Mill Road).

- 5.3. Green Lane is also deemed unsuitable for any notable increase in vehicle traffic. Although the applicant's Transport Assessment (TA) concludes that there will be "no severe impact". This is directly contradicted by ECC's outstanding safety reservations and the acknowledged physical constraints of the site. The NPPF 2024 paragraphs 115–116 make clear that permission should be refused where there is an unacceptable impact on highway safety or severe residual cumulative impacts.
- 5.4. The TA identifies peak hours as 0815–0915 (AM) and 1615–1715 (PM) (TA 4.5.11; Table 4.4), which are not representative of true local peaks. They exclude early morning commuter departures (commonly 0700–0800), the afternoon school run and pre-school closing period (circa 1500–1600) at Ormiston Rivers Academy and local primaries when the Southminster/Mill Road/Green Lane junction is routinely congested and the main evening commuter return (typically 1700–1800+), as the TA's PM peak end-time truncates returning commuter flows. As a result, junction capacity results understate real-world queues and delays at the B1021/B1010 junction and Mill Road crossroads during the periods when risks to pedestrian safety and conflict with school traffic are highest. This conflicts with NPPF paragraphs 115–116 which require assessment of significant impacts in "*all reasonable future scenarios*."
- 5.5. Furthermore, the TRICS trip rates and averages used in the TA are derived from survey sites whose peak periods do not necessarily align with the local network peaks assessed. This methodological inconsistency means that the predicted traffic generation may not accurately reflect the true impact of the development during the times when local roads and junctions are most heavily used. The combined effect of using both unrepresentative local peak hours and mismatched survey data further undermines the robustness of the TA and its compliance with best practice and policy requirements.
- 5.6. Another concern is that the TA applies a PM peak two-way TRICS trip rate of 0.477 per dwelling (TA 7.2.4), which is below the level expected by Essex County Council (ECC) for a site of this character. In their pre-application response (11 June 2025, Ref: 33194), ECC specifically stated that "*for a location such as this, which is on the periphery of Burnham and where the town centre is beyond regular walking thresholds, we would not anticipate two-way trip rates of less than 0.5 per dwelling*." By using a lower trip rate, the assessment underestimates the likely volume of traffic generated by the development during the critical PM peak period, thereby downplaying the impact on already stressed local junctions and on Green Lane, which ECC has identified as unsuitable for additional traffic. This approach fails to provide a robust or precautionary assessment of the scheme's true transport impacts, contrary to the advice of the highway authority.
- 5.7. The TA distribution relies on National Travel Survey averages (TA 7.3) that ECC cautions can undercount work and school-related trips. Combined with non-representative peak hours, this downplays the safety and queuing issues at the Southminster/Mill Road/Green Lane node at school start/finish times.

- 5.8. Footway widening on Southminster Road is constrained at Pannel's Brook bridge; adding another traffic calming feature here offers no continuous, inclusive route compliant with Inclusive Mobility. This is critical during the true school peaks omitted by the TA time windows and conflicts with NPPF paragraph 115.
- 5.9. Given Mill Road's effective single-lane sections and school proximity, deferring a workable Construction Traffic Management Plan (CTMP) to condition is inadequate and not appropriate. ECC has flagged that practicable mitigation may require third-party land or major works, which are not secured.
- 5.10. The TA does not robustly demonstrate that highway safety impacts are acceptable or that residual cumulative effects are not severe, particularly at the actual peak periods experienced locally.
- 5.11. MfS2 further requires that visibility is based on actual 85th percentile speeds and unobstructed sightlines. The reliance on substandard setbacks and offsets and the arrangement where traffic-calming queues intrude into the splay, directly conflict with MfS2 principles of junction safety and forward visibility. MfS2 and Active Travel England also expect continuous, accessible pedestrian routes but the substandard footway widths, pinch-points and unresolved bridge constraint fail to provide inclusive, year-round pedestrian access, especially for children walking to school. The previous refusal and appeal on access at Romans Farm (20/00111/FUL) is a material consideration, as the current, much larger scheme still relies on the same fundamentally constrained corridor.
- 5.12. Essex Highways identifies PF14 along Romans Farm Chase to Mill Road, and increased vehicle movements would intensify conflicts between vehicles, pedestrians, and cyclists on shared or unsegregated sections unless robust, segregated provision is secured. This arrangement raises significant safety and accessibility concerns, particularly given the likely major increase in vehicle movements and the use of the route by children walking to school. NPPF paragraph 110 requires priority for pedestrian and cycle movements and the creation of safe, secure, and attractive places for all users, while local plans and the Essex Design Guide require safe, accessible pedestrian routes, inclusive design, and protection of public rights of way.
- 5.13. Under the Equality Act 2010, Maldon District Council's Public Sector Equality Duty (S149) requires due regard to eliminating discrimination and advancing equality for disabled people. Persisting substandard widths and missing footways risk indirect discrimination by failing to make reasonable provision for disabled users. While Inclusive Mobility, MfS2, and the Essex Design Guide are guidance rather than statute, they are accepted best practice and carry significant weight in decision-making. On this constrained rural corridor, anything below a continuous 2.0m footway (with only localised, short pinch points where justified) fails inclusive access best practice and undermines NPPF paragraph 110 and MLDP transport and design policies. Access to Romans Farm along Mill Road would worsen accessibility issues for people with protected characteristics.
- 5.14. The need for accessible infrastructure is particularly acute on Mill Road due to the local demographic profile. According to the 2021 census, approximately 27% of residents are aged 65 or over, which is significantly higher than the UK national average (about 19%). There are substantial numbers in each older age bracket: 30 (65-69), 20 (70-74), 23 (75-79), 17 (80-84), and 7 (85+). Mill Road has an older-

than-average population, with a strong presence of retirees and elderly residents, moderate numbers of middle-aged adults, and relatively few young adults or children. The Census does not directly publish the number of “*registered disabled*” at the postcode level, but it does record the number of people whose day-to-day activities are limited by a long-term health problem or disability. Based on national census statistics and the local health profile, it is estimated that around 64 residents of Mill Road, Burnham-On-Crouch, have a long-term health problem or disability that limits their day-to-day activities. This includes those with both severe and moderate limitations. The actual number may be slightly higher or lower, but this estimate is consistent with national averages and the local age profile. This demographic profile underscores the importance of accessible infrastructure and services tailored to older people and those with disabilities.

- 5.15. Emergency access is also a key concern for this area. Elderly residents may require more frequent emergency services and road narrowing, increased congestion, or blocked access routes could delay response times. Additionally, older people are at higher risk of falls and accidents. Poorly designed infrastructure, construction works, or increased vehicle movements can heighten these risks. The combination of an older population and a significant number of residents with limited mobility makes it essential that the development fully complies with best practice accessibility standards and does not introduce new barriers or hazards.
- 5.16. The Equality Act S149 Public Sector Equality Duty requires due regard to impacts on persons with protected characteristics. The route to schools along Southminster Road has very narrow footways, documented pinch-points, and seasonal deterioration (ECC note year-round suitability must be confirmed for PF14). Inclusive Mobility (DfT, 2021) and MfS2 expect 2.0m preferred footway widths with continuous, step-free, well-lit provision and safe crossings. The scheme’s indicative tactile paving and isolated off-site tweaks do not overcome the fundamental constraints (bridge pinch-point, chicane interaction, missing widths). This fails NPPF paragraph 115 (prioritise sustainable modes “*for all users*”).
- 5.17. Given these deficiencies, the proposal fails to demonstrate safe and suitable access for all users and should be refused unless it secures continuous, usable footways meeting Inclusive Mobility standards, safe PROW crossings and segregation where necessary and a design that removes single-track-without-footway exposure for pedestrians.

## 6. **THE INFORMATION PRESENTED FOR THE CONSTRUCTION PHASE OF THE APPLICATION AT ROMANS FARM REINFORCES THE UNSUITABILITY OF THE SITE FOR DEVELOPMENT**

- 6.1. As previously outlined, Mill Road has sections which are effectively single-lane in nature. It is narrowed by on-street parking and the one narrow footway, which is well used by pedestrians going to and from school. All of these issues are key issues which make it unsuitable and unsafe to allow access for sustained construction traffic and prolonged HGV access. The TA defers essential controls to a future CTMP, yet ECC Highways has already identified fixed physical constraints at the Southminster Road/Mill Road/Green Lane junction and at the bridge/chicane pinch points that are unlikely to be mitigated without third-party land or major works. Deferral is not adequate. NPPF paragraph 116 and MLDP Policies D1 and T2(6) require a demonstrably safe and deliverable construction strategy at decision, including

defined routing, hours, vehicle types, and protection measures for vulnerable road users.

- 6.2. The proposed new access and through-route would also materially increase noise, headlight glare and general disturbance for residents along Mill Road. This would be most acute for number 47 (adjacent to the southern access) and for numbers 40 and 42 (fronting the proposed through-route). Headlights, engine and reversing alarms, door slams and early/late-hour movements from both construction and operational traffic would erode residential amenity. The submission offers no robust, enforceable assessment or mitigation for these receptors, contrary to MLDP Policy D1 on amenity protection and NPPF paragraph 198 on minimising noise and light pollution. The applicant's own evidence acknowledges prolonged disruption: the Landscape and Visual Appraisal records "*large adverse and temporary*" construction effects on Mill Road/PRoW (including cranes, compounds, temporary lighting and heavy plant), the Health Impact Assessment anticipates construction lasting "*several years*" and relies on a future CTMP, and the Air Quality Assessment classifies construction dust-soiling risk as "*Medium*" (IAQM), requiring a Dust Management Plan. Given the duration and intensity of effects, a detailed, enforceable CTMP and associated mitigation must be secured now and not deferred. Furthermore, this evidence all adds to demonstrating the unsuitability of the site for development.

## **7. UNCERTAINTY AND GAPS IN ECOLOGY, BIODIVERSITY NET GAIN AND RECREATIONAL NET GAIN AT ROMANS FARM**

- 7.1. Notwithstanding the screening opinion offered on the need for an Environmental Impact Assessment (EIA) in August 2025, the scale of the proposal (200 units), the loss of greenfield land, the sensitivity of the site due to its proximity to coastal European sites, and the cumulative impacts with recent and committed growth all indicate likely significant effects that require a full EIA. The NPPF stresses that "*the right information is crucial*," including EIA/HRA and cumulative effects, to ensure transparent decision-making (NPPF paragraph 44). The screening appears to under-acknowledge landscape, biodiversity (direct, indirect, cumulative), flood risk, and infrastructure effects. Applying the precautionary approach, a full EIA should be required before determination. Any EIA or HRA material commissioned by the applicant cannot displace the Council's statutory role as the competent authority.
- 7.2. The ecological submissions omit any targeted barn owl assessment despite credible local records of barn owls hunting along Pannel's Brook and the applicant's own ecology report recommending a barn owl box. In the absence of a species-specific survey and secured foraging habitat retention/compensation for a Schedule 1 species, the EcIA conclusion of "*low usage*" is not sufficiently precautionary. This conflicts with MLDP policy N2 and NPPF biodiversity principles, which require significant harm to protected species to be avoided, and, if not avoided, robustly mitigated or compensated before consent can be given.
- 7.3. The Great Crested Newt eDNA report confirms positives in the adjacent ditch and pond, triggering the need for a district licence. The application only offers generic measures (temporary fencing, trapping, sensitive clearance) with no detailed, enforceable mitigation and receptor strategy. Determination without a secured licence route and agreed method statements would be contrary to the Conservation of Habitats and Species Regulations 2017 and MLDP policy N2.

- 7.4. The applicant's 2025 bat surveys confirm nine species on site, including light-averse taxa (*Myotis* spp and brown long-eared), with hedgerows and treelines functioning as commuting/foraging features. Although the static detectors recorded the highest activity along the eastern boundary, the ecologist expressly acknowledges that the southern boundary adjacent to Pannel's Brook is likely to have "*similar to or greater*" activity, yet no static monitoring was undertaken there. The western and southern edges were not covered by static detectors at all. This omission is a material methodological gap for the most sensitive corridor and underestimates risk to light-averse species.
- 7.5. Despite these uncertainties, the EcIA concludes that with a "*sensitive lighting strategy*" impacts will be acceptable. However, no decision-stage External Lighting Strategy or LEMP is provided, and there are no isolux plots demonstrating dark corridors ( $\leq 0.5$  lux at ground) along all retained hedgerows/treelines and the brook corridor. The northern hedgerow and perpendicular scrub (where commuting was recorded) would be intersected by new access and streets, creating severance and light-spill risks unless avoidance is demonstrably secured now.
- 7.6. In accordance with MLDP policy N2, the mitigation hierarchy, and current Bat Conservation Trust/ILP guidance on bats and artificial lighting, the Council should not defer these critical controls to conditions. Determination should be refused unless the following are secured at decision stage:
- 7.6.1. A detailed, bat-led External Lighting Strategy compliant with ILP/BCT guidance (warm-spectrum LEDs with peak wavelength  $>550$  nm, 0% ULR, full cut-off optics, minimal column heights, adaptive controls/curfews), with mapped 0.5 lux isolux envelopes providing unlit, contiguous dark corridors along Pannel's Brook and all retained hedgerows;
- 7.6.2. Minimum, enforceable buffer widths of at least 10–15 metres to these corridors, with removal of permitted development rights for external lighting on plots adjoining buffers and prohibition of any public realm lighting within buffers;
- 7.6.3. Hedgerow continuity measures at access breaks (eg hop-overs, canopy bridges, underpasses, and dense screening) to avoid severance;
- 7.6.4. A LEMP setting out long-term management of these features and a three-season post-occupation bat monitoring programme (static detectors positioned at the southern/eastern boundaries and at any severed hedgerows) with adaptive management triggers if activity for light-averse taxa declines relative to baseline;
- 7.6.5. A CEMP: Biodiversity including strict construction lighting limits ( $\leq 0.5$  lux at buffer edges), seasonal timing of works and ecological oversight. If bat boxes are relied upon, the number, models and exact locations on retained mature trees must be specified and installed prior to commencement.
- 7.7. The applicant has not demonstrated that significant effects on protected and priority bat species have been avoided or adequately mitigated, contrary to MLDP policy N2, the NPPF's precautionary approach, and relevant professional guidance. The reliance on later design to resolve known risks to commuting/foraging corridors is not

consistent with the need for "*the right information*" at the point of decision.

- 7.8. The applicant's own ecology material acknowledges an active badger sett on the south bank of Pannel's Brook, yet no dedicated badger assessment, sett mapping or badger-specific mitigation is provided. Photographic evidence of badgers using Mill Road is provided in Appendix 3, directly within the area proposed for access and off-site junction works. This creates a credible risk of disturbance, injury or death during construction and operation unless the scheme is properly assessed and controlled. Given the strict protections under the Protection of Badgers Act 1992, the application fails to demonstrate that offences can be avoided. The Local Planning Authority should require, pre-determination, a dedicated badger survey by a qualified ecologist covering the site and all off-site works (including Mill Road and the Southminster Road junction), with clear stand-off distances, construction method statements, a compliant lighting strategy, and (if necessary) a licensing approach; failing this, the application should be refused for insufficient ecological information.
- 7.9. Breeding and wintering bird surveys record multiple red/amber-listed species using hedgerows and scrub that will be partially removed. Although a biodiversity net gain (BNG) metric is submitted and a high-level net gain figure is claimed. However, there is no secured Habitat Management and Monitoring Plan, no detailed BNG layout, and no confirmed off-site receptor strategy (if required) to guarantee at least 10% net gain for a minimum of 30 years. Approval without these secured mechanisms would be inconsistent with the Environment Act 2021, NPPF biodiversity net gain provisions, and MLDP policy N2.
- 7.10. The draft Heads of Terms merely lists "*Securing BNG*" without the necessary specifics to enable enforcement. These are the legal mechanism and Biodiversity Gain Plan approval trigger, delivery and phasing triggers, bonds/guarantees, step-in rights, monitoring and reporting, and, if any off-site units are relied upon, control of those sites and their registration on the Biodiversity Gain Site Register. In the absence of a secured and enforceable BNG delivery framework at determination, the purported BNG uplift is uncertain and risks non-delivery, contrary to the Environment Act 2021, the statutory Biodiversity Gain Condition and MLDP Policy N2 requiring no net loss and measurable net gain for a minimum of 30 years.
- 7.11. The HRA relies on on-site circular walks/dog-off-lead areas and Essex Coast RAMS/SAMMS contributions to avoid adverse effects. These measures must be certain and secured at determination via S106 and conditions (including a CEMP: Biodiversity). The current Heads of Terms do not expressly secure RAMS/SAMMS, and reliance on later agreement would not satisfy the Habitats Regulations' precautionary tests.
- 7.12. The drainage strategy proposes discharge to Pannel's Brook without an ecological capacity appraisal of flow regime and water-quality impacts, and without a defined SuDS treatment train demonstrating pollutant removal indices for all land uses/phases. This falls short of MLDP policies D5 and N2 and the SuDS Design Guide for Essex which expect clear, above-ground, multifunctional SuDS integrated with green infrastructure and evidenced water-quality performance.

**8. THERE IS AN INCOMPLETE UNDERSTANDING OF HERITAGE AND ARCHAEOLOGY AT ROMANS FARM**

- 8.1. The Desk-Based Heritage Assessment and Archaeological Evaluation notes that “*overall, there is a high potential for archaeological remains to be present within the site*”. The potential comes from identifying multi-period remains within the site during the initial phase of archaeological trial trenching (Archaeology South East 2025), including a probable prehistoric ring-ditch, four early Roman urned cremation burials, and possible Early Saxon occupation alongside Pannel’s Brook. The Planning Statement (paragraph 5.62) proposes securing an additional phase of trial-trenching for the remainder of the site by condition post-determination.
- 8.2. While the Desk-Based Heritage Assessment notes that the assessment will “*provide the basis for potential mitigation strategies, including excavation, in situ preservation, and recording,*” no Written Scheme of Investigation or agreed mitigation strategy accompanies the application. Given the nature and dispersion of remains and the limited correspondence between geophysics and the trench results, deferring extensive evaluation to post-consent would risk avoidable harm and would prejudice master planning, contrary to the mitigation hierarchy that prioritises preservation in situ where feasible.

**9. ROMANS FARM IS AN UNSUSTAINABLE SITE**

- 9.1. MLDP policy I1 requires that development is supported by an appropriate type and level of infrastructure to support community and environmental needs and any future needs of the district. The evidence provided with this application is inadequate and fails to demonstrate that the necessary infrastructure will be delivered to support the proposed scale of growth. In the absence of published, itemised and triggered obligations, it is not possible to judge whether the proposed contributions will be sufficient to mitigate the development’s impacts in a number of areas.
- 9.2. There is no clear evidence that local schools have capacity to accommodate the additional demand generated by 200 new dwellings. Both primary and secondary schools in Burnham-on-Crouch are already oversubscribed, with local children having to travel to schools in other towns. In the absence of any published, itemised S106 education package, it is not possible for the public or Members to judge whether the proposed contributions will be sufficient to mitigate the development’s impacts on Early Years, primary and secondary provision.
- 9.3. The application provides no pupil yield calculations by phase, no identification of receiving schools or the costed capacity solution (expansions or new forms of entry), and no financial figures, indexation, phasing or occupation trigger points. Nor is there a published consultee response from the education authority setting out requested sums and delivery timing. Without this evidence, the scheme fails to demonstrate compliance with the statutory tests for planning obligations (necessity, direct relation, and fair and reasonable scale and kind), and conflicts with infrastructure-first policies requiring adequate, timely education capacity to be secured before consent. Determination should therefore be refused unless and until a detailed, costed and properly triggered S106 schedule for Early Years, primary and secondary education is agreed and made publicly available. In addition, it does not address safe routes to school given the constrained local road network.

- 9.4. The Health Impact Assessment (HIA) acknowledges existing pressures on GP and dental services but offers only generic references to “*financial contributions*” and no NHS-backed capacity solution. The local GP surgery is already at or over capacity with long waiting times, and local dental practices are not accepting new NHS patients. There is no published evidence of engagement with the NHS Integrated Care Board (ICB) or a commitment to deliver new or expanded health facilities in a timely manner. In addition, the applicant’s Covering Letter (including the draft Heads of Terms) does not include any health or primary care contribution at all.
- 9.5. In the absence of any published, itemised S106 package for healthcare, it is not possible for the public or Members to judge whether mitigation for primary care and wider health impacts will be sufficient. The submission provides no quantified patient uplift, no identification of receiving GP practices or costed estate solutions (for example, additional clinical rooms or premises expansion), and no financial figures, indexation, phasing or occupation trigger points. Nor is there any published consultee response from the ICB setting out requested sums, projects, and delivery timing. Without this evidence, the scheme fails to demonstrate that any health obligation would meet the statutory tests for planning obligations (necessity, direct relation, and fair and reasonable scale and kind) and conflicts with infrastructure-first policies requiring adequate, timely healthcare capacity to be secured before consent. Determination should therefore be refused unless and until a detailed, costed, and properly triggered S106 schedule for primary care and related health infrastructure is agreed with the ICB and made publicly available.
- 9.6. The application fails to secure any specific, costed S106 mitigation for public transport beyond an unquantified commitment to upgrade the nearest bus stops. ECC’s stated preference is for a per-dwelling bus service contribution of around £2,500, yet no agreed figure, duration, or service enhancement is identified or secured, and no payment or phasing triggers are proposed. Given the limited frequency and reach of local bus and rail services, the submission does not demonstrate how sustainable travel will be meaningfully promoted or how increased demand will be accommodated without worsening congestion and reducing accessibility for existing residents. Moreover, the walking distances to the Eve’s Corner bus stops are significantly understated; from large parts of the site they exceed 1km, well beyond the 400–800m maxima referenced in national and local guidance (including CIHT, Department for Transport, Active Travel England, MfS2 and Walkable Neighbourhoods) for sustainable access to public transport.
- 9.7. Paragraph 5.54 of the Essex Design Guide is very specific on this issue. It says that:  
*“All new homes should be located within 400m actual walking distance of a bus stop.”*
- 9.8. Access through Mill Road does not meet the minimum width for bus access set out in the Street Type Table at paragraph 6.1 in the Essex Design Guide. That requires a width of 6 or 6.75m. Mill Road is not wide enough to make bus access to a new development on Roman’s Farm possible. That would mean that the bus stop at Eves Corner would be the nearest bus stop and so the overwhelming majority of the houses on this development would be more than 400m from a bus stop and, therefore, contrary to the guidance in the Essex Design Guide.

9.9. In the absence of an itemised, indexed and properly triggered S106 package for bus service enhancements, the application does not demonstrate that its transport impacts are acceptably mitigated and should be refused.

9.10. Access to services and facilities is a vital part of ensuring a site is sustainable. The distance to the Co-op (nearest supermarket and shop, save for a Farm Shop at Eves Corner) at Foundry Lane is 1931m. The Walkable Neighbourhoods Report's research found that:

*"When journeys are short enough, most people walk. 800m, or approximately half a mile, is generally considered a standard walkable distance as it typically takes approximately 10 minutes to walk, and a 20 minute walking trip (1,600m total) has been found to be the longest distance a majority of people are willing to walk to meet their daily needs."*

9.11. The nearest shop is, therefore, more than twice as far from the site as the distance most people are prepared to walk. It also has to be remembered that this does not include the return journey. At almost 4000ms and nearly three times the distance the majority of people are prepared to walk to meet their daily needs, this will certainly mean that most journeys will be made by car. In addition, paragraph 3.182 of the Essex Design Guide says that a neighbourhood unit should contain a community hub containing shops, health and learning facilities, employment opportunities and communal workspaces all within a maximum 10 minute walking distance. This application does not meet any of the guidance in either Walkable Neighbourhoods or the Essex Design Guide and so the site must be unsustainable.

9.12. Paragraph 5.61 of the Essex Design Guide says:

*"While it is important to design developments that accommodate current standards and types of movement, it is also necessary to recognise and plan for the changes that will be brought about by future developments, not least the introduction of autonomous (self-driving) vehicles. This could result in changes to the streetscape such as the removal of on-street parking bays, the removal of street furniture associated with vehicular movement and the narrowing or tightening of roads, radii and junctions (due to the reduction in the additional space required to accommodate driver error). At present, definitive information regarding such changes is unavailable; nonetheless, all new developments should be designed with future adaptation in mind."*

9.13. Access would be via Mill Road and its unsuitability for that purpose has already been referenced throughout this submission. There is a high degree of risk to highway safety from access to this site being allowed along this route. Even if a new build development could be prepared for the future adaptation, Mill Road will not be able to be adapted because of the existing restrictions. As it cannot be future proofed as outlined in the Essex Design Guide, this would be contrary to the guidance contained within it at paragraph 5.61.

9.14. The applicant's claim that there is a "satisfactory strategy" for sewage disposal is not supported by the evidence provided by Anglian Water. While the sewage treatment works may have capacity, Anglian Water has made it clear in their Tier 2 – Pre-Planning Assessment Report, that after an in-depth analysis of:

*"... the local foul sewerage network up to the Water Recycling Centre and determined that the additional foul flow generated by the proposed development would create an unacceptable risk of flooding to our existing customers and the environment. A sustainable point of connection to the foul network is not available for this development. Anglian Water does not currently have a strategic investment scheme planned within this catchment, therefore at planning, Anglian Water will seek to utilise the planning system as a mechanism to control the risk of flooding to the environment and local network by objecting to this development."*

- 9.15. Until a fully agreed and funded solution for foul drainage is secured with Anglian Water, the risk of sewer flooding and environmental harm remains, and the application should be refused on these grounds.
- 9.16. In addition, it should be noted that although the developer states that flooding isn't an issue, both Mill Road and Stoney Hills are prone to surface water flooding and some residents have had problems with overflowing sewage (see Appendix 2 for photographic evidence).
- 9.17. In addition to the unresolved issues with foul drainage, the application fails to provide clear evidence of engagement with all relevant utility providers, including electricity, gas, water supply and telecommunications. There is no confirmation that the existing networks have sufficient capacity to serve 200 new homes, nor any detailed plans for necessary upgrades or mitigation of service disruption to existing residents. The lack of a comprehensive Utility Impact Assessment or Construction Management Plan raises concerns about the risk of prolonged roadworks, interruptions to supply, and cumulative impacts from multiple developments in the area. Without robust and transparent planning for all utilities, the proposal is flawed and risks significant harm to the local community's quality of life and essential services.
- 9.18. While the documents refer in general terms to "*financial contributions*" and potential on-site amenities, there is no published, itemised S106 package for community facilities beyond policy-minimum open space and biodiversity measures and no secured delivery or timing for any new or enhanced community provision. Notably, the very few positive responses recorded through consultation were expressly caveated on the basis that the development would deliver additional community facilities; the current submission does not do so, nor does it evidence any costed, enforceable commitments to that effect.
- 9.19. Given the Dengie's highly constrained transport network, served by a limited number of single strategic corridors and the cumulative impact of recent and committed growth in Burnham-on-Crouch, the submission fails to demonstrate a comprehensive, deliverable and properly phased infrastructure strategy. There is no itemised S106 package with costed sums, indexation and enforceable triggers across education, health, public transport and active travel, nor evidence of coordinated delivery agreed with the relevant authorities. In these circumstances, the proposal does not satisfy the requirements of MLDP policies I1, T1 and T2 and is inconsistent with NPPF paragraphs 8 a and b, which require infrastructure to be planned and coordinated to support sustainable growth. This fundamental deficiency weighs heavily against the scheme.

9.20. This application is contrary to the NPPF because it fails the three tests of sustainability ie economic, social and environmental objectives.

9.21. From an economic perspective:

9.21.1. Primary and secondary schools in Burnham-on-Crouch are oversubscribed and so children will have to travel from Burnham-on-Crouch to other areas to attend school;

9.21.2. There are limited employment opportunities in Burnham-on-Crouch and this application brings none with it in terms of longer-term sustainable jobs for those who would relocate to the area. That means that most people would be commuting to work with the majority choosing to use the car because the site is too far from essential elements to encourage people to walk. This would also create negative impacts on the environment and surrounding infrastructure;

9.21.3. The nearest bus stop exceeds the recommended distance that all homes in a development should be from a bus stop and it exceeds the walkable distance from services and facilities that people are prepared to walk;

9.21.4. In dismissing the appeal (APP/X1545/W/21/3267306) in 2021 for 8 houses on the site of Romans Farm, the Planning Inspector commented that the site was in excess of 500ms from a bus stop and he was:

*"not aware of any local facilities or services within a reasonable walking distance of the site".*

He concluded that he had not been shown that the site was well located for sustainable travel. Nothing has changed. There are no new facilities or services and most of this site will be even further from public transport, facilities and services than from that Romans Farm site. That will force people into vehicles in order to travel to places of work and to access facilities and services.

9.21.5. 200 more homes will bring with them a rapid and substantial increase in the number of residents. This will not be matched by infrastructure investment. That will put damaging pressure on already stretched local infrastructure and services. This is overdevelopment on a site that is in the countryside and is not a priority for development because it is not within a settlement boundary nor is it in one of the three strategic growth areas identified in Burnham-on-Crouch in the MLDP. It will create strain when the MLDP specifically says further growth beyond these three areas could not be sustained.

9.22. From a social perspective:

9.22.1. Despite claiming to have consulted with the community, the applicant has made no meaningful attempt to engage or consult with local residents. The consultation has not been inclusive and has not sought to adopt a democratic approach nor has it promoted trust and transparency or attempted to enhance social value. There has been no collaborative approach, only an invitation to feedback through email or make a website comment. This

approach has excluded many who are unable to communicate via email or digital means. There was no postal address on the flyer that was circulated;

9.22.2. Although there were over 165 responses to the consultation, as explained above, this figure cannot be relied upon. The applicant took a decision to ignore the overwhelming views of those that responded to this cursory consultation exercise as explained in section 4 above;

9.22.3. A 142% increase in the number of homes in this area of Burnham-on-Crouch risks unravelling the social fabric that makes Mill Road and Stoney Hills so special;

9.22.4. The application is completely at odds with the MLDP and the BNP. A further concern is the capacity of local primary and secondary schools to be able to accommodate more pupils leading to a need for them to be transported elsewhere and creating splits in vulnerable peer groups. A development of this size in this nonstrategic location with access regarded by all the residents as a real issue and risk to safety puts at risk the social cohesion of a harmonious and long established local community.

9.23. From an environmental perspective:

9.23.1. This site is outside the settlement boundaries of Stoneyhills and Burnham-on-Crouch. It has a rural setting and is set in the countryside. Its development will result in irrevocable damage to farmland which supports biodiversity in the areas that border the settlement boundaries. If developed it will never be regained and it will not be able to be replicated in smaller areas surrounded by the built environment;

9.23.2. Romans Farm is a unique part of the area because it is characterised by and set in a rural landscape and area of countryside. Small developments of five and eight houses in previous applications on or next to this site have been regarded by officers and planning inspectors alike as being harmful to the character and appearance of the area. The harm that would be done by 200 houses in this location is immeasurable in the scale of destruction it would wreak on the character and appearance of the area if it were to go ahead;

9.23.3. The sewage system does not have the capacity and capability to support this housing development and Anglian Water has already declared in the applicant's submission that they will object to it;

9.23.4. Once farmland is given over to development a valuable potential source for food production will be lost in an important farming area. Areas where sustainable food production can be implemented and utilised quickly will be essential in the current economic uncertainty and with the perilous state of world affairs;

9.23.5. Burnham-on-Crouch is at the end of the Dengie Peninsula. There are no settlements beyond the town to the east. Access to Burnham-on-Crouch is already challenging. There are constraints on travel and there is no scope to accommodate further demands on the limited road network. That has already been challenged by the development of the three strategic growth areas and

is also why the MLDP says that no further growth can be accommodated outside those three areas;

9.23.6. A sustainable transport approach on this site with access through Mill Road cannot be achieved. It has been shown how constrained the proposed access along Mill Road will be. It has physical constraints that cannot be overcome, that already present safety concerns to many pedestrians who have to face the risk of the narrow footway and there is a dangerous safety risk for cyclists, pram users, wheelchair and mobility scooter users. This development can only lead to a higher risk to the safety of all groups of pedestrians and particularly those in the most vulnerable groups.

9.24. Put simply, this site is no more sustainable today than it was when the Planning Inspector dismissed the appeal in 2016 and a different Planning Inspector did so again in 2021 saying it was in conflict with the NPPF and the MDLP. A development 40 times bigger than the first applications that were refused and dismissed cannot be regarded as being more compliant and it should be refused.

## 10. **A DEVELOPMENT OF 200 HOUSES ON ROMANS FARM WOULD BE CONTRARY TO THE NPPF, MLDP AND THE BNP**

10.1. This application conflicts with the spatial strategy and countryside protection policies of the MLDP and the BNP, and its scale and timing would prejudice the ongoing MLDP Review. It represents over development of a site which is not within a strategic growth area or a settlement boundary.

10.2. On transport and highway safety, the evidence demonstrates unresolved, material deficiencies in access design, visibility and inclusive pedestrian provision along a constrained corridor. This is compounded by a TA that underestimates peak-hour impacts and cumulative effects, contrary to MfS2 and NPPF requirements to ensure safe and suitable access for all users. Development should be refused where it impacts on highway safety and, in this case the effects are both unacceptable and severe.

10.3. The submission also fails the infrastructure-first test. There is no secured, itemised and properly triggered Section 106 package for education, health or public transport, no robust utilities solution (most notably for foul drainage as confirmed by Anglian Water) and no clear strategy to mitigate construction impacts on an already constrained network.

10.4. Ecologically, there is insufficient and unsecured mitigation for protected species, inadequate certainty on HRA/RAMS measures, and no enforceable framework to deliver and maintain the claimed BNG over the statutory period. Heritage and archaeology remain insufficiently understood to inform master planning or to prioritise preservation in situ. These harms are reinforced by the planning history, including the previous refusal and dismissed appeal on materially similar access and character grounds and by the clear weight of well-evidenced community objection focused on safety, capacity and environmental impacts.

- 10.5. In the planning balance, the cumulative conflicts with the MLDP, BNP and NPPF, the unresolved safety risks, the absence of deliverable and timely infrastructure and the ecological and heritage uncertainties significantly and demonstrably outweigh any asserted benefits.
- 10.6. The NPPF says that the three objectives of sustainability should be delivered through the preparation and implementation of plans and the application of policies in it (see paragraph 9). It also says that:

*"Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area".*

- 10.7. Paragraph 12 OF THE NPPF says that:

*"Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed".*

**As established earlier in this letter, this application is contrary to policies set out in the MLDP and, in our opinion, there are no material considerations to indicate that the plan should not be followed.**

- 10.8. In one of the supporting application documents (Supporting Information 7a Design and Access Statement Welbeck Strategic Land V Limited), the applicant states in paragraph 1.11 of the Planning Context section:

*"The Site has been continually promoted for allocation in the emerging Maldon District Local Plan, and was considered to be suitable for residential development in the Housing and Economic Land Availability Assessment (2023)."*

However, this information is incomplete and without the whole picture, could be misleading. The meaning of a site being included as "suitable" in the Housing and Economic Land Availability Assessment (HELAA) is explained in paragraph 1.5 on page 4 of Maldon District Council's "Housing and Economic Land Availability Assessment" report published in October 2023. It makes it clear that:

**"The inclusion of a site as 'suitable' with identified development potential does not mean or guarantee that planning permission will be granted if any specific development proposals come forward subsequently. Any proposed development must be considered through the planning application process in consultation with all interested parties, on its own merits and conformity with the statutory Development Plan."**

- 10.9. This objection makes clear that in considering this application on its own merits it does not conform with the MLDP, which in this case, is the "statutory Development Plan" and should be refused.

- 10.10. In light of the evidence above, the proposal is not consistent with the development plan and relevant national guidance. It conflicts with the MLDP, including Policies S1, S2, S3, S6, S7, S8, D1, H4, T1, T2, I1, D5 and N2; the Made BNP (including Policy HO.8); and the NPPF (including paragraphs 8-9, 12, 44, 110-111, 115-116, 130, 137 and 198). Concerns also remain regarding access, movement and inclusive design when assessed against MfS2, Inclusive Mobility, Active Travel England expectations, Walkable Neighbourhoods and the Essex Design Guide. There is continuing uncertainty on equality, ecology and lighting (Habitats Regulations, Environment Act 2021 and ILP/BCT guidance), drainage (SuDS Design Guide for Essex; MLDP D5/N2), and the timing and certainty of infrastructure and S106 mitigation. On this basis, and read against the plan as a whole, and the NPPF decision-making tests, the proposal should be refused. Even if the NPPF tilted balance were engaged, the adverse impacts identified would significantly and demonstrably outweigh the benefits.
- 10.11. The evidence presented in this letter overwhelmingly leads to the conclusion that planning permission for this application should be refused.

# **APPENDIX 1**

## **MILL ROAD:**

### **TRAFFIC ISSUES & HIGHWAY SAFETY**









# **APPENDIX 2**

## **MILL ROAD:**

### **SEWAGE SPILLS**



**Surface water flooding on prow 14  
near Pannels Brook**



