

Information handout for residents supplied by Cllr White, February 2026

Main issues with fighting these big and contentious planning applications are:

1. The main issues for planning are: a) Flooding/Surface water, b) Highways and c) Ecology.
2. The issues are that we all KNOW that there are huge issues with the big 3 (Highways/Flooding/Ecology), exacerbating existing issues and creating new ones with all of these, but this is where it gets difficult and where YOU, The Residents must take action. District Councillors can do very little on these 3 issues, as Maldon District Council are not a statutory consultee. What this means in practice is that the statutory Consultee is in actual fact **Essex County Council!** And what they say is final and we cannot then challenge it.
3. When the applications appear before Maldon District Council, of Which Lisa and I are only 2 votes, when we raise Highways, Flooding or Ecology (which we know are problems as we live here!) the officers will say but the statutory consultees (Essex County Council) have said that there are no issues, so that means that you cannot use those reasons as a reason for refusal, as the experts have said it is perfectly OK!
4. So, what you, the residents need to do is canvass and continually contact the elected Essex County Councillors. These are more important at this stage than District. You need to know what they are doing, who or what they are asking. What responses they are giving and receiving. Do not let them beat around the bush. Your countryside depends on you working hard to get the answers that we all need.
5. Find out who the local members of the highways and flood panels are. They will know the up-to-date information on who is doing what and what decisions are being made and what policies are in place.
6. Consider hiring an expert on flooding, highways or ecology to professionally challenge their reports (ECC the lead and statutory authority on highways/flooding/ecology).
7. Challenge, challenge and challenge again. Ask to see the email trails between Essex County Council members and the officers in charge, I am sure anything confidential can be redacted but make sure that they are working on your behalf. I know that Lisa at Maldon has copied members of the groups into some of the correspondence, but it is Essex County Council who make the recommendations which Maldon District Council are legally bound to agree with, as they (ECC) are the statutory authority. Let's be clear, this is as unpalatable for us as it is for you, but it is the way that planning works.
8. It is up to all of the residents and groups to work tirelessly and canvas Essex County Council elected members, as they are the only ones with the power to have any input into Highways, Ecology and Flooding.
9. Your County Councillor is Jane Fleming email: cllr.jane.fleming@essex.gov.uk Mobile Telephone No:07841 511064 and interestingly she sits on the Local Highways Panel, so is in a position of authority to raise Highways issues and also the Crouch Harbour advisory committee and Essex Coastal Forum.

Comments on the latest plethora of large planning applications:

1. Maldon District Council does make a planning decision, BUT we can only refuse a planning development on certain reasons, most of which are actually controlled and decided by Essex County Council, as they are the Statutory Consultee i.e. the legal

‘authority’ with the power to decide if certain criteria are harmful or not. So, to be clear, **the biggest issues are actually decided in advance by Essex County Council prior to us making our decision and if Essex County Council say there are no issues or problems, we cannot use them as a reason for refusal.** They are:

2. **Flooding and Surface water (SuDS) issues.** Essex County Council are the Lead Local Flood Authority.

What does it mean for Essex County Council to be a Lead Local Flood Authority (LLFA)? Essex County Council has been given lead responsibility for reducing the risk of flooding from surface water, groundwater and ordinary watercourses and to work closely with other organisations under the [Flood and Water Management Act 2010](#).

Our duties: Under [The Flood and Water Management Act 2010](#) and [Flood Risk Regulations 2009](#), Essex County Council as a Lead Local Flood Authority is responsible for managing flood risk. We are required to:

- work in partnership with other flood risk management authorities including the Environment Agency, Water Companies, Local Planning Authorities and Essex Highways.
- manage local flood risk such as groundwater flooding, surface water run-off and ordinary watercourses
- prepare and maintain a [Local Flood Risk Management Strategy](#).
- maintain a [register of assets](#) – these are physical features that have an effect on flooding
- manage any assets and features which have an impact on flood risk so they cannot be removed or replaced without permission
- [investigate flooding incidents](#) where necessary and make the results from these investigations public
- commission works to plan and prioritise flood risk management activities in relation to surface runoff or groundwater
- give permission for any changes to ordinary watercourses under the Land Drainage Act 1991
- consider using permissive powers under the Land Drainage Act 1991 to enforce watercourse maintenance in line with our [Enforcement Policy](#)
- make sure that any developments/projects drain off run-off water in a way which does not increase the risk of flooding anywhere else
- respond to major planning applications in relation to sustainable drainage systems.

3. **Highways, planning advice and issues.**

Essex Highways is a statutory consultee on highways. They play a significant role in planning and managing highway matters, ensuring that developments do not materially increase traffic or alter access to highways. Their responsibilities include advising local planning authorities on highway impacts and ensuring the safe and sustainable transport system. They also advise applicants.

We (Highways) can provide you with pre-application highway advice on road and transport matters associated with your proposal. This can give you:

- an early indication of whether your proposal is likely to be acceptable to the Highway Authority or not
- details of information you should submit with your planning application

Use the [request for highways and transportation advice online form](#) to apply for a service. Complete and send it to the email address below.

Reference the [highways and transportation advice - guidance and charges \(PDF, 120.85 KB\)](#) for services available and cost.

Highways policies and guidance

See our [Development Management policies \(PDF, 3.95MB\)](#) for our position on highway design and transport matters relating to new developments.

Refer to [Essex Parking Standards](#) for guidance on parking for new developments.

View the [Essex Design Guide \(EDG\)](#) for comprehensive guidance on planning in Essex. Includes the Highways Technical Manual and Streets and Roads guide.

4. Ecology and Nature issues.

Essex County Council is a statutory consultee on ecology and environment. They have a statutory duty to ensure that the diverse array of plant and animal life across the county is protected and managed, where they own them or carry out activities that may affect them. Additionally, they are involved in planning and environmental policies, which further solidifies their role as a statutory consultee.

Guidance for professionals

We are committed to working together to protect our natural environment. Sharing our expertise, knowledge, and experience.

Essex Green Infrastructure Standards

We have outlined nine principles and standards for strengthening the delivery of green infrastructures in Essex. Supporting all aspects of place making and place keeping. From policy planning to development management. As detailed in our Essex Green Infrastructure Standards guidance.

This guidance focuses on the technical application of the principles and standards. Including:

- why the principles and standards matter
- how to deliver the principles and standards
- how to measure success
- best practice case studies and illustrative examples

We have also produced a non-technical summary (PDF, 2.33mB) for those without specialist knowledge of the subject area.

These principles and standards align with the National Green Infrastructure Framework and Building with Nature Standards.

Sustainable Development Planning Guidance

We work with planners to review local development plans to achieve sustainable development and protect the environment.

When developing neighbourhood plans and other planning documents, you may want to reference:

Neighbourhood Planning, for help to develop a neighbourhood plan or neighbourhood development order
 Susdrain, for resources to help deliver sustainable drainage systems
 government guidance for local authorities on how to improve access to green spaces
 The Centre for Sustainable Energy's Low Carbon Neighbourhood Planning Guidebook, for guidance on sustainable neighbourhood plans
 government guidance for local councils developing renewable and low carbon energy policies

In addition to this, **Essex Place Services is actually owned by Essex County Council (as a traded i.e. commercial services arm of ECC)** and are usually the authority which advises on the nature/ecology section of planning applications.

Final note: Contact your County Councillors. Press them to scrutinise every decision. Leave no stone unturned.

Your County Councillor is Jane Fleming, and she is directly involved in Highways and coastal/flooding issues. You need to ask her to raise and report issues and also to report back with emails and documents. Ask her to press the issues we all know about.

email: cllr.jane.fleming@essex.gov.uk Mobile Telephone No:07841 511064 and interestingly she sits on the Local Highways Panel, so is in a position of authority to raise Highways issues and also the Crouch Harbour advisory committee and Essex Coastal Forum.

Biography: **Current Outside Body Appointments**

<u>OUTSIDE BODY</u>	<u>JOINING DATE</u>
Bradwell Local Community Liaison Committee	11 June 2021
Crouch Harbour Advisory Committee	26 September 2022
Essex Coastal Forum	01 July 2023
Essex Local Highways Panel - Maldon	18 June 2021
Kent and Essex Inshore Fisheries and Conservation Authority	11 June 2021
