

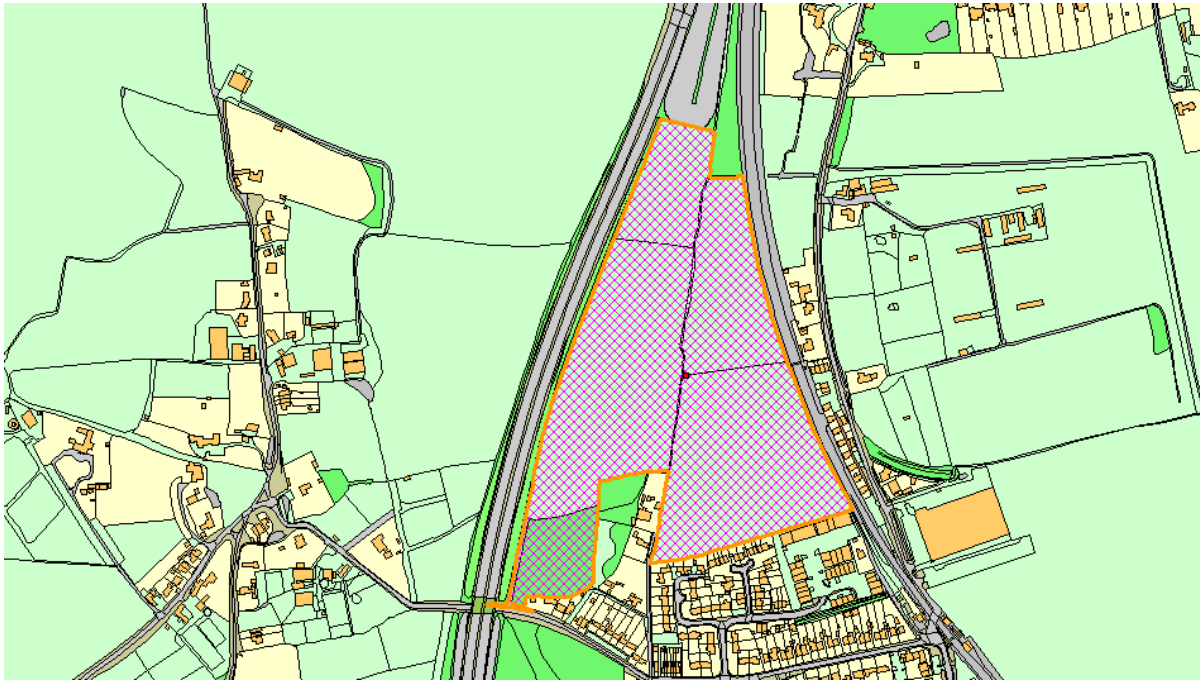
ITEM NUMBER: 6

PLANNING COMMITTEE DATE: 2 July 2025

REFERENCE NUMBER: UTT/24/0543/OP

LOCATION: Land North Of Bedwell Road And East Of Old Mead Road, Ugley And Henham

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 20 January 2025

PROPOSAL: Outline planning permission with all matters reserved except access for the erection of up to 240 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point.

APPLICANT: Gladman Developments Ltd

AGENT: N/A

EXPIRY DATE: 21st June 2024

EOT Expiry Date 7th July 2025

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits & site within 150m of Local Wildlife Site

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application.

1. EXECUTIVE SUMMARY

- 1.1** This application seeks outline planning permission with all matters reserved except for access, for the construction of up to 240 dwellings, including the provision of 40% affordable housing (96 dwellings). The details appearance, landscaping, layout and scale would be subject to a reserved matters application.
- 1.2** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby the proposals are contrary to Policy S7 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11 of the National Planning Policy Framework (NPPF) is thereby the tilted balance is engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.
- 1.3** The proposed development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. The proposals would provide up to 96 affordable dwelling

and the provision of public open space. Significant weight has thus been accorded to the benefits of the development proposed.

- 1.4** Due to the location of the development external amenity spaces will be subject to high levels of noise for significant periods of time. The proposal would not provide high standards of amenity or acceptable living conditions for the future occupants. There is conflict with ULP Policies ENV10 and GEN2 and the NPPF.
- 1.5** Furthermore, insufficient information or evidence to demonstrate that the proposals would not adversely affect protected species. Therefore, it is not possible to fully assess the potential impacts of the development and enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998. As such is contrary to the ULP Policy GEN7, the NPPF and the statutory duties imposed on local planning authorities.
- 1.6** Taking into account the more up- to-date nature of the NPPF with respect to the determining issues, it is considered on balance the adverse effects of granting planning permission substantially and demonstrably outweigh the benefits, when assessed in the policies in the Framework taken as a whole.

2. RECOMMENDATION

- 2.1** That the Strategic Director of Planning be authorised to **REFUSE** permission for the development for the reasons set out in section 17.

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The site is located on the northern side of Elsenham in the Parish of Ugley and Henham, and forms a rough triangular area of agricultural land, bounded by Bedwell Road to the south, the railway is to the east, and the embankment to the M11 motorway to the west. The southern boundary is defined by residential properties and the Gold Nursery Business Park. Existing trees and scrub landforms the northern boundary of the site. A small area of grass and scrubland is found to the southwest of the application site. The southern boundary contains residential properties and Gold Nursery Business Park. A public right of way crosses the site from the southwest at Bedwell Road.
- 3.2** The site itself is irregular in shape over an area of 13 hectares. The site is generally flat at approximately 90m Above Ordnance Datum.
- 3.3** Access to the site is via Bedwell Road to the southwest of the site. Pedestrian/cycling routes are found within the site.
- 3.4** The site is relatively open with no established built form.

4. PROPOSAL

- 4.1** The application is for outline planning permission for the erection of up to 240 dwellings, including the provision of 40% affordable housing (96 dwellings) with all matter reserved except access.
- 4.2** Structural landscape planting and the retention and positive management of key landscape features.
- 4.3** Formal and informal open space including a community orchard, proposed area for nature conservation and community woodland as well as tree-lined streets.
- 4.4** Vehicular access onto Bedwell Road.
- 4.5** Sustainable Drainage System (SuDS).

5. ENVIRONMENTAL IMPACT ASSESSMENT

- 5.1** The proposed development falls within category 10(b) of Schedule 2 of the EIA Regulations 2017. A screening request for residential development on this site was submitted under LPA reference UTT/19/1021/SCO and it was confirmed that the proposed development was likely to give rise to significant environmental effects on the environment, including cumulative impacts with other committed development in the area. An Environmental Statement has been provided as part of the application. The scope of this ES includes:
- Transport,
 - Air Quality
 - Ecology

6. RELEVANT SITE HISTORY

- 6.1** UTT/19/2266/OP
- 6.1.2** Outline planning application for the erection of up to 220 dwellings including affordable housing with public open space, structural planting and landscaping and sustainable drainage system (SuDS) with vehicular access point from Bedwell Road. All matters reserved except for means of access.
- 6.1.3** Refused, dismissed at appeal on noise disturbance.
- 6.1.4** *Adjoining Sites*
- 6.2** UTT/20/2908/OP

- 6.2.1 Outline application for up to 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure - all matters reserved except access.
- 6.2.2 Refused, allowed at appeal.
- 6.2.3 UTT/24/1618/PINS
- 6.2.4 Consultation on S62A/2024/0049 - Approval of reserved matters following outline approval UTT/20/2908/OP for Up to 50 market and affordable dwellings, public open space and associated highways and drainage infrastructure
- 6.2.5 Approved.

7. **PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 7.1 A statement of community involvement has been included with the application, this set out a number of
- 7.2 The applicant has consulted the local community of Elsenham prior to the application being submitted. It is considered that the scope of the community consultation has met with, and gone beyond, the recommendations of Local and National planning policies and legislation.
- 7.3 The applicant considers they have taken true accountability of the views expressed by those who were consulted and has engaged with the local community in a variety of different ways to ensure that their opinions have been considered within the evolution of the scheme put forward within this application.
- 7.4 The developer consultation included:

Engagement with the local community including press release, leaflet drop and dedicated website for further information.
- 7.5 Engagement with Parish Councils
Gladman wrote to Elsenham, Ugley and Henham Parish Councils with details of the proposed development and community consultation including copies of the location plan and consultation leaflet on 27th June 2019.
- 7.7 Engagement with Ward Councillors
Gladman wrote to the Ward Councillors for Elsenham and Henham, the late Councillor Garry LeCount and Councillor Petrina Lees and to the Stort Valley Ward Councillor Janice Loughlin to provide details of the consultation and included a copy of the consultation leaflet on the 27th June 2019.

7.8 Engagement with Uttlesford District Council
Gladman requested pre-application advice from Uttlesford District Council. A meeting was held on 12th June 2019 with the Case Officer to discuss our proposal.

7.9 Engagement with the MP for Saffron Walden
Elsenham is in the constituency of Saffron Walden. Gladman wrote to the Member of Parliament for Saffron Walden, Rt. Hon. Kemi Badenoch, to notify and inform her about the development proposals.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 No objection subject to conditions.

8.2 Local Flood Authority

8.2.1 No objection subject to conditions.

8.3 National Highways

8.3.1 No objection.

8.4 Network Rail

8.4.1 Given the sensitive nature of the nearby infrastructure, including Network Rail's, it is imperative that the construction phase be overseen by an experienced organization with working near to Railways experience. Construction management required and should be secured by condition.

8.5 Natural England

8.5.1 No objections subject appropriate mitigation being secured. We consider that without appropriate mitigation the application has potential to damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) has been notified.

- In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured through planning conditions:
- Financial contribution towards Strategic Access Management and Monitoring (SAMM)
- The provision of on-site Accessible Natural Greenspace (ANG)

- A signposted circular dog walking route of approximately 2.3-2.5km, making use of Public Rights of Way (PRoW) if needed.

9. **Elsenham Parish Council**

- ### 9.1
- The noise from the M11 and railway will make the site unsuitable for residential development,
 - Elsenham has been subject to a great deal of development in recent years resulting in inadequacy of road access.
 - The village facilities are at bursting point; the following is needed:
 - A cemetery,
 - Employment,
 - Shops,
 - Surgery,
 - Sporting facilities,
 - New community centre,
 - The view that Elsenham is not now suitable for further development is confirmed by Uttlesford's new Local Plan, where the Regulation 18 consultation was completed in December 2023. Elsenham is ranked as a 'Local Rural Centre'; but, unlike other settlements ranked in the same category, no proposals are made in the consultation for further development in the village [*Officer note: the subsequent Reg19 version allocates 110 homes on the edge of Elsenham*].
 - Elsenham Parish Council is firmly of the view that there are no socio-economic benefits to the proposal.
 - Elsenham Parish Council takes the view that the proposal is incompatible with UDC Policy S7 and with the NPPF.
 - Walking distances are too long to for most journey to and from this site and most people will rely on vehicles.
 - Cycle stands at the railway station are not needed. The few stands on the platforms at present are never used to capacity. Cycle stands at the shops would not encourage fewer journeys by private car - the only people who cycle to the shops are those who are too young to drive.
 - In regard to buses, the commitment to an extra level of service is welcomed. However, the Illustrative Site Layout and similar documents show no provision for bus stops 'just inside the site entrance', and no obvious provision for buses to turn round within the site.

- Parking near to the site causes traffic congestion, due consideration should be made to this.
- A construction route should be provided.
- The proposal should include a scheme of road widening.
- UDC Parking standards should be used in the design of the scheme and the Essex design guide should be used considered in regard to garden size.
- Due consideration should be made to ecology and biodiversity.
- The applicant's state:
- The addition of a wildlife pond within the open space will provide further ecological benefits, attracting a variety of water loving fauna, aiding to the diverse habitats the the development could offer (Design and Access Statement, 3 of 3, 7.2). Stretches of open water cannot be included in developments in the area, owing to the proximity of Stansted Airport and the consequent risk of bird strikes.
- In regard to the Statement of Community Involvement, this covers the previous planning application,
- The statement that 'The responses and findings of the original public consultation remain valid and relevant for this application' (Statement of Community Involvement, Preface) can only mean that this application must suffer the same fate: refusal.

9.1.1 Concerns raised in regard to the planning obligations:

- Details are requested regarding a proposal by the applicants for 'an offsite sports provision'. Clarification is needed regarding proposed improvements to the bus service.
- Reference is made to the provisions in the S106 for a previous application on the same site for 220 dwellings. Contributions within the S106 for the present application are requested with regard to health (with an assurance that it will be used locally).
- The community halls in Ugley and Elsenham require improvements and also improvements to the public rights of way network.
- There has been a lack of community involvement on behalf of the applicant.
- The proposed healthcare provision should be provided

- Further, non-technical, objections are raised regarding noise. Attention is drawn to the large volume of development approved in Elsenham in recent years, including some which has not been consistently taken into account by the applicants. Elsenham is badly in need of new facilities. The draft Local Plan proposes no new development in Elsenham. There are no potential socio-economic benefits to the proposal. The potential impact on the landscape is vital in this last vestige of open land near the village.
- The site's isolation means that walking times would be excessive, and cycling is not viable to Stansted Mountfitchet or Stansted Airport. Proposals regarding buses are inconsistent. A key road junction has not been assessed properly, and on-road parking has not been recognised as a major factor in congestion. There is no suitable route for construction vehicles and a proposal for road widening would be pointless if implemented.
- The applicants have not observed Uttlesford parking standards for parking within the site, and there is nothing to show that due allowance has been made for garden sizes. Obligations regarding a redacted matter could be resolved through a change to an area not proposed for housing. The proposed pond is inconsistent with Stansted Airport directives. The Statement of Community Involvement cannot be taken seriously.

9.2 Ugley Parish Council

- 9.2.1**
- The speed limit on Pound Lane is 60mph. With all this extra traffic the Parish Council request that the limit is reduced to 30mph.
 - Urgent works is required for the village hall for a replacement or refurbishment.
 - Footpaths along Patmore Road need to be improved.

9.3 Henham Parish Council

- 9.3.1**
- The Planning Inspector, when considering an appeal against the UDC refusal of the planning application in 2020 found the noise levels from the M11 and the Railway unacceptable as a location for residential housing.
 - Elsenham and Henham Parish Councils have engaged a Noise consultant to consider the new application to see if any adjustments have been made which would mitigate the Inspectors findings.
 - Henham Parish Council engaged a Planning and Transport consultant to advise the Council during the last application and into the Inspectors hearing. The reports presented by these planning

consultants are still relevant to the considerations by the Planning Committee.

- Since the Inspectors hearing into this case the built and allowed planning applications in this area of Elsenham have increased. From a base in the 2011 census of 980 dwellings this figure has increased by 1550 dwellings to 2530 dwellings. No infrastructure has been added to the area resulting in overstretched amenities such as schools, surgeries, and road infrastructure.
- The location of this site on the narrow country lanes of Bedwell Road leading through to Ugley and surrounding roads are woefully inadequate.
- HPC are also concerned at the Air Quality being so close to M11. Not only exhaust emissions, but a considerable amount of brake dust and tyre rubber in the air. New housing often attracts young families, and children are more vulnerable to such pollution. This pollution added to the preexisting fuel stink from Stansted Airport must make the area uninhabitable for residents in the M11 corridor.
- HPC considers this an opportunist application and an attempt to get under the wire before the Local plan reaches the Section 19 consultation. This application was considered by a Planning Inspector over a lengthy hearing who carefully considered the suitability of the site for residential housing and found it unsuitable. Nothing has changed. We ask the UDC planning refuse this application.

9.4 Joint Noise Assessment Statement Elsenham, Henham, Ugley

9.4.1 The parish Council have provided a joint Noise Assessment (24 Acoustics) a summary of this includes.

- The submitted noise assessment of the suitability of the site for development at the scale proposed. For example, real world noise levels under prevailing wind conditions will be higher than those reported by the Sharps Acoustics report. It is not considered normal practice to produce predicted levels (corrected for annual wind direction).
- Based on the information submitted, it is considered very likely that a significant majority of windows would need to remain closed to achieve criteria given in BS 8233. This factor weighed heavily against the previous appeal scheme.
- External noise levels should meet external noise limits offered by UDC previously and those imposed by Inspectors at two nearby appeals that were allowed. The successful mitigating of noise from

an elevated motorway (ie, where a conventional noise barrier is not possible) is not a trivial problem to solve.

- On this basis, it is recommended that this application be refused owing to the substantial noise impact likely.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 Objects to the development:

- site adjacent to both the M11 and the railway line result in noise mitigation measures being required
- these mitigation measures are primarily by way of having 3-storey blocks
- these mitigation measures are primarily by way of having 3-storey blocks
- Irrespective of tenure the proposed flat blocks should not be the acoustic barrier for the proposed development.
- Registered Providers are becoming more selective in respect of which sites they are willing to bid upon and one with an active development programme within the Uttlesford district has recently advised that they are unwilling to bid upon sites where the noise mitigation consists of constructing flat blocks as a sound barrier.

10.2 UDC Environmental Health- Objection

10.2.1 It still remains that external amenity spaces will be subject to high levels of road traffic/rail noise for significant periods of time, which are above guideline levels in some cases.

10.2.2 I have reviewed the Parish Council submission, completed by 24Acoustics, who were appointed to comment on the Noise Assessment by Sharps Acoustics dated 26th January 2024. I have also independently reviewed the Noise Assessment by Sharps Acoustics dated 26th January 2024.

10.2.3 It is also noted the planning inspector previously highlighted the following:

10.2.3.1 *“Being required to always keep windows closed in all 220 residential properties, is far from desirable and raises concerns over the suitability of the site for residential use”.*

10.2.3.2 *“The appellants propose a condition that would restrict external noise levels in private gardens to 58 dB LAeq 16hr between 0700 and 2300.*

This is indeed a marginal exceedance of the BS8233:2014 guidance and could be a satisfactory approach. However, this would require detailed noise mitigation and I have serious reservation whether this condition could be realistically complied with, given the high number of dwellings currently within the 57-61 dB LAeq 16hr ranges and the elevated nature of the M11, which I was advised would make it difficult to mitigate noise.”

- 10.2.3.3** *“Consequently, based on the details before me at this time, the combined effect of the requirement to keep all windows always closed in all properties, the level of noise in external private gardens, the public open space located in the noisiest areas on site, along with there being no quiet alternative space (except inside the house, with windows closed) and the concerns over long term ventilation and condition compliance; it is my judgement that the proposal would not provide high standards of amenity or acceptable future living conditions. This could lead to significant adverse impacts on health and quality of life and is contrary to Policy ENV10 of the ULP, which seeks to ensure occupants of housing would not experience significant noise disturbance.”*
- 10.2.3.4** 24 Acoustics have challenged the methodology of the submitted assessment, including adding a correction for wind direction. Consequently, 24 Acoustics state “real world noise levels under prevailing wind conditions will be higher than those reported by the Sharps Acoustics report”. The comments made by 24Acoustics should be considered.
- 10.2.3.5** Nonetheless, based on the submitted noise assessment by Sharps Acoustics, it does show that a significant majority of windows would need to remain closed to achieve criteria internal noise levels given in BS8233:2014, with many of the properties fitted with mechanical ventilation.
- 10.2.3.6** With regards to external amenity areas, noise levels for road and rail noise remain high, and many proposed gardens exceed the BS8233:2014 upper guideline value of 55 dB LAeq,16hr for noise levels in external amenity spaces. Figure D9 in the Sharps Acoustic Report demonstrates the current proposed layout for the site, which shows many external amenity areas are likely to be between 55dBA and 58dBA. The previous proposed layout is included in Figure D8 and illustrates many external amenity areas exceeded 58dBA. The change in predicted external amenity values between D8 and D9 is due to shielding from the change in layout. However, layout remains a reserved matter and therefore, is not guaranteed. BS8233:2014 states the guideline values may not be achievable in all circumstances where development might be desirable. In such a situation, development should be designed to achieve the lowest practicable noise levels in these external amenity spaces.
- 10.2.3.7** Based on the above information, Environmental Health object to the application. However, there may be local requirements and demand for

housing in this area and therefore the noise impact on external amenity spaces will have to be balanced against this requirement from a broader planning perspective. Therefore, if the LPA is minded to accept, I would recommend the following condition:

- 10.2.3.8** Details of a scheme of noise mitigation measures in full compliance with all recommendations of the submitted acoustic report (Prepared by Sharps Acoustics, dated: 26th January 2024) shall be submitted to the Local Planning Authority for written approval. Once approved the scheme shall be implemented in full prior to the use commencing and permanently maintained thereafter.

10.3 UDC Landscape Officer

- 10.3.1** I reviewed the LVIA, arborist report, Parameters Plan and Development Framework Plan.

- 10.3.2** I agree with UDC Urban Design Officer (see below) that there are access issues due to the site's constrained nature, noise and pollution issues from the M11 to the west and the lack of public open space to the south-east of the site.

- 10.3.3** My additional comments include:

- Centrally located LAP provides good focal point for development
- PROW route should be more direct - follow desire line of most efficient route
- More information needed on potential future pedestrian link to north, eg. what route would this take? Where would this connect to? What form would this take?
- Sometimes there is a break in street trees where there are raised shared surfaces/pedestrian priority areas - street trees should continue with consistent spacing through these areas.

10.4 ECC Infrastructure

- 10.4.1** No Objection subject to contributions. A development of this size can be expected to generate the need for the following financial contribution to mitigate the need for education places based on 240 dwellings:

Early Years (Financial contribution -£500,947.00)

Primary Education (Financial Contribution- £1,398.600

Secondary Education: (Financial contribution of £1,282,416.00)

Libraries: (Financial contribution of £18,672.00)

10.5 NHS

- 10.5.1** No objection subject to contributions, the proposed development would deliver 240 dwellings, which based on an average occupancy of 2.4 occupants per dwelling will create circa 576 new patient registrations. A financial contribution is requested for health infrastructure to mitigate the primary health care impacts from this development, this includes:

Total GMS monies requested: 240 dwellings x £1,292 per dwelling = £310,080.00.

10.6 Aerodrome Safeguarding

- 10.6.1** No aerodrome safeguarding objections to the proposal subject to conditions.

10.7 Anglian Water

- 10.7.1** Anglian Water have no objections.

10.8 Essex Police

- 10.8.1** No objection, we would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award.

10.9 Place Services (Ecology) – Holding Objection

- 10.9.1** Holding Objection, further information required.
- 10.9.2** We are not satisfied that there is sufficient ecological information available for determination of this application in relation to bats, Badger and Important hedgerows and recommend that further information is provided prior to determination. In addition, we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination.

10.10 Active Travel England

- 10.10.1** No objection, subject to conditions, these include:
- Approval of travel plan,
 - Internal walking and cycle routes,
 - Approval of travel design code,
 - Approval of cycle parking

10.11 UDC Urban Design Officer

- 10.11.1** This most significant issue with this site is the noise generated by the motorway and whether this is compatible with creating a safe, pleasant and attractive place to live. The applicant has made great efforts to

mitigate the noise with the arrangement of buildings and the use of noise attenuation strategies and equipment. However, whilst the internal noise levels may be able to be moderated, it is questionable as to whether a long-term community should be expected to tolerate the constant motorway noise whenever they are outdoors. This is particularly relevant when considering the location of the play areas.

10.11.2 The proposals are for a cul-de-sac type development accessed from a single point of entry and egress. Given the location of the site entrance and the layout, the resulting scheme is poorly connected to local amenities and facilities. Furthermore, development of this scale with the limited outward connections and sustainable travel options will, in all likelihood, be overly reliant on cars for the majority of journeys. This coupled with the introverted nature of the layout risks creating a dormitory development that does not fully integrate with its neighbourhood.

10.11.3 The above points aside, the urban design would benefit from more distinction between character areas and a public realm that better aids wayfinding, with the inclusion of additional open spaces.

10.12 National Trust

10.12.1 Neither objecting to or supporting the Planning Application,

10.12.2 Having regard to the evidence and in accordance with the above requirements and the advice of Natural England, it is considered that the impacts of the development on Hatfield Forest should be addressed. New housing development within the ZOI will contribute further (both individually and cumulatively) towards recreational pressure on the Forest.

10.12.3 We consider a financial contribution of £334,800.00 (£1,395.00/dwelling) to the National Trust would be appropriate for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works. This would be proportionate with contributions secured for other developments and reflects the current tariff agreed between the four authorities.

10.12.4 If, however, appropriate mitigation is not secured to address the issue set out above then the National Trust objects to this application

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 485 notifications letters were sent to nearby properties. The application was also advertised in the local press.

11.2 Summary of Objections

- 11.2.1**
- Occupiers – impact from noise
 - Increase in vehicle movement in the local area,
 - Lack of local infrastructure,
 - Flooding and drainage issues,
 - Overdevelopment of Elsenham,
 - Increase in pollution,
 - Impact to traffic and highway safety,
 - The design of the development is inappropriate,
 - Not a requirement for further houses in Elsenham,
 - Harmful impact to wildlife and ecology,
 - Impact/ loss of trees,
 - Elsenham has recently significantly grown,
 - Development on this site has previously been refused and dismissed at appeal.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application,:
- (a) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

12.3 The Development Plan

12.3.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made 21 February 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made 28 June 2021)
Thaxted Neighbourhood Plan (made 21 February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)

Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)
Great and Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2024)

13.2 Uttlesford District Plan 2005

13.2.1

- S7 – The Countryside
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN5 – Light Pollution
- GEN6 – Infrastructure Provision
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards
- ENV2 – Development Affecting Listed Buildings
- ENV3 – Open Spaces and Trees
- ENV5 – Protection of Agricultural Land
- ENV7 – Protection of the Natural Environment
- ENV8 – Other Landscape Elements of Importance
- ENV10 – Noise Sensitive Developments
- ENV12 – Groundwater Protection
- ENV14 – Contaminated Land
- H1 – Housing development
- H9 – Affordable Housing
- H10 – Housing Mix

13.3 Neighbourhood Plan

13.3.1 It is confirmed a Neighbourhood Plan has not been made.

13.4 Supplementary Planning Document or Guidance

13.4.1

- Uttlesford Local Residential Parking Standards (2013)
- Essex County Council Parking Standards (2009)
- Supplementary Planning Document- Accessible homes and play space
- homes Essex Design Guide
- Uttlesford Interim Climate Change Policy (2021)
- Uttlesford Design Code (2024)

14. CONSIDERATIONS AND ASSESSMENT

14.1 The issues to consider in the determination of this application are:

- 14.2**
- A) Principle of Development**
 - B) Countryside Impact**
 - C) Design & Neighbouring Amenity**
 - D) Access, and impact on highway network (ULP Policy GEN1 and NPPF)**
 - E) Affordable Housing Mix and Tenure**
 - F) Biodiversity and Protection of Natural Environment (ULP policies GEN7, GEN2, ENV7 and ENV8)**
 - G) Noise, Pollution and Air Quality (ULP Policies GEN2, ENV10 and ENV13)**
 - H) Climate Change**
 - I) Contamination**
 - J) Flooding**
 - K) Planning Obligations**
 - L) Environmental Statement**

14.3 A) Principle of development

14.3.1 Housing Delivery

14.3.2 The 2024 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process. It advocates policy that seeks to significantly boost the supply of housing and requires local planning authorities to ensure their Local Plan meets the full, objectively assessed housing needs for market and affordable housing.

14.3.3 The scheme would facilitate the construction of residential units in a location close to public transport and local facilities, including affordable housing. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

14.3.4 Development Limits

14.3.5 Paragraph 82 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

14.3.6 The application site is located outside of the development limits and in the countryside. Policy S7 of the Local Plan specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is

appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

14.3.7 Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.

14.3.8 A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas and therefore should be given moderate weight. Nevertheless, it is still a saved local plan policy and carries some weight. The proposal would be located to the north-western edge of Elsenham in an area which is effectively an enclave of undeveloped land that is adjacent to residential development to the east and south and bound by the M11 Motorway to the west. This would serve to offset the visual impact of the development on the landscape in wider views of the site. Whilst the proposal would have a localised impact on the local landscape, the proposal would not meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.

14.3.9 Loss of Agricultural Land

14.3.10 Paragraph 187(b) of the Framework states “*Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*”.

14.3.11 Annex 2 of The Framework defines “best and most versatile land” as land in Grades 1, 2 and 3a of the Agricultural Land Classification.

14.3.12 Local Plan Policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

14.3.13 The policy is broadly consistent with the Framework which notes in paragraph 187(b) that planning decisions should recognise the economic and other benefits of BMV agricultural land, whilst the footnote to paragraph 188 states that where significant development of

agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. However, the Framework does not require development proposals to have undertaken an assessment of alternative sites, as this policy implies, and in this regard the policy is not fully consistent with the Framework and should therefore be given reduced weight.

14.3.14 Most of the agricultural land within Uttlesford District is classified as best and most versatile land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some areas of Grade 1.

14.3.15 Whilst there would be some conflict Policy ENV5, the site is consists of Subgrade 3 – good quality agricultural land and therefore classified as best and most versatile land. Given the above and that the loss of BMV land as part of the application would be approximately 13 hectares and taking into consideration the consideration of the Planning Inspector, there would be moderate harm to the supply of best and most versatile agricultural land. Therefore, the loss of agricultural land in this location is considered to give rise to conflict with Policy ENV5 and as such this should be considered as any tilted balance exercise.

14.3.16 Suitability and Location

14.3.17 Paragraph 83 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. New homes create additional population, and rural populations support rural services and facilities through spending.

14.3.18 Although outside the settlement boundaries of Elsenham, the new built form would be constructed adjacent to the northern edge of the settlement and therefore the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

14.3.19 Therefore, the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

14.3.20 NPPF Policy Position

- 14.3.21** The Council can demonstrate 3.46 years of housing land supply (which includes a 20% buffer). With the Housing Delivery Test (HDT) being at 69%, the situations of Footnote 8 apply, which means that the Council must continue engaging with the presumption in favour of sustainable development under paragraph 11(d) of the NPPF. The age of the Local Plan is also supportive of this. Finally, the emerging Local Plan was submitted to the Secretary of State on 18 December 2024 but due to its stage of preparation and as the proposed strategy has not been tested at examination, it should be afforded limited weight.
- 14.3.22** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 14.3.23** The "Planning Balance" is undertaken further below, but before doing a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.
- 14.3.24** However, taking into account the engagement of the tilted balance and when reviewed against the aforementioned policies, the proposal is on balance, considered to be acceptable in principle.

14.4 B) Countryside Impact

- 14.4.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 187 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 14.4.2** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.
- 14.4.3** The Site is located on the northern edge of the settlement of Elsenham. It forms a broadly triangular shaped land parcel between the built edge of Elsenham, the M11 and the West Anglian Main Line railway. Neither the Site nor the landscape in its vicinity, are covered by any statutory or non-statutory designation for landscape character or quality.
- 14.4.4** The Site lies within the Broxted Farmland Plateau, as identified in the Uttlesford District Landscape Character Assessment. Whilst the Site displays some characteristics of the wider character area in that it is relatively open farmland, it is heavily influenced by the surrounding transport infrastructure and the built edge of Elsenham.

14.4.5 In addition, it is relatively low lying, flat land which is contained by the rising land to the east and west. The Site contains few landscape features of note, and lacks a strong landscape framework, with field boundary hedgerows largely absent. The landscape quality and value of the Site is assessed as medium to low.

14.4.6 The submitted Landscape and Visual Impact Assessment considers that although there would be a substantial change in the character of the Site, landscape and visual effects on the character or views from the wider countryside would be limited. Development at the Site will extend built development at the northern edge of Elsenham into an area of farmland. Despite this, the Site is well contained by the surrounding transport infrastructure which separates it from the wider countryside to the east and west. Development in this location would form a logical extension to the existing built-up area and would be well related to the established settlement pattern within Elsenham.

14.4.7 The Council's Landscape Officer has been consulted and no in principle objections have been raised. The effect of the proposal on the existing character of the immediate site would be major to moderate adverse, although this would be localised. This is due to the change of the undeveloped agricultural field to a residential development; however, this is localised. Whilst there would be substantial change caused by the proposed development on the existing character of the application site, the effect on the broader landscape would be limited and could be mitigated by a scheme of appropriate landscaping.

14.4.8 The proposal for up to 240 dwellings would result in the introduction of built form where there is none currently. The new built form would be partly screened and contained within the established structure and fabric of the site when seen from outlying countryside locations. The proposed woodland areas to the north of the site additional planting and retention of existing trees and vegetation would significantly mitigate the visual impact of the development on the wider landscape. The landscaping of the development would be approved as part of a reserved matters application. The development would not result in a significant overly prominent or discordant effect and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties.

14.5 C) Design & Neighbouring Amenity

14.5.1 Design

14.5.2 In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 131 '*The creation of high-*

quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in Policy GEN2 of the adopted Local Plan.

14.5.3 This is an outline application where appearance, layout, scale, and landscaping are reserved matters. The application includes a number of plans that indicate the key aspects of the design and layout such as access, position of housing, open space and landscape features. The height of residential development would be predominantly 2 and 2½ and 3 storey buildings. The density of the site would be between approximately 18 dwellings/hectare and there would be a mixture of housing types.

14.5.4 The Council Urban Design Officer has been consulted and raises concerns in regard to the :

- The design of the dwellings that will form a noise barrier,
- The houses forming this barrier will be close together and three storeys high, which will create a long, monotonous and unbroken building line,
- Potentially not creating a beautiful and attractive place to live,
- The two LEAP children's play facilities are in a location with acceptably high noise levels,
- This creates a site with very poor connectivity to its surroundings and local amenities,
- The 4-character areas are broadly the same with little defining features to differentiate them,
- In terms of legibility and wayfinding there is not sufficient distinctiveness or character to any of these areas that will create a successful place,
- The landscape strategy appears to be largely driven by a response to the site constraints,
- The scheme could benefit from another area of open space in the south-west quadrant of the layout.

14.5.5 The submitted Illustrative Masterplan and 3D Bird's Eye Illustration which accompanied the Design & Access Statement (DAS), efforts have been included to ensure proposed landscaping, building and surfacing materials have been used to add interest to this edge of the proposed neighbourhood.

- 14.5.6** The new homes have been set behind a large green corridor; running the extent of the Site's western boundary, incorporating new landscaping, existing vegetation which has the potential to create ecological and visual interest within this area. The development will include tree planting lining the road, perpendicular bay parking has been separated by substantial grass verges, and shared area parking courts laid to block paving helping to add interest to the street scene, creating an attractive environment when travelling along the street in a car, on foot or by bicycle.
- 14.5.7** The proposal includes public open space and a local equipped play area (LEAP). The combination of the embankment, close board fence, existing tree belt and large extents of proposed structural, thicket and tree planting within these areas would give the impression of a visually enclosed and intimate character.
- 14.5.8** In terms of connectivity is important to note that matters of connectivity were comprehensively considered as part of the previous appeal on the site and the Inspector found to be acceptable.
- 14.5.9** Active Travel Routes to local facilities within the centre of Elsenham are more than 800m from the Site, however the actual walk distances are consistent with the requirements of Manual for Streets. Walk distances were not considered an issue by the previous appeal Inspector who personally walked the routes to the village shops and the primary school.
- 14.5.10** In regard to the previously approved application UTT/24/1618/PINS for 50 dwellings and located to the south of this application site. Although the LPA expressed concerns to the design of the 3-storey apartment block, the Inspector advised they did not find at the location, scale or design of the apartment block would be visually harmful or incongruous, primarily due to its location to the rear of the site when viewed from Bedwell Road and its footprint, which breaks up the elevations and results in the articulation of its roof.
- 14.5.11** The Planning Inspector considering the previous dismissed appeal at this site for application UTT/19/2266/OP (220 dwellings) did not raise any concerns in regard to the 3 storey block design of the development in terms of its appearance, however concerns were raised to whether this design principle could in fact ensure the future occupants of housing would not experience significant noise disturbance.
- 14.5.12** In regard to the role of separating settlements and ensuring there is no coalescence of Ugley Green, Old Mead and Henham, it is considered the site is contained by the M11 and railway. The M11 bridge is directly to the west of the access and forms a strong physical barrier between the site in Elsenham and the hamlet of Ugley Green. The site cannot be seen from Ugley Green itself and is only partially visible on a PRow to the north of the hamlet, across the motorway.

- 14.5.13** Development in the northern part of the site would be very limited based upon the parameters plan and would not extend far beyond the northern dwelling on Old Mead Road. Therefore, containment of the site means that it provides a very limited, if any, function in separating settlements or preserving openness.
- 14.5.14** The public right of way running through the site has a rural quality and value, in this case it is located undeveloped field and the rural setting of Elsenham can be appreciated from the site. This would be lost through the development and there would be an adverse effect. Although this may be the case, any housing development on the edge of a village with a public right of way running through it would have a similar effect. Furthermore, the proximity of the other developments surrounding the site results in this value being limited, this also is due to the public right of way being closed at the railway crossing point. The development of this site would retain the public right of way and the parameters plan sets out this would be within green corridors.
- 14.5.15** Whilst the layout of the development is a matter reserved for consideration at a later date, the Council has to be satisfied that the site is capable in accommodating the number of dwellings proposed along with suitable space for policy compliant levels of car parking, garden and open space areas and SuD's etc. It is concluded that the proposals would likely be able to accommodate the required standards (noise issues aside), however, this would be addressed when the reserve matters applications are submitted if outline consent were to be granted.
- 14.5.16** Development of the site would inevitably and significantly change the landscape character, and this would be a localised permanent spatial and visual change. Whilst change does not necessarily equate to harm, the loss of an open and undeveloped rural field is generally regarded as adverse in landscape terms. Extensive landscaping and a community woodland are also proposed. The development could be designed sympathetically, having regard to the edge of village setting, creating a softer edge than currently exists to the south. Furthermore, Elsenham would retain its rural setting and there would be no sense of coalescence.
- 14.5.17** Therefore, on balance and taking into consideration the previous dismissed appeal on this site it is considered there would be a moderately adverse effect on the character and appearance of the area. Although this would conflict with ULP Policy S7 of the ULP, which seeks to protect or enhance the countryside. Lastly, there would be moderate conflict with the Framework, which seeks to recognise the intrinsic character and beauty of the countryside.
- 14.5.18** Neighbouring Amenity

- 14.5.19** The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.
- 14.5.20** The application is seeking outline permission and layout is a matter for reserve consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers.
- 14.5.21** The submission includes a parameter plan and layout of the site and that 2-storey dwelling will be located to eastern boundary of the site with 2 and half storey dwelling to the centre of the site and southern boundary. 3 storey dwelling are located to the western boundary.
Due to the size of the site the proposed built form could be easily sufficiently distanced from neighbouring properties adjacent and adjoining site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties in terms of noise, outlook, daylight or privacy. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan and the NPPF 2023.
- 14.6 D) Access, and impact on highway network (ULP Policy GEN1 and NPPF)**
- 14.6.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.
- 14.6.3** Several objections and concerns relating to the effect in which the proposed development would have upon highway safety due to the increased amount of traffic movements to and from the site resulting in unwanted traffic congestion on the surrounding highway networks and junctions.
- 14.6.4** The application is supported by a Transport Assessment and Environmental Statement which includes cumulative development (development sites for which planning consent has been granted) in Elsenham and Stansted Mountfitchet. Cumulative impacts in particular need to be considered in relation to impacts on Henham Road/ High Street and Lower Street/ Grove Hill junctions.
- 14.6.5** The submitted Transport Assessment and Trip generation is based on 245 units ensuring a robust analysis. The development is assumed to be fully completed by 2029 and as such represents a worst-case assessment. The trip generation includes 117 traffic generation weekday

(am) and 119 weekdays (pm). Although there would be an increase in traffic, but this would take it nowhere near capacity. Therefore, the traffic increase does not lead to the road becoming unsafe. The Environmental Statement also concludes that the increase in traffic associated with the Proposed Development will not create a significant effect in environmental terms.

14.6.6 In view of the above, Highways England have been consulted. They advise after reviewing the entails and information provided, we find that, although the location of the proposed development is next to the M11, it is also remote from any junctions or access to the M11. As such it is unlikely to have a severe impact upon the Strategic Road Network.

14.6.7 Essex County Council as Local Highway Authority have been consulted, no objections are raised subject to a financial contribution to an improved bus service serving key destinations including Stansted Mountfitchet, Bishops Stortford and Stansted Airport. This will provide an alternative to the car and it is expected will ultimately result in a reduced impact on the highway network. The bus service contribution for this site would be £654,640 towards the enhanced bus service, and this would be secured by a S106 agreement should the application be approved.

14.6.8 The proposed access to the site via Bedwell Road/ Snakes Lane/ Pound Lane has to be widened to ensure the access meets current highway requirements for adoption. An improved footpath connection will also be provided as part of this new pedestrian/ cycle link in the vicinity of the site. These improvements are to be made as part of a contribution by the applicant to the Local Highway Authority

14.6.9 A series of pedestrian access points are located around the site integrating the development into the wider network of Public Rights of Way. The proposals have also been considered with regards to their potential impact on the strategy highway network. This has been considered by Highways England who confirm that they consider that the proposals would not result in harmful impacts on the strategic highway network and therefore raise no objections to the proposals.

14.6.10 The proposal would have an acceptable effect upon the safety of all highway users. This would be compliant with Policy GEN1 of the ULP, which seeks to ensure access to the main road network must be capable of carrying the traffic generated by the development safely and the traffic generated by the development must be capable of being accommodated on the surrounding transport network. There would also be compliance with the Framework, which seeks to ensure safe and suitable access to the site can be achieved for all users.

14.7 E) Affordable Housing Mix and Tenure

14.7.1 In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out the Council's approach to housing

provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Section 5 of the National Planning Policy Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

14.7.2 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Council's policy requires 40% on all schemes over 0.5 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the development proposes up to 240 properties. This amounts to up to 96 affordable housing properties

14.7.3 Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. The accommodation mix would be subject to reserved matters application where finer detail in terms of layout would be provided to ensure that the most appropriate mix for the site is submitted for assessment.

14.7.4 Moreover, it is also the Council's policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. The proposal included 40% affordable housing provision which is policy compliant and a significant public benefit as part of the proposal. Given the outline nature of the proposal, the tenure and mix of housing could be adequately dealt with by way of condition or at reserved matters stage.

14.8 F) Biodiversity and Protection of Natural Environment (ULP policies GEN7, GEN2, ENV7 and ENV8)

14.8.1 Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

14.8.2 The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. The application site is located in relatively close proximity to an important and Ancient Woodland and a Local Wildlife Site (Alsa Wood, Stansted Mountfitchet). In addition, the site is within the Zone of Influence for development that could potentially adversely affect Hatfield Forest, which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR).

14.8.3 The application is accompanied by an Ecological Impact Assessment and Environmental Statement. Place Services Ecology has reviewed the supporting documentation submitted as part of the proposals and have placed a holding objection due to insufficient ecological information in regard to bats, Badger and Important hedgerows and recommend that further information is provided prior to determination. In addition, we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination.

14.8.4 The agent has been made aware of this matter and at the time of writing this report the objections have not been resolved. The outstanding matters are set out in the Place Services Ecology consultation response letters dated – 14 Feb 2025 and 2 May 2025.

14.8.5 The application has not provided sufficient information or evidence to demonstrate that the proposals would not adversely affect protected species. Therefore, it is not possible to fully assess the potential impacts of the development and enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998. As such is contrary to the ULP Policy GEN7, the NPPF and the statutory duties imposed on local planning authorities.

14.8.6 Hatfield Forest

14.8.6.1 Natural England and the National Trust have requested that in order to mitigate against the recreational impacts of the development on Hatfield Forest, SSSI and NNR that on site mitigation of and off site mitigation are requested:

14.8.6.2 On-Site Mitigation

On-site measures which would help relieve the pressure on Hatfield Forest should Be provided. These should take the form of:

- High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings;
- A circular dog walking route within the site to be provided prior to first occupation of the dwellings;
- A dedicated 'dogs-off-lead' area, to be provided prior to first occupation of the dwellings;

14.8.6.3 Off-Site Mitigation

We consider a financial contribution of £334,800.00 (£1,395.00/dwelling) to the National Trust would be appropriate for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works. This would be proportionate with contributions secured for other developments and reflects the current tariff agreed between the four authorities.

14.8.7 In summary, the National Trust does not object to the principle of this development. However, if the LPA is minded approving the application, it is requested that appropriate mitigation for recreational impacts upon Hatfield Forest SSSI and NNR are secured through a S106 Agreement. The onsite mitigation can be secured by an appropriate condition.

14.8.8 With regards to the request for a financial contribution towards mitigation for Hatfield Forest, this is based on a draft document setting out a 14.1km Zone of Influence around Hatfield Forest. The relevant authorities involved in the potential implementation of this strategy are currently working with the National Trust and Natural England to agree the basis of the full consultation document. The applicant has agreed to the payment of the contribution via a section 106 agreement

14.8.9 As the site is located close to Stansted Airport, any planting on the site, should not include a high proportion of berry bearing plants that attract birds as this could result in bird strike and threaten Air safety. This can be addressed by a suitably worded condition should planning permission be granted.

14.8.10 Trees

14.8.11 In order to implement the proposed access from Bedwell Road (non-reserved matter) and to achieve the requisite visibility splays, moderate quality oak and a section of low-quality hawthorn group will require removal. With regards to the development of the site it is anticipated that the location of the development parcels, spine road and SuDS features will require the removal of low-quality trees. In the context of the landscape proposals for the Site, the potential impacts are considered acceptable from an arboricultural perspective.

14.8.12 Whilst the trees are considered low quality, the loss of these would be outweighed by replacement planting within the site and also along the proposed northern woodland area. This would ensure that the tree cover to be lost to facilitate access would be adequately replaced in terms of quantum and quality within the application site.

14.9 **G) Noise, Pollution and Air Quality (ULP Policies GEN2, ENV10 and ENV13)**

14.9.1 ULP Policy ENV10 considers whether housing and other noise sensitive development will experience significant noise disturbance from major sources of noise such as road and rail.

14.9.2 The application site is in close proximity to the M11 motorway, which is elevated above the application site to the west and also is adjacent to the West Anglia Main Line railway to the east. Concerns have been raised in respect of the dominant noise source affecting the site is the train line along the western boundary of the site which may require some form of mitigation (glazing and acoustic barriers etc.)

14.9.3 As result of an iterative noise assessment process (the final iteration of which is reported here), a number of key changes have been made to the scheme design compared to that previously considered at appeal, based on the assessment findings to provide improved, embedded noise mitigation. These are:

- The housing blocks to the west of the site are closer together and higher to provide more effective screening of noise to the remainder of the site to the east.
- There are no bedrooms on the western façades closest to the M11.
- All living rooms for proposed dwellings adjacent to the M11 have windows which can be opened for ventilation and cooling without the resultant internal noise level being above guideline values.
- The layout of the remainder of the site has been adjusted to ensure that noise levels within all private gardens are acceptable, according to the standards previously agreed.
- All private gardens would be provided with a 1.8m high timber fence of suitable design to screen noise.

14.9.4 The application is accompanied by an Air Quality Assessment and a Noise Assessment. Furthermore, a Noise Assessment has been submitted jointly by Elsenham, Henham and Ugley Parish Council, of which due consideration has been made. It is also noted the planning inspector previously highlighted the following:

14.9.4.1 *“Being required to always keep windows closed in all 220 residential properties, is far from desirable and raises concerns over the suitability of the site for residential use”.*

14.9.4.2 However, subject to conditions the appropriate internal noise level can be achieved with the use of mechanical ventilation systems, and a significant majority of windows would need to remain closed to achieve criteria internal noise levels given in BS8233:2014.

14.9.5 With regards to external amenity areas, noise levels for road and rail noise remain high, and many proposed gardens exceed the BS8233:2014 upper guideline value of 55 dB LAeq,16hr for noise levels in external amenity spaces.

14.9.6 Based on the above information, Environmental Health object to the application. However, they acknowledge that there may be local requirements and demand for housing in this area and therefore the noise impact on external amenity spaces will have to be balanced against this requirement from a broader planning perspective.

- 14.9.7** The external noise levels in gardens and public open spaces are expected to exceed 55 dB LAeq, which is concerning. While individual perceptions of noise vary, such levels could have adverse effects. A condition could be imposed to ensure external noise levels in private gardens are satisfactory, however, this would require detailed noise mitigation and reservations are made to whether this condition could be realistically complied with.
- 14.9.8** National Planning Guidance advises noise impacts **may be partially** offset if residents have access to one or more of:
- a relatively quiet facade (containing windows to habitable rooms) as part of their dwelling;
 - a relatively quiet external amenity space for their sole use, (e.g. a garden or balcony). Although the existence of a garden or balcony is generally desirable, the intended benefits will be reduced if this area is exposed to noise levels that result in significant adverse effects;
 - a relatively quiet, protected, nearby external amenity space for sole use by a limited group of residents as part of the amenity of their dwellings; and/or
 - a relatively quiet, protected, external publicly accessible amenity space (e.g. a public park or a local green space designated because of its tranquillity) that is nearby (e.g. within a 5 minute walking distance)
- 14.9.9** While it is acknowledged there are no bedrooms on the western façades closest to the M11 and all living rooms for proposed dwellings adjacent to the M11 have windows which can be opened for ventilation and cooling without the resultant internal noise level being above guideline values. There are a number of dwellings that would include quiet external amenity space for their sole use. However, the proposed public open space within the site will be subject to adverse noise impact and a number of properties would be exposed to noisy external conditions, which is considered to be significantly adverse.
- 14.9.10** Therefore, it would be reasonable to conclude that, based on the indicative layout plan and submitted noise reports/ assessments that a number of the properties and public open space would be exposed to noisy external conditions. To have private garden spaces exposed to this amount of noise, or even marginal exceedance would be undesirable, particularly considering the value private garden spaces. Furthermore, these dwellings are likely to provide a high amount of family housing, likely to be occupied by families with children who are likely to utilise gardens frequently.
- 14.9.11** The council is currently at examination stage with regards to its emerging local plan. As such, the plan is only afforded limited weight. However,

there is much material that sits behind the plan, including the Housing & Economic Land Availability Assessment (HELAA) 2024. This document is a material consideration. It demonstrates the range of available sites available in the district with a capacity for some 60,000 homes (including this site). Whilst the district has not performed well in the most recent HDT, and does not have a five-year housing supply, the HELAA suggests it is not so constrained that housing should be permitted in areas where residential amenity would be compromised.

14.9.12 As such taking into consideration both the applicant's additional noise statement and comments received from the Council's Environmental Health Officer the proposed development is not in accordance with ULP Policies ENV10 and GEN2 in regard to noise sensitive development and the provision of an environment that meets the reasonable needs of all potential uses and would not have a material adverse impact effect on the reasonable occupation of the residential properties. Due to considerations also made to paragraph 187(e) of the NPPF which advises planning design should take into account the living conditions that arise from the development.

14.9.13 Representations have been received in respect of potential harm in respect of air pollution. The site is within the 100m zone of the M11 motorway of which ULP Policy ENV13 applies and advises development that would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground level will not be permitted. The Council's Environmental Health officers have been consulted and have considered the submitted Air Quality Assessment (Wardell Armstrong). It is confirmed subject to conditions for air quality mitigation they have no objection in respect of air quality issues.

14.10 H) Climate Change

14.10.1 Policy GEN2 of the Local Plan seeks to ensure that the design of new development helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero. The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.

14.10.2 The applicant is committed to the delivery of a scheme which mitigates its impacts, is adaptable and built to high standards. An Energy Statement has been submitted as part of the application which highlights the key sustainability features that would be incorporated as part of the development. The proposals would achieve at least a 10% carbon emissions reduction over a Part L compliant development, with the predicted improvement of 30-50%, which is supported. Given the outline nature of the application, full details of such measures would be dealt with by way of condition through the submission of a more detailed energy and sustainability statement.

14.11 I) Contamination

- 14.11.1** Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with Policy ENV14 of the adopted Local Plan.
- 14.11.2** The Council's Environmental Health Officer has been consulted as part of the application and notes the proposed development is for a very contamination-sensitive end use of residential occupancy with gardens, it is therefore important to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. It is therefore suggested that, if permission is granted, conditions requiring an assessment of the nature and extent of contamination should be imposed. This would require the developer to submit to, and obtain written approval from, the Local Planning Authority of a Phase 1 Desk Study Assessment, prior to any works commencing on site, with further potential site investigations and remediation taking place at the site.

14.12 J) Flooding

- 14.12.1** The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 14.12.2** The Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1; an area that is at low risk of flooding.
- 14.12.3** New major development for housing needs to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.
- 14.12.4** The application is accompanied by an Environmental Statement and Flood Risk Assessment. The Lead Local Flood Authority, following the submission of the requested additional information, raises no objections to the proposals subject to conditions requiring a surface water drainage scheme for the site to be submitted and approved, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution to be submitted and approved, a maintenance plan detailing the maintenance arrangements to be submitted and agreed and for the applicant or any

successor in title must maintain yearly logs of maintenance which must be available for inspection on request by the Local Planning Authority.

14.12.5 The proposals have also been considered by Anglian Water who confirm that no objections subject to conditions. As such, the proposals comply with Policy GEN3 and the NPPF.

14.12.6 The site is located 6km from Stansted Airport and as such Airport Safeguarding team stipulate that bodies of open water must be avoided, owing to the possibility of attracting large numbers of birds, with the consequent risk of aircraft bird strike. The sustainable drainage features should be secured by condition and approved in consultation with the aerodrome safeguarding authority.

14.13 K) Planning Obligations

14.13.1 Paragraph 58 of the NPPF sets out that planning obligations should only be sought where:

- they are necessary to make the development acceptable in planning terms.
- directly related to the development.
- and fairly and reasonably related in scale and kind to the development.

14.13.2 This is in accordance with Regulation 122 of the Community Infrastructure Levey (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant planning permission.

14.13.3

- Early Years and Childcare: Financial contribution of £500,947.00
- Primary Education: Financial contribution of £1,398.600
- Secondary Education: Financial contribution of £1,282,416.00.
- Libraries: Financial contribution of £18,672.00).
- NHS: Financial contribution of £310, 080.00.
- Provision of 40% affordable housing.
- Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010.
- Provision, long-term on-going maintenance and transfer of public open space.
- Financial contribution of £654,640 towards bus services.
- Provision of new bus stops on Bedwell Road
- Public Right of way upgrading: Financial contribution of £45,000
- Residential Travel Plan
- Residential Travel Pack

- Hatfield Forest Financial Contribution
- Financial contribution toward Elsenham and Ugley Village Hall.

14.13.4 A Section 106 Agreement under the provisions of the Town and Country Planning Act 1990, as amended, is currently being drawn up. It is considered that, subject to the developer entering a S106 agreement to provide the above contributions, the proposal would comply with the requirements of ULP Policy GEN 6 in respect of mitigation of the development in so far as paragraph 14.13.2.

14.14 L) Environmental Statement

14.14.1 The Town and County Planning (environmental Impact Assessment) Regulations 2017 as amended states the following procedures amongst others;

14.14.2 Prohibition on granting planning permission or subsequent consent for EIA development

14.14.2.1 3. The relevant planning authority, the Secretary of State or an inspector must not grant planning permission or subsequent consent for EIA development unless an EIA has been carried out in respect of that development.

14.14.3 Consideration of whether planning permission or subsequent consent should be granted

26.—(1) When determining an application or appeal in relation to which an environmental statement has been submitted, the relevant planning authority, the Secretary of State or an inspector, as the case may be, must—

(a) examine the environmental information.

(b) reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to in sub-paragraph (a) and, where appropriate, their own supplementary examination.

(c) integrate that conclusion into the decision as to whether planning permission or subsequent consent is to be granted; and

(d) if planning permission or subsequent consent is to be granted, consider whether it is appropriate to impose monitoring measures.

14.14.3.4 (2) The relevant planning authority, the Secretary of State or the inspector, as the case may be, must not grant planning permission or subsequent consent for EIA development unless satisfied that the reasoned conclusion referred to in paragraph (1)(b) is up to date, and a reasoned conclusion is to be taken to be up to date if, in the opinion of the relevant planning authority, the Secretary of State or the inspector,

as the case may be, it addresses the significant effects of the proposed development on the environment that are likely to arise as a result of the proposed development.

14.14.3.5 Co-ordination

14.14.3.6 27.—(1) Where in relation to EIA development there is, in addition to the requirement for an EIA to be carried out in accordance with these Regulations, also a requirement to carry out a Habitats Assessment, the relevant planning authority or the Secretary of State, as the case may be, must, where appropriate, ensure that the Habitats Regulation Assessment and the EIA are co-ordinated.

14.14.3.7 (2) In this regulation, a “Habitats Regulation Assessment” means an assessment under [F1regulation 63 of the Conservation of Habitats and Species Regulations 2017] (assessment of implications for European sites and European offshore marine sites).

14.14.5 The proposed development falls within category 10(b) of Schedule 2 of the EIA Regulations 2017. A screening request for residential development on this site was submitted under LPA refence UTT/19/1021/SCO and it was confirmed that the proposed development was likely to give rise to significant environmental effects on the environment, including cumulative impacts with other committed development in the area. An Environmental Statement has been provided as part of the application. The scope of this ES includes:

- Transport,
- Air Quality
- Ecology

14.14.6 In accordance with the Regulations the relevant consultees have been consulted of the EIA of which their responses have been outlined in this report. The cumulative impacts have been assessed of which the extent of impact has been considered with and without the development being built out together with other committed developments in the locality.

14.14.7 LPA has assessed the scope and topics raised in the Environmental Statement and considers the following:

- Transport,
- Air Quality
- Ecology

14.14.8 Transport

14.14.8.1 The transport assessment work takes into account the cumulative impact of traffic generation from both the Proposed Development and a number of committed developments. The assessment demonstrated that no significant adverse cumulative transport effects are anticipated.

14.14.9 Air Quality

14.14.9.1 None of the committed developments are close to the site and therefore there will be no significant cumulative during construction. Committed development has been incorporated into the main air quality assessment. It can be concluded that there will be no significant cumulative effects on air quality.

14.14.10 Ecology

14.14.10.1 Given that the Accessible Natural Greenspace (ANG) provision exceeds the recommended benchmark standards, in-combination with the anticipated and recommended contribution towards Strategic Access Management Measures (SAMM), the Proposed Development is not anticipated to contribute towards cumulative effects upon the Hatfield Forest Site of Specific Scientific Interest (SSSI) and National Nature Reserve (NNR). Moreover, in accordance the Natural England advice, all other residential developments within the Hatfield Forest SSSI/NNR Zone of Influence of 50+ units will be required to provide SAMM contributions, alongside on-site ANG provision for projects in excess of 100 units. Therefore, these projects are assumed to mitigate their own impacts, ensuring no significant cumulative effects will occur.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application; no conflicts are raised.

15.2 Human Rights

- 15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

16. Planning Balance and Conclusion

- 16.1** As of December 2024, the Council's housing land supply figure is 3.46 years. Also, the Council's Development Plan cannot be viewed as being fully up to date as such NPPF paragraph 11(d) of the National Planning Policy Framework (NPPF) is still relevant and the tilted balance is engaged.

- 16.2** The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside. The **benefits** of the scheme and weight applied are set out below.

16.3 Benefits

- 16.4** Delivery of up to 144 market and 96 affordable homes to be delivered in a sustainable location- **significant weight**

- 16.5** A significant contribution to improve the level of bus services in the area to provide a bus service and bus stops- **significant weight**

- 16.6** The provision of a large area of new public open space within the development site- **significant weight**

- 16.7** The provision of a financial contribution for the refurbishment or replacement of Elsenham and Ugley Village Hall is to hold **significant weight**

- 16.8** A net gain of biodiversity onsite that will not be realised without the Proposals- **moderate weight**.

- 16.9** Travel Plan including a cycle purchase voucher of £200 per household and the provision of Travel Packs for each Dwelling- **limited weight**.

- 16.10** Secure covered cycle parking both at the railway station, and the local shopping area- **limited weight**.

- 16.11** The construction cost of the development is expected to be around

£39.1 million. Calculations suggest that this construction expenditure would support around 91 Full Time Equivalent (FTE) construction jobs and 6 apprenticeships per year over the period of the build- **moderate weight**.

16.12 The development would provide economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy- **moderate weight**.

16.13 **Harms**

16.14 Turning to the **adverse impacts** of development, the negative environmental effect of the development would be the harmful impact caused to the landscape character and visual effects on the character and appearance of the countryside from the introduction of built form in this location, albeit this would be limited and localised, as such **moderate weight** is applied.

16.15 Due to the location of the development external amenity spaces will be subject to high levels of noise for significant periods of time. The proposal would not provide high standards of amenity or acceptable living conditions for the future occupants. There is conflict with ULP Policies ENV10 and GEN2 and the NPPF, to which full weight is attached. The harm is of **substantial weight**.

16.16 The site is outside the development limits, and there is fundamental conflict with Policy S7 on the matter of the location of development. However, this is of **moderate weight** given the housing supply context.

16.17 The application has not provided sufficient information or evidence to demonstrate that the proposals would not adversely affect protected species. Therefore, it is not possible to fully assess the potential impacts of the development and enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998. As such is contrary to the ULP Policy GEN7, the NPPF and the statutory duties imposed on local planning authorities. The harm is of **substantial weight**.

16.18 **Neutral**

16.19 The sustainable drainage system would equally be of neutral weight as it would be required to offset the effect of surface water run-off from the development.

16.20 The acceptable elements of the proposal relating to access to services and facilities and highway safety are neutral. Likewise, the requirements in the planning obligation would mitigate the effect of development and carry neutral weight.

16.21 Balance

16.22 At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. This proposal would not meet the needs of the future occupiers because it would fail to provide acceptable a high standard of amenity. The effects could harm both health and well-being, and the future living conditions is such that the benefits of housing become much reduced. It also indicates that the proposal is not sustainable development in terms of the social objective of the NPPF.

16.23 The application has not provided sufficient information or evidence to demonstrate that the proposals would not adversely affect protected species. Therefore, it is not possible to fully assess the potential impacts of the development and enable the LPA to demonstrate compliance with its statutory duties. This indicates the proposal is not sustainable in terms of the environmental objective of the NPPF.

16.24 Therefore, and taken together, the harm caused by the proposed development is considered to significantly and demonstrably outweigh the overall benefits of the scheme, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (ii) and would represent unsustainable development.

16.25 RECOMMENDATION

16.26 That the Strategic Director of Planning be authorised to **REFUSE** permission for the development subject to those items set out in section 17 of this report.

17 REASONS FOR REFUSAL

1 The proposed development would result in material disturbance and nuisance to future occupiers in terms of noise, and thus not function well and not add to the quality of the area. The proposal is in conflict with adopted ULP Policies ENV10, GEN2 and paragraph 187(e) of the NPPF which considers noise sensitive development and whether the development provides an environment that meets the reasonable needs of all potential uses and would not have a material adverse impact effect on the reasonable occupation of the residential properties.

2 The application has not provided sufficient information or evidence to demonstrate that the proposals would not adversely affect protected species. Therefore, it is not possible to fully assess the potential impacts of the development and enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and

Disorder Act 1998. As such is contrary to the ULP Policy GEN7, the NPPF and the statutory duties imposed on local planning authorities

3 The application does not include a mechanism such as a S106 deed to secure the required planning obligations, this includes:

- Provision of 40% affordable housing
- Provision of 5% wheelchair accessible and adaptable dwellings M4(3) – Building Regulations 2010
- Provision and long-term on-going maintenance of public open space,
- Early Years and Childcare: Financial contribution of £500,947.00
- Primary Education: Financial contribution of £1,398.600
- Secondary Education: Financial contribution of £1,282,416.0
- Libraries: Financial contribution of £18,672.00
- NHS: Financial contribution of £310, 080.00
- Financial contribution of £654,640 towards bus services
- National Trust SAMM Financial contribution- £334,800.00
- Financial contribution to Elsenham and Ugley Community / Village Hall- confirmed as £715,558 in total,
£200,000- Ugley
£515,558- Elsenham
- Provision of new bus stops on Bedwell Road
- Public Right of way upgrading: Financial contribution of £45,000
- Residential Travel Plan
- Pay the Council's reasonable legal costs
- Pay the appropriate monitoring fee

APPENDIX 1- LEAD LOCAL FLOOD AUTHORITY

Essex County Council
Development and Flood Risk
Waste & Environment
C426 County Hall
Chelmsford
Essex CM1 1QH



Uttlesford District Council
Planning Services

Date: 28th March 2024
Our Ref: SUDS-007397
Your Ref: UTT/24/0543/OP

Dear Sir/Madam,

Consultation Response –UTT/24/0543/OP – Land off Bedwell Road, Elsenham

Thank you for your email received on 07/03/24 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission based on the following:

Condition 1

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% 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 40% climate change event,
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event, *OR, if impracticable*
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change
- 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 scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased

runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

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

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/flood-risk-assessments-climate-change-allowances)

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance

requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

APPENDIX 2- HIGHWAY AUTHORITY

Travel Planning team

Director of Highways and Transportation

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No.	UTT/22/3470/OP
Applicant	Mr D Metson Baker & Metson Limited
Site Location	Land North Of Baynard Avenue Baynard Avenue Flitch Green Essex CM6 3FD
Proposal	Hybrid Planning Application - Outline application for up to 72 dwellings (Use Class C3) together with a building for use falling within Use Class E (a) or (b) or (c ii) or (c iii) or (d) or (e) or (f) or (g i) with all matters reserved, except access and structural landscaping. Full application for access and structural landscaping

This response supersedes the highway response dated 28th March 2023. Further to that response, a revised Transport Assessment (revision A 01.06.23) and revised Access Plans (2276-03/003 Rev J 04.07.23 and Rev K 28.07.23) have been submitted and reviewed by the highway authority.

The assessment of the application including its revised Transport Assessment has been undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112.

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. Prior to occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator)

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

2. Prior to occupation of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the east and west, as measured from and along the nearside edge of the carriageway shown on drawing 2276-03/003 Rev K 28.07.23. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times

Reason: To provide adequate inter-visibility between vehicles using the road junction and those in the existing highway network in the interest of highway safety in accordance with policy DM1.

3. Prior to occupation of the development, the provision of an access formed at right angles to Baynard Avenue, as shown in principle on drawing no. 2276-03/003 Rev K 28.07.23 to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres; one 2 metre footway; one 3 metre shared cycle/footway and pedestrian crossing points

Reason: To ensure that vehicles can enter and leave the existing highway network in a controlled manner in the interest of highway safety in accordance with policy DM1.

4. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 1. vehicle routing,
 2. the parking of vehicles of site operatives and visitors,
 3. loading and unloading of plant and materials,
 4. storage of plant and materials used in constructing the development,
 5. wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

5. Prior to work proceeding above slab level, to submit for approval details regarding the provision of a 3m combined shared footway/cycleway link to provide access to the Fitch Way, and, prior to occupation of the proposed development, construct the agreed link, to be maintained for the lifetime of the development

Reason: To provide a safe and convenient access for pedestrians and cyclists in the interest of highway safety and accessibility in accordance with policies DM1, DM9 and DM17.

6. Prior to occupation of the proposed development, the payment of a £150,000 contribution (index linked) towards enhancement of public transport services in the vicinity of the site, to be spent improving the service to Chelmsford passing the site on Station Road

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Notes:

- LTN 1/20 compliance table/report for cycle routes will be required for the development.
- A RSA1 for the proposed access and off-site highway improvement scheme to be provided, ideally to be carried out by Essex Highways (to avoid the issue of additional items being identified at RSA2 stage which can then delay technical approval). Enquiries to: roadsafety.audit@essexhighways.org
- All highway related details should be agreed with the Highway Authority.

Informatives:

- (i) In making this recommendation the Highway Authority has treated all drawings relating to the internal layout of the proposal site as illustrative only
- (ii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicant should be advised to contact the SMO2 Development Management Team by email at development.management@essexhighways.org
- (iii) Prior to any works taking place in public highway or areas to become public highway, the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims, a cash deposit or bond may be required.
- (iv) Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway
- (v) There shall be no discharge of surface water onto the Highway.
- (vi) Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway

APPENDIX 3- NATIONAL HIGHWAYS



National Highways Planning Response (NHPR 22-12) Formal Recommendation to an Application for Planning Permission

From: Martin Fellows (Regional Director)
Operations Directorate
East Region
National Highways
PlanningEE@nationalhighways.co.uk

To: Uttlesford District Council
planning@uttlesford.gov.uk FAO, Chris Tyler

CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Uttlesford D. C. Reference: UTT/24/0543/OP

National Highways Ref: NH/24/05444

Location: Land North of Bedwell Road and East of Old Mead Road Ugley and Henham.

Proposal: Outline planning permission with all matters reserved except access for the erection of up to 240 dwellings with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point.

Referring to the consultation on a planning application dated 07 March 2024 referenced above, in the vicinity of the M11 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- ~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B ~~is~~/is not relevant to this application. ¹

¹ Where relevant, further information will be provided within Annex A.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningEE@nationalhighways.co.uk

Signature: S. H.

Date: 20 March 2024

Name: Shamsul Hoque

Position: Assistant Spatial Planner

National Highways

Woodlands | Manton Lane | Bedford | MK41 7LW

Annex A **National Highway's assessment of the proposed development**

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to the above application UTT/24/0543/OP and has been prepared by Shamsul Hoque.

Recommended No Objection

National Highways offer no objection.

Reason:

National Highways is responsible for the operation and maintenance of the M11 and the A120, close to the application site. There are a number of routes to and from the nearest SRN Junction M11 J8. The impact of the development traffic on the SRN (M11 and A120) is unlikely to be severe.

The proposed development's vehicular access to the Site will be from the local road network. In relation to the proposed site access, we do not have any comments on this.

Informative

The proposed development site is located adjacent to the M11, to protect the M11 road users, it is advisable for keeping a buffer distance (gap) between the dwelling and the Right-of-Way (ROW) of the M11.

National Highways will not allow construction of any noise fence or acoustic barrier on the National Highways land.

Standing advice to the local planning authority

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of [PAS2080](#) promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

APPENDIX 4- NETWORK RAIL

Dear Sir/Madam,

Network Rail strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

It is recommended that the railway boundary fence, currently made of post and wire, be upgraded to a more suitable type, such as palisade, and that the developer be responsible for covering the cost of this upgrade.

Should you have any further questions, please do not hesitate to contact Network rail.

Kind Regards,



Dalia Alghoul MSc

Town Planning Technician

Network Rail Property – Eastern - Anglia

1 Stratford Place | London | E15 1AZ

07732641896

dalia.alghoul@networkrail.co.uk

APPENDIX 5 – NATURAL ENGLAND

Dear Sir / Madam

Planning consultation: Outline planning permission with all matters reserved except access for the erection of up to 240 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point.

Location: Land North Of Bedwell Road And East Of Old Mead Road Ugley And Henham

Thank you for your consultation on the above.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application has potential to damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured through planning conditions:

- Financial contribution towards Strategic Access Management and Monitoring (SAMM) measures identified by the National Trust as landowners;
AND
- The provision of on-site Accessible Natural Greenspace (ANG) of sufficient high quality and size (refer to [GI Standards \(naturalengland.org.uk\)](https://www.naturalengland.org.uk/GIStandards));
AND
- a signposted circular dog walking route of approximately 2.3-2.5km, making use of Public Rights of Way (PROW) if needed.

Natural England is working alongside the National Trust in carrying out research into visitor patterns, impacts and mitigation measures to Hatfield Forest SSSI/NNR. To date, this work has included winter and summer visitor surveys and identified a Zone of Influence (ZOI) of 11.1km which has been shared with your authority with the view of establishing a strategic solution for visitor impacts to the Forest.

On this basis, this application falls within the currently identified ZOI for recreational impacts to Hatfield Forest SSSI/NNR, whereby new housing within this zone is predicted to generate impacts and therefore will be expected to contribute towards mitigation measures, such as a financial contribution.

Whilst we are working towards a strategic solution, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers.

In the absence of a strategic solution, Natural England would not want to see any permissions granted that would create a precedent of acceptability for additional housing developments close to Hatfield Forest SSSI/NNR. As these mitigations are in the process of being defined in a 'mitigation package', we cannot comment further at this stage of the particulars of a future mitigation strategy.

Further advice on mitigation

Hatfield Forest is a National Nature Reserve (NNR). It is nationally designated as a Site of Special Scientific Interest (SSSI) and regarded to be of international importance for its ancient wood pasture-forest habitats. The interest features of these habitats are vulnerable to recreational impacts and within recent years there has been increasing concern regarding the number of visitors. It has been noted that there have been significant increases in visitor numbers, linked to nearby residential development. Both Natural England and the National Trust therefore have concerns regarding the impacts of increasing visitor pressure on the designated site and it is apparent that the current number of visitors is exceeding carrying capacity of some important SSSI habitats and features.

More recently, the National Trust has undertaken visitor surveys to establish a Zone of Influence (ZOI) for recreational impacts to Hatfield Forest SSSI / NNR. The results of the winter and summer surveys originally indicated a zone of 14.6km radius from the site, which has subsequently been revised to a 11.1km zone following further visitor surveys. Natural England regards this information as material and therefore would anticipate that the application be assessed in the context of these issues and the developing strategic solution. Please note Natural England's Impact Risk Zones have since been updated to reflect this ZOI. New residential housing within this ZOI therefore is likely to damage the interest features of Hatfield Forest SSSI/NNR and consequently requires further assessment in the context of this development.

The evidence in relation to these joint concerns have been shared with your authority and we wrote to all Local Planning Authorities identified as falling within the ZOI to confirm Natural England's position via the letter dated 5th April 2019 and letter dated 24th September 2019. More recently, a joint letter from Natural England and the National Trust (dated 28th June 2021) has been sent to your Authority outlining the updated position and including the costed Mitigation Strategy prepared by the National Trust. We would direct you to these letters for further information on Natural England's recommended approach. Whilst we are working towards a strategic solution with the relevant Local Planning Authorities, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers. Where possible this should be designed in-line with the package of mitigation measures as drafted by the National Trust.

We would take this opportunity to highlight the Local Planning Authority's duties under the Wildlife and Countryside Act 1981 (as amended), notably under section 28G with respect of the SSSI. Appropriate measures, such as the mitigation outlined above, should therefore be taken to ensure the conservation and enhancement of the SSSI. This is further reflected within paragraphs 174 and 180 of the NPPF, whereby authorities should seek to protect and enhance the natural environment, including sites of biodiversity value.

In terms of Local Policy, which in this case is the current adopted Uttlesford DC Local plan (2005), we note that policy NE1 refers to the protection of the Natural Environment and designated sites. The policy states that *'Proposals should avoid impacts on sites of nature conservation value and wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact will be sought, commensurate to the importance of the site in terms of its status in the hierarchy and the contribution it makes to the wider ecological networks'*.

On this basis, notwithstanding the current (draft) status of the developing Mitigation Strategy, Natural England would anticipate that mitigation measures, such as an appropriate financial contribution towards measures within Hatfield Forest SSSI/NNR are sought to ensure compliance with the above referenced local and national policies.

We consider that the provision of 'on-site' measures, within the red line boundary of the site, can be important in helping to reduce the frequency of visits to sensitive designated sites if effectively designed in quantity and quality. We would advise that as the Local Planning Authority, an assessment is made as to whether the on-

site ANG provision is of sufficient size and quality to provide mitigation, prior to the determination of this application.

For areas of green infrastructure, we would generally advise that these should include elements such as the following:

- High-quality, informal, semi-natural areas;
- Circular dog walking routes of approximately 2.3-2.5 km or with signposted links to circular walks on the surrounding Public Rights of Way (PRoW);
- Dedicated 'dogs-off-lead' areas;
- Signage/leaflets to new householders to promote these areas for recreation; and,
- Dog waste bins etc.

Notwithstanding this, the unique draw of the identified designated site means that even well-designated, 'on-site' provisions are unlikely to fully mitigate impacts. Natural England therefore agrees that it is appropriate to consider the agreement of 'off-site' mitigation measures (outside of the red line boundary). As stated, the development of a strategic solution is currently underway which will include a mitigation package.

As per the 'on-site' measures, Natural England would therefore recommend in the interim period, until these strategic mitigation measures have been finalised, that a suitably worded planning condition or obligation is attached to any planning permission. We would recommend discussion in correspondence with the National Trust as site managers to determine appropriate and proportionate mitigation for this application.

The level of financial contribution for SAMM required to mitigate the adverse recreational pressures on Hatfield Forest NNR/SSSI resulting from the above development should be agreed with the National Trust; this contribution should be secured by legal agreement with the LPA to avoid impacts on Hatfield Forest NNR/SSSI.

Natural England therefore advises that permission should not be granted until such time as the following mitigation measures have been secured through planning conditions:

- Financial contribution towards Strategic Access Management and Monitoring (SAMM) measures identified by the National Trust as landowners;
AND
- The provision of on-site Accessible Natural Greenspace (ANG) of sufficient high quality and size (refer to [GI Standards \(naturalengland.org.uk\)](https://www.naturalengland.org.uk/GI/Standards));
AND
- a signposted circular dog walking route of approximately 2.3-2.5km, making use of Public Rights of Way (PRoW) if needed.

We would be happy to comment further as the need arises.

Local authorities have responsibilities towards the conservation of SSSIs under [s28g of the Wildlife & Countryside Act \(1981 as amended\)](#), and biodiversity duties under [s40 of the NERC Act 2006](#). If you have not already done so, we recommend that you ensure that sufficient information in the form of an SSSI impact assessment report or equivalent is built into the planning application validation process.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Further conservation advice can be found in Annex A at the end of this letter. This concludes Natural England's advice at this stage, which we hope you will find helpful. If you have any queries relating to the advice in this letter, please contact Fiona Martin via fiona.martin@naturalengland.org.uk.