

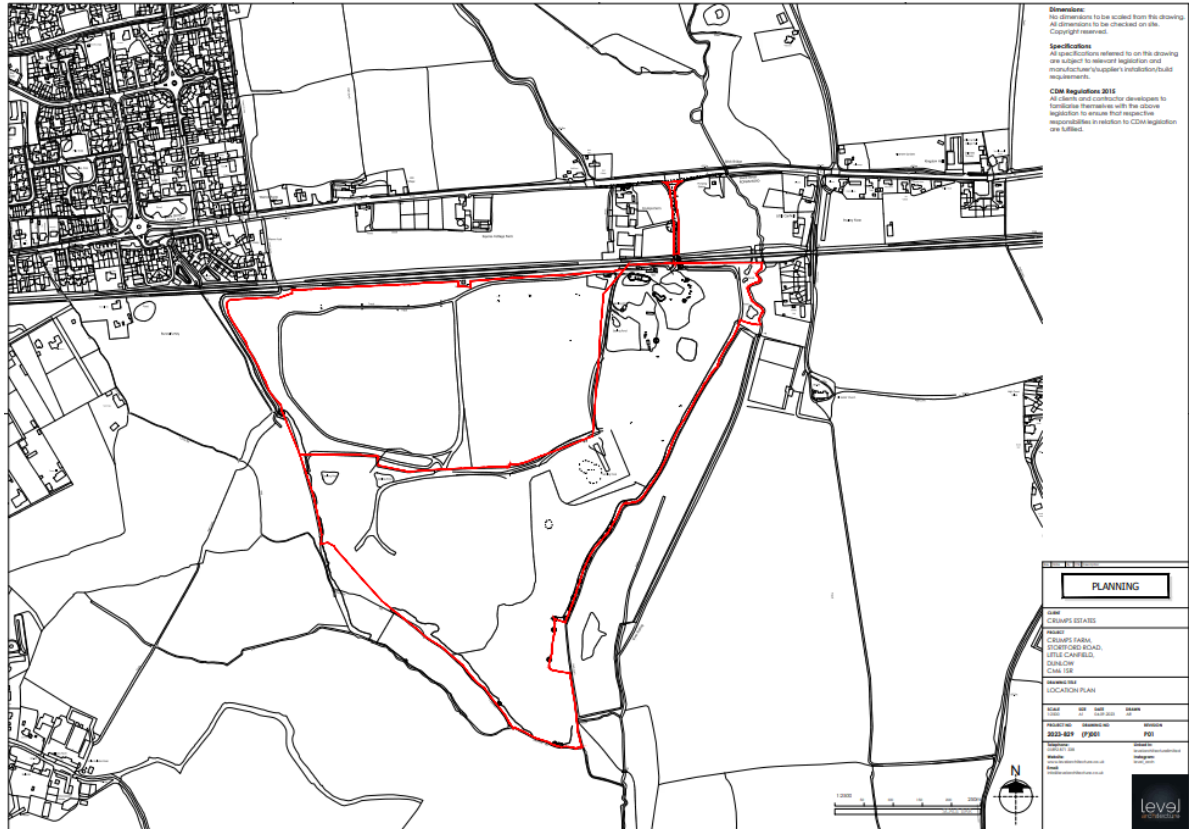
ITEM NUMBER: 4

PLANNING COMMITTEE 22 October 2025
DATE:

REFERENCE NUMBER: UTT/25/2045/CC

LOCATION: Crumps Farm Stortford Road Little Canfield
Dunmow CM6 1SR

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 9 October 2025

PROPOSAL: ECC Minerals and Waste Consultation on Hybrid planning application seeking full permission for the importation and deposit of material/waste and the subsequent raising of land levels (retrospective), installation of landfill infrastructure and engineering works to facilitate a satisfactory restoration profile and outline permission for 121 commercial/industrial units and a solar farm on part of the site

APPLICANT: Crumps Estates Limited

AGENT: Incarus Developments SE Limited

EXPIRY DATE: N/A

EOT EXPIRY DATE: N/A

CASE OFFICER: David Gittens

NOTATION: Countryside
Flood Risk Zone 2 and 3
Contamination /Landfill site
County Wildlife sites including Flitchway
2km of SSSI (Hatfield Forest)
6km of Stansted Airport and aerodrome constraints
Public Rights of Way
Gas pipes
Minerals Safeguarding Area

REASON THIS APPLICATION IS ON THE AGENDA: Local Interest

1. EXECUTIVE SUMMARY

- 1.1** This report recommends refusal of a hybrid application seeking retrospective permission for unauthorised waste deposits and outline permission for a major commercial development of 121 units in the open countryside at Crumps Farm. The proposal is fundamentally contrary to the development plan and national policy. Its core principle is unsound, as it locates a large, car-dependent employment site in an unsustainable countryside location, directly undermining the spatial strategy which

directs such development to main towns. The application is further critically compromised by its retrospective nature, which seeks to legitimise years of established environmental harm, through contamination.

- 1.2** The applicant's own Environmental Statement provides the evidence for refusal, documenting severe, existing harms including odour nuisance impacting residential amenity and an uncontrolled pollution risk from the un-capped landfill. The proposed development would compound these issues by generating unacceptable traffic on rural lanes, causing substantial harm to the setting of heritage assets like the listed Crumps Farmhouse, and permanently damaging the landscape character through extensive landform engineering. The proposal also fails to meet the mandatory 10% Biodiversity Net Gain and has not demonstrated that surface and groundwater can be protected.
- 1.3** In conclusion, the application presents an unacceptable choice: to approve a deeply flawed scheme or to leave in place a harmful, unauthorised operation. Upholding the planning system requires refusing the former (Commercial aspect) and dealing with the latter (restoration and addressing the contamination) through separate enforcement powers. The totality of the severe and unresolved harms to sustainability, amenity, the environment, and heritage significantly and demonstrably outweighs any limited benefits, rendering the proposal wholly unacceptable and contrary to local plan and national policy.

2. RECOMMENDATION

That the Strategic Director of Planning advise Essex County Council that Uttlesford District Council OBJECTS to the proposed development for the reasons set out in section 17 of this report.

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The site, known as Crumps Farm, lies to the south of the B1256 Dunmow/Stortford Road, between Takeley and Little Canfield, approximately 4.5km west of Great Dunmow. The site access is 1.5km west of the junction of the B1256 with the A120, with the access road crossing Flitch Way which borders the site. The site is located within the countryside.
- 3.2** The nearest residential property is Crumps Farm, then there are a number of properties that are located on Stortford Road.
- 3.3** All Saints Church Canfield End is located to the east of the site which is Grade 1 listed building.
- 3.4** Between the site and the church is the River Roding running parallel to the eastern boundary

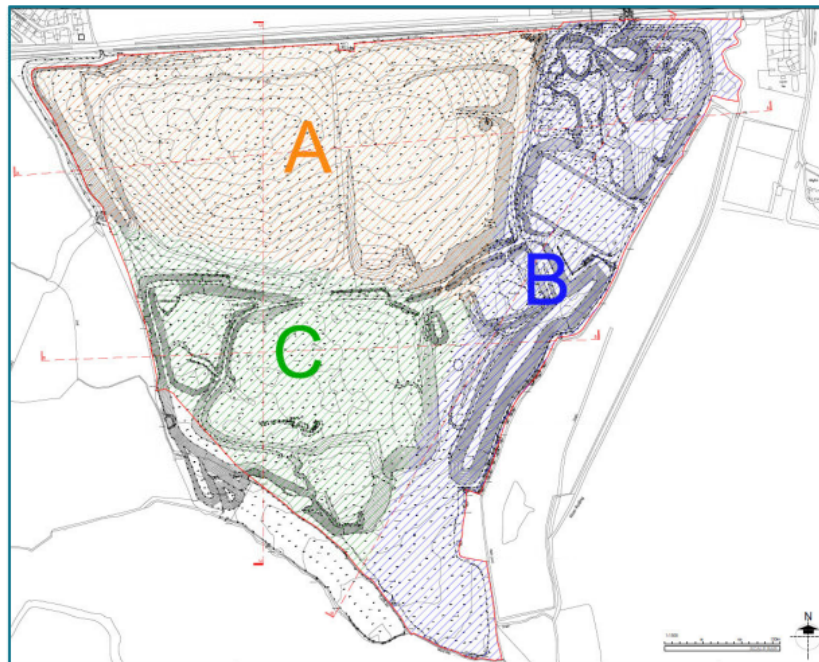
3.5 The application site is a minerals and waste site, managed by Essex County Council Minerals and Waste Team, that has a long history. Whilst the site is accessed from Stortford Road it lies to the south of Flitch Way.

3.6 The application submission identifies the application site in three areas

3.6.1 *“Crumps Farm has a complex history of planning applications including permissions for mineral extraction, landfill and associated activities. The site currently consists of 3 areas:*

- *Area A: Capped landfill still undergoing decommissioning;*
- *Area B: Old ballast washing site;*
- *Area C: Contaminated area for remediation”*

Figure 2.2 – Extract of Existing Site Plan Showing Zones A, B and C



4. PROPOSAL

4.1 The application follows a direct consultation from ECC Minerals and Waste Team Consultation on Hybrid planning application seeking full permission for the importation and deposit of material/waste and the subsequent raising of land levels (retrospective), installation of landfill infrastructure and engineering works to facilitate a satisfactory restoration profile and outline permission for 121 commercial/industrial units and a solar farm on part of the site.

4.2 The proposed planning application is for the provision of 38,065.75sqm of commercial space including car parking, a solar farm and associated landscaping for recreational use.

5. ENVIRONMENTAL IMPACT ASSESSMENT

- 5.1 The development does constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. **RELEVANT SITE HISTORY**

- 6.1 Below is a list of some of the more recent history on the application site that UDC have been consulted on by ECC Minerals and Waste Team.

Reference	Proposal	Decision
UTT/0017/01/CC	Recycling of inert materials by screening and occasional crushing and shredding and composting of green waste	
UTT/0060/06/CC	Retrospective installation of additional micro turbine generating set and ancillaries to existing electricity generating compound, to be powered by landfill gas from the landfill area	
UTT/0051/08/CC	Scoping Opinion: Continuation of mineral extraction and restoration of resulting void by landfilling with mixed waste, including both source separated and untreated waste. Reprofilling areas previously restored to tie in with profiles of the restored void. Facilities for sorting recyclables from waste, in-vessel composting of domestic, commercial and industrial waste, followed by windrow composting prior to landfilling. In addition windrow composting of green waste. Restoration of the site either to agriculture, amenity or nature conservation afteruses	
UTT/0089/08/FUL	Change of use from agricultural land to accommodate extension to pumping station and associated	
UTT/0091/07/CC	Review of Old Minerals Planning Permission	

	UTT/509/89 ESS/01/07/UTT/R	
UTT/0152/10/CC	Continuation of mineral extraction and development of waste recycling and composting facility, including demolition of existing mineral processing plant, construction of waste reception and sorting building enclosing sorting of domestic and commercial and industrial waste to recover recyclables, construction of in-vessel composting units for composting of sorted waste, reproofing of levels of restored landfill site utilising on site materials, with restoration to parkland	
UTT/1681/07/CC	Continuation of restoration works (not complying with Condition 2 (time limit) of ESS/49/06/UTT (UTT/1712/06/FUL) of the landfilled area, to be completed by 31 October 2008 (landfilling as approved under planning permission UTT/512/86 as varied under planning permission ESS/33/95/UTT and ESS/47/98/UTT) ESS/45/07/UTT	
UTT/1688/08/CC	Continuation of restoration works without compliance with conditions 2 and 3 (time limits) of ESS/45/07/UTT to allow completion of restoration works of the landfill site by 31 October 2009 ESS/45/08/UTT	
UTT/1712/06/CC	Completion of restoration works of the landfilled area by 31 October 2007. (Landfilling as approved under planning permission UTT/512/86 [as varied under planning permissions ESS/33/95/UTT and ESS/47/98/UTT]) ESS/49/06/UTT	

UTT/1714/06/CC	Retention of sand and gravel processing facilities including sand and gravel processing plant, stockpiles of minerals and restoration materials, silt lagoons, weighbridges, ancillary buildings, portaloos and car parking facilities until 31 October 2033. Also continued use of haul road and access onto the B1256 (Stortford Road). The sand and gravel processing facilities, haul road and access for use only in conjunction with the winning and working of minerals as approved under ID2054 (as varied by UTT/509/86). ESS/50/06/UTT	
UTT/1778/07/CC	The windrow composting of green waste and waste wood, together with the importation and blending of soils and sands until 31 December 2020 ESS/42/09/UTT	
UTT/1839/08/CC	Continuation of mineral extraction and development of waste recycling and composting facility, including demolition of existing mineral processing plant, construction of waste reception and sorting building enclosing sorting of domestic and commercial and industrial waste to recover recyclables, construction of in-vessel composting units for composting of sorted waste, reprofiling of levels of restored landfill site utilising on site materials with restoration to parkland, landfilling of mineral void with composted material with progressive restoration to agriculture, widening of access road to allow 2 way traffic, installation of landfill gas and leachate management systems	

	ESS/46/08/UTT	
UTT/1878/11/CC	Continuation of temporary windrow composting of green waste and waste wood including the importation and blending of soils and sands without compliance with condition 2 (cessation date 15 September 2011) of planning permission ESS/42/09/UTT to allow an additional 2 years of operation until 15 September 2013 ESS/47/11/UTT	

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 N/a

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 This is not applicable as Essex are the determining Authority for the planning application.

9. PARISH COUNCIL COMMENTS

Little Canfield Parish Council

9.1 OBJECTS to these planning applications (OUTLINE and FULL), that sit within the Parish of Little Canfield.

9.2 Context

9.3 It is the understanding of Little Canfield Parish Council that; when permission was granted for Crumps Farm to be used for Landfill under application ESS/46/08/UTT, it was on the basis the site would be returned afterwards as park and recreational land for the benefit of residents. The failure to restore the area to parkland along with failure to implement measures to handle and control waste from the site as required is a breach of planning control and associated S106.

9.4 Instead, we currently have a poorly maintained approved landfill site which is causing nuisance and discomfort (by way of smells and polluted water running into ditches and river network) to residents. In addition, it is generally acknowledged that 500,000 tonnes of unauthorised waste has been disposed of at the site whilst it was under the control of Essex County Council, as the Waste Disposal Authority.

9.5 Little Canfield Parish has a situation where, it appears, there is a breach of planning control; a breach of S106 provisions associated with planning consent; failure to adequately maintain a landfill site and illegal disposal of 500,000 tonnes of unauthorised waste in our parish. To date, the

authorities (ECC, EA) who's duty it is to control these activities have had several meetings of working parties but have published no timetable for pursuing legal or criminal proceedings against those responsible for any breach.

9.6 Little Canfield Parish Council believe that Essex County Council should take the following steps prior to consideration of any decisions for development of the site. It is vital that remediation works to prevent further environmental damage and potential harm to health of local residents who are adversely affected by the condition of the site.

i. Pursue enforcement action against individuals and businesses responsible for the current situation prior to any decisions on permission for development of the site.

ii. It should undertake a review of it's internal processes and procedures that allowed such a gross breach of control of waste disposal to take place under it's watch. The findings of this report should be made public along with actions and timings for implementation of findings from the report.

iii. If it believes the Environment Agency should take precedence in any legal or criminal proceedings it should actively support and pursue the Environment Agency to ensure action is taken

9.7 We note Great Canfield Parish Council, a neighbouring parish, have submitted a letter of OBJECTION, dated 21 August 2025. The reasons they state for objecting to the applications are equally relevant to the view of Little Canfield Parish Council and residents of the Parish. As such, we mirror their comments and fully support their views and include their letter as an attachment to our objection. Additional points to support our objection are listed below.

9.8 *Economic and financial justification*

9.9 There is no viable economic or financial justification to support the development.

9.10 It is clear that, to remediate the site to prevent further discharge of toxic fumes and leachate requires spending money – probably a lot of money! The developer makes claim that the purpose for proposing the building of the industrial units is to help cover the cost of this remediation works, yet they provide no business case to support such claims.

9.11 The Site Investigation Report provided to support the application is woefully inadequate and provides no interpretation of the data, therefore no assessment can be undertaken of the site and therefore planning permission should not be granted; the requisite consideration of impacts to the environment cannot be safely considered by the Planning Authority at this time. The Environmental Statement is in many ways thin on detail

and only discusses the actions required on the landfills and does not consider the impacts of the post remediation development and so is not fit for purpose.

- 9.12** With such scant investigation and knowledge of what is contained within the unauthorised waste dumped on the site, it is not possible to make a reasonable estimate of the cost of remediation. Therefore, any claim by the developers that development will provide finances for remediation to be completed is invalid.
- 9.13** The application claims there is a need for the proposed type of industrial development in Uttlesford. This is not the case. The Local Plan, currently under review, proposes significant industrial development opportunity to the west of Takeley, close to the M11 and A120 roads for transport and suitably close to Stansted airport to believe that it would appeal to businesses who would benefit from being close to a major airport. With proposals being contained within the local plan for industrial development in Uttlesford that are adequate to meet requirements, the economic case for the scale of development is invalid.
- 9.14** *Transport links and traffic nuisance*
The proposal appears to indicate little to no impact on the volume of traffic in the area. This feels to be at odds with the applicant claiming justification of the industrial development is to provide employment and economic development.
- 9.15** As such, Little Canfield Parish Council has joined with Takeley Parish council to commission a report on the impact to transport created by the proposed development. When this report is received, we will submit separate comments. We have been granted additional time for this report to be compiled and submitted.
- 9.16** *Impact on the Flitch Way and River Roding*
There has always been a presumption against development 'south of the Flitch Way' as it passes through Takeley and Little Canfield. As highlighted by Gt Canfield PC in their letter, the Flitch Way has been cited as a 'natural boundary, which should be respected.'
- 9.17** The scale of the industrial development proposed in no way respects the Flitch Way or the natural environment it lies within. Large buildings or a solar array on raised land would dramatically and adversely impact views.
- 9.18** Remediation work would be welcomed to control effluent discharge from the landfill impacting the River Roding. The applicant has made reference to agreement with Thames Water for treatment of 2million litres of effluent discharge. It provides no details of how this will be handled, or what timescale over which the expected discharge is measured. As industrial discharge consent limits are often based on daily quantities, it is assumed this is the case here. It is believed that 2m litres of effluent per day would

require a significant size treatment plant. No such treatment plant is identified on the plans.

9.19 Full, independent environmental and biodiversity impact assessment reports should be completed before any competent decision on these applications can be made.

9.20 Conclusion

Uttlesford District Council have sufficient industrial development areas earmarked within their Local Plan.

9.21 There are no grounds to any development to take place in Little Canfield South of the Flitch Way.

9.22 Without proper enforcement action being taken by the relevant authorities and covenants being placed on the land, committing landowners to proper maintenance of the landfill, no consideration of any development should be made. History tells us that planning conditions are held in little regard by developers and authorities have either little resource or appetite to pursue enforcement.

9.23 RAILTON TPC on behalf of Takeley and Little Canfield Parish Councils

9.24 We have been commissioned by Takeley and Little Canfield Parish Councils to review transport information.

9.25 Summary and Conclusion

9.26 This report reviews transport information submitted in support of an application that includes 121 light industrial units with a combined floor area of 38,066sqm at Crumps Farm, Little Canfield.

9.27 The assessments do not include a Travel Plan for the site and are thus contrary to Paragraph 118 of the National Planning Policy Framework (NPPF) that requires a Travel Plan to be produced for all developments that generate significant amounts of movement.

9.28 The proposed development is predicted to generate significant numbers of new vehicles, equivalent to the trip generation of around 1,000 dwellings. Despite this, the assessment of highways impact is limited to only the site access. There has been no assessment of impact at the Four Ashes junction in Takeley and Junction 8 of the M11, both sensitive and congested junctions.

9.29 The applicant has failed to provide evidence to demonstrate that safe visibility splays can be achieved at the site access.

9.30 The B1256/A120 junction just to the east of the site serves four major committed development areas to the west of Great Dunmow and a major

Local Plan employment allocation and is due to be partially signalised to minimise the risk of vehicles queuing back onto the A120. This will reduce capacity for other movements, including those associated with the proposed development. The cumulative impact at this junction, taking into account the proposed signalisation scheme needs to be assessed by the applicant.

- 9.31** The assessments fail to allow for HGVs both generated by the proposed development and those constituting part of the existing traffic flows along the B1256.
- 9.32** No allowance has been made for committed development and Local Plan allocations in the vicinity of the site. The development is therefore contrary to Paragraph 116 of the NPPF that requires assessment of residual cumulative impact.
- 9.33** The proposed development would introduce a busy road junction crossing the Flitch Way. This arrangement conflicts with the character of the Flitch Way between Junction 8 of the M11 and Great Dunmow where all road crossings pass either over or under bridges. There has been no consideration of how the safety of Flitch Way users could be maintained at the point where the site access road crosses.
- 9.34** The site has extremely poor pedestrian access since no footway is proposed along the site access, no footway is available on the southern side of the B1256 either side of the site access and no crossing facilities are available or proposed on the B1256. The B1256 is particularly difficult to cross at the site access because it is widened to accommodate a right-turn lane and because it carries high volumes of fast-moving traffic.
- 9.35** The site is not easily accessible by bicycle since the B1256 offers a threatening environment for cyclists and the nearest off-road cycle facilities end around 700m west of the site. The Flitch Way is not generally considered suitable for commuting since it is unlit, generally not overlooked and has a poor quality surface in places.
- 9.36** The site has very poor bus access due to the lack of safe pedestrian facilities between bus stops and the site and due to the fact that the nearest bus stop is around 600m from the nearest proposed employment unit.
- 9.37** Overall it is concluded that the proposed development is not acceptable in transport and highways terms since its potential highways impact has not been assessed, no Travel Plan has been produced, the site has very poor sustainable access and the proposed development is likely to have an unacceptable impact on the Flitch Way both in terms of altering the character of the route and in terms of adverse highway safety impact.
- 9.38** **Great Canfield Parish Council**

9.39 Great Canfield Parish Council OBJECTS to these applications which is in the adjoining parish of Little Canfield.

9.40 The Parish Council will comment in separate sections as it is believed that the remediation question should be dealt with separately from the planning application due to the complicated history of the site:

9.41 **1. REMEDIATION**

9.42 It is important to understand the make-up of the site before consideration can be given to what action needs to be taken.

9.43 There are two different landfill sites within Crumps Farm, - one which contains legitimate waste but which is leaking gas and needs to be re-capped and sealed. The second site contains up to 700,000 tonnes of illegal waste.

9.44 The Development & Regulation Report (25 August 2023) Ref: ENF/1163 written by the Chief Planning Officer clearly states that despite planning permission being granted in 2009 to Edwards Waste Management Ltd for remediation, works were not commenced as required and that land levels of the former landfill site were not reprofiled and the area not restored to parkland as required. A Section 106 agreement had been signed to this effect.

9.45 In addition, the Environment Agency found that between 2009 and 2018 significant quantities of unknown hazardous waste (approximately 500,000 tonnes) were imported without permission but with no sign of illegal entry.

9.46 In 2023 at the time of the enforcement report, levels of dangerous gases, hydrogen sulphide and methane were detected which were considered a considerable health concern.

9.47 The Waste Planning Authority [ECC] and the Environment Agency [EA] adopted a joint enforcement protocol and agreed to investigate. Since that report, there has been little or no action. The matter has been let slide with no investigation and no monitoring or checking of the danger of the situation on site. Hazardous smells continue to be detected more and more frequently and further afield such as at Church End in Great Canfield.

9.48 **Immediate Actions**

9.49 No company or individual has admitted to the facilitation of criminal activity and the Environment Agency, as the regulator of waste sites and Essex County Council, as the Waste Disposal Authority have both been slack in enforcement and now seek to brush this whole situation under the carpet.

First and foremost, appropriate authorities [The Environment Agency, HMRC and Essex County Council] should bring criminal prosecutions against those they determine through proper investigation to be responsible for the waste crime undertaken at this site.

9.50 Secondly, the Environment Agency and Natural England should carry out proper assessment and analysis of the soil contamination and wildlife on-site to better inform decision making around the hybrid planning applications made to Essex County Council. If EA employees cannot enter the site due to health and safety concerns, then the public must be told about the risks.

9.51 Thirdly Essex County Council should be more transparent in their process and stop bypassing Uttlesford District Council in the planning permission process for the following applications: ESS/16/24/UTT & ESS/16/24/UTT/OUT.

9.52 2. PLANNING

9.53 Great Canfield Parish Council Objects to all applications on the following grounds:

9.53.1 a. National Planning Policy Framework (NPPF) Policy 2
The National Planning Policy Framework (NPPF) Policy 2 requires any proposed development to satisfy three sustainable development tests: Economic, social and environmental. These planning applications fail all three tests.

9.53.1.1 • Economic – the case for building more commercial units in the area is FALSE,

- o The Uttlesford Local Plan projects a need for 21,000 sq.m of additional office space between 2016 and 2033 across the district.[1]

- o Planning application [UTT/24/2682/SCO] at Takeley will result in an oversupply to Uttlesford district [proposed to provide 84,541 sq.m of commercial units].

- o The planning application at Crumps Farm is projected to add a further 38,065 sq.m of commercial units. o The O2 Dome is over 100,000 sq.m and Stansted Airport's retail terminal is 10,600 sq.m.

- o The two planning proposals at Takeley and Crumps Farm would provide similar commercial space within the local area as the O2 Dome or 4 Stansted Airport Terminal buildings and will add associated traffic to the local road network.

- o A large part of Uttlesford's projections also already incorporate significant quantities of floorspace at Great Chesterfield Research

Park with some 25,000 sq.m already granted planning permission.
This new
proposal at Crumps Farm in unneeded and unwanted

- Social – This WILL lead to a flurry of planning applications for development south of the Flitch Way on rural landscapes.

- o The granting of planning permission for the commercial units at Crumps Farm landfill would indicate a general weakening of support for established policies for the control of development in this part of Essex.

- o The boundary of the Flitch Way has been recognised by the national Planning Inspectorate and the Secretary of State responsible for planning matters as an important natural feature not to be degraded further by development on its southern side.

- o It has subsequently been designated a Local Nature Reserve by Natural England in October 2019 further strengthen the argument this is important for wildlife and nature in our area.

- o There are no accessible services for the proposed commercial units necessitating increased road traffic as employees exit the site for lunch breaks and travel to and from their place of work. This would be anything but a well-designed future proofed development for the next generation. It will be urban sprawl allowing developers to build even more urban sprawl

9.53.1.2 • Environmental – These planning applications will DESTROY the visual character, wildlife and nature of the surrounding river, woodlands and the Flitch Way.

- o All road transport traffic (Likely 1400 movements per day) would cross The Flitch Way Local Nature Reserve at a single point, totally destroying the character of this valuable public green linear park.

- o The planning applications propose to build a car park of 700 spaces next to a treasured local walk urbanising this part of the countryside to the south of the Flitch Way.

- o The Flitch Way was designated by Natural England a Local Nature Reserve in October 2019 changing its status from a Non Designated Heritage Asset ("NDHA") and giving a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949 supported by Essex County Council and the Friends of the Flitch Way.
- o Yes, the landfill requires remediation works to prevent pollution escaping into the rivers and wider environment, but why should that come at the expense of wildlife and nature around the site.

o The 2 million litres of leachate from the site already poses a threat to human and wildlife health and will undermine attempts by the Mayor of London to provide a £3million regeneration for the River Roding further downstream. We believe that the River Roding is a strategic water source for London and as such a PSI application should be made to the Mayor of London to ensure the Mayor has the opportunity to comment on this planning application.

o Wildlife uses the surrounding countryside and the Flitch Way. Important habitats will be lost but most importantly the building works and then the usage of the industrial units which will be right beside the River Roding has the potential to destroy hundreds of habitats for local wildlife and a full ecosystem which we are trying so hard to preserve.

o No one is legally allowed to enter onto the site to carry out relevant ecological surveys so there is a significant lack of evidence to support assumptions made in the planning statement. For example, the planning statement cannot tell without further study if badgers are present on-site. Residents have reported badger setts and the species as present on-site and it is a criminal offence to disturb badger setts under the Badger Act 1992.

o Research work by the developer has found bats on-site with the possible presence of Great Crested Newts. By the developer's own admission more research work needs to be undertaken to confirm species numbers and this is a key material planning consideration for Local Planning Authorities (LPAs). A permitting system will need to be installed and supervised by Natural England in relation to Great Crested Newts.

o The River Roding is an important waterway and there are protected species such as brown trout found within it which should be investigated further prior to any works commencing.

o The industrial units will cause light pollution. The new Uttlesford District Council offices at High Cross Lane already cause constant light pollution of the Flitch Way and surrounding countryside and an industrial site further along will no doubt have 24-hour security lighting, which will have further detrimental effects on wildlife.

- 9.53.1.3** • Sustainability - The impact on local villages has been ignored. Already hamlets such as Bacon End are used as cut throughs from the A120 to the B184 and beyond. This will only serve to increase traffic on rural roads and when added to the traffic which will increase with the building of the new supermarket and the new school on the edge of Great Dunmow it will have a great impact on the rural road. Stansted Airport is also planning to increase passenger numbers over this period likely resulting in a far greater number of vehicles on the road network in the local area

9.53.2 b. Uttlesford Local Plan 2005 Policy 7

- 9.53.2.1** • The proposal would introduce a sizeable new development and would result in an unnatural extension of built form in the locality. The proposals by reason of its sitting, size and scale would have a harmful impact upon the rural character and appearance of the area. The proposals would significantly harm the intrinsic character and beauty of the surrounding countryside including the Flitch Way resulting in landscape and visual effects from a number of publicly accessible viewpoints and failing to perform the environmental role of sustainability, contrary to policy S7 of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2005.
- 9.53.2.2** • Any building on the land which is currently green would destroy the natural visual impact and the open aspect of the countryside.
- 9.53.2.3** • The proposed development fails to adequately assess the impact of the proposal on the site and its habitat and fails to establish the ecological significance of the site, causing potential harm to the natural environment,
in conflict with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021

9.54 3. RELEVANT APPEAL DECISIONS

- 9.54.1** a. Appeal Decision APP/C1570/W/18/3213251
Inspector Mike Robins made many references to the Flitch Way and how this Local Nature Reserve is an important part of the decision-making process. Below are some quotes from his statement:
- 9.54.1.1** “The Flitch Way is clearly an important public right of way and I address the visual effects for users below, but in landscape terms it is a strong linear feature, which is not breached, other than in one specific instance, by settlement lining the B1256 between Bishops Stortford and Dunmow. While its historical association is with the railway, it is now a managed country park and local wildlife site [Designated a Local Nature Reserve in 2019] and its informal surfacing, welltreed edge and, in many cases, countryside views, provide for an experience for those using it in marked contrast to the urban areas set along its northern edge. I accept it is not an open countryside feature along its entire length, and in places there is development close to the northern edge, but it is an important refuge from the growing urban centres and provides easily accessible countryside experiences and access to important features such as Hatfield Forest.”
- 9.54.1.2** He goes on to say: “In extending development beyond the Flitch Way, it would not only compromise the naturalised boundary that has been respected by all recent development in the area, but would introduce a potential precedent and significantly, an urbanising influence on an important, and highly regarded country park and local wildlife site [Local Nature Reserve], the Flitch Way.”

- 9.54.1.3** • If the application was granted the resulting traffic (In excess of 700 movements per day) across The Flitch Way would cause danger for the linear park at that point as it would become dangerous for foot traffic, bicycles and dog walkers.

9.54.2 b. Appeal Decision APP/C1570/W/23/331/7874

- 9.54.2.1** Inspector John Dowsett dismissed an appeal to the northern boundary of this site for 90 homes. He quoted the Uttlesford Landscape Character Assessment, September 2016. The key characteristics of this area are gently undulating farmland with large open landscape with tree cover, dispersed settlements and few large villages, sunken lanes and moats and historic farmsteads. He found this site “still to be an open area that contributes to the large open landscape character.”

- 9.54.2.2** The current application site is part of that large open landscape character. In addition he found “The appeal scheme would result in a narrow finger of development extending out from the settlement to the south of Stortford Road....Development of the appeal site would appear dislocated from the main built up area of the settlement”

- 9.54.2.3** “The new development would be both readily perceptible and prominent from Stortford Road which is a principal route through the area and would undermine the open character of the area”

- 9.54.2.4** As the current application is further dislocated from the settlement and to the south of the Flitch Way which he accepted as a Non Designated Heritage Asset (“NDHA”) [Changed to designated Local Nature Reserve in October 2019] and stretches further into the countryside then this application should fail for the same reasons as the above appeal.

9.55 **ALTERNATIVE PROPOSALS**

- 9.56** Great Canfield Parish Council OBJECTS to the planning application for the above reasons but if the application is approved in full, the developer has stated it will remediate the current contaminated land issues.

- 9.57** With the above point in mind the following points should be considered:

1. Prosecution of the companies and individuals involved in illegal activity at Crumps Farm should happen first before any approval is given to these planning applications
2. Residents MUST be sure that the land is decontaminated fully and effectively before construction works can be carried out on both parts of the site
3. A Section 106 agreement where a list of pre-commencement conditions are met before work is allowed to begin.

4. If development permitted, there should be a commitment to delivering greenfield runoff rates via properly maintained sustainable drainage
5. A condition whereby remedial targets must be met before construction is continued
6. A financial bond to ensure restoration is completed
7. A covenant over the land which would remain with the land regardless of ownership Uttlesford District Local Plan (adopted 2005) [5.26 Policy ENV14] requires the developer to set out a timetable for remediation works to be carried out. There are no documents containing such requirements contained within the planning documents submitted to ECC and UDC.

9.58 We think a complete re-design is needed on these planning applications and serious consideration needs to be given to local people's thoughts and suggestions and how the local community can take ownership of the site without the necessary liabilities for the remedial works.

9.59 Great Canfield Parish Council would like to consider a Conservation Covenant which could be utilised as an alternative to Section 106 agreements to secure green space and Biodiversity Net Gain on-site. These would have the effect of establishing the local communities with a legal framework for a direct relationship with the developer rather than solely the Local Planning Authority or Waste Disposal Authority. Additionally, a suitable responsible body should be found that local residents and parish councils can support that is not Essex County Council, Uttlesford District Council, the Environment Agency or Natural England. The responsible body should be independent of the state authorities and agencies and agreed by both Little and Great Canfield Parish Councils.

9.60 CONCLUSION

9.61 Great Canfield Parish Council Objects to all the planning applications on the following grounds:

1. Proper remediation of the site should have been carried out as per the agreements within previous applications.
2. The lack of sustainability for this site on all three tests (economic, social and environmental)
3. Failure to comply with Policy 7 of the 2005 Local Plan
4. Development of land to the south of the Flitch way (LNR) which could start a dangerous precedent for development where none has been acceptable previously.

- 9.62** A sad factor in this response to these planning applications is the lack of trust the local community is able to place in Essex County Council, the Environment Agency and to some degree in Uttlesford District Council. Previous promises over the past decade agreed in planning permissions stated that the landfill should be returned to parkland. These Section 106 agreements have not been carried out to date.
- 9.63** These current important local planning applications were validated at a time when it is difficult to get groups of people together and when local representatives are away from the local area. This has meant that local groups have not had time to take necessary advice on this complex site. The timing has been designed to aid the end result: namely, that these unfit planning applications are passed through the planning process with minimal discussion and debate by local people.
- 9.64** The residents already know that ECC's, the EA's and to some extent UDC's pre-conditions in planning will be worthless (past applications on this site have proven this) and the real concern is that a large unnecessary sprawl of commercial units will be built and very little work, if anything, will be done to improve and make safe the landfill site.
- 9.65** The Environment Protection Act 1990 places a legal duty of care on anyone who produces, carries, keeps, disposes of, treats, imports, or has control of waste. This includes the EA as a regulator of the landfill site and Essex County Council as the disposal authority.
- 9.66** Local people want the site cleaned-up and the pollution leaking into the local environment stopped. However, local people cannot have confidence that the site will actually be cleaned up and they're being forced to accept unsustainable economic development in a rural countryside location to the southern boundary of the Flitch Way. This is a botched scheme and needs re-thinking urgently.
- 9.67** **Great Dunmow Town Council**
- 9.68** Great Dunmow Town Council wishes to register its support for the OBJECTIONS raised by Little Canfield Parish Council in respect of the above application.
- 9.69** Great Dunmow Town Council also OBJECTS to the application in the event that any aspect of the application should cause mechanically propelled vehicles other than those permitted in law to travel upon the Flitch Way at Little Canfield 38, for any reason other than that permitted in law, as Little Canfield 38 is a BRIDLEWAY per the Definitive Map and Definitive Statement, dedicated by Essex County Council 31/05/2007, and to allow any such activity would be in opposition to s34 of the Road Traffic Act 1988 and the s50 of the Countryside and Rights of Way Act 2000 and would constitute an offense.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 Noise

10.1.2 I have reviewed the noise assessment issued by Noise Air, dated 30th January 2025, Report Ref: P7353-R1-V3. The report has concluded the following “The initial assessment indicates that during the daytime and night-time, the excess of rating level above the existing background sound level is -4 and -2 dB(A) respectively. The assessment therefore indicates that a low impact is likely at the nearest NSRs”.

10.1.3 Currently, I feel further evidence and clarity on the proposal is required before further conclusions are made.

10.1.4 Firstly, I would like to understand the factors considered in the model under Section 4 which was used to calculate specific noise level used within the BS4142 assessment. Those factors were:

10.1.5 Traffic Noise Modelling:

10.1.6 The assessment states that the model is based on proposed traffic flows during the peak hour of 17:00–18:00, as provided by the client. Clarification is required on the source, methodology, and validation of these traffic flow figures. Please confirm:

- Whether these flows represent a worst-case scenario.
- If a traffic impact assessment was used as the basis.
- Whether flows during other potentially sensitive periods (e.g. morning peak, weekends) have been considered or ruled out, and why.

10.1.7 Commercial Unit Assumptions:
The model includes vertical area sources at 50% of unit door areas with assumed internal noise levels of 75 dB(A).

10.1.8 There is insufficient justification provided for the selection of 50% of doors and the internal noise level of 75 dB(A). Please provide:

- The basis for selecting 75 dB(A), for example is this based on measured data from similar developments or industry benchmarks.
- Clarification on operational assumptions (for example hours of operation, door opening frequency, type of activity inside units).

10.1.9 Further information and justification are therefore requested before a final view on noise impact can be confirmed. This includes confirming the above in regards to the Noise Air Assessment, but also consideration to the below suggested conditions for noise should a full application be submitted for the commercial units:

10.1.10 Commercial Noise:

- 10.1.10.1** *Prior to the installation or proposed use of any plant, machinery or equipment associated with any of the commercial units hereby approved, details of the equipment shall be submitted to and approved in writing by the Local Planning Authority.*
- 10.1.11** *The submission shall include a noise impact assessment prepared in accordance with BS 4142:2014+A1:2019 (or any subsequent replacement standard). The assessment shall include predicted noise emissions from the proposed plant, details of the background sound level (LA90), and any necessary mitigation measures to ensure compliance with the following criterion:*
- 10.1.11.1** *The cumulative rating level of sound from all external building services plant and equipment shall be demonstrated to be at least 5 dB(A) below the background sound level (LA90) when measured or calculated at 1 metre from the façade of the nearest existing or proposed noise-sensitive premises.*
- 10.1.11.2** *The assessment shall include details of the measurement locations, times, and methodologies agreed with the Local Planning Authority in advance.*
- 10.1.11.3** *Measurement parameters shall include LA90, LAeq, LAm_{ax} and 1/3 octave band frequency analysis.*
- 10.1.11.4** *The approved mitigation measures shall be fully implemented prior to first use of the relevant unit and shall be maintained thereafter for the lifetime of the development.*
- 10.1.12** *Background Noise Survey (Baseline):*
I can see Noise Air reported that during the daytime and night-time at the development site LA90 background sound levels of 35 dB(A) and 33 dB(A) have been adopted respectively. However further evidence and details should be provided and (should planning permission be granted) I recommend the following condition:
- 10.1.13** *Within 3 months of the date of this permission, a baseline background noise survey shall be undertaken to establish representative background sound levels in the vicinity of the development, in accordance with BS 4142:2014+A1:2019, or any equivalent or updated standard as agreed by the Local Planning Authority.*
- 10.1.13.1** *The survey shall be carried out by a suitably competent person and shall include background noise measurements at the nearest noise-sensitive receptors, the locations of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the survey.*
- 10.1.14** *The survey shall cover the following time periods:*
• *Daytime: 07:00 – 19:00*

- *Evening: 19:00 – 23:00*
- *Night-time: 23:00 – 07:00*

- 10.1.14.1** *The survey results, including measured LA90, LAeq, LAmax, and frequency analysis where appropriate, shall be submitted for the written approval of the Local Planning Authority. The approved background noise levels shall then inform all subsequent noise impact assessments required at the Reserved Matters or discharge of condition stage.*
- 10.1.15** *Post Completion Noise Survey:*
Prior to the operation of any fixed external plant, machinery or equipment associated with any of the commercial units hereby approved, a post completion noise survey shall be undertaken by a suitably qualified acoustic consultant. The purpose of the survey is to verify compliance with the approved noise impact assessment and associated mitigation measures.
- 10.1.15.1** *The noise survey report shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the relevant unit. The survey shall demonstrate that the cumulative rating level of sound from all external building services plant and equipment does not exceed a level at least 5 dB(A) below the background sound level (LA90) when measured or calculated at 1 metre from the façade of the nearest existing or proposed noise-sensitive premises, in accordance with BS 4142:2014+A1:2019 (or any subsequent replacement standard).*
- 10.1.15.2** *If the measured noise levels do not meet this criterion, further mitigation measures shall be implemented to achieve compliance, and a follow-up verification survey shall be submitted and approved prior to operation.*
- 10.1.16** *Hours of operation:*
Prior to the first occupation any of the individual non-residential units hereby permitted, details of the hours of operation shall be submitted to and approved in writing by the Local Planning Authority. The units shall thereafter be occupied solely in accordance with the approved details.
- 10.1.17** *Service Yard Management:*
Prior to the commencement of development, a Service Yard Management Plan shall be submitted to and approved in writing by the Local Planning Authority.
- 10.1.18** *The Plan shall include measures to minimise noise and disturbance from activities within the service yards, including but not limited to:*
- *Timing and scheduling of deliveries;*
 - *Restrictions on vehicle engine idling;*
 - *Use of broadband reversing alarms or other low-noise alternatives;*
 - *Designated delivery and unloading zones.*
 - *Details of signage, staff training, and procedures for monitoring compliance;*
 - *A mechanism for regular review and updates of the Plan.*

10.1.19 The service yards shall be operated in full accordance with the approved Plan at all times, unless otherwise agreed in writing by the Local Planning Authority.

10.1.20 Road Traffic Noise:
With the subsequent changes, there will be changes to road traffic. To assess noise levels, the following condition is recommended.

10.1.20.1 *No development shall take place until a noise assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with the Calculation of Road Traffic Noise (CRTN) methodology and shall include:*

a) Baseline noise monitoring at identified noise-sensitive receptors;

b) Predicted noise levels at those receptors resulting from changes in road traffic attributable to the development (including any new or modified roads, junctions, or increased traffic volumes);

c) An assessment of the likely significance of noise impacts; and

d) Details of any proposed mitigation measures to ensure compliance with appropriate noise standards (such as BS8233 or WHO guidelines).

10.1.20.2 *The development shall not commence until the assessment and any necessary mitigation scheme have been approved in writing. The development shall not be brought into use until the approved mitigation measures have been implemented in full and verified as effective, and they shall be retained thereafter.*

10.1.21 Solar Farm Noise Related Conditions:
All plant, equipment, and infrastructure associated with the operation of the solar farm including, but not limited to, inverters, transformers, switchgear, and substations must be designed, specified, enclosed, and/or otherwise acoustically treated to ensure that:

1. The cumulative rating level of noise emissions does not exceed a level 5 dB(A) below the background sound level (LA90, 15 minutes), when measured or calculated at 1 metre from the façade of the nearest existing or approved noise-sensitive premises. The assessment must be conducted in accordance with BS 4142:2014+A1:2019 (or any subsequent replacement standard).

2. The ambient sound pressure level attributable to the operation of the solar farm shall not result in an increase in the measured LAeq, 5 minutes in any third-octave frequency band, when compared with the pre-development ambient sound levels, at any noise-sensitive receptor. This applies particularly across the 10 Hz to 200 Hz frequency range to ensure protection from low-frequency noise. Measurements

and analysis must be conducted in accordance with BS ISO 1996-2:2017, or equivalent.

10.1.21.1 *The approved mitigation measures shall be fully implemented prior to first use of the relevant unit and shall be maintained thereafter for the lifetime of the development.*

10.1.22 Capping

10.1.22.1 The planning application proposes two potential capping methods for the remediation of the southern section of the landfill:

1. Geomembrane Barrier – 1mm LLDPE geomembrane between geotextile protection layers
2. Artificial Geological Barrier – Engineered cohesive clay or inert material with permeability $<1 \times 10^{-9}$ m/s

10.1.22.2 The proposals lack key detail regarding long-term integrity. In its current form, the submission does not provide sufficient reassurance that environmental and public health risks have been fully mitigated through capping design and maintenance planning. Further details must be provided including:

1. Final Capping Design and Specification:
 - Confirmation of which capping system will be implemented.
 - Full technical specification of the chosen capping design, including: Material types, thicknesses, permeability values, expected gradients, surface water flow design, and topsoil cover.
 - Design justification based on site-specific conditions.
2. Construction Validation and Verification Plan:
 - Methodologies for material placement and installation.
 - Testing protocols for permeability and thickness verification.
3. Maintenance and Aftercare Plan:
 - A long-term monitoring and maintenance programme for the capping, cover:
 - Inspection frequency and procedures (e.g. for erosion, cracking, root penetration)
 - Repair protocols and thresholds for intervention
 - Duration of aftercare and reporting commitments.

10.1.23 Gas Management:

Wiser Environment have submitted a Gas Management Plan dated 26th September 2024 to manage the southern site, which has been an unauthorised landfill site with no gas management. It is understood that the southern area is allegedly causing odour nuisance and there are concerns about offsite migration.

- 10.1.24** Wiser Environment propose that in total 29 gas wells and 6 leachate wells will be installed across the southern section of the landfill with 50m spacing between each well. The gas wells will have a diameter of 160mm, and the leachate wells will be 225mm in diameter.
- 10.1.25** There are two proposed gas collection system designs, and these are shown in Appendices B and C:
- Manifold style: 63mm diameter pipework runs from each gas well to a collection manifold. 7 gas wells are connected to each manifold and there is a 'Knock-out Pot' (KOP) connected to each of the 5 manifolds. The collection manifolds connect to the ring main pipework which is between 180mm and 200mm in diameter. This pipework runs around the site perimeter before going north to the site compound in the northeast of the site. 3 KOPs are also positioned along the route of the pipework to the compound in the north-east.
 - Non-manifold style: 63mm diameter pipework runs from each gas well to KOPs between 160mm and 200mm in size. The pipework diameter increases from 160mm to 200mm from KOP 1 to KOP 3 before connecting to a 250mm diameter pipe runs from the 3rd KOP to the site compound.
- 10.1.26** Liquid condensate or leachate in gas pipelines reduces their effectiveness and can lead to blockages and major disruptions. To manage and reduce the accumulation of condensate, a leachate collection system will be installed in the southern section of the landfill:
- 6 leachate wells (225mm in diameter) which will be drilled to depths between 6 m and 7 m.
 - 2 x 63mm diameter pipes which each connect to 3 leachate wells and run to a 90mm diameter carrier pipe.
 - This carrier pipe will then connect to a 110mm diameter pipe which will transport the leachate to the leachate tank located by the site entrance in the north of the site.
- 10.1.27** It is likely the Environment Agency will be commenting on the above.
- 10.1.28** However, from an Environmental Health perspective, I recommend the following conditions are considered:
- 10.1.29** Landfill Gas Risk Assessment:
- 10.1.29.1** Prior to commencement of development on the southern site, a Landfill Gas Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall identify risks to human health, property and the environment from landfill gas migration.

Where risks are identified, a Gas Mitigation Scheme shall also be submitted and implemented in full prior to any development or groundworks on the southern site.

10.1.30 Landfill Gas Monitoring and Leachate Monitoring:

10.1.31 From the commencement of capping works, the operator shall undertake monitoring of landfill gas and leachate in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Locations and specifications of monitoring points;
- Parameters to be monitored, including but not limited to: methane (CH₄), carbon dioxide (CO₂), oxygen (O₂), and hydrogen sulphide (H₂S) in landfill gas, and leachate levels, volumes, and chemical composition;
- Monitoring frequency and methodology;
- Gas and leachate threshold levels, and procedures for exceedance response

10.1.32 An annual report shall be submitted to the Local Planning Authority no later than 31st January each year, covering the preceding calendar year.

10.1.33 The report shall summarise:

- Monitoring results (raw data and interpreted);
- Volumes and concentrations of gas and leachate recorded;
- Trend analysis identifying any changes in gas or leachate behaviour;
- An assessment of the performance of the containment and monitoring systems;
- Any remedial actions taken or proposed.

10.1.34 Monitoring shall continue for a minimum period of 10 years from the completion of capping works, or as otherwise agreed in writing with the Local Planning Authority.

10.1.35 Odour Management:

10.1.36 Prior to the commencement of gas or leachate extraction activities on the southern part of the site, an Odour Management Plan (OMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved OMP shall be implemented in full prior to commissioning of the gas and leachate management system and shall be maintained for the lifetime of the development.

10.1.37 Long-Term Management Insurance for Gas and Leachate Control Systems:

10.1.38 Prior to commencement of development (excluding site investigations and preparatory works), details of a comprehensive insurance policy or equivalent financial provision shall be submitted to and approved in writing by the Local Planning Authority. The policy shall cover the long-term

monitoring, maintenance, and operation of landfill gas and leachate management systems, including provisions for continued management in the event of operator insolvency or dissolution.

- 10.1.39** The approved insurance shall be fully funded and in place before development progresses beyond enabling works and shall be maintained for the duration of the aftercare period.
- 10.1.40** Consideration to North of the Site:
- 10.1.41** The Environmental Statement states the northern part of the site is a former municipal landfill and currently comprises derelict land with rough grass and shrubs covering most of the site. There is a concern that there could be a leachate build up and insufficient gas management. Further information is required for the north of the site and a management plan should be put in place.
- 10.1.42** **Contaminated Land**
- 10.1.43** The applicant proposes to construct 121 commercial units on a site that is directly adjacent to, a large historic landfill. I have significant concerns regarding the risks posed by high levels of landfill gases.
- 10.1.44** As stated in the Gas Management Plan dated 26th September 2024 by Wiser Environment, the landfill is generating substantial volumes of methane (CH₄) and carbon dioxide (CO₂), with concentrations typically ranging from 50–60% CH₄ and 40–50% CO₂. The gas mixture also contains hydrogen sulphide (H₂S), volatile organic compounds (VOCs) and speciated VOCs (SVOCs), many of which pose acute and chronic health risks, are flammable, and can migrate off-site through soil or underground pathways.
- 10.1.45** This omission is particularly concerning given the scale and nature of the proposed development which will introduce new human receptors to a site with a confirmed history of landfill use and active gas generation.
- 10.1.46** Without a comprehensive contaminated land risk assessment and appropriate mitigation, the development could expose construction workers, future employees, and building users to unacceptable risks from contamination and landfill gas. The current submission does not demonstrate that the site is suitable for its proposed use or that it can be made safe without unacceptable risk to health or the environment.
- 10.1.47** Therefore, the following condition is recommended to ensure the risks are managed and mitigated appropriately:
- 10.1.47.1** *No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and*

approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011

10.1.47.2 *Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.*

10.1.47.3 *Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.*

10.1.47.4 *Prior to occupation the effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.*

10.1.47.5 *If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.*

10.1.48 Air Quality

10.1.49 An Air Quality Assessment (AQA) by NoiseAir dated 12th September 2024 has been submitted and evaluates the potential changes in local air quality arising from both the construction and operational phases of the remediation, development of 121 commercial units and building a solar farm. The assessment considered pollutant emissions — specifically nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}) — resulting from construction activities, construction traffic and plant, and vehicle movements associated with the completed development.

10.1.50 The scope of the AQA was determined through:

- A review of the proposed development plans;
- Assessment of traffic data provided by the transport consultant;
- A desktop study identifying sensitive receptor locations surrounding the site;
- Reference to UDC's latest Air Quality Annual Status Report and national air quality datasets from Defra and the Environment Agency.

10.1.51 The assessment concluded that the predicted increases in pollutant concentrations during both construction and operation would not result in exceedances of the relevant national air quality objectives for the

protection of human health or ecological receptors. The impact of construction dust emissions and traffic-related pollutants is considered to be not significant, provided appropriate mitigation is implemented.

- 10.1.52** As such, the development shall be carried out in accordance with the mitigation measures set out within the submitted Air Quality Assessment by Noise Air, dated 12th September 2024.
- 10.1.53** Informatives
- 10.1.54** Contaminated Land Assessment – Environmental Consultant Advice: Developers must employ a suitably qualified and competent environmental consultant to undertake the contaminated land assessment in accordance with current guidance and best practice. To this end it is recommended that the developer refer to guidance produced by Essex Local Authorities, Environmental Health departments titled - Land Affected by Contamination - Technical Guidance for Applicants and Developers, which is available for viewing or download on the Council's website in the contaminated land section. It is advised that Uttlesford District Council considers that adequate competency of persons submitting land contamination assessment reports is a prerequisite for such reports being accepted for review. It should be noted that the National Planning Policy Framework (NPPF) advises that site investigation information should be prepared by a competent person. In addition, guidance issued by the Environment Agency advises developers on the stages involved when dealing with land contamination and who is considered to be a competent person;
<https://www.gov.uk/government/publications/land-contamination-riskmanagement-lcrm>
- 10.1.55** An example of acceptable qualification would be that of a 'SiLC' (Specialist in Contaminated Land). A further example of demonstrating competence in this field would be to attain qualification as a Suitably Qualified Person under the National Quality Mark Scheme for Contaminated Land Management (NQMS).
- 10.1.56** Private Water Supply: Under the Private Water Supply Regulations 2016 a new private water supply may not be used until the local authority is satisfied it does not constitute a potential danger to human health. Environmental Health should be consulted if the new development is to have a private water supply.
- 10.1.57** Renewable Technologies: Energy saving and renewable technologies should be considered for this development in addition to the electric vehicle charge points, such as solar panels, ground source heat pumps etc in the interests of carbon saving and energy efficiency.
- 10.1.58** Construction Advice: Developers are referred to the Uttlesford District Council Environmental Code of Development Practice. To avoid/minimise

the impact upon the amenity of adjoining residents; developers are advised to follow the General Principle, and advice contained therein.

10.2 UDC Planning Policy

10.2.1 These internal/informal comments from the Policy team, are focussed on the outline application for 121 commercial/industrial units and a solar farm on part of the site.

10.2.2 Employment Use

- There are few details provided on the proposed 121 'light industrial units. The development consist of 121 units of the same size and no evidence has been provided to justify the need for this type of unit, on this scale, in this location.
- The Employment Needs Study (2023) does identify a need for industrial uses in Takeley, Gt. Dunmow and the wider Stansted area. However the non-strategic floorspace at Northside is considered adequate to meet a significant proportion of the Stansted-specific business needs of 17.9 ha.
- The Employment Needs Update (2024) did recommend that further industrial allocations of 15ha are made in the Stansted vicinity around Takeley. Therefore, the 18ha allocation at Takeley Street (Takeley 005 EMP) as proposed in the Local Plan satisfies the requirement and actually leads to a technical oversupply against the requirement.
- In summary, no further land is required for light industrial uses in the Takeley, Canfield and wider Stansted area as identified in the up-to-date Employment Needs Studies.

10.2.3 Solar Farm

- This is a proposal we would support, reflecting Government policy to support significant scale solar as a national priority in the use of RE and creating a more secure energy and electricity network. However, policy emerging Local Plan CP25 does set out the basic balancing required regarding impact on agricultural soil and loss of productivity, landscape and visual impact, and potential for dual uses along with grazing or biodiversity. Proposed planting to screen the site should be required as early as possible on commencement.
- Applicants should be aware also of the need to offset some of these adverse impacts arising from such solar farm development by requiring the contribution of community benefits. The council is undertaking research on this topic to ascertain the appropriate level of financial contribution and/or contribution to community energy generally.

- Furthermore, it will be mandatory for solar farm developers to make a community contribution from around Spring 2026. Current practice elsewhere suggests £70,000/Megawatt.

10.2.4 Transport

NPPF para 109. Transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places.

10.2.5 It should be noted that although the NPPF states *that applications should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe...*

10.2.6 However, the NPPF does not preclude the refusal of an application on wider transport grounds. Delivering sustainable development and sustainable transport goes further than simply focusing on the impact on 'highway safety'. The NPPF was revised (Dec 24) requiring development proposals to promote the 'vision led' sustainable transport approach rather than the historical highway infrastructure impact (predict and provide) approach.

- The application does not propose a sustainable transport vision for the site. The application relies, as it's sustainable transport offer, on access to local bus services on the B1256.

10.2.7 *Para 115. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

(a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.

- There is no detailed strategy for sustainable transport access to the site, beyond the reference to the bus services. More information should be provided on pedestrian and cycle access and infrastructure to the site and any further behaviour change interventions that can affect mode shift should be detailed in a draft Travel Plan.
- Development proposals should provide a strategy for connectivity enhancements to the routes identified in the Uttlesford and Essex LCWIPs.
- Public Transport: The nearest bus stops on the B1256 are around 500m from the northern part of the employment site and 1.2km from the southern portion of the site.
- There is no footway on the southern side of the B1256 so pedestrians (who wish to access the bus stops) would have to cross the road (40mph) twice for westbound trips and once for eastbound.

- There is no single definition of ‘good public transport’ in a semi-rural setting such as this nor is there a straightforward assessment tool. However, it is widely acknowledged that good public transport connectivity refers to a reliable, integrated, and efficient public transport network that is accessible, affordable, frequent, fast, comfortable, and safe for a wide range of users. It means being able to offer a reliable and realistic choice for people and should be considered as a preferable alternative to the private car. The bus services are adequate, but contributions should be sought to provide improved services and new bus stop infrastructure closer to the site.

10.2.8

- (b) safe and suitable access to the site can be achieved for all users;*
- Access: The access road from the B1256 Stortford Road to the site is a private road and appears to be insufficient to accommodate the trips associated with the proposed development.
 - The road appears to be a single carriageway road and there could be conflict between vehicles exiting the site (and queuing back along the road) and those trying to enter with the potential for queuing back onto the B1256. This access road would require significant upgrades to accommodate the scale of development.
 - Access to the B1256 would require pedestrians and cyclists to use the access road in with the two way traffic – on a single track road. There is potential for significant conflict between users and cars/LGV/HGV.
 - The access road is outside the application boundary and there are no proposals submitted to improve the access road in the application and there is no indication the applicant has control of the access road to facilitate any required improvements.
 - No safe crossing provision, for pedestrians, is proposed on the B1256.

10.2.9

- (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*
- NPPF requires an assessment of transport impacts and this is clearly lacking in the submitted TA. The applicant should assess the impact on the wider local and strategic highway network including the B1256, Four Ashes Junction, M11 J8 and Dunmow West A120 interchange. This detailed transport modelling that should be scoped and agreed with ECC Highways.
 - The applicant has not assessed the impact on the Flitch Way. The Flitch Way is part of the National Cycle Network, is a public bridleway and is also a County Wildlife Site.

10.2.10 *Para 105. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks*

- The proposed development would result in significant trips across the Flitch Way PROW with the potential for conflict with pedestrians, cyclists and horse riders.
- The applicant should provide details (as part of a more comprehensive sustainable transport strategy/vision) of how it will provide connectivity enhancements to the Flitch Way.

10.3 Place Services (Archaeology)

10.3.1 The application is a hybrid planning application seeking full permission for the importation and deposit of material/waste and the subsequent raising of land levels (retrospective), installation of landfill infrastructure and engineering works to facilitate a satisfactory restoration profile and outline permission for 121 commercial/industrial units and a solar farm on part of the site.

10.3.2 The Essex Historic Environment Record (EHER) shows the proposed development lies in an area of archaeological potential. Archaeological trial trenching undertaken on the eastern edge of the proposed development identified a variety of archaeological remains dating to the medieval and post-medieval periods were recorded across the evaluation area. A cluster of medieval gullies and pits, dating from the 12th to later 13th century, were excavated in the south of the evaluation area. These features may represent small-scale settlement or agricultural activity (EHER46654).

10.3.3 Across the proposed development site extensive quarrying has been undertaken evident from historic mapping and aerial photography. It is unlikely that any archaeological features would be encountered within these areas however there is the potential for archaeological remains to be preserved in the very south of the area.

10.3.4 To understand the potential for, and significance of, archaeological deposits impacted by the proposal, a programme of trial trenching followed by excavation is being recommended in line with paragraph 218 of the National Planning Policy Framework (2024). A recognised team of professionals should undertake the archaeological work. The archaeological potential beneath the commercial/industrial units needs to be further understood by a programme of trial trenching. Should this reveal archaeological deposits it could be followed by further targeted excavation/mitigation; this could be outlined in further detail by a brief from this office to inform a WSI.

10.3.5 In view of the above, I recommend that the following conditions are placed on any permission:

10.3.5.1 Archaeological trial trenching and excavation

(1) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.

(2) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above, and any subsequent mitigation has been agreed.

(3) The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

11. REPRESENTATIONS

11.1 The consultation of the application has been undertaken by Essex County Council as the determining authority. However, six letters from nearby properties have been received directly raising the following points;

11.2 Support

11.2.1 None

11.3 Object

- 11.3.1**
- We believe the gases emitted from one of sites poses a significant risk to public health. The other site causes great concern from the underground leaching of contaminants from unauthorised waste dumping on the site.
 - We are greatly concerned that this contamination has not been identified and is continuing to leach into the ground and local water courses where it can cause significant harm to the environment and potentially infiltrate our land.
 - We have a large pond to the rear of our property that supports a wide range of inhabitants. In the past we have had extensive water intrusion onto our land from the adjacent field which until now had no idea of the potential contamination involved.
 - We strongly believe steps should be taken urgently to contain the gases and contamination from both sites to prevent further damage to

public health and the environment. This should be completed before any development of land is considered.

- Our plot supports a wide variety of wildlife including bats, hedgehogs, newts and toads, various insects including rose chafer beetles, dragon flies, damsel flies, marble white, tortoiseshell, red admiral, blue butterflies, hummingbird hawk moth, many bird species jay, magpie, hooded crow, green and spotted woodpecker, yellow hammer, goldfinch, bullfinch, green finch, robin, thrush, blackbird, collared dove, blue tit, long tailed tit, great tit, wren. We believe that any development on the proposed site will see a significant decline of wildlife in the area.
- The village does not have appropriate infrastructure in place to support a development of this magnitude. The road network is wholly inadequate and the water pressure in the area is poor.
- Rerouting of footpaths that have existed for many centuries to suit developers is unacceptable and should not be allowed.
- The Environment Agency have posted numerous notices along the boundary, warning of the dangers to life from entering the site.
- There is very noticeable wildlife activity on site, burrowing under the fencing, linking in with the adjacent ancient woodland. There is clear evidence of badgers in the area. The area will be a foraging site for bats living in the neighbouring trees.
- When walking along the footpath Little Canfield 17 the pollution is very noticeable in the brook/bund adjacent to this site, the contents being a very pink colour.
- PROW Little Canfield 8 is still regularly affected by obnoxious odours emanating from this site.
- The principle site lies to the south of the Flitch Way, development will involve extensive interference with the Country Park, impacting the lives off all residents, the many clubs and leisure pursuits that utilise and enjoy the park. Development will have severe impact on the wildlife that enjoy and live along the Country Park, including badgers, bats and amphibians.
- The visual impact of the development must be considered. The solar arrays will negatively impact the countryside. The panels will be visible from many points spoiling the landscape. Inhibiting clear views across the countryside.
- The industrial units will negatively impact on the heritage asset of Little Canfield Church, with records dating back to the Domesday Book.

- Any development, including construction activity, of the site will release pollutants currently contained within the site into the wider environment.
- Pollutants arising from rainwater are likely to enter local water courses.
- There is no information on what pollution exists on the site and therefore the impact on the wider environment can not be assessed.
- There is NO identified need for these commercial units.
- These industrial units will generate significant volumes of traffic. 700 trips a day would not be a reasonable volume.
- There is no traffic assessment or traffic planning provided.
- There will be light spill from the normal activity associated with industrial units. Introducing light pollution into the natural environment where currently none exists. Vehicles will generate light, impacting on the nocturnal life of the country park and surrounding areas.
- Pavements in this vicinity are non existent, Essex Highways standards expect a minimum pavement width of 2 metres, the limited pavements in the area of this development are nearer 0.6 metres wide.
- Overdevelopment within this area will create traffic gridlock.
- The development would not meet the NPPF requirement for all development to be sustainable.

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:
(aza) 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)
 Uttlesford Design Code (adopted July 2024)
 Felsted Neighbourhood Plan (made February 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
 Thaxted Neighbourhood Plan (made February 2019)
 Stebbing Neighbourhood Plan (made July 2022)
 Saffron Walden Neighbourhood Plan (made October 2022)
 Ashdon Neighbourhood Plan (made December 2022)
 Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2024)

13.2 Uttlesford District Local 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 |
| ENV3 | Open Space and Trees |
| ENV4 | Ancient Monuments and Sites of Archaeological Importance |
| ENV5 | Protection of Agricultural Land |
| ENV10 | Noise Sensitive Development |
| ENV13 | Exposure to Poor Air Quality |
| ENV14 | Contaminated land |

13.3 Neighbourhood Plan

- 13.3.1** There is not 'made' Neighbourhood Plan for the area.

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document – Accessible homes and playspace
Supplementary Planning Document – Developer’s contributions
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) Design and layout**
 - C) Highways impact**
 - D) Amenity**
 - E) Contamination**
 - F) Drainage**
 - G) Heritage**

14.3 A) Principle of development

14.3.1 Policy S7 defines the countryside as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, planning permission will only be granted for development that needs to take place there and 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. There would be strict controls over new buildings and development compatible with the countryside by protecting and enhancing its appearance the particular character of the countryside within which it is set or special reasons it needs to be there. 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.

14.3.2 The Local Plan is considered to be out of date through the passage of time in terms of site allocations, the market changes and the more recent up to date national policy changes such as the National Planning Policy Framework.

14.3.3 The NPPF seeks to achieve sustainable development through economic, social and environmental strand.

14.3.4 Section 6 of the NPPF focuses on building a strong competitive economy. Paragraph 85 states;

“85. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should

be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”

14.3.5 In Section 10.2.2 above the Planning Policy Team have stated that no further land is required for light industrial uses in the Takeley, Canfield and wider Stansted area as identified in the up-to-date Employment Needs Studies. These needs have been fully fulfilled by the committed Northside Stansted development and the identified in the progressed draft local plan.

14.3.6 Paragraph 86 of the NPPF goes on to state;

“86. Planning policies should:

a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to the national industrial strategy 43 and any relevant Local Industrial Strategies and other local policies for economic development and regeneration;

b) set criteria, and identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;

c) pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics;

d) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and

e) be flexible enough to accommodate needs not anticipated in the plan, and allow for new and flexible working practices and spaces to enable a rapid response to changes in economic circumstances”

14.3.7 The application site has not been pursued through the draft local plan and the call for sites. The scheme is contrary to paragraphs 87 and 88 of the NPPF. Therefore the principle of developing a major commercial and industrial estate of 121 units on this site is fundamentally unacceptable as it represents a significant, unsustainable and unplanned form of development in the open countryside. The Uttlesford Local Plan 2005, through its core spatial strategy explicitly directs development of this scale and nature to the main towns and strictly controls development in the countryside to protect its intrinsic character and beauty. The proposal is located outside any defined settlement boundary, poorly related to the

services and facilities of Little Canfield, and is principally car dependent, thereby undermining the plan-led system and the social and environmental objectives of sustainable development as set out in Policies S7, GEN1, GEN2 and the NPPF.

- 14.3.8** The principle of development is further undermined by the proposal's link to the retrospective regularisation of a severe breach of planning control. The applicant seeks to use the prolonged and extensive unauthorised deposit of waste, an operation that has caused significant environmental harm through pollution risk and odour nuisance as the very foundation for the commercial scheme. This would create a wholly inappropriate precedent suggesting that developers can wilfully create environmental harm and then present a non-compliant development as the solution for that harm. The Council could not endorse a principle where the viability of a scheme is contingent upon the legitimisation of previous unlawful and harmful activity and insufficient information has been submitted regarding the viability aspect.

14.4 B) Design and layout

- 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** 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.

- 14.4.3** Local Plan Policy GEN2 states;

"Development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.

a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;

b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;

c) It provides an environment, which meets the reasonable needs of all potential users.

d) It helps to reduce the potential for crime;

e) It helps to minimise water and energy consumption;

- f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.*
- g) It helps to reduce waste production and encourages recycling and reuse.*
- h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.*
- i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing."*

14.4.4 The design of the proposed development is fundamentally inappropriate as it is predicated on the comprehensive and artificial re-engineering of the site's natural landform. The applicant's Environmental Statement confirms the intention to undertake "recontouring of the landscape" to create a platform for the commercial estate. This deliberate and wholesale alteration of the existing topography would not be a sensitive response to the rural landscape of the Broxton Farmland Plateau, and would result in a permanent and damaging scar on the intrinsic character of the countryside and a design that would be alien to its context.

14.4.5 Furthermore, the proposed design fails to comply with the specific requirements of the Local Plan. The development has been designed on a site with known, significant contamination, yet the application is retrospective, seeking approval for a remediation scheme *after* the contaminating activity has occurred. This is a direct breach of the process mandated by Policy ENV 14 (Contaminated Land), which requires a risk assessment and remediation scheme to be submitted and approved prior to development proceeding. Consequently, the very foundation of the design is procedurally flawed and unlawful. While a landscaping scheme is proposed, as required by Policy ENV 16 (Landscaping), it cannot overcome this fundamental flaw or satisfactorily integrate a development that has been imposed upon the landscape through such a damaging and non-compliant process.

14.4.6 This foundational design flaw inherently prevents the creation of a genuine sense of place, as required by the core principles of good design in the National Planning Policy Framework. A successful and integrated design emerges from a site's context, history, and natural features. Here, the design must instead overcome the site's context by burying it beneath an engineered landmass and a capping layer. The result cannot be an authentic place but will inevitably be a synthetic, isolated estate that is visually and functionally divorced from its rural setting. The proposed landscaping, while welcome, serves only to screen a development that is alien in its very foundation, representing a poor and inappropriate design outcome that fails to achieve the integration demanded by Policy GEN2 of the Local Plan and the NPPF.

14.5 C) Highways Impact

- 14.5.1** A Transport Assessment has been submitted as part of the outline planning application.
- 14.5.2** The TA outlines that *“The nationally recognised TRICS database has been used to forecast the new trips associated with the proposed scheme. The development, assessed under the sub-category of business park use, will result in vehicle trips over the course of an average weekday of:*
- 527 additional two-way vehicle trips in the morning peak hour (0800-0900);*
 - 359 additional two-way vehicle trips in the evening peak hour (1700-1800).*
- A junction capacity assessment has been undertaken to determine the impact of the development. The assessment concludes that the junction would continue to operate well within capacity.”*
- 14.5.3** In accordance with Essex County Council’s parking standards the development is required to provide the following:
- Vehicle parking: 761 spaces (maximum)
 - Cycle parking: 153 spaces for staff and 76 spaces for visitors (minimum);
 - PTW parking: 28 spaces (minimum);
 - Disabled parking: 21 spaces (minimum).
- 14.5.4** The TA concluded that there would not be any unacceptable highway or transport impacts that would result from the proposed development.
- 14.5.5** 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 encourage movement by means other than a vehicle.
- 14.5.6** The proposed development fails to accord with the strategic employment land strategy for the district and raises significant, unmitigated concerns regarding its impact on the local highway network. When considered against the Council's up-to-date evidence base and the fundamental principles of sustainable development, the application for 121 commercial/industrial units is unjustified, while the outline nature of the proposal masks critical details necessary to assess the true and severe impact of the traffic it would generate.
- 14.5.7** The outline nature of the application presents a fundamental and unacceptable obstacle to a proper assessment of its transport impacts. While a Transport Assessment has been submitted, it is based on an indicative layout and generic trip generation rates. The absence of detailed information on the specific nature of the 121 commercial/industrial units—including their intended uses, operational hours, and servicing requirements—means that the predicted traffic flows, particularly for Heavy Goods Vehicles (HGVs), are likely a significant

underestimate. The local rural highway network, comprising narrow lanes such as Stortford Road, is entirely unsuitable for the intensity and type of traffic a development of this scale would inevitably attract. Granting permission in principle on this basis would be to approve a severe and unacceptable impact on highway safety and the free flow of traffic without a clear understanding of the consequences, contrary to the pre-emptive and precautionary approach required by the NPPF.

- 14.5.8** Furthermore, the proposal represents the very definition of an unsustainable, car-dependent development. Its isolated location in the open countryside, poorly related to the main towns and with limited access to public transport, guarantees that the vast majority of trips generated by over 120 businesses and their employees will be made by private car. The Transport Assessment's own figure of 527 additional two-way vehicle trips in the morning peak hour starkly illustrates this. This level of trip generation would not only cause undue congestion and harm the character of the rural lanes but also fundamentally contradicts national and local policy objectives of reducing carbon emissions and promoting sustainable transport patterns. The development fails the sequential test of location, as the employment needs it purports to meet can be accommodated on allocated, sustainable sites within the plan-led system, such as at Northside and Takeley Street, which are designed to be better integrated with transport infrastructure.

14.6 D) Amenity

- 14.6.1** In terms of noise Local Plan Policy ENV11 states "Noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated."
- 14.6.2** Paragraph 187 of the NPPF also seeks to protect the natural environment and discusses amongst other things protecting against noise pollution.
- 14.6.3** 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.
- 14.6.4** Beyond the profound strategic and highways objections, the proposal presents an unequivocal and severe threat to residential amenity, both in its past conduct and its future operational reality. The application is unique in that it provides, through its own Environmental Statement, documented evidence of existing and unacceptable harm, while the nature of the proposed development guarantees the perpetuation of significant amenity impacts for the foreseeable future.
- 14.6.5** The retrospective element of this application seeks to legitimise what is already a severe and ongoing breach of amenity protections. The

applicant's own Environmental Statement frankly admits to "very strong landfill gas smell," "odour nuisance," and a "significant number of complaints" from local residents. This is not a predicted or potential impact, but a confirmed and material nuisance that has already occurred over a sustained period. To grant planning permission for this operation would be to condone this established harm, rendering the Council's duty to protect residential amenity, as enshrined in Local Plan Policy GEN4, and GEN2, entirely meaningless. It sets a dangerous precedent that developers can create unacceptable conditions first and seek approval later.

- 14.6.6** Looking forward, the proposed development ensures that amenity harm will not be a temporary feature but a permanent characteristic of the site. The long-term management of landfill gas and leachate is projected to continue until 2064-2085, requiring ongoing industrial processes including flaring, engine operation, and HGV movements for monitoring and maintenance. The introduction of 121 commercial and industrial units adjacent to a settled rural community would itself generate significant noise, light pollution, and 24-hour activity wholly alien to the area's character. The combination of these factors—the legacy of the landfill and the new industrial estate—would cumulatively and fundamentally adversely affect the peace, tranquillity, and rural amenity that local residents have a right to expect, resulting in an unacceptable living environment.
- 14.6.7** The comings and goings of vehicles to service the development would impose a severe and unrelenting burden on residential amenity, fundamentally altering the character of the rural area. The Transport Assessment's prediction of 527 additional two-way vehicle trips in the morning peak hour alone translates to a constant stream of traffic along the narrow, quiet lanes of Stortford Road, which are entirely unsuited to such intensity.
- 14.6.8** For residents in nearby properties like those in Little Canfield, this would not be an occasional inconvenience but a perpetual intrusion, replacing the peace and tranquillity of the countryside with the noise, vibration, and fumes of a de facto industrial access road. This represents a profound loss of amenity, transforming the sensory experience of their homes and gardens from a rural to an urbanised one.
- 14.6.9** This impact is critically exacerbated by the service and Heavy Goods Vehicle (HGV) movements that the development would necessitate. The 121 commercial/industrial units will require regular deliveries, waste collection, and servicing from large vehicles, whose engine braking, manoeuvring, and early-morning arrivals would generate significant noise and disturbance. Furthermore, the site's long-term status as a managed landfill until 2064-2085 guarantees decades of additional HGV movements for infrastructure maintenance, leachate tanker removal, and other operational needs.

14.6.10 The cumulative effect of this traffic—from commuter cars, commercial services, and ongoing landfill management—would create a pervasive and inescapable degradation of the local acoustic environment and air quality, eroding the very qualities that define the rural character and residential amenity the Local Plan seeks to protect. Contrary to local plan and NPPF policies.

14.7 E) Contamination

14.7.1 Local Plan Policy ENV14 seeks “Before development, where a site is known or strongly suspected to be contaminated, and this is causing or may cause significant harm, or pollution of controlled waters (including groundwater) a site investigation, risk assessment, proposals and timetable for remediation will be required.”

14.7.2 The Environmental Statement (ES) reveals a severe and multi-layered contamination problem:

1. **Confirmed Presence of Unauthorised Waste:** The ES admits that approximately **400,000 tonnes of waste** were deposited between 2015-2020 in the southern part of the site without permission. This waste “generally comprised household wastes, plastics, wood and metal of varying proportion.” This is not suspected contamination; it is a known quantity and type.
2. **Active Decomposition and Gas Generation:**
 - The ES confirms “very strong landfill gas smell” and the presence of **hydrogen sulphide** (a toxic and odorous gas) was detected during site investigation.
 - It acknowledges that the site is causing “odour nuisance” and public complaints.
 - Modelling indicates landfill gas generation will continue until **2064-2085**, proving this is not a short-term issue but a multi-generational problem.
3. **Lack of Basic Containment:** The exploratory holes (CP01, CP04, CP07, CP08, CP09A) in the southern area confirm there is “**no formal capping unit**” and **no engineered containment**. This means the contaminating source is unsealed and exposed to the elements.

14.7.3 **Ongoing Leachate Generation:** Without a cap, precipitation percolates through the waste mass, creating **leachate**—a toxic liquid cocktail. The ES admits there is no active leachate management system for the unauthorised waste, creating a continuous and uncontrolled pollution risk to groundwater.

14.7.4 There is proven existing contamination which is not sufficiently addressed by the application. Whilst UDC Environmental Health have made comments and suggested a number of conditions there is still concerns

raised and further information required. However, In accordance with Policy ENV14 of the adopted Local Plan this can be mitigated using conditions should planning permission be granted.

14.8 F) Drainage

14.8.1 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. Local Plan Policy GEN3 seeks;

14.8.2 *“Policy GEN3 – Flood Protection Within the functional floodplain, buildings will not be permitted unless there is an exceptional need. Developments that exceptionally need to be located there will be permitted, subject to the outcome of flood risk assessment. Where existing sites are to be redeveloped, all opportunities to restore the natural flood flow areas should be sought.*

Within areas of flood risk, within the development limit, development will normally be permitted where the conclusions of a flood risk assessment demonstrate an adequate standard of flood protection and there is no increased risk of flooding elsewhere.

Within areas of the floodplain beyond the settlement boundary, commercial industrial and new residential development will generally not be permitted. Other developments that exceptionally need to be located there will be permitted subject the outcome of a flood risk assessment.

Outside flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment will be required to demonstrate this. Sustainable Drainage Systems should also be considered as an appropriate flood mitigation measure in the first instance.

For all areas where development will be exposed to or may lead to an increase in the risk of flooding applications will be accompanied by a full Flood Risk Assessment (FRA) which sets out the level of risk associated with the proposed development. The FRA will show that the proposed development can be provided with the appropriate minimum standard of protection throughout its lifetime and will demonstrate the effectiveness of flood mitigation measures proposed.”

14.8.3 The applicant’s Environmental Statement states that:

1. Flood Risk Classification & Sequential Test

- The site is located within Environment Agency (EA) Flood Zone 1, which has a low probability of flooding (annual probability of <0.1%).

- A Sequential Test was conducted and concluded that the site "passes" as it is at the lowest flood risk and there are no reasonably available alternative sites with a lower flood risk probability.
- An Exception Test was deemed not required as the development is classified as "More Vulnerable" but located in Flood Zone 1.

2. Surface Water Drainage & SuDS

- The proposed development will utilise Sustainable Drainage Systems (SuDS) to manage surface water run-off.
- The stated aim is to "provide a sustainable design that accommodates the proposed attenuation volume and replicates the existing drainage regime using the SuDS hierarchy."
- The assessment concludes that "with no increase in the rate of surface water discharge from the site, compared to the site in its current configuration, the proposed development would have no adverse impact on surface water flood risk at the site or surrounding area."
- However, it is noted that "the SuDS should be designed at the detailed project stage", meaning detailed designs are not yet submitted.

3. Groundwater & Ground Conditions

- The groundwater flooding risk for the site is assessed as "High."
- The predicted groundwater flood depth could be up to 0.15 metres.
- The proposed mitigation includes:
 - Establishing finished floor levels at 85.35m AOD (0.15m above the Design Flood Level of 85.2m AOD).
 - Using tanking membranes up to 0.3m above ground level.
 - Providing flow paths around the development for potential groundwater emergence.
- The site is underlain by London Clay Formation, which is generally of low permeability, but the presence of waste and engineered structures complicates the hydrogeology.

4. Other Flood Risks

- The site is not located within a Source Protection Zone.
- The River Roding is located approximately 12 metres away from the site's north-eastern corner.
- The site is not affected by fluvial/sea flood risk.
- Risk of flooding from reservoirs, sewers, and other artificial sources is considered low.

14.8.4 Despite the information provided, several significant concerns remain:

1. **Lack of Detailed SuDS Design:** The reliance on a future, detailed SuDS design is a major weakness. At the outline stage, there is no certainty regarding the effectiveness, implementation, or long-term maintenance of these crucial systems, especially on the complex substrate of a landfill site.

2. **Integrity of Landfill Cap and SuDS:** There is an inherent conflict between installing effective drainage/SuDS and protecting the integrity of the engineered landfill cap. Any penetration of the cap for drainage could risk contaminant release. This critical interface has not been adequately addressed.
3. **Long-Term Performance on Unstable Substrate:** The landfill material will settle and generate gases for decades. This poses a risk to the stability and functionality of any drainage infrastructure, including pipes and attenuation tanks, which could fracture or become misaligned over time.
4. **Inadequate Assessment of Contaminated Run-off:** The ES does not appear to fully address the risk of surface water run-off becoming contaminated through contact with the site surfaces or the compromised southern area, posing a pollution risk to the nearby River Roding.

14.8.5 In summary, while the ES outlines a theoretical approach to drainage, the practical feasibility, long-term resilience, and pollution prevention aspects are insufficiently detailed and present a significant, unresolved risk that should weigh heavily in the planning decision. Therefore the application is considered to be contrary to GEN3 and the NPPF in this respect.

14.9 G) Heritage

14.9.1 Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. Part 16 of the NPPF addresses the conservation and enhancement of the historical environment. Paragraph 196 of the Framework states that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.

14.9.2 Proximity to Listed Buildings:

The site is in close proximity to several designated heritage assets. Most notably, the **Grade II listed Crumps Farmhouse** is immediately adjacent to the application site. Other listed buildings in the rural hamlet of Little Canfield are also within the visual envelope of the proposed development.

14.9.3 Harm to Significance:

The significance of these heritage assets is derived not only from their architectural merit but also from their **rural, agricultural setting**. The proposed development—comprising a major commercial/industrial estate, a solar farm, and a massively engineered landform—would fundamentally and permanently alter this setting. The introduction of such large-scale, urbanising, and industrial elements into this historic landscape would severely harm the assets' significance by diminishing

their context and the experiential understanding of their historic function and location.

14.9.4 The Impact of Landform Alteration:

- The NTS explicitly states the intention for "**recontouring of the landscape.**" The raising of land levels to create an artificial platform is not a minor change; it is a fundamental and permanent alteration of the historic topography.
- This engineered landform would be visually dominant and alien to the natural landform that the historic assets and their settings have been part of for centuries. This alone constitutes substantial harm to the setting of the heritage assets.

14.9.5 Inadequate Assessment in the Environmental Statement:

- The NTS makes a brief and dismissive statement on heritage: "*The Site lies outside of any conservation area designation and does not contain any designated or non-designated built heritage assets.*"
- This statement is **materially misleading and inadequate**. It focuses solely on heritage assets *within* the site boundary, completely ignoring the statutory duty to consider the impact of the development on the **setting** of heritage assets *outside* the boundary, such as the listed Crumps Farmhouse. This failure constitutes a critical flaw in the Environmental Statement.

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. CONCLUSION

- 16.1** In conclusion, this application is fundamentally unacceptable and represents a severe departure from the development plan. The proposal seeks to retrofit planning permission to a site that has been profoundly compromised by years of unauthorised and harmful activity. The core principle of developing a major commercial estate in this unsustainable countryside location is directly contrary to the spatial strategy of the Local Plan, which exists precisely to prevent such sporadic and car-dependent development. The applicant has failed to demonstrate any need for this specific development in this location that could outweigh the profound and multiple harms it would cause.

- 16.2** The totality of the harm is overwhelming. The development would legitimise and perpetuate severe and ongoing impacts on residential amenity from odour and traffic, create an unacceptable and long-term risk of pollution from the contaminated land, and cause substantial and irreversible harm to the character of the countryside and the setting of designated heritage assets. Critically, the applicant's own Environmental Statement provides the evidence for these harms, documenting a history of unauthorised waste disposal, odour nuisance, and a lack of essential environmental safeguards.

- 16.3** Ultimately, the Council is faced with a choice between upholding its adopted planning policies or endorsing a scheme that flagrantly violates them. Supporting this application would set a dangerous precedent, signalling that unauthorised environmental harm can be used as a foundation to justify non-compliant development. For the reasons set out in this report, the harms are severe, the benefits do not outweigh them, and the proposal is unsound. The application is therefore considered to be contrary to Local Plan and NPPF policies and is recommended to be objected to.

17. REASONS to OBJECT

- 17.1** Were Uttlesford District Council the decision making authority in this case, the following reasons for refusal would have been considered.

- 1** **Conflict with the Spatial Strategy and Unsustainable Location**
The proposed development of 121 commercial/industrial units is located in the open countryside, outside any defined settlement boundary. The Uttlesford Local Plan 2005 (Policies S1/2 and S7) directs development of

this scale and nature to the Main Towns and strictly controls development in the countryside to protect its intrinsic character and beauty. The isolated, car-dependent location, which would generate hundreds of additional daily vehicle movements on the rural highway network, is fundamentally unsustainable. The proposal therefore undermines the plan-led system and is contrary to Policies S1/2, S7 and GEN1 of the Uttlesford Local Plan 2005, and the core principles of sustainable development (NPPF Paragraphs 7-14).

2 Harm to Residential Amenity from Existing and Proposed Development

The retrospective element of the application has led to, and continues to cause, significant loss of amenity for neighbouring residents by reason of smell and odour nuisance, as documented in the applicant's own Environmental Statement. This is contrary to Policy GEN2 and GEN4 of the Uttlesford Local Plan 2005. Furthermore, the comings and goings of vehicles to service the proposed commercial development, combined with decades of ongoing HGV movements for landfill management, would result in unacceptable noise, disturbance, and a loss of tranquillity, cumulatively eroding the amenity of nearby residential properties, contrary to Policy.

3 No Functional Need for a Countryside Location

The applicant has failed to demonstrate that the proposed commercial/industrial development requires a countryside location, as required by Policy E5 of the Uttlesford Local Plan 2005. The up-to-date evidence base (Employment Needs Study 2023/24) identifies that the identified need for this type of employment space in the wider area can be met through existing allocated sites. The proposal therefore represents an unjustified incursion into the countryside for a use that should be located in accordance with the spatial strategy.

4 Unacceptable and Uncontrolled Risk of Pollution from Contaminated Land

The unauthorised landfill operation, with its lack of engineered containment and active leachate and gas management, has created an ongoing and unacceptable risk of pollution to groundwater resources. This is contrary to Policy ENV12 of the Uttlesford Local Plan 2005. The application also fails to comply with the process mandated by Policy ENV14, as it seeks approval for a remediation scheme after the contaminating activity has occurred, rather than submitting a risk assessment and scheme for approval prior to development.

5 Substantial Harm to the Setting of Designated Heritage Assets

The proposed development, by virtue of its scale, industrial character, and the fundamental engineering works to raise land levels, would result in substantial harm to the setting and significance of designated heritage assets, notably the Grade II Listed Crumps Farmhouse. This harm is contrary to Section 16(2) of the Planning (Listed Buildings and

Conservation Areas) Act 1990 and Paragraph 202 of the NPPF, which states that substantial harm to a heritage asset should be refused unless wholly exceptional circumstances exist, which have not been demonstrated.

6 Fundamental Harm to Landscape Character

The proposed engineering works and "recontouring of the landscape" to create an artificial platform for development would have a severe and adverse effect on the character of the Broxton Farmland Plateau. This deliberate alteration of the natural landform is contrary to Policy S7 of the Uttlesford Local Plan 2005, which requires the protection of the countryside for its own sake, and Paragraph 187 of the NPPF, which requires decisions to recognise the intrinsic character and beauty of the countryside.

7 Poor Design and Failure to Integrate into the Landscape

The development is fundamentally flawed from a design perspective, being predicated on the creation of an artificial landform over a waste deposit. This precludes the creation of a genuine sense of place or the satisfactory integration of the development into its surroundings, as required by Policy S7 of the Uttlesford Local Plan 2005 and the design objectives of the NPPF (Paragraph 187).

8 Failure to Demonstrate Safe and Sustainable Drainage

The application fails to provide a detailed and feasible Sustainable Drainage (SuDS) scheme at this outline stage. The high risk of groundwater flooding and the critical need to protect the integrity of any future landfill cap from drainage installations present significant, unresolved risks. The proposal therefore fails to demonstrate that surface and groundwater pollution can be prevented for the lifetime of the development, contrary to the aims of Policy GEN7 and the NPPF's (Paragraph 181) requirement for safe drainage.

9 Inadequate Biodiversity Information and Failure to Secure Net Gain

The application is supported by a Preliminary Ecological Appraisal that recommends further surveys for protected species. The application is therefore incomplete, contrary to Policy GEN7. Furthermore, the submitted Biodiversity Net Gain assessment indicates an on-site net gain of only 0.92% for habitats, failing to meet the mandatory minimum 10% required by the Environment Act 2021.

10 Unacceptable Impact on Traffic Levels and Highway Safety

The development would generate a severe increase in traffic, with the Transport Assessment predicting 527 additional two-way vehicle trips in the morning peak hour. This volume of traffic on the rural lane network of Stortford Road would have an unacceptable impact on highway safety and the free flow of traffic, contrary to Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan 2005.