

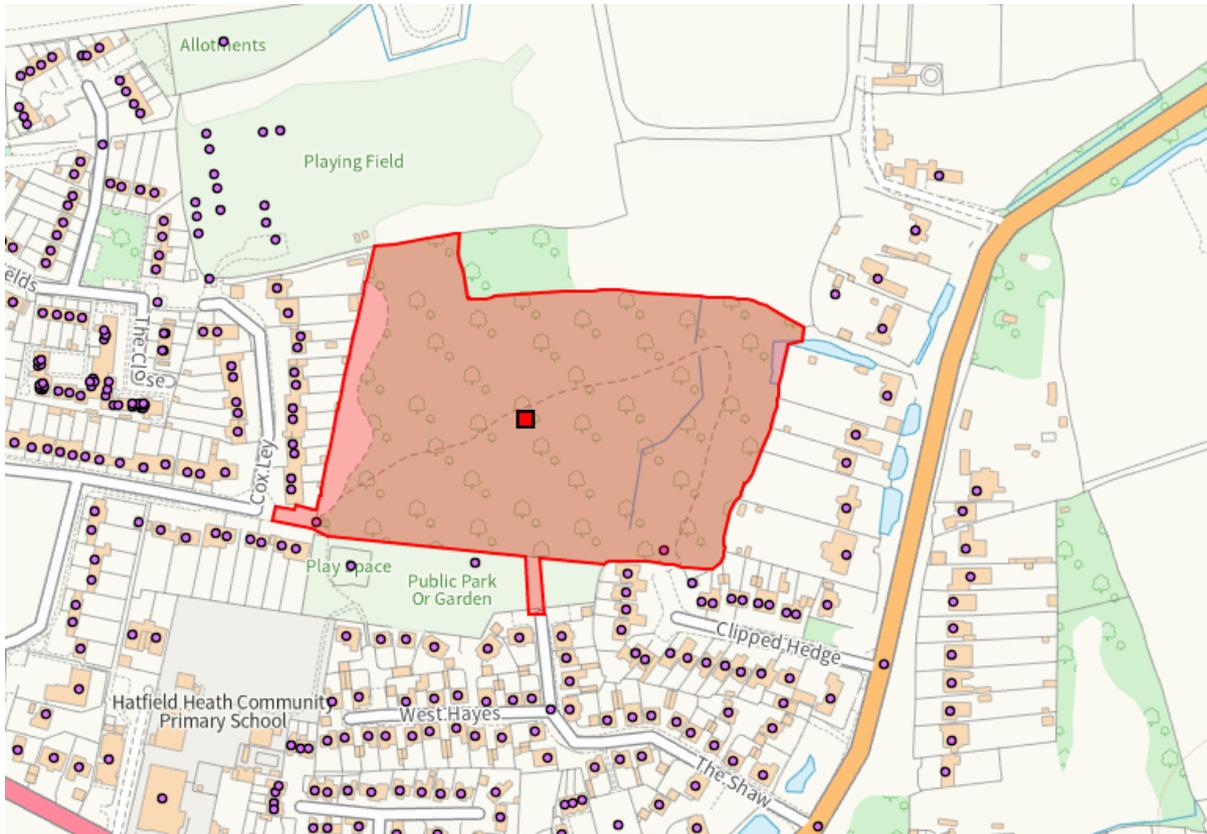
ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 11 March 2026

REFERENCE NUMBER: UTT/25/2676/OP

LOCATION: Land East of Cox Ley, Hatfield Heath

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 05 February 2026**

PROPOSAL: Outline planning application with all matters of detail reserved (except the means of vehicular access to the site) for residential development of up to 58 dwellings and associated development

APPLICANT: Manor Oak Homes Limited, Darcy Freya Champion and Madeline Carina Randall

AGENT: Phase 2 Planning

EXPIRY DATE: 01.01.2026

EOT EXPIRY DATE: 20.03.2026

CASE OFFICER: Genna Henry

NOTATION:

- Outside Development Limits (Hatfield Heath)
- Within the Metropolitan Green Belt
- Contains Tree Preservation Orders
- Historical Contaminated Land
- Within 2km of SSSI
- Affecting Public Rights of Way
- Flood Risk Zone 1
- Within 7km of Stansted Airport

REASON THIS APPLICATION IS ON THE AGENDA: Major application.

1. **EXECUTIVE SUMMARY**

- 1.1 Outline planning permission with all matters reserved (except for vehicular access) is sought for the erection of up to 58no. residential units.
- 1.2 The site comprises of a rectangular shaped plot approximately 3.64ha and located outside the development limits of Hatfield Heath and adjacent to residential developments to the east, south and west of the site.
- 1.3 The site is located within the Metropolitan Green Belt and classified as Grey Belt land. Where it has been established that a development does not amount to inappropriate development on previously developed land or grey belt land, there is no policy requirement to give substantial weight to any harm to the Green Belt including to its openness. In addition, no very special circumstances are required to justify the development.
- 1.4 Also matters relating appearance, layout, scale and landscaping have been reserved for later determination.
- 1.5 One of the key material considerations has been the resultant noise from aircrafts along the flight path and the potential occupants of the development. The site is in close proximity to the flight path and the Environmental Health Officer has raised objections on noise grounds. However, given the anticipated noise levels and the lack of sufficient noise survey data, officers consider it appropriate to apply relevant conditions to manage the internal and external environment.
- 1.6 The Council does not have a 5 Year Housing Land Supply and the Council's Housing Delivery Test currently stands at 69%.
- 1.7 As there are no strong reasons to refuse the application, as per footnote 7 of the Framework, paragraph 11d(ii) is invoked in the overall planning balance. The adverse impacts of the scheme have been assessed in the context of the presumption in favour of sustainable development and, consequently, it has been concluded that the benefits outweigh the adverse impacts of the scheme.

2. **RECOMMENDATION**

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

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Strategic Director of Planning shall be authorised to **REFUSE** permission following the expiration of a 6 month period from the date of Planning Committee.

3. **SITE LOCATION AND DESCRIPTION:**

3.5 The site is within Flood Risk Zone 1, within 7km of Stansted Airport and within the Metropolitan Green Belt.

4. **PROPOSAL**

4.1 The application seeks outline consent for 58no. residential units with all matters reserved except for access.

4.2 The site plan demonstrate vehicle access will be obtained through two points of access from Cox Ley and The Shaw at the south western corner and the southern boundary respectively. The vehicle access that will be obtain via The Shaw will cut through the landscape buffer to the south of the site.

4.3 The proposed development seeks to provide 50% Affordable Housing with a range of 1-4bed properties including 1bed flats. The proposal exceeds affordable housing policy requirements of ULP Policy (2005) Policy H9.

4.4 ***List of Plans (for approval)***

- 4.5
- Location Plan, drawing no. A_1612 EX100 rev C
 - Proposed Parameters Plan, drawing no. A_1612 PL010 rev D
 - Proposed Access Plan, drawing no. 789-TA110 rev D

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. **RELEVANT SITE HISTORY**

6.1 No relevant planning history.

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

7.1 Paragraph 40 of the NPPF (2024) states 'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.'

7.2 The applicant has sought pre-application advice from the Planning Inspectorate under the s62a process last year and the application has also been furnished with a 'Statement of Community Involvement'(SCI) (4 September 2025).

7.3 Within the submitted SCI the applicant outlines discussions have been had with the Council's Housing team and Enabling & Development

Officer, MAG Group Aerodrome Safeguarding, Infrastructure and Highways Officers prior to the submission of the application. The SCI provides details public consultation with the community including both local residents and stakeholders.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 ECC Highways

8.1.1 No objections, subject to conditions and contributions to sustainable transport. Conditions requested include, inter alia, a Construction Management Plan, vehicle access, protection of the public right of way (including diversion details), residential travel packs. A financial contribution of £180,000 was requested to fund improvements to enhance bus services in the vicinity improving the frequency, quality and/or geographical cover of bus routes that serve the site.

8.2 Environment Agency

8.2.1 No comment.

8.3 Lead Local Flood Authority

8.3.1 No objections subject to conditions.

8.4 Natural England

8.4.1 No objection, subject to appropriate mitigation of the following:

- *Financial contribution towards Strategic Access Management and Monitoring (SAMM) measures identified by the National Trust as landowners of £1,333.60 per new residential dwelling; AND*
- *The provision of on-site Accessible Natural Greenspace (ANG) of sufficient high quality and size (refer to GI Standards (naturalengland.org.uk)); AND*
- *a signposted circular dog walking route of around 2.3-2.5 km from the new development, which could potentially make use of pedestrian links (PRoW and highways) in the local area.*

8.4.2 Natural England advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

8.5 Manchester Airport Group (MAGS)

In their initial response (3 October 2025), the following view was held;

8.5.1 ‘The application site lies within the current 51dB LAeq contour for day noise and 45dB LAeq contour for night noise from Stansted Airport. As

such, noise should be taken into account as a material consideration in determining the application...'

8.5.2 '...It is Stansted Airport's opinion that the Local Authority should ensure that the relevant policies are complied with and that the internal and external living environment have been suitably considered against all planning policies and suitable mitigation is taken into account. Where appropriate, conditions should be imposed to ensure an adequate level of protection against noise. Given the existing noise environment and the need for mitigation, if the application is approved, Stansted Airport consider that any dwellings developed at this site would be ineligible for the current or future Stansted Airport Sound Insulation Grant Scheme.'

8.5.3 A later response was received (22 October 2025) stating that there are no objections subject to conditions relating SuDS attenuation, exterior lighting and informatives.

9. PARISH COUNCIL COMMENTS

9.1 Thaxted Parish Council

9.2 'The parish council objects to the principle of this proposed development. More immediately, the parish council oppose the primary purpose of the application which is to establish access to the site.'

9.2 Hatfield Heath

- 9.3**
- Inappropriate for the village
 - Two vehicle accesses proposed through Cox Ley and The Shaw
 - Junction off of Broomfields with the A1060 is already hazardous
 - The access proposed via The Shaw is a narrow residential street frequented by children enroute to school and village nursery, to the access the site the roadway would have to be extended across land which is used as a playground
 - Site is designated as Metropolitan Green Belt and attempts to declassify as Grey Belt which is fallacious and para. 155 of the Framework does not apply
 - The land does not meet exceptional circumstances that are required to change the classification
 - The UDC does not support large scale development in Hatfield Heath
 - Housing Needs Survey carried out by RCCE for evidence for the upcoming Neighbourhood Plan does not identify a housing need of this scale
 - The proposal is overdevelopment of a small rural village whose infrastructure will not support an extension of dwellings on this scale
 - The roadway from the site entrance at Cox Ley runs adjacent to the village playground and this area is currently being updated and additional traffic will endanger young people

- Damage/harm to wildlife habitat contrary to the aims of the Green Belt
- The known drainage problems on the site will not be solved by a SUDS and would therefore have to be piped to the existing overloaded drainage system in the area
- The Environmental Report was undertaken 10 years ago
- Traffic safety
- Ecological Impact
- Infrastructure issues
- Roads and access issues
- Green belt and landscape character
- Housing need not demonstrated
- Danger to young people

9.4 In a later response Hatfield Health Parish also stated;

9.5 'The proposed access arrangements would impinge upon leasehold land occupied by the parish council for recreational purposes. Also, that the proposed layout of the scheme would compromise the existing play area.'

9.6 As a result of the loss of open space area the parish council request that provision of new play area ought to be included as an item in the Heads of Terms (HoTs). A sum of £150,000 should be included within the HoTs.

10. CONSULTEE RESPONSES

10.1 UDC Conservation

10.1.1 No comment received.

10.2 UDC Environmental Health

10.2.1 At the time of writing a noise objection from aircraft has been made. Conditions have been suggested for contamination, external lighting and electrical vehicle charging points and relevant informatives.

10.2.2 In the event the LPA approves the application conditions have been suggested to address noise concerns.

10.3 UDC Housing

10.3.1 The application includes 50% affordable housing provision equating to 29 affordable homes and an indicative affordable housing mix has been provided. To be policy compliant 70% of the affordable homes need to be for Affordable/Social Rent and the remaining 30% for Affordable Home Ownership (AHO). This equates to 20 for Affordable/Social Rent and 9 for AHO.

10.3.2 To meet local need 2no. Affordable Housing social rented properties should include 4bed include at reserved matters. Also, the 9no. units to be built M4(3) units including 6 affordable M4(3) homes is welcome.

10.4 UDC Landscape Officer

10.4.1 No objection although comments made in relation to increased buffer from TPO trees, particularly tree T1 shown on the parameter plan.

10.5 UDC Urban Design

10.5.1 The scheme ought to be referred to the Uttlesford Quality Review Panel (UQRP) and a Design Code should be prepared to accompany the application to ensure that delivery of high-quality design is secured at outline stage.

10.6 Place Services (Archaeology)

10.6.1 No recommendations made.

10.6 Place Services (Ecology)

10.7.1 No objections, subject to conditions

10.8 ECC Education

10.8.1 No objections, subject to contributions.

10.9 Essex Police (secured by Design)

10.9.1 A condition recommended to ensure the developer seeks to achieve the relevant Secured by Design Residential guide for development.

10.10. National Trust

10.10.1 No objection, subject to the following reasons and relevant mitigation;

10.10.2 The site is within 7km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest. The impacts of the development on Hatfield Forest should be addressed and new housing proposed within the Zone of Influence will contribute further (both individually and cumulatively) towards recreational pressure on the Forest.

10.10.3 On-site mitigation

10.10.4 - High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings (including a dog walking circuit and dogs off lead area);
- Any other on-site mitigation as advised by Natural England.

10.10.5 However, this alone would not mitigate the impacts of increased recreational pressure on Hatfield Forest arising from the development. Hatfield Forest offers other visitor experiences which could not be replicated on a new site. It is used for a range of recreational activities including jogging, cycling, wildlife watching, family outings and photography. It also includes visitor infrastructure such as a café, toilets and education building. This makes it vulnerable to current and future demand. Even if on-site mitigation is proposed, it is considered that there will still be a residual recreational impact on Hatfield Forest which needs to be mitigated.

10.10.6 Off-site mitigation

10.10.7 - A financial contribution of £77,102.88 (£1,329.36/dwelling) to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works. This would be proportionate with contributions secured for other developments.

10.11 **Cadent Gas**

10.11.1 No objection, subject to an informative.

10.12 **Gigaclear**

10.12.1 Advisory comments with supplementary information, conditions suggested but conditions provided. Informatives will be appropriate to contact asset protection.

10.13 **National Gas Transmission**

10.13.1 No objection, subject to asset protection. Informatives will be appropriate.

10.14 **UK Power Network**

10.14.1 Advisory comments.

10.15 **Affinity Water**

10.15.1 No objections, but advisory / precautionary comments in respect of water quality. The response states that construction works may exacerbate any existing pollution and if any pollution is found at the site then appropriate monitoring and remediation methods will need to be undertaken. Also for any works involving excavations below the chalk groundwater table a ground investigation should first be carried out to identify appropriate techniques and avoid displacing any shallow contamination to a greater depth which could impact the chalk aquifer.

10.15.2 In respect of water efficiency fixtures, fittings and measures, such as rainwater harvesting and grey water recycling, should be considered to reduce pressure on water abstractions.

10.15.3 In the event the development is granted approval, the applicant/developer is advised to contact the Developer Services Team, soon as possible, to discuss asset protect or diversionary measures due to increased demand for water in the area resulting from development.

10.16 Thames Water

10.16.1 No objections in respect of foul water and surface water. An informative requested to advise the applicant about groundwater discharge from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any groundwater discharge is illegal without a permit. An informative has been advised if the development is approved.

10.17 Essex Wildlife Trust

10.17.1 Careful consideration ought to be given to i) potential adverse effects on Hatfield Forest SSSI from increased recreational pressures should be secured through mitigation measures such SAMMS; and ii) the identification of the site's identification in the Essex Local Nature Recovery Strategy (LNRS) as an opportunity for habitat creation should be given appropriate weight as a material consideration.

10.18 NHS

10.18.1 Comments outstanding.

10.19 NHS (Ambulance)

10.19.1 The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £22,409 and are for the impact of this development only and will be used to support:

- Relocation and expansion of existing Harlow Ambulance Hub to meet the increased local demand arising from this housing development.

10.19.2 S106 contributions have been requested for sufficient defibrillators are provided for the new community.

11. REPRESENTATIONS

11.1 A site notice was displayed, the application was advertised in the local press, and notification letters sent to nearby properties. The overall consultation period expires 28.02.2026 as there are outstanding matters for Place Services (Ecology) to comment on.

11.2 Support

- 11.2.1**
- Comments received from the North West Essex Swift Group commented on the mitigation measures for wildlife including swift “S” bricks. Particular comments
 - If approved could a condition be added for the inclusion of 30 Swift S Bricks?
 - Swifts are red listed birds that have declined by more than half in the last twenty years. Swift bricks are a really valuable conservation tool that should be used in new housing to help reverse their decline.

11.3 Object

- 11.3.1**
- Hatfield Heath does not have the appropriate infrastructure (including road, schools, healthcare, GP surgery, public transport) to cope with the number of units proposed
 - Child safety: unsafety for unaccompanied children walking and cycling to the rear entrance of the school playground
 - Cycling will be dangerous
 - Not grey belt / Site contributions to openness and rural character of Hatfield Heath
 - The site is not allocated for development in the UDC Local Plan
 - Historical applications in the area have been refused on unsuitable vehicle grounds and this application should be refused
 - Active bats in the area and great crest newts
 - the Biodiversity Net Gain Metric indicates a 65% loss of on-site habitat with reliance on off-site compensation
 - Significant harms to wildlife / biodiversity
 - The development will create a rat run for motorists seeking to avoid traffic near shops and the A1060
 - The Transport Statement fails to model the appropriate behavioural shift or propose any mitigation; it also seems to assume a 50% distribution
 - between both access ways. A more logical route would be an access road from the Broad Oak Road
 - Development falls within the Stansted Airport 51dB LAeq noise contour
 - No noise or air quality assessments have been submitted despite proximity to flight paths
 - Site relies on illustrative plans that are not binding
 - Transport Statement and the Ecological Assessments do not reflect real world conditions or community
 - Scale and density of the housing are out of character with the area and such large estates risk eroding the distinct identity of village
 - Construction lorries are far too big for local narrow roads
 - The POW Camp Site is still awaiting construction and there would be two construction sites taking place at the same time
 - Unacceptable noise, traffic and disruption to what should remain a peaceful rural community

- the development will worsen existing parking in the area
- impacts of street lighting in the area will lead to light pollution affecting homes, wildlife and night time character of the village
- Hatfield Health already experiences high levels of petty crime and anti-social behaviour with limited policing
- Increased population density without enhanced policy
- Site does not meet the exceptional circumstances required for Green Belt
- Development represents overdevelopment
- introduction of street lighting will create light pollution affecting nearby homes, wildlife and rural night-time character
- Harms to highway and pedestrian safety due to significant increase in vehicles and construction traffic
- Loss of dog walking areas
- Back entrance to junior school through Cox Ley and doctors surgery is busier than ever
- Construction traffic will make roads muddy
- Lack of pre-application advice with UDC officers
- Loss of recreational green space
- site is within the Stansted Airport 51dB LAeq noise contour above LOAEL thresholds and proposed homes will be ineligible for Stansted Insulation Grant
- No noise or air quality assessments have been submitted
- Too much destruction for small village
- Some trees on site require veteran tree status
- Significant surface water flooding and foul and surface water in village are at or over capacity and water treatments plants not performing at best

11.4 Comment

11.4.1 Most neighbour comments will be address in the wider assessment of this report. However, there have been comments on the loss of dog walking areas and amenity space. However, save for the public rights of way / public footpaths, the application site comprises of private land and the public footpaths would be retain if the application is approved. There is a partial diversion of public footpath no. 56 but the Highways authority have requested appropriate measures to manage the diversion.

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.

12.1.2 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.

12.2 The Development Plan

- 12.2.1** Essex Minerals Local Plan (adopted July 2014)
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
 Uttlesford District Local Plan (adopted 2005)
 Felsted Neighbourhood Plan (made 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	S6	Metropolitan Green Belt
	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
	ENV7	The protection of natural environment designated sites

ENV8	Other Landscape elements of importance for nature conservation
ENV10	Noise Sensitive Development
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land
ENV15	Renewable Energy
H1	Housing Development
H9	Affordable Housing
H10	Housing Mix

13.3 Emerging Local Plan Policies 2021-2041

The emerging Local Plan (eLP) is yet to be adopted, but the Council's position is that the eLP has reached an advanced stage, with the Inspector's post-examination report received and the Plan is scheduled for adoption this spring. Whilst the Plan does not yet form part of the statutory development plan, paragraph 48 of the NPPF states that weight may be afforded to relevant policies in emerging plans according to their stage of preparation. Given the advanced stage of the Plan and the absence of any outstanding substantive objections, (moderate to significant) weight is afforded to relevant Policies of the eLP.

13.3.1

	Strategic Objectives SO1, SO3, SO4
	<i>Spatial Strategy Policies</i>
CP2	Meeting Our Housing Need
CP3	Settlement Hierarchy
CP5	Providing Supporting Infrastructure and Services
	<i>Climate Change</i>
CP22	Net Zero Operational Carbon Development
CP25	Renewable Energy Infrastructure
CP26	Providing for Sustainable Transport and Connectivity
CP27	Assessing the Impact of Development on Transport
CP28	Active Travel – Walking and Cycling
CP31	Parking Standards
	<i>Environment</i>
CP36	Flood Risk
CP37	Sustainable Drainage Systems
CP38	Sites Designated for Biodiversity or Geology
CP39	Green and Blue Infrastructure
CP40	Biodiversity and Nature Recovery
CP41	Landscape Character
CP42	Pollution and Contamination
CP43	Air Quality
CP44	Noise
	<i>Building Health and Sustainable Communities</i>
CP52	Good Design Outcomes and Process
CP53	Standards for New Residential Development
CP56	Affordable Dwellings
CP59	Green Belt

13.4 Neighbourhood Plan

13.4.1 There is not a 'made' Neighbourhood Plan for the area.

13.5 Supplementary Planning Document or Guidance

13.5.1 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 District Council District-Wide 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 and the Green Belt**
- B) Design/Appearance, Layout and Scale**
- C) Landscaping, Ecology and Biodiversity**
- D) Highways, Access and Parking**
- E) Flood Risk and Site Drainage**
- F) Environmental Health and Contamination**
- G) Residential Amenity**
- H) Archaeology**
- I) Planning Obligations**
- J) Other Matters**

14.3 **A) Principle of development and the Green Belt**

14.3.1 Whether the proposals constitute inappropriate development in the Green Belt and whether Grey Belt applies

14.3.2 The application site is located within the Metropolitan Green Belt as defined by Uttlesford Local Plan. Chapter 13 of the Framework considers Green Belt Land and in relation to development proposals.

14.3.3 The Framework identifies at para. 142 that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. When considering any planning application, substantial weight is given to any harm to the Green Belt including harm to its openness (para. 153¹). ULP Policy S6, amongst other matters, maintains that the Council will carefully manage the Green Belt in accordance with any national policy. In this regard the Council's local plan policies broadly consistent with the Framework. Core Policy 59 (The Metropolitan Green Belt) states that development proposals will be assessed in accordance with

¹ However, footnote 93 for para. 153 states 'Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.'

government policies contained within the NPPF and other relevant Development Plan Policies.

14.3.4 Paragraph 143 of the Framework identifies five purposes that the Green Belt serves as listed below:

- a) to check the unrestricted sprawl of large built-up areas.
- b) to prevent neighbouring towns merging into one another.
- c) to assist in safeguarding the countryside from encroachment.
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

14.3.5 Paragraph 153 stipulates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

14.3.6 However, revisions have been made to the National Planning Policy Framework in December 2024 as the Green Belt appropriateness test now introduces paragraphs 154 and 155. Under para. 154 the Framework states that development in the Green Belt is inappropriate subject to a number of exceptions.

14.3.7 ***Para. 155 appropriateness tests***

14.3.8 Para. 155 outlines that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- 14.3.9**
- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
 - b. There is a demonstrable unmet need for the type of development Proposed.
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

14.3.10 *Appropriateness test (para. 155a): Grey Belt*

14.3.11 In respect of para 155(a), the Framework defines grey belt as land in the Green Belt comprising PDL and/or any other land that, in either case, does not strongly contribute to any purposes (a), (b), or (d) from paragraph 143. For the purposes of this proposal the test involves consideration of whether the proposed site 'strongly' contributes to the purposes of the Green Belt.

- 14.3.12** The assessment of whether the site ‘strongly contributes to the purposes is accepted as a matter of planning judgement. Although it is worth noting that, the applicant has sought pre-application advice from The Planning Inspectorate under the s62a process in May 2025² which confirms the site is also Grey Belt.
- 14.3.13** Notwithstanding the above, for a proposal to be considered not inappropriate development the proposals must also satisfy all relevant criterion (a) to (d) of paragraph 155 of the Framework. In addition, the Council has commissioned Hankinson Duckett Associates (HDA)(2026) to undertake a Green Belt Study for specific sites within Hatfield Heath, Stansted Mountfitchet and Birchanger. The application site has been identified within the Green Belt Study and has been assessed against the purposes of including land within the Green Belt. Below is an assessment of the Grey Belt criteria which includes the assessment of the UDC Green Belt Study (2026):
- 14.3.14** *a) to check the unrestricted sprawl of large built-up areas;*
- 14.3.15** Planning Practice Guidance defines areas of which contribute strongly are likely to be free of existing development and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include the following features:
- 14.3.16** • be adjacent or near to a large built-up area
• if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)
- 14.3.17** Case law states that large built-up areas are defined as towns and not small villages.
- 14.3.18** Hatfield Heath is regarded as a village and with regards to purpose (a) of paragraph 143 of the Framework there would be no unrestricted sprawl of large-built up areas as the development. The Green Belt Study describes the settlement pattern of the village as ‘sprawling’ with housing extending along local roads and further describes how ‘the application site is located in between two northern spurs of the village, with settlements to the east, south-east and west’. Despite the sprawling nature of the settlement, the site is deemed to be located within a village. Thus, the proposal would not represent unrestricted sprawl of a built-up area.
- 14.3.19** The UDC Green Belt Study (2026) also identifies the site as having a ‘Weak or None’ contribution to purpose (a).
- 14.3.20** *b) to prevent neighbouring towns merging into one another;*
- 14.3.21** Planning Practice Guidance defines areas of which contribute strongly are

² See PINS reply to S62A/2025/01091, 2025 S62A/2022/0013

features:

- forming a substantial part of a gap between towns
- the development of which would be likely to result in the loss of visual separation of towns

14.3.22 The development site is outside the development limits of Hatfield Heath and, as noted above, this is a village. Thus the proposals would not result in towns merging or reducing the visual separation.

14.3.23 The UDC Green Belt Study (2026) also identifies the site as having a 'Weak or None' contribution to purpose (b).

14.3.24 *d) to preserve the setting and special character of historic towns; and*

14.3.25 Planning Practice Guidance defines areas of which contribute strongly are likely be free of existing development and to include all of the following features:

- form part of the setting of the historic town.
- make a considerable contribution to the special character of a historic town. This could be (but is not limited to) as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town;

14.3.26 Hatfield Heath is not a historic town, and the proposals would neither result in significant harm to the setting or visual importance of historic aspects of the village.

14.3.27 The UDC Green Belt Study (2026) also identifies the site as having a 'Weak or None' contribution to purpose (d).

14.3.28 In light of the evidence relating to the purposes of the Green Belt outlined and taking account of the particular site features and context, i.e. while outside development limits of Hatfield Heath the site is directly adjacent to residential developments and the village settlement. Given the village comprises of a sprawling character, the nature of the development would not appear of out of character within the immediate locality nor the wider context.

14.3.29 For clarity the development would not affect any other assets in Footnote 7 of the Framework and, on this basis, the LPA consider that the site comprises of Grey Belt land. For these reasons, the Local Planning Authority find that this development would not fundamentally undermine the purposes when taken together.

14.3.30 *Appropriateness test (para 155b): Demonstrable unmet need*

14.3.31 Moving on to the requirements of Paragraph 155(b) of the Framework, the evidence shows that the Council is unable to demonstrate a five year

housing land supply (HLS). At around 3.46 years, the districts HLS is critically low while the Housing Delivery Test is 69%. The proposals would result in 58 dwellings and its contribution to the supply of new homes in the area would be modest. Nonetheless, there is a demonstratable unmet need for the type of development proposed in the district.

14.3.32 *Appropriateness test (para 155c): Sustainable Location*

14.3.33 Paragraph 155 c) requires development would be in a sustainable location, with reference to paragraphs 110 and 115 of the Framework. Addressing this, while the site is not near large built-up areas, it is close to the local centre of Hatfield Heath and the services this settlement offers.

14.3.34 With regards to accessibility, the site falls outside development limits for Hatfield Heath but is approximately 400-metres (within 10-minute walk) to the village core. The villages services and facilities (including primary school, shops, bus stops and other employment and community facilities) would all be within close walking and cycling distance. Future residents would not be reliant on private motor vehicle to access day-to-day services and sustainable modes of transport would be readily accessible to the site. In terms of its location, the application site is considered a sustainable location in respect to accessibility to employment, cultural, health and commercial activities to meet the daily needs of future occupiers and suitable for new housing.

14.3.35 *Appropriateness test (para 155d): Golden Rules Requirements*

14.3.36 Whether the requirements of paragraph 155 d) have been met, proposals will need to meet the criteria as set out in the 'Golden Rules in paragraph 156/157 of the Framework. This identifies contributions that major development proposals should make, involving the provision of housing on sites in the Green Belt subject to a planning application. These relate to affordable housing, necessary improvements to local and national infrastructure and the provision for new and improved existing green spaces which are accessible to the public.

14.3.37 *Golden Rules (as para. 156-157 of the Framework)*

14.3.38 With reference to paragraph 156 of the Framework;

14.3.39 156(a)(ii) the applicant is putting forward 50% affordable housing in line with para. 157 of the Framework.

156(b) the applicant has submitted draft Heads of Terms to address the necessary improvements to local or national infrastructure, and their planning statement states the applicant is open to discussions in principle as part of the planning application process and the agreement of any suitable and proportionate s106 Heads of Terms

156(c) at para. 8.40-8.41 of the Planning Statement the applicant maintains the development proposes a significant area of open space

along the eastern part of the site. It has been suggested that the given the open space provisions and pedestrian linkages to publicly accessible open space for future residents this would ensure the proposals are compliant with this Golden Rule.

14.3.40 For the purposes of para. 155(b) the illustrative masterplan has been extracted below;

14.3.41 Figure 1: Illustrative Masterplan



14.3.42 In light of the above Grey Belt assessment, the applicant responses to the Golden Rules, in accordance with para. 155 of the Framework officers are of the view the proposal constitutes inappropriate development in the Green Belt and also comprising of Grey Belt. Notwithstanding this, the Golden Rules requirements will need to be subject to details being secured within the s106 planning obligations. Although, officers are not anticipating any concerns with the s106 / securing of the planning obligations as the applicant has advanced draft Heads of Terms.

14.3.43 Openness, and purposes of the Green Belt and very special circumstances.

14.3.44 Footnote 55 of the Framework sets out that if development is not inappropriate development on previously developed land or grey belt, then this is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including to its openness.

14.3.45 The effect of openness arises only where a site is not considered as Grey Belt land or not inappropriate development in the Green Belt. Given the Local Planning Authorities findings on the proposals as set out above, in accordance with the Framework, an assessment of the effect of the proposal on the Green Belt openness and its purposes are not required. Therefore, it is not necessary for the Local Planning Authority to undertake such an assessment. For similar reasons, an assessment of whether 'very special circumstances' exist to make the proposal appropriate and acceptable in the Green Belt is also not required and therefore has not been undertaken.

14.3.46 In light of the above, the proposal is deemed in accordance with ULP Policies (2005) S6, GEN2(b), the Framework and eLP Policy 59.

14.4 B) Design/Appearance, Layout and Scale

14.4.1 Design / Appearance

14.4.2 In terms of design policy, good design is central to the objectives of both National and Local Planning Policies. The Framework requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes.

14.4.3 Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at para. 131 'The creation of high quality, beautiful and sustainable 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. In addition, at para. 135 it also states that planning decisions should ensure developments 'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development'. These criteria are reflected in Policy GEN2 of the adopted Local Plan.

14.4.4 Due to the nature of the application being outline in form, with all matters reserved for later determination (except for access), limited design details have been submitted to accompany the application. Subsequently, comments from UDC Urban Design Officer and UDC Landscaping are therefore limited on matters related to design. However, the UDC Urban Design Officer has commented that the application should have been referred to the Uttlesford Quality Review Panel (UQRP) to thoroughly

assess the quality of the proposals prior to submission which is in accordance with Core Policy 52(xiii) of the emerging Local Plan. However, it is also acknowledged by the Urban Design Officer that it is not mandatory but recommended. This is of relevance since this application was submitted October 2025 when limited weight was afforded to the eLP.

14.4.5 Similarly, it has been suggested that a Design Code ought to be submitted to demonstrate and prescribe a suitable level of design quality and assess the level of harm and/or impact to the wider character and appearance of this part of Hatfield Health which, again, is in accordance with eLP Policy CP52(xi). The Urban Design comments are noted, and while moderate to substantial weight should be afforded to eLP policies this application was submitted in the last quarter of last year and it would seem unreasonable to impose to a UQRP on the application. Notwithstanding this, officers consider that in the event the application is recommended for approval a suitably worded planning condition could be applied to ensure a design code is secured and submitted at the reserved matters stage.

14.4.6 The Design and Access Statement (DAS) provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site along with indications of landscaping and accessibility within and into the site.

14.4.7 Layout

14.4.8 Whilst the layout of the development is a matter reserved for consideration at a later date, the Council must be satisfied that the site is capable as accommodating the number of dwellings proposed along with suitable space for policy compliant level of car parking, garden and open space areas and SuD's etc.

14.4.9 A Proposed Parameters Plan (ref: A_1612 PL010 rev D) provides an outline of the development parameters of the site. This plan has been extracted for reference below;

14.4.10 **Figure 2: Parameter Plan**



14.4.11 The light yellow area indicates the developable area for residential development, the light green areas indicate green infrastructure / open space and the blue area the drainage attenuation. Along the northern edge, but within the site boundary, the site features public right of way (footpath no. 12) and a further public footpath that diagonally bisects the site from the south-western corner at Cox Ley across to the north-eastern corner (footpath no. 56) which connects with footpath 12.

14.4.12 The southern portion of footpath is proposed to be re-aligned slightly to accommodate residential units. The developable areas have been designed outside the root protection areas of three of the trees on site. T1 is a large oak tree situated quite central within the plot while the developable areas have been designed around this tree which is also covered by a Tree Preservation Order (TPO). Trees T2 and T3 will be situated outside of the developable areas and within the open space areas.

14.4.13 A centralised vehicle access is proposed along the southern boundary which will cut through the small open space area to the north of The Shaw cul-de-de-sac. A primary vehicle access is also proposed at the south-western corner. The PROW public footpath no. 12 links to Cox Ley and Broomfields to the west and the B183 to the east. The illustrative layout plan at figure 1 indicates no formal links to Clipped Hedge which is a missed opportunity for pedestrian access and increase permeability through the site. However, it is acknowledged that the plans are illustrative at this stage and the potential for increased permeability through the site could be realised within the reserved matters stage.

- 14.4.14** In terms of layout, the Urban Design officer has commented the overall design premise is acceptable and that the landscape-led approach is broadly appropriate. Although it was noted the central green space appears constrained along footpath no. 56. The overarching concern is that the open space appears as a transitional space opposed to a focal space for recreation/community interaction and the lack of natural surveillance. These concerns are noted, however, again the plan at this stage is illustrative and it is not clear whether the central footpath route across the site is intended to be an open space for public interaction, green space for visual amenity purposes and/or whether the green space to accompany the footpath through the site. In any case, the plan is illustrative and therefore overall layout of housing and provision of open space may be subject to change.
- 14.4.15** Both the Landscape Officer and the Urban Design Officer have commented that the TPO oak tree (T1) situated along the central green space should be given a more generous buffer to mitigate future tree management issues (such as shading to private gardens) and to ensure the TPO tree visual harmonises with the wider development. The concern of overshadowing from the TPO oak tree to the proposed dwellings was also reiterated by the Urban Design Officer as it was further stated that the overall layout could increase leaf litter and result in the pressures to prune the tree. Again, both their comments are appreciated however the application is an outline application and the details of layout are yet to be secured. Nonetheless, officers are of the view that the applicant ought to be mindful of these comments and should consider the relationship between the tree canopy of T1 and residential dwellings to be situated in close proximity to this tree. This may also apply to T2 along the south eastern corner.
- 14.4.16** Overall the proposed street pattern proposed was deemed legible and clear by the Urban Design Officer but it was stated the hierarchy of streets could be improved. The Design Officer maintains there is little distinction between the primary vehicle access route into the site and the secondary streets that would serve smaller cluster of dwellings. Although the hierarchy of streets could be secured within the Design Code and parameter plans within the reserved matters stage. Further comments were made in relation to dwellings along the southern boundary and that better integration could be had with the adjacent open space including play area and the wider residential developments.
- 14.4.17** There have been comments regarding the density of the proposals, and potential overdevelopment, but there have been no design objections on these grounds. Furthermore, having regard for the density of the overall scheme, it seems feasible that the development could achieve density guidelines as outlined within the Uttlesford Design Code (2024), while also taking account of the character of the wider area. Thus, in the event the application is approved and any subsequent reserved matters

application should have regard for the density of the wider area and the Uttlesford Design Code.

14.4.18 Scale

14.4.19 The applicant has stated within their Design & Access Statement (DAS) that the proposed scales will vary in form while the Planning Statement suggests that the majority of dwelling will be 2 storey in height and with some bungalows proposed. No further details have been supplied in relation to the scale of the dwellings other than that they will sit well within its surrounding context. Nonetheless, in terms of the scale of the development this can be addressed at reserved matters stage if the application is approved.

14.4.20 The proposals accords with adopted Uttlesford Local Plan Policy (2005) GEN2(b) and paragraphs 135 of the Framework.

14.5 **C) Landscaping, Ecology and Biodiversity**

14.5.1 Landscaping is set as a reserve matter; however, all larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.

14.5.2 In good landscape design both soft landscaping and hard landscaping are essential elements and require due consideration. The principle aims of a good quality landscape plan are to secure a coordinated and high standard of landscape management for the landscape areas within the site, to ensure the successful integration of the residential development with the surrounding landscape and to protect and enhance nature conservation interests in accordance with the design objectives. The DAS maintains the proposal seeks to achieve an appropriate edge-of-settlement development which incorporates a design strategy to include large open spaces across the site where it extends from the north-eastern corner southwards towards the vehicle access that connects with The Shaw. It is intended that the open spaces will be dual purposed in serving as recreational space of local residents and making valuable contributions to biodiversity.

14.5.3 The landscape strategy contained within the DAS also states that the substantial hedgerow and tree belt will be retained and enhanced where appropriate. It has been stated that this is to ensure sufficient visual screening is retained from the open countryside to the north and the adjacent residential developments to the east, south and west. The Landscape and Visual Assessment and Green Belt Assessment (LVIA) (September 2025) submitted confirms that the proposals will not extend

any further north than the existing settlement limits and would be contained by the mature vegetation alongside the northern edge of the site.

14.5.4 The Arboricultural Impact Assessment (AIA) dated 25 July 2025 (ref: 220608 22019 AIA V2a) supplied indicates that 1no. group of trees (G8) will be removed and felled to the ground level with stump removed. There is also a partial removal of 2no. groups of trees (G1, G7)³. The AIA report confirms that the trees to be removed are all category C (of low quality) and the relevant plans indicating the trees to be removed are appended to the report which also includes a tree protection plan. The Council's Landscape Officer has reviewed the report and no adverse comments have been made in relation to the details submitted save for the increased buffer for T1 which has already be discussed above.

14.5.5 *Visual Impacts*

14.5.6 Evidently the application site will change from an open field containing mature trees and two public rights of way contained within the sites' boundary. Nonetheless the LVIA supplied acknowledges that the visual implications to both public footpaths contained within the site and maintains there will be a substantial change in the character of views from these footpaths. Officers consider this an appropriate assessment given that the nature of the proposed development will result in a fundamental change to the landscape character of the site which will introduce new residential development closer in proximity to the route of these paths. Having visited the site, there are limited views into the site from beyond the site boundaries particularly along the northern and southern boundaries which are both screened by a belt of trees⁴. The northern boundary comprises of a dense group of mature trees and benefits from a better degree of visual screening than the southern boundary.

14.5.7 As the southern boundary will facilitate the primary vehicle access route into the site a number of the trees to the south will be removed which will increase visibility into the site from The Shaw. Increased visibility will also be a feature from the vehicle access at Cox Ley. However, notwithstanding this, given the locational context of the site with the eastern, southern and western boundaries mostly characterised by residential developments the proposed development will be read as an extension to the existing residential area and the development site is effectively an edge of settlement.

14.5.8 The LVIA also suggests that the proposed dwellings could be set back from the footpaths and incorporate green corridors and open spaces to increase visual amenity along the public footpaths. Officers consider this approach appropriate and offers the opportunity to further develop how the open space along footpath no. 56 and consider the comments made from the Urban Design Officer regarding the transitional nature of the central open space area.

³ See section 5 of the AIA (July 2025) and table and plans contained in annex 3 and 4.

⁴ However the trees to the south are deciduous.

14.5.9 In terms of the overall visual impacts of the development, officers consider these are limited given the locational context and the high degree of visual screening from the wider landscape and the relationship with the neighbouring residential sites. The site constitutes an edge of settlement and would feature as a natural extension to the existing settlement and could potentially harmonise well with the neighbouring context. However, users of the public footpaths would experience a substantial change in the views from these areas but officers consider appropriate landscaping and buffer areas could be applied to ensure the amenity value of using such footpaths is not severely compromised. For these reasons, officers consider there would be moderate harms to the public rights of way as there are opportunities to reduce the visual implications of the development.

14.5.10 *Landscape Impacts*

14.5.11 The LVIA describes the site as a pleasant rural edge character comprising of rough grassland which is bordered by a combination of garden boundaries, hedgerows and several mature trees and pockets of woodland. The LVIA also acknowledges site is likely to be valued locally by users of the formal and informal footpaths contained within the site. Overall the LVIA concludes the site to be in moderate condition and of medium quality and value.

14.5.12 As noted above, the applicant has sought pre-application advice from the Planning Inspectorate under the s62a process⁵ and at para. 41-42 the Inspector held the following view;

14.5.13 *'...while the effect on character and appearance and the setting of Halstead Heath could be mitigated through careful design and landscaping, harm would still be caused through the loss of the field in totality leading to conflict with Policies S7 and GEN2 of the Local Plan.... and therefore I consider it should be afforded moderate weight when considering development proposals in the countryside.'*

14.5.14 At paragraph 5.23 of the LVIA the applicant acknowledges the proposals will inevitably result in a substantial change to the site's landscape character but maintains the following;

14.5.15 *'However, the proposed houses would be very well related to the existing settlement pattern within this part of Hatfield Heath, and development here would form a logical extension to the surrounding residential areas. As set out in the preceding section, the Site has a pleasant character but its rural qualities are somewhat eroded by its proximity to nearby modern housing and rear garden boundaries which are conspicuous on three sides. It is physically separated from the wider countryside to the north by woodland and tree belts and by the playing fields which lie to the north west. Existing housing largely backs onto the Site boundaries and the Site does not significantly contribute to the neighbouring street scene, nor does it form a significant component of the landscape setting to Hatfield*

⁵ See S62A/2025/0100 appended within the planning statement.

Heath as it is largely screened in views from the wider countryside. The Site is largely perceived by users of the public footpaths when crossing between different parts of the settlement'.

- 14.5.16** Given the above assessment contained within the LVIA the applicant is of the view that the landscape effects will therefore be extremely localised and contained mostly to the site itself and the neighbouring playing fields to the south and farmland to the north. In terms of the effects on the local townscape it has been stated that the greatest effects will be experienced where the new access roads access road crosses the existing open space at The Shaw but the majority of this space will remain and will not be compromised significantly.
- 14.5.17** In light of the above, officers broadly agree with the applicant's assessment of the development; the visual implications and the harms to the landscape. Nonetheless, officers do view there will be an unequivocal change in the landscape character comprising of rough open grassland containing a small woodland along the north, large mature oak trees (one of which is TPO'd) and public rights of way that bisect the site and run along the north into a residential development. In combination these qualities contribute to the pleasantness of the site, however, it is agreed the quality of the site has already been compromised to a degree with residential developments to the east and west which both have gardens backing onto the site. There is a small portion of open space along the southern boundary which connects within the residential development at The Shaw, but overall, officers consider the development could blend well with the neighbouring developments. Moreover, given the general sprawling character of Hatfield Health officers consider that this development will not feature appear out of character within the immediate or wider locality.
- 14.5.18** For the reasons outlined above, the LPA is of the view that harm to the landscape character will be moderate owing to the nature of change from rough grassland into a residential development, but also benefits from a high degree of visual screening from the existing landscape features around the site perimeter. Overall the LPA view that the development could harmonise well with the immediate locality.
- 14.5.19** Ecology
- 14.5.20** Policy GEN7 of the Local Plan states that development which has a harmful effect on wildlife will not be permitted unless the need for development outweighs the importance of the feature of nature conservation. Where the site includes protected species measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 14.5.21** Natural England has been consulted on this application and has stated that the National Trust has undertaken visitor surveys to establish a Zone of Influence (ZOI) for recreational impacts to Hatfield Forest Site of

Special Scientific Interest (SSSI) and National Nature Reserve (NNR) which has been determined to be 11.1km from the site.

- 14.5.22** Natural England regards the surveys from conducted by National Trust are material to the consideration of this application. Accordingly, Natural England's Impact Risk Zones have been updated to reflect these ZOI's and maintain that new residential housing within this ZOI is likely to damage the interest features of Hatfield Forest SSSI/NNR. Ultimately, no objections have been received, subject to mitigation measures being secured.
- 14.5.23** The mitigation measures recommended by Natural England are below;
- 14.5.24** - *A financial contribution towards the Strategic Access Management and Monitoring (SAMM) measures as identified by the National Trust of £1,333.60 per residential unit; AND*
- *The provision of on-site Accessible Natural Greenspace (ANG) of sufficient high quality and size; AND*
- *A signposted circular dog walking route of around 2.3-2.5km from the new development site, which could potentially make use of pedestrian links (PROW and highways) in the local area.*
- 14.5.25** Both Place Services (Ecology) and National Trust have commented on the impacts to Hatfield Forest SSSI/NNR and their respective comments broadly accord with the Natural England. Therefore, in the event the application is approved, appropriate conditions and planning obligations will be required to secure the relevant mitigation Hatfield Forest SSSI/NNR.
- 14.5.26** Biodiversity
- 14.5.27** In their response, Place Services maintain their support of the submitted the submitted Statutory Biodiversity Metric – Calculation Tool (CSA Environmental, August 2025) and Biodiversity Net Gain Assessment (CSA Environmental, September 2025) and these all provide sufficient information to determine the application. As such, it has been requested that a Biodiversity Gain Plan should be submitted prior commencement of development and secured by way of planning condition. Specific criteria has been requested as part of the biodiversity gain plan condition.
- 14.5.28** Notwithstanding the above comments on BNG, Place Services maintain they are generally satisfied that the post-intervention values are realistic but it has been noted that the individual trees to be created have been assigned medium distinctiveness value. This has been queried by Place Services as trees of this nature are typically afforded 'low distinctiveness' until they mature appropriately. Thus, clarifications have been sought from the applicant's ecologist for justification for assigning medium distinctiveness, but no objection has been raised on this matter.

- 14.5.29** It has also been advised by Place Services that mitigation measures, as contained within the Ecological Impact Assessment (CSA Environmental, October 2025) should be secured by a condition to conserve and enhance protected and Priority species recorded in the locality. Great Crested Newts (GCN) have been recorded in the local area and Place Services advise that a detailed precautionary GCN Method Statement shall be conditioned prior to works commencing. Also, it has also been advised that the reasonable biodiversity enhancement measures should be outlined within a separate biodiversity enhancement strategy and should be secured by a condition of any consent. Thus, in the event the application is approved, officers will apply an appropriately worded planning conditions.
- 14.5.30** This advice goes on to states that a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is has been suggested this should include 'other neutral grassland' and 'Individual Trees' habitats.
- 14.5.31** Place Services also maintain that a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. It has also been advised that the maintenance and monitoring outlined in the HMMP should be secured via planning obligations for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition or alternatively the monitoring and maintenance outlined within the HMMP should be secured by planning condition. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved. Whether the HMMP is secured through planning obligation or planning condition it will need to be secured for a period of up to 30 years.
- 14.5.32** Notwithstanding the above, following minor revisions to the site location plan a further re-consultation was undertaken in December 2025. Place Services had noted the changes to the redline boundary and had commented that their earlier comments pre-dates the current site location plan. As a result, it has been stated that the Biodiversity Net Gain pre-development baseline needs to be updated to ensure that it accurately reflects the full extent of the amended application site to support a lawful decision. At the time of writing a further re-consultation has been sent to Place Services for further comment. Officers will update accordingly in due course. Subject to pre-development baselines being updated, there are no objections for Place Services.
- 14.5.33** In light of the above, it is not considered that the proposal would have material detrimental impact in respect of protected species/habitats or landscaping provided relevant conditions and/or planning obligations are

complied with. Thus, the proposal accords with ULP Policy GEN7 and the Framework.

14.6. D) Highways, Access and Parking

14.6.1 Paragraph 116 of the NPPF (2024) states that ‘Development should only be prevented or 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, taking into account all reasonable future scenarios’.

14.6.2 Paragraph 117 of the NPPF (2024) goes on to stipulate that development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, address the needs of all users, create places that are safe, secure, and attractive, allows efficient delivery of service and emergency vehicles and designed to cater for charging of plug-in and other low emission vehicles.

14.6.3 Policy GEN1 of the Uttlesford District Local Plan is broadly consistent with the aims and objectives of the NPPF as set out above. It requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not 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.

14.6.4 Vehicle Access

14.6.5 Vehicle access is a matter to be determined within the current application i.e. not a reserved matter. Thus, the vehicle access into the site is proposed along the southern boundary which will dissect the small area of open space and link with The Shaw. Another vehicle access is also proposed which will link with Cox Ley towards the south western corner. Two pedestrian accesses will be retained along the northern boundaries which accommodate entrance points along the public footpaths.

14.6.6 The applicant has demonstrated that vehicle access can be obtained on the plan titled ‘Proposed Access Plan’ (ref. 789-TA110 rev D). In consultation with the Highway Authority, no objection has been raised in relation to the access to the site but have commented on the revised access plan and maintain the details of the design of the highway adjacent to the accesses must be considered at an earlier stage than the s278 stage. Given the nature of the new vehicle access to the south of the site and how it connects with the existing turning head at the end of The Shaw officers are inclined to agree that matters pertaining to this vehicle access should addressed at an earlier stage.

14.6.7 The applicant also proposes to divert a small portion of public footpath no. 56 towards the southern boundary and the Highway Authority have

highlighted that a public footpath order will be required and that any new routes will need to be added to the public rights of way network.

14.6.8 Highways and Sustainable Travel

14.6.9 In terms of impacts of the development upon the road infrastructure and highway safety, the Highways Authority at ECC Highways have been consulted and have reviewed the submitted Transport Assessment. No adverse comments have been received regarding implications to highway safety and/or other adverse highways impacts.

14.6.10 Notwithstanding this it has been suggested that a contribution of £180,000 would be pooled with others to provide a 2-hourly Sunday/bank holiday bus service on route no. 305 in order to link the parish with the rail network and nearby towns of Bishop Stortford. It is also anticipated that the bus route could link with multi modal transport interchange at Stansted Airport.

14.6.11 Overall, no objections have been raised subject to conditions, contributions to local bus infrastructure and other sustainable travel measures.

14.6.12 Parking

14.6.13 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.

14.6.14 The adopted Uttlesford parking standards recommended for at least 1-no. space for each 1-bedroom unit and at least 2-no. spaces for dwellings consisting of two-three-bedroom dwellings and 3-no. spaces for four+ bedroom dwellings. One visitor space is also required for every 4 residential units. In addition, each dwelling should be provided with at least 1 secure cycle covered space.

14.6.15 Due to the outline nature of the proposal, limited details have been provided regarding vehicle and cycle parking provision. Although, the DAS provides details of a Parking Strategy where 1bed flats would be allocated 1no. car parking space and 2bed+ units will be allocated 2 spaces and 0.25 visitor parking per dwelling. All units would be allocated 1no. secure cycle covered space per dwelling.

14.6.16 As the final mix of housing has not been refined to date, broadly the number of required vehicles spaces cannot be fully assessed at this time, at the reserved matters stage there will be opportunity to secure that parking levels meet the adopted UDC standards.

14.7 E) Flood Risk and Site Drainage

14.7.1 The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

14.7.2 The Environment Agency's (EA) indicative Fluvial and Tidal Flood Mapping demonstrates that the proposed development is located within Flood Zone 1 in accordance with the Flood Risk and Coastal Change PPG.

14.7.3 The NPPF sets out where the need for Sequential Testing is required. The Sequential Test aims to direct new development to areas with the lowest probability of flooding. The development area of the site has been identified as located within Flood Zone 1 and is therefore considered to pass the Sequential Test. The need for Exception Testing is not necessary.

14.7.4 New major development for housing needs to include a flood risk assessment as part of their planning application to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those areas outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

14.7.5 The scale of the proposals has the potential to cause an increase in surface water runoff rates and volumes to other drainage infrastructure. To demonstrate that sewer and surface water flooding is not exacerbated, surface water should be considered within the design of the site. This demonstrates that any additional surface water and overland flows are managed correctly, to minimise flood risk to the site and the surrounding area.

14.7.6 The Planning Statement states that surface water discharge from the development will outfall into the ditch situated along the eastern boundary restricted to a greenfield equivalent Q1 run-off rate to ensure surface water run-off from the site does not increase as a result of the development.

14.7.7 In relation to surface water drainage, a Flood Risk Assessment has been submitted, and the Lead Local Flood Authority (LLFA) have been consulted on the application. No objections have been raised subject to a number of conditions.

14.8 F) Environmental Health and Contamination

14.8.1 Noise

- 14.8.2** Paragraph 187 of the Framework states that planning decisions ought to and enhance the natural local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of, inter alia, noise pollution. While para. 198 of the Framework also states that planning decisions should also ensure that new development is appropriate for its location and should mitigate and reduce to a minimum potential adverse impact resulting from noise from development – and avoid noise giving rise to significant adverse impacts on health and quality of life⁶.
- 14.8.3** Uttlesford Local Plan Policy GEN2 maintains that development will not be permitted unless, amongst other things, its design meets the criteria in adopted SPD, and it would not have a materially adverse effect on the reasonable enjoyment of a residential or other sensitive property. Also, with respect of noise from aircrafts ENV10 states that housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance. This will be assessed by using the appropriate noise contour for the type of development and will take into account mitigation by design and sound proofing features.
- 14.8.4** Core Policy 44 (Noise) of the emerging Local Plan also states that residential development and other noise sensitive development will be permitted where it can be demonstrated that users of the development will not be exposed to unacceptable noise impacts from existing, temporary or future uses. The eLP policy goes on to state that for aviation transport sources, the Significant Observed Adverse Level Effect (SOAEL) is considered to occur where noise exposure is above 63dB LAeq, 16hr during the day and 57dB LA, 8hr at night.
- 14.8.5** Planning Practice Guidance references the concepts contained within the Noise Policy Statement for England (NPSE). The NPSE seeks to mitigate and minimise noise which is below the Significant Observed Adverse Level Effect (SOAEL) but above the level where adverse effects can be detected; this level is known as ‘Lowest Observed Adverse Effect Level’ (LOAEL). Where noise levels do not cause any adverse effects are noises at the No Observed Effect Level (NOEL).
- 14.8.6** PPG states increasing noise exposure will at some point cause the ‘significant observed adverse effect’ level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is predicted to be above this level the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout. While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused.

⁶ The footnote of the Noise Policy Statement for England (NPSE)(Department for Environment, Defra 2010).

- 14.8.7** The Council's Environmental Health Officer has been consulted on the current application and has raised an objection in respect of noise. The location of the site has been noted in its proximity to Stansted Airport to the north and the M11 motorway to the east, but of notable concern is the noise emanating from intermittent aircrafts flying along the flight contours. In their initial response the Manchester Airport Group Safeguarding (MAGS) team had commented that the development exceeds the LOAEL levels (51dB LAeq) for aircraft noise which is the second aim of the NPSE. The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL and that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life, but also stipulates that this does not mean adverse effects cannot occur.
- 14.8.8** In their response the EH Officer has commented the noise survey covered on weekday periods for Stansted airport and the survey, therefore, fails to capture the busier periods when flight numbers and aircraft sizes vary. Environmental Health are concerned with the relatively high noise levels and the need to rely on noise mitigation measures to ensure a suitable internal acoustic environment. EH are of the view that the nature of the survey data is limited and the noise mitigation proposals could prove insufficient to reduce internal levels, particularly when addressing the nighttime L_{max}. Ultimately, their concerns relate to the quality of the acoustic details and its methodology and the maintain that the report must demonstrate that noise levels across the site are suitable for the proposed development. Of particular concern is whether the garden areas would experience a suitable level of noise. However, it has been highlighted by EH that the report stipulates that 'the highest daytime noise levels measures at 53.3dB which falls below the adopted 55dB, 16hr noise criteria level and so there is no requirement to consider noise mitigation measures'.
- 14.8.9** The applicant's noise consultant has responded to the comments from Environmental Health in respect of the noise objection and has stated that the development would slot into an established residential area and would be not proposing any noise sensitive development any closer to the aircraft flight path than existing dwellings within the surrounding locality. The applicant team maintains that a 55db LAeq, 16hr noise criteria level ought to be applied. The British Standard 8233 (BS8233:2014) sets out that is desirable for external noise levels to not exceed 50dbLAeq 16 hour. Within the BS8233:2014 it is acknowledged that those guidelines are not always achievable in all circumstances and further maintains that higher noise areas such as city centres or urban areas adjoining a strategic transport network, that a compromise might be required to achieve the lowest practicable levels in external amenity areas but should not be prohibited. Thus, there is a degree of judgement that must be exercised in these circumstances and in applying the relevant guidelines.

- 14.8.10** In a recent UDC appeal decision⁷, in respect of noise objections and the BS8233:2014 guidance, the Inspector held the following view;
- 14.8.11** *'No absolute upper noise limit is prescribed, and it is clear, therefore, that the 50 and 55 figures are not upper limits. They also should not be regarded as lines in the sand where markedly different effects can be seen immediately above and below the stated figures and they are not levels above which most people would experience the stated effect. It follows that a marginal exceedance of guideline levels should not be a reason to refuse planning permission.'* (Officer underlining)
- 14.8.12** Notwithstanding the above, there are distinctions between the referenced appeal decision above and the current application; the source of the potential noise impacts result from aircrafts along the flight path in the current application whereas in the appeal application the noise sources were from rail and road transport infrastructure. Succinctly put, given the proximity of the site to the flight path there would be intermittent noise and likely at higher levels than the constant background noise of road and rail transport. The noise implications from the proposed development are likely to result in noise disturbances due to the intermittent nature of aircrafts along the flight path. The Environmental Health Officer has noted the intermittent nature resulting from aircraft noise and has expressed concerns with the quality of the surveys and, at present, it is not clear whether the surveys provided reveal the full extent of the noise levels within the internal or external environments of the proposed dwellings and public open space areas.
- 14.8.13** In response to the EHO earlier comments the applicant's noise consultant states the BS8233:2014 guidance requires;
- 14.8.14** 'where noise levels in private amenity space do exceed 55dB LAeq, 16hr, a process of good acoustic design should be employed to ensure that the resulting noise levels in those amenity spaces are the lowest practicable. Nevertheless, the Development will not have garden areas with noise levels exceeding 55dB LAeq, 16hr'....Whilst the principles of site layout and building orientation are important considerations when strategic transport routes neighbour proposed noise-sensitive development.... Furthermore, reducing noise exposure from aircraft flight paths is notoriously difficult to achieve given the elevated position of the noise source which renders acoustic barriers (or dwellings with gardens facing away from the aircraft flight path) largely ineffective... noise levels in gardens areas which do face away from the flight path are still likely to remain between the 50dB-55dB noise criteria levels.'
- 14.8.15** For the reasons extracted above the applicant maintains the requirement for good acoustic design is not reasonably required for this development. However, as the Council's Environment Health Officers are not satisfied with the quality of the noise surveys provided and given the intermittent nature of the noise source from aircrafts, LPA officers view that conditions ~~could be applied~~ to limit noise within both the internal and external

⁷ UDC appeal decision at Land off Bedwell Road, Elsenham (APP/C1570/W/25/3370631)

environment through the provision of an Acoustic Design Statement (ADS) and an external garden noise plan demonstrating noise levels will not exceed 55dB.

14.8.16 Moreover, there has been recent residential developments within the immediate locality that have been approved which are further north of than the of the application site and, thus, in closer proximity to Stansted⁸. Also the development site itself is also no further northwards than the existing residential developments to the east and west and it could be argued that this development would not have any further harms to amenity than the existing residential developments abutting the site. In light of the above, applying relevant conditions is deemed a pragmatic approach given the limited details provided and some of the indicative noise levels furnished by the applicant team.

14.8.17 Other Environmental Health matters

14.8.18 With regards to contamination, due to the age of the report submitted (2016) EH requested further surveys in line with current guidance and to ensure survey results accurately represented. Further conditions were recommended for electrical charging points and external lighting which officers consider appropriate.

14.9 **G) Residential Amenity**

14.9.1 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.

14.9.2 The application is seeking outline permission and layout is a matter reserved for consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers.

14.9.3 However, in respect to layout, it is regarded that the site is well distanced from neighbouring properties that back onto Cox Ley and Dunmow Road. The landscape buffer to the south also provides increased distancing from the properties to the south. Notwithstanding this, neighbour comments have been received with concerns regarding children using the open space and the loss of the use of open space to the south and the potential harms to children resulting from construction traffic. Comments are appreciated, although, at this stage, officers are limited to assess amenity impacts as layout, scale and appearance are all reserved for later determination. In terms of the loss of the use of open space to the south, the development will be providing a larger portion of open space which will be public accessible to all residents of the development and the wider locality.

⁸ See Land. North of Cox Ley, Hatfield Heath (ref UTT/20/0422/FUL)

14.9.4 In terms of construction impacts, a condition could be imposed in respect to the submission of a Construction Environmental Management Plan (CEMP) to limit adverse impacts to immediate locality and nearby residents in relation to noise and disturbance during the construction phase of the development.

14.9.5 For reasons stated the above, for amenity purposes, the proposal is considered to comply with Uttlesford Local Plan (2005) Policies GEN2, GEN4 and the Framework.

14.10. H) Archaeology

14.10.1 Place Services (Archaeology) officers have commented on the application and stated that it is evident the proposed development area has been subjected to extensive quarrying across a large proportion of the site and this has the potential to extend beyond the area plotted on the historical mapping. No archaeological recommendations have been put forward by Place Services due to the intensity of archaeological remains identified within the proposed development area and the historical disturbances caused by quarrying.

14.10.2 For these reasons, the Council considers the proposals have limited conflict with ULP Policy ENV4 and the Framework.

14.11. I) Planning Obligations

14.11.1 Paragraph 58 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The following identifies those matters that the Council would seek to secure through a planning obligation, in the event the application is approved.

14.11.2 Housing

14.11.3 50% Affordable Housing with a tenure mix of 70% (Affordable Rent) / 30% (Affordable Home Ownership), as suggested by UDC Housing.

14.11.4 Highways

14.11.5 As discussed in the Highways section (D) above, Highways have requested a number of conditions to mitigate the impacts of the development and to facilitate more sustainable modes of travel.

14.11.6 Notwithstanding the suggested conditions by the Highway Authority, not all of the criteria proposed in each condition will be able to be secured by planning condition, but will be appropriate to be secure by either a planning obligation S106 or s278 Agreement.

14.11.7 Of relevance the following will need to be secured through s106 planning obligation;

- (i) Payment of £180,000 (indexed from the date of recommendation) for sustainable transport contributions
- (ii) Provision of bus infrastructure entirely at the developers expense:
 - (a) 28" stretch TFT in-shelter real-time passenger information display to be installed at the bus stop known as The White Horse o/s (id: 1500IM2188); and
 - b. 32" free-standing TFT real-time passenger information display mounted on its own pole (id:150020011012)
- (iii) Prior to occupation of development, payment of commuted sums to cover maintenance of each real-time passenger information display:£10,845.09 per display

14.11.8 Education

14.11.9 *Early Years and Childcare (EY&C)*

14.11.10 A developer contribution of £92,025.00 index linked to Q1- 2025, is sought to mitigate its impact on local Early Years & Childcare provision. This equates to £20,450 per place.

14.11.11 *Primary Education*

14.11.12 It has been stated there are sufficient primary school places available in the area. No developers' contribution towards new primary places is required.

14.11.13 *Secondary Education*

14.11.14 It has been stated there are sufficient secondary school places available in the area. No developers' contribution towards new primary places is required.

14.11.15 *Post 16 Education*

14.11.16 No developers' contribution towards Post 16 education is required. However, it has been stated that in accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2024), an Employment and Skills Plan (ESP) should be prepared to set out how the developer will engage with and maximise local labour and skills opportunities.

14.11.17 *School Transport*

14.11.18 The distance from the site to the nearest secondary school is in excess of the statutory walking distance and, therefore, ECC seek a contribution

of £59,470.00 indexed linked to 2Q 2023, applying cost per pupil of £6.26 – secondary.

Libraries

14.11.19 The proposed development is expected to create additional usage of local libraries. A developer contribution of £4,512.40 is therefore considered necessary to improve, enhance, extend the facilities/services provided and to expand the reach of the mobile library outreach services. This equates to £77.80 per unit, index linked to April 2020.

14.11.20 Thus, overall, it is requested on behalf of ECC that if planning permission is granted this should be subject to a section 106 agreement to mitigate its impact on EY&C, Secondary Education Review Clause and Libraries. Contributions towards monitoring fees have also been requested.

14.11.21 Biodiversity Net Gains and Hatfield Forest SSSI/NNR

14.11.22 As indicated above Natural England/National Trust has made specific mitigation requests. The applicant has agreed to pay the financial contributions towards the Strategic Access Management and Monitoring (SAMMs) measures as identified by the National Trust of £1,333.60 per residential unit as well as the other mitigation measures previously identified.

14.11.23 Healthcare

14.11.24 At the time of writing, NHS England have made no comment on the application and, therefore, no contributions have been requested to date.

14.11.25 NHS (East of England Ambulance Service) have commented and requested £22,409.00 as the development will likely generate 33 calls per annum for the 58no. residential units proposed. The applicant in their draft heads of terms has rebutted the NHS ambulances stating that their revenue is generated from Council Tax and not development tax. Thus, the applicant has not agreed to pay these contributions.

14.11.26 Hatfield Health Parish Council

14.11.27 As a result of the loss of open space area the parish council request that provision of new play area ought to be included as an item in the Heads of Terms. A sum of £150,000 has been requested by the parish and will be added in the draft the HoTs. However, at the time of writing officers are liaising with the applicants on whether the Hatfield Parish Councils requests meet the relevant CIL tests and an update will be provided.

14.12 J) Other Matters

14.12.1 Notwithstanding the site comprising of grade 2 (very good quality agricultural land) (Agricultural Land Classification 2010, Natural England),

and despite the potential loss of the districts best and most versatile agricultural land (BMV), good quality agricultural land is plentiful within the locality. Thus with regards to Policy ENV5 meaning this policy conflict holds limited weight.

- 14.12.2** Notwithstanding the lack of objection from Place Services (Ecology), at time of writing officers are awaiting updated comments on the clarifications and updates requested by ecology advisors. It is also noted that the application provides 10% BNG provisions and at the time of writing officers are also liaising with the applicant and Place Services to achieve 20% biodiversity net gain provisions in line with the eLP policies.

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** The Framework recognises the need for a pragmatic and flexible balance to be found on Green Belt policy. The site is determined as Grey Belt land, in accordance with the Framework and all criteria set out in paragraph 155 are met. The proposal is therefore not inappropriate development in

the Green Belt. As such, assessments on the contribution it makes to the openness and function of the Green Belt and whether there are any very special circumstances exist for the development to be considered appropriate are not necessary.

16.2 None of the footnote 7 policies apply and there are no strong reasons of refusal. Therefore, paragraph 11d(ii) is to be applied in the overall planning balance.

16.3 The planning balance in paragraph 11 of the NPPF favours the principle of the scheme. The public benefits would include:

16.4 The public benefits would include:

- 16.5**
- Provision of up to 58no. residential units; (significant weight);
 - Provision of 50% affordable housing (significant weight);
 - Contributions of £180,000 towards sustainable travel/enhanced bus routes (significant weight)
 - Bus Infrastructure provisions (significant weight)
 - 10% Biodiversity Net Gain provisions (moderate weight)

16.6 The adverse impacts include:

- 16.7**
- Undesirable noise implications to occupants of the dwellings, but addressed through planning conditions (moderate-substantial weight);
 - Visual harms to users of the public footpaths (moderate weight);
 - Substantial change to the landscape character (moderate weight)
 - Loss of agricultural land (limited weight)

16.8 Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits. The proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

16.9 In conclusion, the proposal accords with the development plan and the NPPF. There no other material considerations indicate that planning permission should be refused otherwise. It is therefore recommended that planning permission be approved with conditions.

17. DRAFT S106 HEADS OF TERMS AND CONDITIONS

17.1 The application is hereby recommended for approval subject to the following draft Heads of Terms and conditions;

17.2 S106 DRAFT HEADS OF TERMS

- Provision of 50% affordable housing (29 dwellings)
- Affordable housing tenure mix of 70% affordable rent and 30% affordable home ownership
- ECC Infrastructure: Education/Employment Contributions
 - *Early Years and Childcare contribution of £92,025.00 index linked to Q1- 2025,*
 - *Provision of 'Employment and Skills Plan (ESP) and any relevant financial contributions' to set out how developer will engage with and maximise local labour and skills opportunities*
 - *Library contributions of £4,512.40*
 - *School Transport contribution toward secondary school transport of £59,470.00 indexed linked to 2Q 2023*
 - *Monitoring fees £700 per obligation*
- NHS Contributions (outstanding)
- NHS (East of England Ambulance Service) contribution of £22,409.00*
- Financial contributions to Strategic Access Management and Monitoring (SAMMS) of £77,348.80
- Non-financial provisions of Strategic Access Management and Monitoring (SAMM) to deliver of Accessible Natural Greenspace (ANG)
- Sustainable Transport Contribution prior occupation a contribution of £180,000.00 (indexed from the date of highways recommendation) to fund improvements to enhance bus services in the vicinity of the development improving the frequency, quality and/or geographical cover of bus routes that serve the site
- Bus Infrastructure improvements entirely at the developer's expense for the following:
 - a. 28" stretch TFT in-shelter real-time passenger information display to be installed at the bus stop known as The White Horse o/s (id: 1500IM2188)
 - b. 32" free-standing TFT real-time passenger information display mounted on its own pole.
 - c. As per points (a) and (b) prior to occupation of the development, payment of commuted sums will be required to

cover maintenance of each real-time passenger information display of £10,845.09 per display (indexed from the date of highways recommendation)(id: 50020011012)

- Following the implementation of the Residential Travel Plan an annual monitoring fee
- Financial contribution of £150,000 to Hatfield Health Parish Council*
- Open Space and Landscaping Management
- SuDS Management
- Uttlesford District Council Monitoring Fees up to £5,164.00
- Essex County Council Monitoring Fees (TBC)

**Currently under review as the applicant does not consider these meet the relevant CIL tests.*

17.3 CONDITIONS

- 1** Details of the appearance, landscaping, layout, scale and pedestrian and cycle access (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority prior to the commencement of development with the exception of the means of access as shown on plan 789-TA110 Rev D. The development shall be carried out in accordance with the approved details.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of two years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3** The development hereby permitted shall be begun within one year from the date of the final approval of reserved matters. The development shall be carried out as approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 Prior to the commencement of development above ground floor slab level, details of all external finishing materials (including, but not limited to, window/door openings, roof tiles, fascias, soffits and rainwater goods) shall be submitted to and approved in writing by the Local Planning Authority.

The approved works shall thereafter be constructed in accordance with the approved details.

REASON: In the interest of preserving character and appearance of the surrounding area and in accordance with Policies GEN2 of the Uttlesford District Local Plan 2005 (as Adopted) and the Framework.

- 5 Prior to the submission of any reserved matters pursuant to Condition 1, a Design Code shall be submitted to and approved in writing by the local planning authority. The Design Code shall, where relevant, have reference to the Design and Access Statement supporting the outline application, and shall in any case address and codify the following matters:

Built form:

- Block structure
- Building forms and types
- Use of building heights to enhance legibility
- Corner treatments
- Elevation composition
- Placement of entrances
- Building materials palette

Public realm:

- Landscape design principles
- Street types
- Surface materials palette
- Street furniture and design of play equipment, lighting and boundary treatments
- Planting palette
- Integration of car parking and traffic calming measures
- Incorporation of public art

Private space;

- Living standards which will establish a benchmark for detailed submissions to be assessed against, e.g. storage provision for individual dwellings, provision of private outdoor space
- Integration of usable terraces and balconies

Other matters:

- Character areas
- Types of refuse and recycling storage
- Cycle parking

- Standards to be applied [including back-to-back distances, car parking ratios, garden sizes] which shall have regard to the adopted standards

Proposals contained within applications for the approval of Reserved Matters pursuant to Condition 1 shall comply with the 'Mandatory' sections of the Design Code. Construction shall be in accordance with the 'Mandatory' section of the approved Design Code. There shall be no amendment to the approved Design Code unless otherwise agreed in writing by the local planning authority.

REASON: In the interest of preserving the character and appearance of the surrounding area and in accordance with Policies GEN2 of the Uttlesford District Local Plan 2005 (as adopted), and the emerging Local Plan Core Policy 52 and the Framework.

HIGHWAYS

- 6 Prior to any development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

Environmental Management

- a) noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- b) dust arising from all construction related activities.
- c) artificial lighting used in connection with all construction related activities and security of the construction site.

Traffic and Highway Management

- d) safe site access for construction traffic,
- e) parking of vehicles of site operatives and visitors,
- f) loading and unloading of plant and materials,
- g) storage of plant and materials used in constructing the development,
- h) wheel and underbody washing facilities,
- i) routing strategy for construction vehicles,
- j) delivery management strategy taking into consideration the proximity of the primary school,
- k) protection of public rights of way within and adjacent to the site,
- l) before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

The approved plan shall be adhered to throughout the construction period.

REASON: To ensure construction traffic is managed on the highway in

the interests of highway safety and to mitigate environmental and amenity impacts in accordance with Uttlesford Local Plan Policies GEN1, GEN2, GEN4 and the Framework.

- 7** Prior to occupation of the development hereby approved, the two vehicle accesses the first from Cox Ley and the other access from The Shaw, as shown in principle on drawing no. 789-TA110 Rev D, shall include, but not limited to, a minimum 5.5 metre carriageway width and 2x 2 metre wide footways and appropriate speed-restraint measures shall be provided and retained thereafter.

REASON: To ensure safe vehicle access at the site in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan as adopted (2005) and the Framework.

- 8** No development shall commence until the design details of the off-site highway works required to facilitate each vehicle access point has been submitted to and approved in writing by the planning authority, in consultation with the highway authority. The design details shall incorporate the recommendations noted in the Stage 1 Road Safety Audit report.

Once approved, each approved scheme of highway works shall be completed ahead of first use of the relevant access, including use by construction traffic.

REASON: To ensure safe vehicle access at the site in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan as adopted (2005) and the Framework.

- 9** The proposed development shall not be occupied until appropriate vehicle parking and turning areas have been provided in accordance with the 2024 EPOA Essex Parking Guidance for the properties being served. The vehicle parking and turning areas shall be retained thereafter.

REASON: To encourage off-street parking within the development and limit on street parking along adjoining streets in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan as adopted (2005) and the Framework.

- 10** The proposed development shall not be occupied until appropriate cycle parking for residents and visitors has been provided in accordance with the 2024 EPOA Essex Parking Guidance for the properties being served. The cycle parking provision will be secure, convenient and covered and retained thereafter.

REASON: To ensure and encourage cycle parking is in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan as adopted (2005) and the Framework.

- 11** The public's rights and ease of passage over public footpaths 12 and

footpath 56 (Hatfield Heath 297) shall be maintained free and unobstructed at all times, unless a temporary right of way diversion has been granted to facilitate construction and/or facilitate delivery of the diverted section of footpath, in which case the temporary route shall be maintained free and unobstructed at all times. All new planting to be set-back 3m from the definitive route of each of the public footpaths.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

- 12** No development that affects the existing alignment of footpath 56 (Hatfield Heath 297) shall be permitted to commence on site until an Order securing the diversion of the existing definitive right of way of that route has been concluded.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

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

REASON: In the interests of reducing the need to travel by car and promoting sustainable transport modes in accordance with Policies GEN1 of the Uttlesford Local Plan as adopted (2005) and the Framework.

LANDSCAPING, BIODIVERSITY AND ECOLOGY

- 14** All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (CSA Environmental, October 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

The ecological enhancement measures and/or works shall be carried out strictly in accordance with the approved details and shall be maintained as such thereafter.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (as amended) and in accordance with the adopted Uttlesford Local Plan Policies (2005) GEN7, ENV8, and the Framework.

- 15** No development shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following;

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements e.g. Great crested newt).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (as amended) and in accordance with the adopted Uttlesford Local Plan Policies (2005) GEN7, ENV7, ENV8 and the Framework.

- 16** Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Impact Assessment (CSA Environmental, October 2025), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The development shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve and enhance protected, Priority and threatened species and habitats and allow the local planning authority to discharge its duties under s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (as amended) and in accordance with the adopted Uttlesford Local Plan Policies (2005) GEN7 and the National Planning Policy Framework.

- 17** Prior to first occupation of development a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority.

The strategy shall:

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

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and Policy GEN7 of Uttlesford Local Plan (2005).

- 18** A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development [or specified phase of development].

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created.

The approved LEMP shall be carried out in accordance with the approved details.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and Policy GEN7 of Uttlesford Local Plan (2005).

19 Prior to commencement of development hereby approved, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, including:

- a) non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- e) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- f) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

REASON: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

- 20** The development hereby approved shall be implemented in accordance with the details contained within the 'Arboricultural Impact Assessment' (ref. 220608 22019 AIA V2a), dated 25 July 2025, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the character of the countryside location and the rooting systems of trees and hedges to be retained (including TPO trees). Also in the interest of residential amenity and in accordance with the adopted (2005) Uttlesford Local Plan Policies S7, GEN2, GEN4 and the Framework.

- 21** The landscaping plans and particulars submitted in accordance with condition 1 above shall, but not limited to, include details of an Arboricultural Method Statement (as outlined within the 'Arboricultural Impact Assessment', ref. 220608 22019 AIA V2a, dated 25 July 2025,).

The approved Arboricultural Method Statement shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To preserve the character of the countryside location and in the interests of residential amenity in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, GEN7, and the National Planning Policy Framework.

- 22** Prior to first occupation of the development hereby approved details regarding the on-site measures aimed at relieving the pressure on use of Hatfield Forest shall be submitted to and approved in writing by the Local Planning Authority to include:

a) high-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings (including a dog walking circuit and dogs off lead areas).

REASON: To comply with the Hatfield Forest Mitigation Strategy and Policy GEN7 of the Uttlesford Local Plan as adopted (2005).

ENVIRONMENTAL HEALTH

- 23** An assessment of all significant noise sources likely to affect the proposed development including road and air traffic and any other commercial/industrial noise sources by a suitably competent person (see footnote), must be submitted in writing to the Local Planning Authority.

The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development.
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences. If the noise attenuation measures include windows being kept closed, then details of alternative ventilation to ensure the thermal comfort of future occupants.

REASON: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance, and to accord with the aims of Policy ENV10 and Chapters 12 and 15 of the Framework.

- 24** Before reserved matters conclude, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

The report shall present:

- a) The measures that have been considered to control noise, as detailed in BS8233, section 5:
 - positioning of buildings on site;
 - orientation of buildings on site;
 - provision of barriers (such as extending roof structure to shade aircraft noise);
 - increasing the sound insulation of the building envelope; and
 - re-planning the interior layout of the building
- b) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

REASON: To ensure that the proposed use(s) does not give rise to the loss of amenity, by reason of noise or disturbance, and to accord with the aims of Policy ENV10 and Chapters 12 and 15 of the Framework.

- 25** Before construction commences, a ventilation scheme for rooms where windows need to be kept closed to prevent excessive noise levels shall be submitted to and approved in writing by the Local Planning Authority.

The ventilation scheme shall provide the following information:

- a) Identify which rooms of which plots referenced back to the approved Noise Assessment require a ventilation system
- b) The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded
- c) The ventilation scheme must demonstrate:
 - How rooms shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. This should include details of the air intake location and any summer bypass for any heat recovery system including a calculation for air changes/hour. A Standard Assessment Procedure (SAP) assessment would be acceptable to demonstrate that a risk of overheating is minimised.
 - How indoor air quality will be assured.

All works which form part of the approved scheme shall be completed prior to occupation of the development and retained thereafter.

REASON: To ensure that the proposed use(s) does not give rise to the loss of amenity, by reason of noise or disturbance, and to accord with the aims of Policy ENV10 and Chapters 12 and 15 of the Framework.

26

Submission of a Phase 2 Intrusive Site Investigation Report

- A) Where further intrusive investigation is recommended in the Preliminary Risk Assessment, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Submission of Remediation Strategy

- B) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to the aforementioned, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Implementation of the Remediation Strategy

- C) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to the aforementioned condition. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site

Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Submission of Validation Report

- D) Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Unforeseen Contamination

- E) 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 prior to first occupation.

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with the adopted Uttlesford Local Plan (2005) Policies GEN2, ENV12, ENV14 and the Framework.

27

Prior to the installation of external artificial lighting a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme should include the following information:

- a) The proposed hours of operation of the lighting
- b) The location and specification of all of the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated
- d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
- e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved details.

REASON: To protect the amenities of the occupiers of adjoining properties and the rural character in accordance with adopted Uttlesford Local Plan (2005) Policies GEN2 and GEN4 and the Framework.

- 28** Prior to the electrical system being installed, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 20% of residential parking spaces that are not allocated to specific dwellings.

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational.

The measures must be installed in accordance with the approved details prior to occupation.

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 29** Prior to commencement of the development above ground floor slab level, details of renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved measures shall be implemented prior to the occupation of each unit and thereafter retained unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with the adopted Uttlesford Local Plan Policies ENV13 and GEN2, and emerging Local Plan Policy Core Policies 22, 23, 24, 25 and 34.

MANCHESTER AIRPORT GROUP

- 30** No development to take place on the SuDS attenuation basin until details of the drain down times have been submitted to the LPA for approval in

consultation with the aerodrome safeguarding authority for Stansted Airport.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN. An attenuation pond with permanent water has the potential to attract and support waterbirds and as many of these birds are more mobile and can cover larger distances than other hazardous bird species, if the pond were to attract these birds it would have the potential to result in an increased birdstrike risk for aircraft operating out of STN. Ideally the attenuation basin would be usually dry with a quick drain down time. If this is not possible then the area of open water should be as small as possible, with a continuous barrier of dense emergent and marginal vegetation to prevent terrestrial access for birds, and to prevent members of the public from getting close to the water to feed the ducks or other waterfowl. This barrier must be maintained for the life of the development and should be included in the management plans for the SuDS and landscaping.

- 31** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

SUSTAINABLE DRAINAGE

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 2.7l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

REASON:

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

In accordance with Uttlesford Local Plan Policy (2005) GEN3 and the Framework.

33

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

REASON:

The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the

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

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

In accordance with Uttlesford Local Plan Policy (2005) GEN3 and the Framework.

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

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

REASON:

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

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

In accordance with Uttlesford Local Plan Policy (2005) GEN3 and the Framework.

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

REASON:

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

In accordance with Uttlesford Local Plan Policy (2005) GEN3 and the Framework.

MISCELLANEOUS

36 Prior to works above slab level, details of how the development will meet 'Secured by Design' accreditation (2025 residential standards) principles shall be submitted to and approved in writing by the Local Planning Authority in consultation with Essex Police Designing Out Crime Officers.

The development shall be carried out in accordance with the approved details.

REASON: To ensure safe development and contribute to reducing crime, in accordance with Uttlesford Local Plan Policy (2005) GEN2(d) and paragraph 135(f) of the Framework.

37 The residential units hereby approved shall provide wheelchair user units as follows;

- 10% of market homes are M4(3)(a)(wheelchair user dwellings) compliant; and
- 20% of affordable homes are M4(3)(b) ((wheelchair user dwellings) compliant; or replacement standards unless it has been demonstrated not practically achievable or financially viable to deliver.

The remaining residential units shall comply with the relevant M4(2)(accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition, as amended.

REASON: In accordance with Policy GEN2 of the Uttlesford Local Plan 2005 and the emerging Local Plan Core Policy 53.

38 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Uttlesford District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Annex 1: Statutory consultees

1. Highways

Your Ref: UTT/25/2676/OP
Our Ref: HT/SD/RMc/61380
Date: 20/01/2026



Essex County Council

CC (by email): Cllr Barker
Essex Highways Development Management
Public Rights of Way Planning Team

Highways and Transportation
County Hall
Chelmsford
Essex
CM1 1QH

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

Recommendation

Application No.	UTT/25/2676/OP
Applicant	Manor Oak Homes Limited, Darcy Freya Champion and Madeline Carina Randall
Site Location	Land East Of Cox Ley Hatfield Heath
Proposal	Outline planning application with all matters of detail reserved (except the means of vehicular access to the site) for residential development of up to 58 dwellings and associated development

Following initial comments issued on 24th October 2025, the Highway Authority has taken the opportunity to assess the updated information which has been submitted as part of the planning application, namely, the Revised Proposed Access Plan, Revised Location Plan, Revised Proposed Parameters Plan and Revised Transport Assessment.

The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2024 and in particular paragraphs 115-117, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures

We note that the Revised Proposed Access Plan includes a note that the full details of the redundant turning head area on The Shaw are to be determined during the section 278 stage. We consider that the details of the design of the highway adjacent to the accesses must be considered at an earlier stage so have included a draft condition accordingly.

It is expected that the Sustainable Transport Contribution of £180,000 would be pooled with others to provide a 2-hourly Sunday service on route 305 – thus linking the parish into the rail network and nearest main town of Bishops Stortford on Sundays and Bank Holidays as well as linking through to the main employer and regional multi modal transport interchange at Stansted Airport.

Our Public Rights of Way team have asked that it be highlighted to the applicant that as a public path order is required, there is an element of uncertainty/risk in relying on the diversion of a public right of way. The applicant should also note that any new 'public walking routes' across the site would not be formally added to the public rights of way network, and that there is no requirement for gates/stiles on the footpaths given the change of use of the field.

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

1. **Construction Management Plan:** no development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority, in consultation with the local highway authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - a. safe site access for construction traffic,
 - b. parking of vehicles of site operatives and visitors,
 - c. loading and unloading of plant and materials,
 - d. storage of plant and materials used in constructing the development,
 - e. wheel and underbody washing facilities,
 - f. routing strategy for construction vehicles,
 - g. delivery management strategy taking into consideration the proximity of the primary school,
 - h. protection of public rights of way within and adjacent to the site,
 - i. before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

Reason: in the interests of highway safety and efficiency in accordance with Policies DM1 and DM20 of the Highway Authority's Development Management Policies as County Council Supplementary Guidance

2. **Vehicular access:** prior to occupation of the development, two accesses, one from Cox Ley and one from The Shaw, as shown in principle on drawing no. 789-TA110 Rev D, to include but not limited to: minimum 5.5 metre carriageway width and 2x 2 metre wide footways and appropriate speed-restraint measures shall be provided and retained thereafter.

Reason: to ensure safe vehicular access to the site in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance

3. **Highway works:** no development shall commence until the design details of the off-site highway works required to facilitate each of the access points has been submitted to and approved in writing by the planning authority, in consultation with the highway authority, incorporating the recommendations noted in the Stage 1 Road Safety Audit report. Once approved, each approved scheme of highway works shall be completed ahead of first use of the relevant access, including use by construction traffic

Reason: to ensure safe vehicular access to the site in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance

4. **Vehicle parking and turning:** the proposed development shall not be occupied until such time as appropriate vehicle parking and turning areas have been provided in accordance with the 2024 EPOA Essex Parking Guidance. The vehicle parking and turning areas shall be retained in this form at all times.

Reason: to encourage the use of off-street parking, to ensure adequate space for parking off the highway and to ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance

5. **Cycle parking:** the proposed development shall not be occupied until such time as appropriate cycle parking for residents and visitors has been provided in accordance with the 2024 EPOA Essex Parking Guidance. The cycle parking provision will be secure, convenient and covered and shall be retained in this form at all times.
-

Reason: to ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance

6. **Public Rights of Way:** the public's rights and ease of passage over public footpaths 12 and footpath 56 (Hatfield Heath 297) shall be maintained free and unobstructed at all times. All new planting to be set-back 3m from the definitive route of each of the public footpaths.

Reason: to ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance

7. **Public Right of Way diversion:** no development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way of footpath 56 (Hatfield Heath 297) has been concluded

Reason: to ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance

8. **Bus Infrastructure:** prior to occupation of the development, the provision of the following bus infrastructure entirely at the developer's expense:
 - a. 28" stretch TFT in-shelter real-time passenger information display to be installed at the bus stop known as The White Horse o/s (id: 1500IM2188)
 - b. 32" free-standing TFT real-time passenger information display mounted on its own pole (id: 150020011012)

Furthermore, prior to occupation of the development, payment of commuted sums to cover maintenance of each real-time passenger information display:
£10,845.09 per display (indexed from the date of this recommendation)

Reason: in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance

9. **Sustainable Transport Contribution:** prior to occupation of the development, payment of a financial contribution of £180,000 (indexed from the date of this recommendation) shall be paid to fund improvements to enhance bus services in the vicinity of the development improving the frequency, quality and/or geographical cover of bus routes that serve the site.

Reason: to improve the accessibility of the development by bus and in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary

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

Reason: in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance

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

Informatives:

- (i) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- (ii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicant should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- (iii) Prior to any works taking place in public highway or areas to become public highway, the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims, a cash deposit or bond may be required.
- (iv) Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway
- (v) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath 12 (Hatfield Heath 297) and public footpath 56 (Hatfield Heath 297) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route at the highway authority's discretion. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

The Public Path Order process is separate to the planning application process. An application to permanently divert a public right of way, as proposed, will need to be made to the Local Planning Authority, and work cannot commence to interfere with the existing definitive route until the relevant order has completed

2. SUDs / Lead Local Flood Authority

Essex County Council
**Development and Flood Risk
Environment and Climate Action,**
C426 County Hall
Chelmsford
Essex CM1 1QH



Genna Henry
Uttlesford District Council
Planning Services

Date: 10th October 2025
Our Ref: SUDS-008540
Your Ref: UTT/25/2676/OP

Dear Sir/Madam,

Consultation Response – UTT/25/2676/OP - Land East Of Cox Ley Hatfield Heath

Thank you for your email received on 02/10/2025 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

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

Condition 1

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
-

- Limiting discharge rates to 2.7l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason

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

Condition 2

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

Reason

The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering

takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

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

Condition 3

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

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

Reason

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

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

Condition 4

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

Reason

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

We also have the following advisory comments:

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

drainage strategy please endeavour to use the updated climate change figures
Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment

on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

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

Yours sincerely,

Anna Murphy
Development and Flood Risk Officer
Team: Green Infrastructure and Sustainable Drainage
Service: Climate Action and Mitigation
Essex County Council

Internet: www.essex.gov.uk

Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help

prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

3. Natural England

Date: 18 November 2025
Our ref: 529740
Your ref: UTT/25/2676/OP



Uttlesford District Council
planning@uttlesford.gov.uk
BY EMAIL ONLY

Consultations
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW11 6GJ

T 0300 060 900

Dear Sir / Madam

**Planning consultation: Outline planning application all matters of detail reserved (except the means of vehicular access to the site) residential development of up to 58 dwellings, associated development
Location: Land East Of Cox Ley Hatfield Heath**

Thank you for your consultation on the above dated 09 October 2025 which was received by Natural England on the same date.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

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

To mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- Financial contribution towards Strategic Access Management and Monitoring (SAMM) measures identified by the National Trust as landowners of £1,333.60 per new residential dwelling;
AND
- The provision of on-site Accessible Natural Greenspace (ANG) of sufficient high quality and size (refer to [GI Standards \(naturalengland.org.uk\)](https://www.naturalengland.org.uk));
AND
- a signposted circular dog walking route of around 2.3-2.5 km from the new development, which could potentially make use of pedestrian links (PRoW and highways) in the local area.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered, and relevant local bodies are consulted. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Hatfield Forest SSSI / NNR - further advice

Hatfield Forest is a National Nature Reserve (NNR). It is nationally designated as a Site of Special Scientific Interest (SSSI) and regarded to be of international importance for its ancient wood pasture-forest habitats. The interest features of these habitats are vulnerable to recreational impacts and within recent years there has

been increasing concern regarding the number of visitors. It has been noted that there have been significant increases in visitor numbers, linked to nearby residential development. Both Natural England and the National Trust therefore have concerns regarding the impacts of increasing visitor pressure on the designated site and it is apparent that the current number of visitors is exceeding carrying capacity of some important SSSI habitats and features.

The National Trust has undertaken visitor surveys to establish a Zone of Influence (ZOI) for recreational impacts to Hatfield Forest SSSI / NNR, which has been determined to be 11.1km. Natural England regards this information as material and therefore would anticipate that the application be assessed in the context of these issues and the strategic mitigation solution to address recreational pressure impacts. Please note Natural England's Impact Risk Zones have since been updated to reflect this ZOI. New residential housing within this ZOI is likely to damage the interest features of Hatfield Forest SSSI/NNR.

The evidence in relation to recreational pressure has been shared with your authority and we wrote to all Local Planning Authorities identified as falling within the ZOI to confirm Natural England's position. The strategic mitigation solution comprises two elements:

- 1) Strategic Access Management and Monitoring (SAMM) package of measures undertaken within Hatfield Forest NNR/SSSI, to increase the resilience of the ancient woodland to recreational pressure; and,
- 2) For larger developments of 50+ dwellings, on and/or off site measures.

LPA Council Members are due to be consulted on a final draft Governance Agreement relating to the Mitigation Strategy in summer 2025. Please refer to the letter from Natural England to the partner LPAs and the National Trust dated 19 June 2025 (available from the LPAs) for the most recent update on the strategic mitigation solution.

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

We draw your attention to appeal reference s62A/2023/0019RD (Land to the north of Roseacres, between Parsonage Road and Smiths Green Lane, Takeley, Essex, CM22 6NZ (Land also known as Bull Field, Warish Hall Farm, Takeley, Essex)), with respect to the Hatfield Forest SSSI/NNR strategic mitigation solution.

Natural England advises that permission should not be granted until such time as the following mitigation measures have been secured through a planning condition / obligation:

- Financial contribution towards Strategic Access Management and Monitoring (SAMM) measures identified by the National Trust as landowners of £1,333.60 per new residential dwelling;
AND
- The provision of on-site Accessible Natural Greenspace (ANG) of sufficient high quality and size (refer to [GI Standards \(naturalengland.org.uk\)](https://www.naturalengland.org.uk));
AND
- a signposted circular dog walking route of around 2.3-2.5 km from the new development, which could potentially make use of pedestrian links (PRoW and highways) in the local area

Other advice

Local Nature Recovery Strategy (LNRS)

Earlier this year, government updated Natural Environment and Plan-making [Planning Practice Guidance on LNRSs](#). These updates include references to how LNRSs will provide valuable evidence for plan making and may contain information to support decisions on planning applications. The guidance also provides clarity on how local planning authorities have regard to LNRSs in both the plan making and decision-making process.

With this in mind it should be noted that the proposed development sits within a site identified as high opportunity Lowland heath habitat within Essex LNRS. This is of particular importance as a strategic creation opportunity and holds the greatest potential to deliver benefits for nature and the broader environment.

We encourage the developers to engage with the local authority to understand how your project can contribute to broader nature recovery efforts via Biodiversity Net Gain with the LNRS in mind. This can be done in collaboration with environmental organisations and local community groups to implement nature-based solutions at development sites aligning with the objectives of the LNRS, creating Nature-rich health environments for residents to live.

The Local Nature Recovery Strategy is an evidence base which contains information that may be a 'material consideration' in the planning system, especially where development plan documents for an area pre-date Local Nature Recovery Strategy publication. It is for the decision-maker to determine what is a relevant material consideration based on the individual circumstances of the case

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter, please contact Betsy Brown as case officer, via consultations@naturalengland.org.uk.

Yours sincerely

Fiona Martin
Strategic Solutions Senior Officer
West Anglia Team

4. Manchester Airport Group (MAGS)



Our ref: STN 2025-236

22 October 2025

Development Control
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Appn. No.: UTT/25/2676/OP
Proposal: Outline planning application with all matters of detail reserved (except the means of vehicular access to the site) for residential development of up to 58 dwellings and associated development
Location: Land East Of Cox Ley Hatfield Heath

Dear UDC,

Thank you for consulting with the aerodrome safeguarding authority for Stansted Airport on the above application. We have no objections subject to the following conditions and informatives:

- **Condition:** No development to take place on the SuDS attenuation basin until details of the drain down times have been submitted to the LPA for approval in consultation with the aerodrome safeguarding authority for Stansted Airport.
Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN. An attenuation pond with permanent water has the potential to attract and support waterbirds and as many of these birds are more mobile and can cover larger distances than other hazardous bird species, if the pond were to attract these birds it would have the potential to result in an increased birdstrike risk for aircraft operating out of STN. Ideally the attenuation basin would be usually dry with a quick drain down time. If this is not possible then the area of open water should be as small as possible, with a continuous barrier of dense emergent and marginal vegetation to prevent terrestrial access for birds, and to prevent members of the public from getting close to the water to feed the ducks or other waterfowl. This barrier must be maintained for the life of the development and should be included in the management plans for the SuDS and landscaping.
- **Condition -** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.
Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.
- **Informative -** No lighting directly beneath any roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk.
Reason: Flight safety - to prevent distraction or confusion to pilots using Stansted Airport.

Continued...



- The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

Sincerely,

MAG Group Aerodrome Safeguarding Team
[Stansted Airport](#) | [East Midlands Airport](#) | [Manchester Airport](#)
[Aerodrome Safeguarding | Manchester Airport](#)
www.magairports.com

