

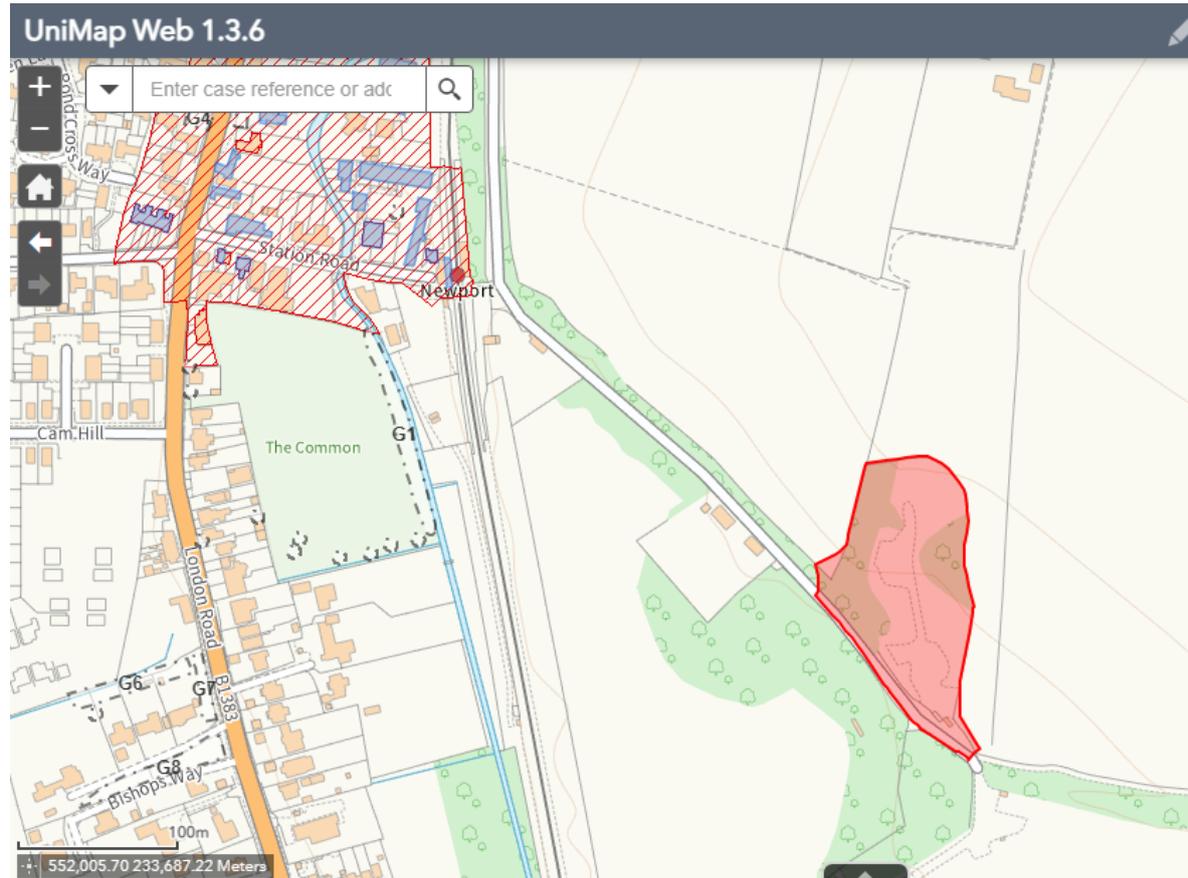
ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 11 March 2025

REFERENCE NUMBER: UTT/25/0866/FUL

LOCATION: Land To The North East Of
Chalk Farm Lane
Newport

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: January 2026

PROPOSAL: Section 73A Retrospective application for change of use to accommodate 4 no. traveller pitches (including 1 no. static caravan and 1 no. mobile caravan each) together with associated development, parking and access road (including engineering operations to reprofile the earth bunds).

APPLICANT: Mr P O'Connor

AGENT: gclarkitecture Ltd (Mr G Clark)

EXPIRY DATE: 17 June 2025

EOT EXPIRY DATE: 16 March 2026

CASE OFFICER: Mr Avgerinos Vlachos (Principal Planning Officer)

NOTATION: Outside Development Limits.
County Wildlife Site (Newport Pond Chalk Pit).
Within Archaeological Site (Southern Corner).
Contaminated Land Historic Land Use Area.
Within 2km of SSSI / Impact Risk Zone of Designated Nature Conservation Site (Debden Water SSSI).
Public Right of Way (Byway – South).
Public Right of Way (Footpath – North).
Within 100m of Local Wildlife Site (Newport Pond Chalk Pit).

REASON THIS APPLICATION IS ON THE AGENDA: Major application.

1. EXECUTIVE SUMMARY

1.1 This is a section 73A Retrospective application for change of use to accommodate 4 no. traveller pitches (including 1 no. static caravan and 1 no. mobile caravan each) together with associated development, parking and access road (including engineering operations to reprofile the earth bunds). The application does not propose dwellinghouses.

1.2 The application was assessed against the current and the emerging Local Plans and was found to be in an accessible location. The development would conflict with the spatial strategies of the Local and Neighbourhood Plans but would accord with the up-to-date spatial strategy of the Emerging Local Plan (eLP). It would create limited combined harm to the

area's character and appearance: first, the extent of the remaining undeveloped land, the low-key nature of the caravans and the use of an existing access would ensure a low impact on the key characteristics and key landscape qualities and sensitivities of the landscape character area; and secondly, views from the access would be restricted within the site boundaries due to the local topography instead of visually connecting the site with the open arable landscape. The proposal would be in keeping with the scale of Newport and would not dominate the settled community.

1.3 The Council is unable to demonstrate a supply of 5 years' worth of sites, as required by the Planning Policy for Traveller Sites (PPTS, 2024), and would comply with Core Policy 60 of the eLP which supports windfall traveller sites subject to addressing an identified need and other criteria – given the shortfall, this would attract significant weight. The lack of alternative accommodation for the applicant, their personal circumstances and the Council's Public Sector Equality Duty also weigh in the proposal's favour. The residential amenity of the occupants and the nearby residents would be safeguarded following confirmation from Environmental Health, and the scheme would deliver Biodiversity Net Gain. A drainage strategy was employed, and its sustainable drainage system (SUDS) measures would be conditioned.

1.4 The Neighbourhood Plan does not benefit from the protections of paragraph 14 of the NPPF here because of the unmet need for this type of housing. 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 proposals would **not** significantly and demonstrably outweigh the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination, in accordance with paragraph 11(d)(ii) of the NPPF.

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) Conditions.

3. SITE LOCATION AND DESCRIPTION

3.1 The application site comprises open land, located to the south-east of Newport. The site has a high earth bund with an access gap on the southern boundary, an undulating topography sloping up north and sharp slopes along the northern and eastern site boundaries. The southern part of the site was occupied by caravans and the land and earth bund were recently reprofiled through engineering operations (without permission). Before the interventions, the site had more of a pastureland appearance.

North, north-east and north-west of the site are arable fields and south-east is a chalk quarry. West of the site are some residential properties, the railway line and the village of Newport. The site is close to the Newport Railway Station and the High Street. Chalk Farm Lane is a public byway and there is a public footpath further north from the site.

4. PROPOSAL

4.1 This is a section 73A Retrospective application for change of use to accommodate 4 no. traveller pitches (including 1 no. static caravan and 1 no. mobile caravan each) together with associated development, parking and access road (including engineering operations to reprofile the earth bunds). The application does not propose dwellinghouses.

4.2 The application includes the following documents:

- Application form
- Biodiversity checklist
- BNG assessment statement
- Contamination report
- Planning statement
- Preliminary ecological appraisal
- Superseded SUDS supporting information (x2)
- Superseded BNG metric (x2)
- Superseded noise impact assessment
- Drainage strategy
- Updated noise impact assessment
- Response to Environmental Health
- Personal circumstances statement
- Response from the Ecologist
- Revised BNG metric
- Application form (part) certificate C
- Revised SUDS calculation
- Additional – biodiversity enhancement strategy
- Additional – BNG assessment report
- Additional – BNG condition sheets
- Additional – ecological assessment to accompany BNG
- Additional – landscape and ecological management plan
- Revised BNG metric.

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 None.

7. PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Paragraph 40 of the NPPF states that 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 Pre-application discussions have not been held with officers of Uttlesford District Council prior to the submission of the application. No statement of community involvement has been submitted prior to the submission of this application but interested parties were consulted as necessary and their comments considered as part of the planning assessment below.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 No objections without conditions (see full response in **Appendix 1**).

8.2 Natural England

8.2.1 No objections subject to a condition (see full response in **Appendix 2**).

8.3 Manchester Airport Group (Safeguarding Authority for Stansted Airport)

8.3.1 No objections without conditions (see full response in **Appendix 3**).

8.4 Lead Local Flood Authority

8.4.1 No objections subject to a condition (see full response in **Appendix 4**).

8.5 Environment Agency

8.5.1 No comments (see full response in **Appendix 5**).

9. PARISH COUNCIL COMMENTS

9.1 Comments from the Parish Council:

- Retrospective application.
- Inappropriate development in the countryside.
- Outside development limits.
- Contrary to policy NQRHA1 of the Neighbourhood Plan.
- Site is disused and overgrown quarry.
- Site cleared from February 2025 and hardstanding installed.
- Unauthorised development for engineering operations and caravans.
- Unclear rationale for the works starting before permission.
- Domestic paraphernalia reported to UDC enforcement.

- Blue line boundary larger than the site.
- Blue line land cleared.
- Previously developed land as a former quarry but fully overgrown.
- Neighbouring chalk quarry permission required reinstatement of the land.
- Neighbourhood Plan less than 5 years old and meets housing requirement.
- Paragraph 14 of the NPPF applies.
- Out-of-date traveller needs assessment (2017) – need and provision changed.
- Emerging Local Plan identifies need for 18 no. pitches.
- Emerging Local Plan provides for additional pitches by expanding existing sites in Core Policy 60.
- Sustainable location.
- Policy NQRTR1 of the Neighbourhood Plan requires safe pedestrian footway connection to the village.
- Emerging Local Plan carries little weight.
- Evidence base carries material weight.
- Spreadsheet for traveller need assessment (28 February 2025) does not identify Newport as a location.
- PPTS (December 2024) seeks to reduce the number of unauthorised developments & make enforcement more effective.
- PPTS states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- PPTS states that LPAs should very strictly limit new traveller site development in open countryside.
- Chalk Farm Lane is a frequently used public byway.
- Clearance works resulted in substantial bank.
- Highway safety concerns.
- Lane vulnerable to further damage.
- Visibility of the site.
- Sewage arrangements not clear or suitable.
- Utilities not clear.
- Refuse collection concerns.
- Pollution concerns should inform SUDS strategy.
- Ecological and biodiversity concerns.
- Clearance works (habitat degradation) – BNG assessment not accurate.
- Original objection remains.
- Amended location plan with land included outside the applicant's ownership.
- Looking at the original location plan this also extended slightly at the point of the boundary to the south of the proposed site, but not to the same extent as the revised plan.

9.2 Comments on behalf of the Parish Council (Mark Jackson Planning):

- Insufficient evidence and details.

- Very little information for personal circumstances.
- Retrospective application.
- Insufficient information for alternative accommodation.
- Representations made by other interested parties.
- The application should be determined in accordance with the development plan unless material considerations indicate otherwise.
- Main planning considerations should include:
 - Whether there is sufficient information to determine the application
 - Whether the location is suitable for a traveller site having regard to the Development Plan, the NPPF and the PPTS
 - Impact on character and appearance of the area.
- Policy S7 not fully consistent with the NPPF.
- Policy S7 of the Local Plan does not address the types of uses appropriate in the countryside.
- Outside development limits / within countryside.
- Traveller sites in the countryside not in-principle acceptable.
- Contrary to policy NQRHA1 of the Neighbourhood Plan.
- Other material considerations may apply.
- Policy H of the PPTS applies.
- Disused quarry.
- Land to the north owned by the applicant.
- Site enclosed by peripheral spoil, bramble and scrub.
- Public byway popular.
- Nearest dwelling 150 metres away.
- Train station 450 metres away accessed through the byway.
- Primary school 1 km away.
- Bus stop 630 metres away.
- Shops 700 metres away.
- GP surgery 1.4 km away.
- Isolated site in the countryside.
- Heavy reliance on motor cars.
- Inappropriate living environment for travellers (due to noise, air pollution, dust).
- Only working chalk quarry in Essex.
- Quarry accessed from the south.
- Heavy vehicles operating 60 metres from the site.
- PPTS and Local Plan does not specifically preclude traveller sites in the countryside.
- PPTS states that LPAs should very strictly limit new traveller site development in open countryside.
- Falls within the Cam Valley of the Essex Landscape Character Assessment.
- Tranquil landscape impacted by traffic noise.
- Open countryside character in the area.
- Chalk Farm Quarry and recent changes on the site harm the character and appearance of the area.

- Highly visible and imposing caravans.
- Landscape harm.
- Sloping ground makes bunding or landscaping unable to prevent harm to the landscape.
- Insufficient details for the extent and height of the bund.
- Insufficient details for the position of the section on the site plan.
- Insufficient information for landscape impacts.
- No Landscape and Visual Impact Assessment submitted.
- Development should contribute to and enhance the natural and local environment.
- Site not formally recognised as valued landscape.
- Previous overgrown state of the site made significant contribution to the character of the surrounding open countryside.
- Serious harm to character and appearance.
- Layout and landscaping proposed will mitigate harm to an extent.
- Harmful effect on wildlife.
- Hedgerows, semi-natural grasslands already destroyed.
- Contrary to policies GEN7, ENV8 of the Local Plan.
- Contrary to local and national policies.
- Unsuitable, inconvenient location.
- The Council should assess whether there is an unmet need for gypsy and traveller sites and lack of supply sites, and consider personal circumstances of the occupiers (including whether they had any alternative accommodation).
- Emerging Local Plan currently at examination.
- Emerging Local Plan Core Policy 60 submits that the 18 no. pitches proposed will meet demand for the travelling community by 2028, but the LPA believes that this is unlikely to be sufficient.
- If permission were to be granted, further evidence and detail is desirable prior to determination.
- If permission were to be granted, effective and appropriate conditions necessary.
- If permission were to be granted, Environmental Health concerns regarding noise should be addressed.
- If permission were to be granted, the proposed cesspit should be covered.
- Piecemeal development.
- Unsustainable, inappropriate development.
- Harm to the countryside.
- Should be refused.
- Attached the Council Response to Issue 2 Other Environmental Matters (May 2025).
- Council Response to Issue 2 Other Environmental Matters (May 2025): *“new evidence includes need figures that represent a significant uplift from the interim position referred to above. Following recent discussion with the consultants, the Council is content this uplift does relate to a genuine need, albeit the Council*

had not been aware of this when preparing the Regulation 19 Plan” (paragraph 29).

- Council Response to Issue 2 Other Environmental Matters (May 2025): *“the most appropriate solution to be the preparation of a standalone Development Plan Document to address the newly identified need. [...] the uplift in need is of sufficient scale that multiple allocations for new gypsy and traveller sites are likely to be required” (paragraph 33).*

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to conditions.

10.2 Place Services (Ecology)

10.2.1 No objections subject to conditions.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and notification letters were sent to nearby properties. Representations have not been received by members of the public apart from anonymous grouped letters. However, the Council on its website states *“All comments made on planning applications must be made available for public inspection. This means that: your comment, name and address will be included with the planning application documents; we'll publish your comment, name and address with the application on our website”*, and therefore such anonymous comments shall not be taken into account for decision-making purposes.

11.2 Ward members' comments:

11.2.1 Cllr Hargreaves provided the following comments:

- **Object:**
 - Location contrary to policy NQRHA1 of the Neighbourhood Plan.
 - Neighbourhood Plan carries full weight as it is less than 5 years old and meets its housing requirement.
 - Paragraph 14 of the NPPF applies.
 - Revised Neighbourhood Plan in progress.
 - Site assessed for the Neighbourhood Plan revision but considered too isolated as a standalone site.
 - Site was considered for capacity of 20 no. dwellings.
 - Neighbourhood Plan requires provision of safe pedestrian and cycling access to the village.
 - Proposal contrary to NPPF requirement to fully utilise sites and available previously developed land.
 - Fails to make efficient use of the land.
 - Under-utilising the site with good public transport.

- 300 dwellings allocated to the Neighbourhood Plan to allocated by the emerging Local Plan.
- Contrary to paragraphs 130(d) and 147(b) of the NPPF.
- Support for Ecology and Natural England responses.
- Conditions necessary for foul drainage and prohibition of outflows.
- Impact on SSSI tenuous.
- Concerns over impact on water quality (River Cam chalk stream).
- Lowland wetland immediately to the west.
- Flood risk and drainage concerns.

11.3 Comment

11.3.1 Land ownership issues and issues around the deliverability of a planning permission are not planning issues. These and other civil matters have not been taken into consideration for the purposes of this report.

12. MATERIAL CONSIDERATIONS

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

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

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

12.3 The Development Plan

12.3.1 Essex Minerals Local Plan (adopted July 2014)
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
 Uttlesford District Local Plan (adopted 2005)
 Felsted Neighbourhood Plan (made February 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport, Quendon & 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).

12.4 Human Rights Act

12.4.1 Members of the Gypsy, Roma, Traveller community, like all members of the public, have a right to respect for private and family life under Article 8 of the Human Rights Act 1998. There may be implications under Article 1 and Article 8 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; these issues have been taken into account in the determination of this application.

12.4.2 Article 14 requires that all the rights and freedoms set out in the Act must be protected and applied without discrimination. The Human Rights Act makes it unlawful to discriminate on a wide range of grounds, including sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2024)
Planning Policy for Traveller Sites (2024).

13.2 Uttlesford District Local Plan (2005)

13.2.1	S7	The Countryside
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN6	Infrastructure Provision to Support Development
	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
	ENV8	Other Landscape Elements of Importance for Nature Conservation
	ENV10	Noise Sensitive Development
	ENV11	Noise Generators
	ENV12	Protection of Water Resources
	ENV13	Exposure to Poor Air Quality
	ENV14	Contaminated land

13.3 (Emerging) Uttlesford Local Plan 2021-2041

13.3.1

Core Policy 1	Addressing Climate Change
Core Policy 3	Settlement Hierarchy
Core Policy 5	Providing Supporting Infrastructure and Services
Core Policy 26	Providing for Sustainable Transport and Connectivity
Core Policy 27	Assessing the Impact of Development on Transport Infrastructure
Core Policy 28	Active Travel - Walking and Cycling
Core Policy 29	Electric and Low Emission Vehicles
Core Policy 30	Public Rights of Way
Core Policy 31	Parking Standards
Core Policy 33	Managing Waste
Core Policy 34	Water Supply and Protection of Water Resources
Core Policy 36	Flood Risk
Core Policy 37	Sustainable Drainage Systems
Core Policy 38	Sites Designated for Biodiversity or Geology
Core Policy 39	Green and Blue Infrastructure
Core Policy 40	Biodiversity and Nature Recovery
Core Policy 41	Landscape Character
Core Policy 42	Pollution and Contamination
Core Policy 43	Air Quality
Core Policy 44	Noise
Core Policy 52	Good Design Outcomes and Process
Development Policy 9	Public Art
Core Policy 55	Residential Space Standards
Core Policy 60	The Travelling Community
Core Policy 64	Archaeological Assets
Core Policy 66	Planning for Health and Well-being
Core Policy 67	Open Space, Sport and Recreation
Core Policy 70	Communications Infrastructure

13.4 Neighbourhood Plan**13.4.1**

The Newport, Quendon & Rickling (NQR) Neighbourhood Plan was made on 28 June 2021, pending review since April 2023. Public consultation run for the Regulation 14 Pre-submission Neighbourhood Plan in October – November 2025 and the plan is now being reviewed by residents and the two parish councils. The relevant policies from the made plan are shown below.

13.4.2

NQRHA1	Coherence of the villages
NQRGSE1	Surface water discharges into watercourses
NQRGSE2	Footpaths and access to the countryside
NQRHA2	Connection with the countryside
NQRHA3	Building in the countryside
NQRHD1	Parking Standards
NQRHD2	Housing Design

NQRHD3	Use of Specimen Trees
NQRTR1	Extension of footways

13.5 **Supplementary Planning Document or Guidance**

- 13.5.1** Supplementary Planning Document – Uttlesford District-Wide Design Code (2024)
 Supplementary Planning Document – Developer’s Contributions (2023)
 Essex Design Guide
 Uttlesford Interim Climate Change Planning Policy (2021)
 Essex County Council’s Developers’ Guide to Infrastructure Contributions (2025)
 Parking Guidance – Part 1: Parking Standards Design and Good Practice (2024)
 Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009).

14. **CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle / Character and appearance (S7, GEN1, GEN2, ENV3, ENV5, NQRHA1, NQRHA2, NQRHA3, NQRHD2, NQRHD3, Core Policies 3, 26, 27, 28, 41, 52, 60, SPD Uttlesford District-Wide Design Code, Essex Design Guide, NPPF)**
 - B) Residential amenity / Climate change and resources (GEN2, GEN4, GEN5, ENV10, ENV11, Core Policies 1, 29, 43, 44, 55, 60, 66, SPD Uttlesford District-Wide Design Code, Essex Design Guide, Interim Climate Change Planning Policy, NPPF)**
 - C) Access and parking (GEN1, GEN8, NQRHD1, NQRTR1, NQRGSE2, Core Policies 27, 30, 31, 60, parking standards, NPPF)**
 - D) Ecology (GEN7, ENV8, Core Policies 38, 39, 40, NPPF)**
 - E) Contamination (ENV14, ENV12, ENV13, Core Policies 34, 42, NPPF)**
 - F) Archaeology (ENV4, Core Policy 64, NPPF)**
 - G) Flood risk and drainage (GEN3, GEN6, NQRGSE1, Core Policies 5, 36, 37, NPPF)**
 - H) Other matters (Core Policies 33, 67, 70, Development Policy 9)**
 - I) Paragraph 11 and the planning balance**

14.3 **A) Principle / Character and appearance (S7, GEN1, GEN2, ENV3, ENV5, NQRHA1, NQRHA2, NQRHA3, NQRHD2, NQRHD3, Core Policies 3, 26, 27, 28, 41, 52, 60, SPD Uttlesford District-Wide Design Code, Essex Design Guide, NPPF)**

14.3.1 Emerging Local Plan:

The emerging Uttlesford Local Plan 2021-2041 (eLP), following Hearing sessions in June 2025, a Post Hearing Note in August 2025 and a public

consultation for a Main Modifications schedule in September – October 2025, was found **sound and legally compliant at examination** (16 January 2026) subject to Main Modifications. Whilst the eLP does not form part of the statutory Development Plan (until adoption day), given its very advanced stage, the absence of any substantive objections and the high degree of consistency with the NPPF, **moderate to significant** weight would be afforded to its policies (see paragraph 49 of the NPPF). The eLP has now taken the route to adoption, which officers expect in March 2026.

14.3.2 The assessment of the scheme in this report was made under both the current Local Plan and the eLP.

14.3.3 Efficient use of land:

The Application form states the site was used for storage and associated works in relation to the nearby quarry to the south and the topographical diagram (Feb 2025) shows spoil heaps and a gravel track road through the site. The site however is **not** previously developed land as there are no planning records to suggest otherwise¹.

14.3.4 Paragraph 124 of the NPPF requires decisions to promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment, whilst paragraph 125(d) of the NPPF states that decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. The land does not seem to have been lawfully used for commercial activities or in connection with agricultural uses given its topography and lower quality (see 'Agricultural land' below). Therefore, the application gains **moderate** support from paragraphs 124, 125(d) of the NPPF subject to character and appearance impacts (see below).

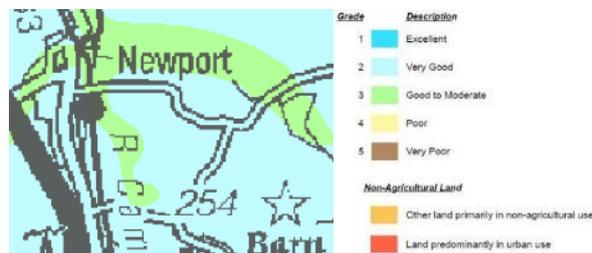
14.3.5 Paragraph 27(a) of the Planning Policy for Traveller Sites (PPTS, 2024) states that, when considering applications, LPAs should attach weight to (a) the effective use of previously developed (brownfield), untidy or derelict land. From the available evidence, the site, as existed before the unauthorised development, was covered by some trees and low-level shrubs until at least 2009 when satellite imagery shows the formation of its current access. The green cover was very much reduced by 2018 due to activities potentially in connection with the chalk quarry nearby but by 2020 these seem to have been ceased with the land gradually returning to its previous verdant and pasture appearance in the following years (see images). The southern part of the site has remained open and clear since at least 2017. Considering the above, whether lawful or not, previous activities on the site have made the land appear untidy or derelict, and therefore a more effective use of such land would gain **moderate** support from paragraph 27(a) of the PPTS.

¹ The County's planning records (e.g. ESS/23/01/UTT, ESS/111/22/UTT, ESS/23/01/UTT/R, ESS/21/10/UTT, ESS/21/10/UTT/19/1) show only the quarry site to the south of the current site.



14.3.6 Agricultural land:

By default, the site comprises Grade 3 ('Good to Moderate' quality) agricultural land, which is not part of the district's best and most versatile agricultural land, and therefore the scheme would comply with policy ENV5 of the Local Plan, which states that where development of agricultural land is required, developers should seek to use areas of poorer quality.



14.3.7 Local economy and social nexus:

The proposals would provide a **limited** contribution to the local economy during construction via potential employment of local builders and suppliers of materials, and post-construction via reasonable use of local services in the village or in nearby villages by the occupants. The occupants would likely contribute to a modest degree to the social life of Newport and help support its services, in accordance with paragraph 83 of the NPPF.

14.3.8 Location and accessibility:

Policy GEN1(e) of the Local Plan encourages movement by means other than driving a car, which is consistent with the NPPF as the latter supports transport solutions that promote walking, cycling and public transport use (paragraph 109(e) of the NPPF) and seeks to ensure that sustainable transport modes are prioritised taking account of the vision of the site, the type of development and its location (paragraph 115(a) of the NPPF). Therefore, policy GEN1(e) of the Local Plan shall be afforded **significant** weight.

14.3.9 The site is near Newport Train Station (6' walk – 450 metres) and the High Street (8' walk – 600 metres). Bus stops nearby involve the Station Road stop (8' walk – 600 metres); this provides an hourly service (301) six times a week that runs north to Saffron Walden and south to Stansted and Bishop's Stortford. The nearest doctor's surgery is Newport Surgery (17' walk – 1.2 km) and the nearest school is Newport Primary School (14' walk – 1 km).

- 14.3.10** Considering the above and despite the concerns raised by the Parish Council, locational sustainability cannot reasonably warrant a reason for refusal. The occupants of the caravans would be able to access public transport options and everyday services within appropriate distances on the public byway where traffic is sparse and of low speed. The location provides good accessibility to services, facilities and public transport. The development would comply with policy GEN1(e) of the Local Plan, Core Policy 60 (part v) of the eLP, and paragraphs 109(e), 115(a) of the NPPF.
- 14.3.11** The eLP raises the standards for locational sustainability. Core Policy 26 of the eLP requires that sustainable modes of transport are (not just available but) prioritised in new developments to promote accessibility and integration with the wider community and existing networks. Priority should be given to cycle and pedestrian movements and providing access to public transport. Similarly, Core Policy 27 states that proposals should prioritise active travel over the use of the car, including providing walking and cycling connections to key services in the town. On this occasion, cycle/pedestrian movements and access to public transport are being prioritised due to the location of the site. The development would accord with Core Policies 26 and 27 of the eLP. Good accessibility to services and public transport means that these and the above policy compliances weigh **significantly** in favour of the development.
- 14.3.12** Spatial strategy:
Turning to the spatial strategies of the Development Plan and the eLP, the site lies outside the development limits of the Local Plan and the NQR Neighbourhood Plan being within the countryside. For the purposes of the eLP, the site is in the open countryside.
- 14.3.13** Case law² defined ‘isolation’ as the spatial/physical separation from a housing settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. Paragraph 26 of the Planning Policy for Traveller Sites (PPTS, December 2024) states that LPAs should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the Development Plan.
- 14.3.14** The site is **not** isolated due to the houses nearby³ and its proximity to the development envelope of Newport (6’ walk – 450 metres, or 300 metres from the closest corner as the crow flies) that can be easily reached on foot or bicycle. The site is not remote in the open countryside but near a Key Rural Settlement (see Local Plan) and Local Rural Centre (see eLP). Neither the above nor the PPTS require the site to be adjacent to Newport to avoid being isolated. In addition, the railway line does not quarantine the building envelope of Newport given the presence of dwellings on the eastern side of the railway on the northern part of the village. Therefore, the proposal would comply with paragraph 26 (first part) of the PPTS

² *Braintree DC v SSCLG [2018] EWCA Civ. 610.*

³ Chalk Farm and the extant dwelling approved under UTT/24/1472/FUL (originally UTT/23/1311/FUL).

given that the site is in the open countryside but close to the existing settlement.

- 14.3.15** For the open countryside, Core Policy 3 of the eLP confirms that development will not be permitted unless specifically supported by other relevant policies in the Development Plan or national policy. Development Policy 1 does **not** apply here as it refers to new dwellings only. The current Development Plan (i.e. Local Plan and Neighbourhood Plan) contains no policies for traveller pitches and the proposal was found to comply with Core Policy 60 of the eLP and the PPTS (see 'Gypsies and travellers' below). Therefore, the proposal would accord with the spatial strategy and Core Policy 3 of the eLP, which would attract **significant** weight given the up-to-date nature of the plan.
- 14.3.16** Turning to the current Local Plan, the 1st part of policy S7 of the Local Plan which states that the countryside will be protected for its own sake goes beyond the NPPF provisions that do not set an overarching protection to the countryside and would be afforded **negligible** weight. The 2nd part of policy S7 states that permission will only be given for development that needs to take place there, or is appropriate to a rural area. The proposal is not for agricultural or commercial uses that would need to take place in the countryside, but development limits are out-of-date and there is a need for caravan pitches (see 'Gypsies and travellers' below), hence the conflict with the 2nd part of policy S7 would be afforded **limited** weight as some development in the countryside would be necessary to meet the district's various needs for housing.
- 14.3.17** Turning more locally, policy NQRHA1 of the NQR Neighbourhood Plan sets development limits and states that further development outside of the development limits will not be supported other than some exemptions (none of which applies here). Policy NQRHA1 is up-to-date and consistent with paragraph 187(b) of the NPPF, but the Neighbourhood Plan does not contain any policies or allocations for gypsies and travellers at a time of need, and therefore this policy conflict should be given **limited** weight.
- 14.3.18** Considering the above, the development would not be isolated but contrary to the spatial strategies of the Local Plan and the NQR Neighbourhood Plan – these conflicts were given **limited** weight for the reasons explained above. On the other hand, the proposal would accord with the up-to-date spatial strategy of the eLP that weighs **significantly** to its favour.
- 14.3.19** Character and appearance:
The site falls within Landscape Character Area A1: Cam River Valley whose key characteristics⁴ include a valley of rolling open farmland, a landscape dominated by intensive arable farmland with some grazing pasture along the eastern slopes surrounding settlements, a large scale regular field pattern, an open landscape with limited tree cover (except for

⁴ Uttlesford Landscape Character Assessment (ULCA, 2023), pp.44 – 46.

small copses and riparian trees along the well-vegetated riverbanks), and an open landscape with wide cross-valley views from higher ground. The key landscape qualities and sensitivities⁵ of the A1 character area include the patchwork pattern of pasture and woodland copses within the open arable landscape, the recreational value of promoted public rights of way, and the open character of the valley slopes with wide cross valley views.

14.3.20 Topographical surveys were submitted with the application, before and after the unauthorised interventions; one from Jan/Feb 2025 and the other from Oct 2025. Both surveys show mainly similar characteristics, including a high earth bund with an access gap on the southern boundary, an undulating topography sloping up north and sharp slopes along the northern and eastern site boundaries.

14.3.21 The surveys and section drawings show the earth bund was reprofiled to become higher on both sides of the access (leaving a smaller gap) and lower on its previous peak; even though the western start of the bunding remained roughly at the same height, it gained volume on the internal side of the site. The land was flattened on a small area to the north (see sections⁶ 2-2, 3-3) and south (see sections 7-7, 9-9) of the site but mostly retained the previous inclined topography on its central, majority part. The retrospective development involved the erection of a close boarded fence (east to west) that distinguishes the southern part of the site where the caravans are/would be located from the rest of the land to the north. Close boarded fencing was also added along the perimeter of this south area where the gypsy and traveller site is, including a fence behind the earth bund.



⁵ Ibid., p.50.

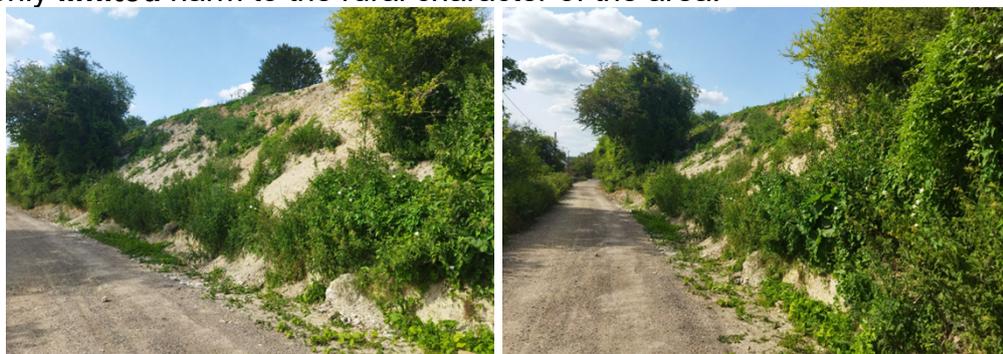
⁶ Red areas show where the level is above the first survey and green areas where the level is below. In other words, the red areas show where the land level was increased and the green areas where the land level was decreased.



Site Cross Section 9 - 9 - 100

14.3.22 The site, before the development, would have made a **limited** contribution to the rural character and appearance of the area as it was pastureland with limited trees and varying shrub cover over the years that visually related more to the nearby quarry than the open landscape of arable fields that describes the Cam River Valley A1 character area. It is inevitable that the development of the site with pitches and other domestic paraphernalia (such as close boarded fencing, hardstanding, vehicles, caravans and others) would further diminish this contribution, however, the level of this adverse impact is explored further below.

14.3.23 Turning to landscape impacts, the pitches cover a small part of the site being proportionate on the land. The engineering operations had a limited effect on local character as interventions were localised and minor (rather than a wholesale levelling of the land) with ephemeral adverse effects; e.g. the earth bund shown on the pictures of the Parish Council was bare, diminishing the local character in the short-term, but at the time of the officer's visit the situation was improved (see images). The land's domestication (via belongings, comings & goings, lighting, fences, etc.) would harm this rural setting; this would be limited due to the remaining land and the fact that "*caravans are not an inherently alien feature within the countryside*"⁷, especially where alternative options are not available and the village envelope is unable to absorb such development. The extent of the remaining undeveloped land, the low-key nature of the caravans and the use of an existing access would ensure a low impact on the key characteristics and key landscape qualities and sensitivities (cited earlier) of the A1 character area. Considering the above and the lower landscape sensitivity in this particular locality⁸, the proposal would cause only **limited** harm to the rural character of the area.



⁷ APP/D0121/W/25/3362265 (24/P/1510/FUL) for a novel hydro turbine and the provision of 3 gypsy/traveller pitches – Appeal dismissed on 17 September 2025, paragraph 18; see also APP/C1570/W/24/3348002 (UTT/23/2526/FUL) for a caravan site for 5 Gypsy families, each with 2 caravans, including 5 utility buildings – Appeal allowed 11 December 2024, paragraph 16.

⁸ Landscape Sensitivity Assessment – Phase 1: Towns and key villages (October 2023), p.121, C.14.

14.3.24 Turning to visual impacts, a public byway⁹ runs on the site's frontage and a footpath is 111 metres to the north. Visibility is limited from the footpath to the site due to the local topography. The earth bund also blocks views into the site to the byway users (see 1st image) until the point where the bund recedes below eye level; the Parish Council is correct that the principal view is from the access itself (see 2nd image). However, the caravans would not be prominent structures, such as 2-storey dwellings, but of minimal presence given their low-key nature and limited number. Views from the access would also be restricted within the site boundaries due to the local topography instead of connecting the site with the open arable landscape. Glimpses of the site from the railway would be rare (if any) and views from the residents on London Road would not be possible. The sensitivity of visual receptors would be low given the passing nature of their movements. Consequently, partial domestication of only a part of the site (south) would affect the experience of the receptors, but visual harm would be of **limited** extent.



14.3.25 Paragraph 26 of the PPTS states that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community. Following the above analysis, the proposal is in keeping with the scale of Newport and does not have a character or appearance that would spatially or visually dominate the surrounding locality. The proposal would comply with the second part of paragraph 26 of the PPTS.

14.3.26 Turning to the proposed layout, scale and appearance, the maximum size of a caravan is stipulated by legislation and cannot feasibly replicate the built form of brick-and-mortar dwellings. The Revised Proposed Site Plan drawing shows the proposed pitches on the sides of the internal driveway with only one of them adjacent to the earth bund (west). The pitches would be of similar size to the nearest dwelling plots, in a condensed pattern within the site that would avoid a cramped layout and respect the density and open character of the surrounding area given the gaps between the caravans and the remaining open land within the site. A dedicated play area is proposed to the benefit of the children on the site (to be secured with a condition) – paragraph 27(c) of the PPTS requires LPAs to attach weight to the matter of promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children, and as such the proposed play area would attract **limited** positive weight. The pitches would offer additional amenity spaces to their occupants. Overall,

⁹ Byways are Public Right of Ways (PROW) open to all types of user: pedestrian, horse rider, cyclist, carriage driver and motorist (https://www.essexhighways.org/getting-around/public-rights-of-way/byways-in-essex?utm_source=chatgpt.com).

the proposals would have a sympathetic layout, scale and appearance in keeping with the area.

14.3.27 A landscaping condition would ensure that new plantings of native trees and hedges would occur to further reduce the visual impact of the scheme and positively enhance the environment, as well as it would control hard landscaping and the height of boundary treatments to avoid the impression of a site deliberately isolated from the rest of the community, in compliance with paragraph 27(b)-(d) of the PPTS. An external lighting condition would be necessary to preserve the character and appearance of the countryside and darker skies, as well as to safeguard residential amenities.

14.3.28 Considering the above and subject to conditions, the development would create **limited** combined harm to the area's character and appearance, contrary to policy S7 (3rd part) of the Local Plan. However, the proposal would accord with policies GEN2, ENV3 of the Local Plan, Core Policies 3, 41, 52 (parts i, ii), 60 (parts ii, iii, iv) of the eLP, policies NQRHA2, NQRHA3, NQRHD2, NQRHD3 of the NQR Neighbourhood Plan, and paragraphs 187(b), 139(a), 135(a)-(c), 129(a), 129(d) of the NPPF. The proposals would also accord with codes C1.1C, ID1.1C of the SPD Uttlesford District-Wide Design Code (2024), which require, for example, that developments demonstrate an understanding of the key contextual features (such as landscape); and a relationship with the area's local character.

14.3.29 Gypsies and travellers:

Policy context:

The current Local Plan and the NQR Neighbourhood Plan do not contain policies for traveller sites and the Council's approach so far relied on windfall permissions. Core Policy 60 of the eLP (see changes in Main Modifications) includes 18 allocations of new pitches on existing gypsy and traveller sites, commits the Council to undertake an early review of gypsy and traveller site supply and demand beyond 2028 and sets the following criteria for windfall applications for developments not allocated:

- i. it addresses an identified need
- ii. the proposal is well related to the size and location of the site and respects the scale of nearby communities
- iii. it provides a satisfactory residential amenity both within the site and for neighbouring occupiers and there is no significant impact on the amenity of nearby communities
- iv. adequate provision is made for on-site facilities for storage, play, residential amenity, parking, access as well as utility provision for the number of pitches/plots proposed, and
- v. it is in a sustainable location in terms of accessibility to local services and facilities, being no further than 4.8 km from the edge of a settlement with a secondary school or no further than 3.2 km from the edge of a settlement with a primary school.

14.3.30 In addition to the allocations, subject to a Main Modification supported by the Examiners, Core Policy 60 of the eLP explicitly commits the Council to a separate Gypsy and Traveller Development Plan Document (DPD) that will allocate new Gypsy and Traveller sites sufficient to meet the residual identified need at new sites.

14.3.31 This flexible, criteria-based approach of Core Policy 60 is consistent with paragraph 11 of the PPTS which states that where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.

14.3.32 Paragraph 25 of the PPTS states that LPAs should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites;
- b) the availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- e) that they should determine applications for sites from any travellers and not just those with local connections.

14.3.33 ***Need for and supply of pitches:***

Paragraph 9 of the PPTS states that LPAs should set pitch targets for gypsies and travellers which address the likely permanent and transit site accommodation needs of travellers in their area. Paragraph 10 of the PPTS requires LPAs to identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets, as well as to identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15.

14.3.34 The most recent and robust review¹⁰ of the current need for and supply of pitches provided the following *need* for pitches:

Figure 1 – Need for Gypsy and Traveller households in Uttlesford (2023-41)

Status	2023-2041
Meet Planning Definition	66
Undetermined	9
Do not meet Planning Definition	15
TOTAL	90

¹⁰ Gypsy and Traveller Accommodation Assessment (GTAA, Dec 2024), p.7

Figure 2 – Need for Gypsy and Traveller households in Uttlesford that met the Planning Definition by year periods

Year Period	Dates	Need
0 – 5	2023 – 27	52
6 – 10	2028 – 32	4
11 – 15	2033 – 37	6
16 – 19	2038 - 41	4
0 – 19	2023 – 41	66

14.3.35 The same review (GTAA, 2024)¹¹ provided the following *supply* of pitches in the district, for existing pitches as of July 2024, including 1 public site (7 pitches), 17 private sites with permanent permission (49 pitches), 1 unauthorised site (1 pitch) and 1 site tolerated for planning purposes (2 pitches):

Figure 8 – Need for Gypsy and Traveller households in Uttlesford that met the Planning Definition

Gypsy & Traveller – Meeting Planning Definition	Pitches
Supply of Pitches	
Available supply from vacant public and private pitches	0
Available supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	0

Figure 13 – Need for undetermined Gypsy and Traveller households in Uttlesford

Gypsy & Traveller – Undetermined	Pitches
Supply of Pitches	
Available supply from vacant public and private pitches	0
Available supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	0

Figure 17 – Need for Gypsy and Traveller households in Uttlesford that did not meet the Planning Definition

Gypsy & Traveller – Not Meeting Planning Definition	Pitches
Supply of Pitches	
Available supply from vacant public and private pitches	0
Available supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	0

14.3.36 In summary, the GTAA (2024) concluded a minimum *need* for 90 pitches in the district over the period 2023 – 2041; of this need, **52 pitches** are needed in the first 5 years (by 2027) and the rest by 2041. At the same time there is **no supply** of pitches at all in the district from vacant public and private pitches, from pitches on new sites or from pitches vacated by households moving to bricks and mortar or away from the district.

¹¹ Ibid., pp.35, 44, 46.

14.3.37 The Council’s most recent annual report¹² used the GTAA (2024) data but calculated the 5-year requirement for 2025 – 2030, concluding a *need* for 35 pitches by 2030 (see Table 3) and a *supply* of 11 pitches (see Table 4 with extant/unbuilt permissions not in the GTAA). By considering the 18 pitches allocated in the eLP, the annual report identifies an unmet need for **6 pitches** until 2030.

GTAA Period	Period Requirement	Annualised Requirement	Multiplied by no. of Years in Base Period
2023-27	64	13 (64 / 5 = 12.8)	26 (13 x 2 = 26)
2028-32	8	3 (8 / 3 = 2.7)	9 (3 x 3 = 9)
Total		35 (26 + 9 = 35)	

Table 3: Gypsy and Traveller 5-Year Pitch Requirement

Permission Reference	Address	Decision Date	No. of Pitches Permitted
UTT/24/1282/FUL	Land To The North Of Birchanger Lane Birchanger	08/05/2025	6
UTT/23/2526/FUL	Land To The West Of Chelmsford Road Felsted Essex CM6 3LT	11/12/2024	5
Total	N/A	N/A	11

Table 4: Extant and Unbuilt Permissions for Gypsy and Traveller Pitches

14.3.38 Both documents confirm an unmet need for pitches in the district. However, the figures between the documents differ and worthy of further analysis. Core Policy 60 of the eLP makes allocations for the extension of existing gypsy and traveller sites with 18 pitches. If the eLP is adopted, the principle of development for these pitches will be secured and, as the allocations relate to pre-existing sites, the preliminary work for their delivery may be minimal, and therefore the allocations may be ‘deliverable’ within a 5-year period.

14.3.39 However, there is no compelling evidence to show how this unmet need for additional pitches would be addressed now or in the near future. There have been no allocations made by the Council (or the Parish Council) to date, and only limited permissions of windfall sites have been granted (some of which at appeal). Most importantly, the annual report has reset the clock, starting the 5-year period from 2025, and therefore missed the residual unmet need identified for 2023, 2024 and previous years. The unmet need refers to present needs of gypsies and travellers that can force them (or keep them) to a roadside existence and it would not be realistic to simply rely on a Gypsy and Traveller DPD that will be prepared in the future or on future applications when the applicants are already trying to avoid a roadside existence through the current application. Consequently, the uncertainty of how the unmet need will be met now or in the short-term, means that the need for 52 pitches by 2027 seems more

¹² Gypsy & Traveller 5 Year Land Supply Position (as of 1st December 2025, published January 2026).

pragmatic than the need for 6 pitches by 2030 and shall be afforded **significant** weight in favour of the scheme.

14.3.40 It follows that the Council is unable to demonstrate a supply of 5 years' worth of sites as required by the PPTS. In such circumstances, paragraph 28 of the PPTS indicates that paragraph 11(d) of the NPPF should apply (see Section I). The development would comply with Core Policy 60 (part i) of the eLP which supports windfall traveller sites subject to addressing an identified need – given the shortfall, this would attract **significant** weight. The existing level of local provision and need for sites is one of the issues that paragraph 25 of the PPTS demands LPAs to consider when determining applications for traveller sites.

14.3.41 ***Failure of policy:***

The Council sought to rely solely on windfalls for several years now, many of which have come forward through the appeal process. However, the earliest date at which the eLP is likely to be adopted is very close, which means that this situation will not persist for much longer. Moreover, the allocations of the eLP will be on existing traveller sites and the Gypsy and Traveller DPD will give the Council flexibility to its future response, in addition to the flexibility of Core Policy 60 of the eLP that allows windfall gypsy and travellers proposals subject to criteria. Therefore, a failure of policy is not substantiated but this is a **neutral** factor.

14.3.42 ***Alternative accommodation:***

The GTAA (2024) found no available alternative sites for the applicants to move onto, whereas the annual report found 11 pitches benefitting with planning permission that have not been built. An Inspector¹³ wrote that "*Alternative sites must be available, affordable, acceptable and suitable. To be available a pitch must have planning permission, be vacant and be actually available to the proposed occupier*". These pitches are clearly not available now to the applicants and there is no evidence to suggest that they will be actually available to them in the near future. There is also no evidence for any waiting lists on the single public traveller site. The significant shortfall in the supply of pitches in the district (see above) is an additional indication of the lack of alternative sites. The application though confirmed that "*Prior to their current occupation of the site, each of the occupants have been forced to take up a roadside existence. As a result of this they had no stability being constantly displaced*"¹⁴; the Council has no evidence to the contrary. Therefore, pursuant to paragraph 25(b) of the PPTS, the clear lack of alternative accommodation for the applicants is a **significant** material consideration in favour of the proposal.

14.3.43 ***Personal circumstances:***

The application provided a Personal Circumstances Statement where it is asserted that 14 children (including young adults) do and will occupy the site and attend (or are waiting a place for) nearby schools. It also explains

¹³ APP/C1570/C/18/3219384 (enforcement notice for the stationing of caravans) – Appeal allowed on 09 October 2021, paragraph 37

¹⁴ Personal Circumstances Statement, p.2.

the medical issues of each occupant of the site (current or prospective), including two children with serious health issues.

14.3.44 Despite the absence of supporting evidence to corroborate these claims (e.g. letters from schools or doctor's surgeries) and without challenging their sincerity, it is likely that at least some of the children will already be attending local schools or will have the opportunity to do so. In any case, the children's best interest is to have a secure and settled home that would give them the best opportunity for a stable family life, safe play and access to education, health and other services. Considering the lack of alternative available sites in the district, the applicants would likely be forced to seek accommodation elsewhere, which would inevitably disrupt the schooling of the children. Were the occupants required to leave the site, then they would likely be forced to live in temporary or unauthorised locations and potentially return to an insecure roadside existence given the previous roadside existence of these families.

14.3.45 Therefore, the absence of corroborating evidence for the alleged health issues of some of the occupants would not justify substantial¹⁵ weight, but the other personal circumstances would attract **moderate** weight in favour of the development. Personal circumstances of the applicant is one of the issues that paragraph 25 of the PPTS demands LPAs to consider when determining applications for traveller sites.

14.3.46 ***Intentional unauthorised development:***

An extant Written Ministerial Statement (27 December 2015) confirmed that 'intentional unauthorised development' is a material consideration in the determination of applications. There is no evidence to suggest that the site has been developed and occupied in the knowledge that permission did not exist or was required. The development is only partly implemented, and the breach could be readily reversible given its nature. Also, there are no alternative available sites in the district, and an application was made promptly after the breach occurred. Despite the comments from interested parties, the planning system is not punitive and section 73A of the Town and Country Planning Act allows for retrospective applications without their retrospective nature affecting the decision; the application must be and is considered on its merits. In such circumstances, this consideration would be **neutral** to the application.

14.3.47 ***Legal duties:***

Based on the available information, the occupants of the pitches (current or future) are likely to have the protected characteristic of 'race' under section 149(7) of the Equality Act 2010 and meet the PPTS definition for 'gypsies and travellers'. In such circumstances, the Public Sector Equality Duty (PSED) in section 149(1) of the Equality Act 2010 requires that a public authority must, in the exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited; (b) advance equality of opportunity

¹⁵ This level of weight would only be necessary to show very special circumstances in a Green Belt context, not here.

between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 14.3.48** Section 149(3) of the Equality Act 2010 states that having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to (inter alia) (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; and (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

The undersupply of 5 years' worth of sites in the district is a disadvantage for these people with a protected characteristic, and therefore granting permission that would allow them access to suitable accommodation be a step to meet their needs and minimise this disadvantage. It does not automatically follow that the development should be permitted because the PSED is relevant, but the equality implications of allowing the proposal weight **moderately** in its favour in this instance.

- 14.4 B) Residential amenity / Climate change and resources (GEN2, GEN4, GEN5, ENV10, ENV11, Core Policies 1, 29, 43, 44, 55, 60, 66, SPD Uttlesford District-Wide Design Code, Essex Design Guide, Interim Climate Change Planning Policy, NPPF)**

- 14.4.1** Residential amenity:

The proposed pitches would provide appropriate levels of amenity space for their occupants and would not reduce gardens to any neighbouring properties. A landscaping condition is necessary to secure further details for hard and soft landscaping features, as well as appropriate boundary treatments in this countryside location.

- 14.4.2** In terms of noise, odours, dust, vibrations, light pollution and other disturbances, following review of the submitted and additional information, Environmental Health reported that the submitted documents confirm the site is subject to environmental noise from road, rail and the quarry. The noise assessment concluded that British Standard 8233:2014 internal noise limits will be met following the report's recommendations. However, to maintain both thermal and acoustic comfort during overheating conditions, alternative means of cooling and/or ventilation should be provided and further information on the ventilation means. Environmental Health raised **no objections** subject to conditions to safeguard residential amenities. The conditions refer to a detailed scheme of noise mitigation and noise validation report, and external lighting. A condition for electric vehicle charging points is also necessary.

- 14.4.3** Concerns raised by the Parish Council for the living environment of the occupants are therefore not substantiated subject to conditions. These conditions would also be necessary to ensure compliance with paragraph 135(f) of the NPPF that requires a high standard of amenity for existing and future users. The neighbours' residential amenity would be preserved by reason of the development's location that is not directly adjacent to Newport and its distance to the closest properties. Environmental Health did not raise any concerns regarding impact on the neighbours' amenity.
- 14.4.4** Due to the scale, design and position of the scheme in relation to the neighbouring dwellings, and after applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, no material overshadowing, overlooking (actual or perceived) and overbearing effects would be considered that would affect the living conditions of residents.
- 14.4.5** The proposals would accord with policies GEN2, GEN4, GEN5, ENV10, ENV11 of the Local Plan, Core Policies 29, 43, 44, 55, 60 (part iii), 66 of the eLP, the Uttlesford District-Wide Design Code, the Essex Design Guide, and the NPPF.
- 14.4.6** Climate change and resources:
Energy and water efficiency measures are promoted by the Climate Crisis Strategy 2021-30, the Interim Climate Change Planning Policy and section 14 of the NPPF. The eLP sets more ambitious goals with Core Policy 1 requiring schemes to demonstrate in a Climate Change & Sustainability Statement how they will mitigate, adapt and be resilient to the impacts of climate change and support the overall reduction in greenhouse gas emissions through various measures (depending on the *size and type* of development), such as (i) locating development to reduce the need to travel and promote the use of public transport, (iv) promoting sustainable construction, (v) implementing the colling hierarchy in building design, (vi) accelerating the expansion of renewable and low carbon energy generation, (viii) promoting efficient use of natural resources (e.g. SUDS), and (x) promoting a network of green spaces.
- 14.4.7** Core Policy 1 is supported by Core Policy 22 of the eLP that requires an Energy Statement for all new dwellings to be built to be Net Zero Carbon; Core Policy 24 that requires developments to demonstrate measures to reduce embodied carbon content as far as possible; and Core Policy 34 that seeks to preserve water supply, boost water efficiency at a standard of 90 litres per person per day, and provide water recycling.
- 14.4.8** A Climate Change and Sustainability Statement or an Energy Statement were not submitted with the application, nor any steps were identified to reduce the embodied carbon of the buildings. However, the size and type of development are such that would not be in conflict with Core Policies 1, 22, 23, 24. In addition, these statements are not validation requirements (as the eLP has not been adopted at this point), and as such the weight of these policies would be **limited**.

14.5 C) Access and parking (GEN1, GEN8, NQRHD1, NQRTR1, NQRGSE2, Core Policies 27, 30, 31, 60, parking standards, NPPF)

14.5.1 From a highway and transportation perspective, following review of the submitted information and notwithstanding the concerns raised by interested parties, the Highway Authority raised **no objections** without conditions. The development would accord with the Essex County Council Supplementary Guidance – Development Management Policies (2011), policy GEN1 of the Local Plan, Core Policies 27, 30 of the eLP, policies NQRTR1, NQRGSE2 of the NQR Neighbourhood Plan, and paragraphs 116 and 115(b) of the NPPF. The response from the Highway Authority confirms that the development is acceptable in terms of highway safety for all highway users and not detrimental to the capacity of the highway network (including the public byway).

14.5.2 There is ample space on site to accommodate the enough parking space for the occupants of the development and enough turning space to allow the vehicles to leave the site in a forward gear. Turning areas for emergency vehicles could also be provided. Parking arrangements would comply with the Essex County Council Parking Standards (2009), the Parking Guidance – Part 1: Parking Standards Design and Good Practice (September 2024), Core Policies 31, 60 (part iv) of the eLP, policy NQRHD1 of the NQR Neighbourhood Plan, and policy GEN8 of the Local Plan.

**14.6 D) Ecology (GEN7, ENV8, Core Policies 38, 39, 40, NPPF)
E Contamination (ENV14, ENV12, ENV13, Core Policies 34, 42, NPPF)**

14.6.1 Place Services Ecology, following review of the submitted and revised information, raised **no objections** subject to conditions to secure biodiversity mitigation and enhancement measures and biodiversity net gain. The development would comply with paragraphs 44, 187(d) and 193 of the NPPF, policies GEN7, ENV8 of the Local Plan, Core Policies 38, 40 of the eLP, and Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021 and amended by the Levelling Up and Regeneration Act 2023). The conditions refer to action in accordance with the appraisal recommendations and a habitat management and monitoring plan (HMMP). This assessment provides certainty for the Council of the likely impacts on designated sites, protected, priority and threatened species and habitats with appropriate mitigation measures secured.

14.6.2 Biodiversity Net Gain (BNG):

BNG is a statutory requirement of Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990; paragraph 13 of Schedule 7A states that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that the development may not be begun unless (a) a biodiversity gain plan (BGP) has been submitted to the planning

authority, and (b) the LPA has approved the plan. A separate application to discharge the statutory condition would be required – this is a separate type of application under the suffix ‘DISBGP’.

- 14.6.3** The Application form confirmed that BNG applies for this development in spite of its partly retrospective nature¹⁶. Place Services Ecology confirmed that sufficient information for BNG has been provided at application stage. The consultee highlighted that a BGP should be submitted before commencing the development as part of the DISBGP application and listed the information required at the post-decision stage. On post-intervention values, Place Services Ecology suggested a list of habitats that the significant on-site enhancements should include and for the submitted Landscape Ecological Management Plan recommended that the applicant should address a list of issues as part of the DISBGP application. Despite the above, the consultee stated that the post-intervention values are realistic and deliverable and that the proposal can deliver a measurable BNG on-site.
- 14.6.4** Although a minimum of 10% BNG is required by Article 2(3), Part 1 of Schedule 7A, Core Policy 40 of the eLP requires a minimum of 20% BNG; the DISBGP application should deliver higher BNG target to ensure policy compliance. Depending on the timing of satisfying the statutory condition, this policy compliance or conflict could be afforded from moderate to full weight.
- 14.6.5** Statutory Designated Nature Conservation Sites:
Natural England raised **no objections** subject to a condition and reported that this is because the application proposes to dispose of foul water via a cesspit (i.e. a sealed unit without any discharge). Given the potential hydrological connectivity of the site with the Debden Water Site of Special Scientific Interest (SSSI), Natural England’s preference would be for the development to be connected to the mains foul sewer if possible. If this is not possible, foul water disposal via a package treatment plant should be considered. If a cesspit is the only available option for foul water disposal Natural England recommended a condition to require foul sewerage disposal via a sealed cesspit unit only, which should have no overflow or discharge points, to ensure the protection of ground and surface water quality and to prevent harm to sensitive downstream sites, including Debden Water SSSI. Subject to the condition, the proposal would accord with paragraphs 187, 192, 193(b), 195 of the NPPF.
- 14.7 E) Contamination (ENV14, ENV12, ENV13, Core Policies 34, 42, NPPF)**
- 14.7.1** Environmental Health raised **no objections** subject to a condition to protect human health and the environment. The proposal would accord

¹⁶ This position was confirmed in a recent appeal decision where the Inspector wrote “*BNG does not apply to retrospective planning permissions. However, given that part of the proposal has not been completed, it is not wholly retrospective. On this basis, the retrospective exemption does not apply*”, see APP/D0840/W/25/3367204, paragraph 10.

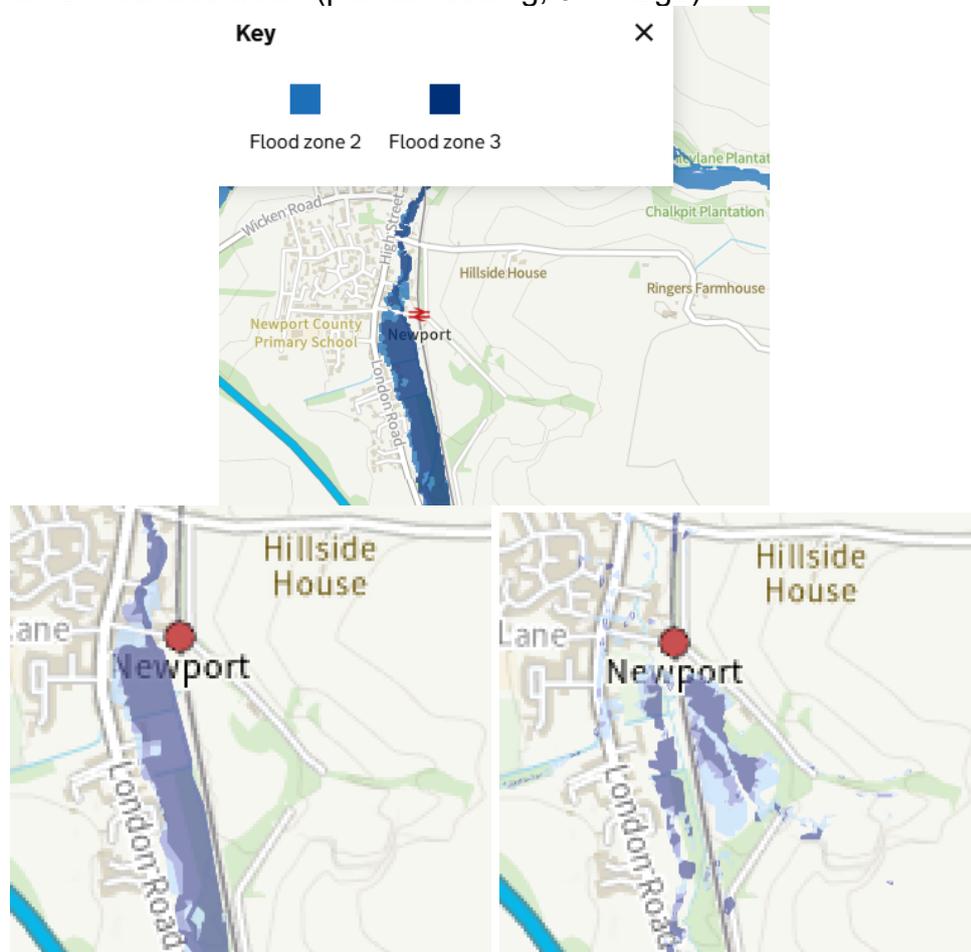
with policies ENV14, ENV12, ENV13 of the Local Plan, Core Policies 34, 42 of the eLP, and the NPPF. The condition refers to a watching brief for land contamination.

14.8 F) Archaeology (ENV4, Core Policy 64, NPPF)

14.8.1 Place Services Archaeology was not consulted for this application in the interests of potential archaeological remains. The development would comply with policy ENV4 of the Local Plan, Core Policy 64 of the eLP, and paragraph 218 of the NPPF.

14.9 G) Flood risk and drainage (GEN3, GEN6, NQRGSE1, Core Policies 5, 36, 37, NPPF)

14.9.1 The following images show flood zones 2 and 3 (1st image), as well as the extent of yearly chance of flooding from rivers (fluvial flooding, 2nd image) and from surface water (pluvial flooding, 3rd image):



14.9.2 Although the site falls within Flood Zone 1, footnote 63 in paragraph 181 of the NPPF states that a site-specific Flood Risk Assessment (FRA) should accompany all proposals in Flood Zone 1 involving sites of 1 hectare or more; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. The site

exceeds 1 hectare and a Drainage Strategy was submitted to meet this requirement.

14.9.3 The application found that the site is “*at low risk of flooding from all sources, including fluvial, tidal, surface water, groundwater, reservoirs, and sewers*”¹⁷ and proposes sustainable drainage systems (SUDS) because “*Infiltration testing has confirmed that the site is underlain by highly permeable chalk bedrock, suitable for infiltration-based drainage solutions. The strategy has therefore been designed to manage all surface water run-off on-site through infiltration, ensuring no discharge to the public sewer network or any external receptor*”¹⁸; the SUDS strategy would involve permeable paving, rain gardens and filter strips. Hydraulic modelling confirmed that the proposed SUDS would provide sufficient capacity to accommodate rainfall events including the 1 in 100 years, plus 45% climate change allowance, without any surface water leaving the site and without any connections to public sewers or watercourses. The proposed permeable paving would provide suitable prevention from pollution of the groundwater¹⁹. Finally, foul water drainage is proposed through a sealed cesspit (to be conditioned).

14.9.4 The Lead Local Flood Authority (LLFA) raised **no objections** subject to conditions as the consultee noted that the development will only meet the requirements of the NPPF if the measures as detailed in the FRA and the documents submitted with the application are implemented as agreed. A condition would be necessary to ensure implementation and maintenance of the proposed SUDS strategy and measures. The application therefore demonstrated that the development would not increase flood risk on the site or elsewhere and that the operation of SUDS would be effective. The development would comply with policies GEN3, GEN6 of the Local Plan, Core Policies 36, 37 of the eLP, policy NQRGSE1 of the NQR Neighbourhood Plan, and paragraphs 181, 182 of the NPPF.

14.9.5 Core Policy 37 of the eLP states that all major developments will be required to use SUDS for the management of surface water runoff, unless it can be demonstrated to be inappropriate or there would be significant harm to water quality, flood risk or biodiversity. Where possible, SUDS should be designed to be multi-functional to deliver amenity, recreational and biodiversity benefit for the built, natural (including green infrastructure) and historic environment.

14.9.6 The Environment Agency refrained from commenting.

14.10 H) Other matters (Core Policies 33, 67, 70, Development Policy 9)

14.10.1 Flight safety:

The Safeguarding Authority for Stansted Airport raised **no objections** without conditions to secure flight safety.

¹⁷ Drainage Strategy, p.4.

¹⁸ Ibid., p.20.

¹⁹ Ibid., p.22.

14.10.2 Open space:

Core Policy 67 of the eLP states that all proposals for major residential developments will be required to maximise opportunities to incorporate new publicly accessible, high quality and multi-functional open space and/or, where appropriate, enhance existing provision commensurate to the need generated by proposals. The Council will require open space to meet the minimum standards set out in Appendix 17 of the eLP and provided on-site wherever possible. Core Policy 67a of the eLP provides a preferred hierarchy of management bodies and requires a maintenance and management strategy along with a commuted sum equal to 30 years management from the development to the Town or District Council. However, the nature of the application would not make an open space contribution necessary.

14.10.3 Communications and other infrastructure:

Core Policy 70 of the eLP requires proposals to demonstrate how Gigabit broadband infrastructure, and other communications infrastructure, will be provided in time for first occupation of the development. Despite the insufficient information provided with the application for this matter, this policy conflict would be afforded **limited** weight. In addition, bin areas should be provided to ensure compliance with Core Policy 33 of the eLP.

14.10.4 Public art:

The Essex County Council's Developers' Guide to Infrastructure Contributions (2025) states that to secure opportunities and funding for Public Art (see social objective of the NPPF), it is necessary for the LPA to produce a long-term policy and strategy which identifies where, when, how and why public art will be delivered as part of specific development sites and as part of the development of a place as a whole. The current Local Plan has no such policy but Development Policy 9 of the eLP *expects* all major development to contribute to a public art fund to be used to deliver public art projects located on or off site with clear benefit for the local community. Any public art proposals must make a significant contribution towards the appearance of the scheme, the character of the area, and provide benefits for the local community.

14.10.5 The ECC's Developers' Guide to Infrastructure Contributions (2025) also states that large developments may be asked to contribute through section 106 agreements or funding from CIL sought where levies are in place. Beyond the ambiguity of what may constitute 'large development' in planning terms and the more generic nature of the above eLP policy covering all majors, none of these include calculation formulas or methodologies for the level of the contribution. However, the applicant should not be penalised for failing to provide a mechanism to secure a financial contribution that cannot be calculated at this point, and in any case, the nature of the application would not be of a 'large development' or a typical housing or regeneration project, and as such this policy would not apply here.

14.11 I) Paragraph 11 and the planning balance

14.11.1 Areas or assets of particular importance:

The application of policies in the NPPF that protect areas or assets of particular importance²⁰ would **not** provide a strong reason for refusing the development proposed as per paragraph 11(d)(i) of the NPPF. Therefore, the planning balance in paragraph 11(d)(ii) of the NPPF is applied below.

14.11.2 Planning balance:

The public benefits of the scheme would include:

- Efficient use of land – **moderate** weight.
- Sustainable location (good accessibility to services and public transport) – **significant** weight.
- Economic and social benefits – **limited** weight.
- Compliant to spatial strategy (eLP) – **significant** weight.
- Provision of 4 pitches to meet unmet need for ‘gypsy and traveller’ sites and lack of alternative suitable accommodation – **significant** weight.
- Best interests of children – **moderate** weight.
- Ecological enhancements and mandatory BNG – **limited** weight.

14.11.3 The adverse impacts of the scheme would include:

- Contrary to spatial strategy (Local Plan and NQR Neighbourhood Plan) – **limited** weight.
- Harm to the countryside character and appearance of the area – **limited** weight.
- Lack of renewable energy & water efficiency measures – **limited** weight.

14.11.4 Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11(d)) applies to applications involving the provision of housing, the adverse impacts of allowing development that conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits, provided (a) the plan became part of the Development Plan 5 years or less before the date on which the decision is made; and (b) the plan contains policies and allocations to meet its identified housing requirement.

14.11.5 For ‘gypsy and traveller’ sites only, the NQR Neighbourhood Plan does not benefit from the protections of paragraph 14 of the NPPF because of the unmet need for this type of identified housing requirement and the lack of alternative accommodation for the gypsies and travellers, including the occupants/applicants here. In addition, although not determinative for the planning balance, the application would minimise disadvantages suffered by persons who share a protected characteristic and be a step to meet the needs of those persons, which moderately weigh in favour of the development in assisting the LPA to meet its PSED duties.

²⁰ See footnote 7 of the NPPF.

14.11.6 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 proposals would **not significantly and demonstrably outweigh** the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

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. Members of the Gypsy, Roma and Traveller community, like all members of the public, have a right to respect for these matters and have been taken into account in the determination of this application.

16. CONCLUSION

16.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of the application must be made in accordance with the Development Plan unless material considerations indicate otherwise. On this occasion, despite the conflicts with Development Plan (i.e. Local Plan and Neighborhood Plan), there are material considerations, such as the unmet need for 'gypsy and traveller' pitches in the district and the policy support from the (Emerging) Local Plan 2021-2041 and the

Planning Policy for Traveller Sites (2024), that together would strongly outweigh these policy conflicts and the limited adverse impacts of the scheme.

16.2 Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are other material considerations indicating otherwise, the adverse impacts of the proposals would **not** significantly and demonstrably outweigh the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination, in accordance with paragraph 11(d)(ii) of the NPPF.

16.3 It is therefore recommended that the application be approved subject to conditions.

17. CONDITIONS

1 The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

2 The site shall not be occupied by any persons other than Gypsies and Travellers defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

REASON: To restrict the permission to 'gypsies and travellers' as defined in Annexe 1 of the Planning Policy for Traveller Sites (December 2024).

3 There shall be no more than four (4) pitches on the site at any time.

REASON: To preserve the character and appearance of the area, to safeguard residential amenities, in accordance with policies S7, GEN2, GEN4 of the adopted Uttlesford Local Plan (2005), Core Policies 60, 52, 3 of the (Emerging) Uttlesford Local Plan 2021-2041, and the National Planning Policy Framework (2024).

4 Within three (3) months from the date of this decision and concurrent with the application to discharge the Biodiversity Gain Plan, a Habitat

Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Net Gain plan, shall be submitted to and approved in writing by the local planning authority.

The HMMP should include:

- a) 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 local planning authority 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.

Monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the local planning authority, in accordance with the methodology specified in the approved HMMP.

The Council shall only issue approval of the habitat creation and enhancement works until:

- (1) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- (2) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To allow the development to demonstrate mandatory biodiversity net gain and allow the local planning authority to discharge its duties under Schedule 7A of the Town and Country Planning Act 1990 and in accordance with the National Planning Policy Framework (2024).

- 5** Within four (4) months from the date of this decision, a detailed scheme of noise mitigation (covering façade, glazing & ventilation specifications) shall be submitted to and approved in writing by the local planning

authority. The scheme shall follow British Standard 8233:2014 Guidance and the recommendations identified in the Noise Report (dBA Acoustics, 20th May 2025).

Within three (3) months from the date of the approval of the detailed scheme of noise mitigation and no later than seven (7) months from the date of this decision, the measures identified in the approved detailed scheme of noise mitigation shall be installed on or in all the caravans on the site.

Within one (1) month from the day the above measures are installed on or in the caravans, a noise validation report, demonstrating appropriate noise levels that would not materially harm the residential amenity of the occupants, shall be submitted to and approved in writing by the local planning authority.

Thereafter, the measures in the approved detailed scheme of noise mitigation shall be retained as such at all times.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV10, ENV11, and the National Planning Policy Framework (2024).

- 6** Within three (3) months from the date of this decision, details of all hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in full accordance with the approved details within two (2) months from the day of the approval of these landscaping details.

The landscaping details to be submitted shall include:

- a) means of enclosure of the land (boundary treatments including photographs);
- b) existing trees, hedges or other soft features to be retained;
- c) proposed trees, hedges or other soft features to be planted, including specifications of species, sizes, planting centres, number and percentage mix;
- d) existing and proposed hard surfacing and other hard landscaping features and materials (including photographs);
- e) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- f) management and maintenance details
- g) a dedicated play area
- h) the parking layout.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased

shall be replaced in the next planting season with others of similar size and species.

REASON: To preserve the character and appearance of the area and positively enhance the environment, to safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, ENV3, Core Policies 41, 52, 60 of the (Emerging) Uttlesford Local Plan 2021-2041, the Essex Design Guide, the adopted Uttlesford District-Wide Design Code (2024), and the National Planning Policy Framework (2024).

- 7** Within three (3) months from the date of this decision, a fully wired and connected electric vehicle charging point shall be provided on site for the occupants of the pitches. Thereafter, the charging point shall be maintained as such at all times.

REASON: To encourage the use of electric vehicles for better air quality and to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations, in accordance with paragraphs 117(e), 187(e), 199 the National Planning Policy Framework (2024).

- 8** Within four (4) months from the date of this decision, the measures of the sustainable drainage system (SUDS) strategy, as included in the approved SUDS/Drainage Strategy (reference 1572, dated April 2025), shall be implemented and shall be maintained as such at all times.

REASON: To prevent flooding on site or elsewhere by ensuring a satisfactory storage/disposal of surface water from the site, to ensure the effective treatment of surface water runoff to prevent pollution and to ensure the effective and efficient operation of SUDS, in accordance with policies GEN3, GEN6 of the adopted Uttlesford Local Plan (2005), Core Policies 36, 37 of the (Emerging) Uttlesford Local Plan 2021-2041, policy NQRGSE1 made Newport, Quendon & Rickling Neighbourhood Plan (2021), and the National Planning Policy Framework (2024).

- 9** Prior to first use of lighting, details of any external lighting already installed or to be installed on the site, including the design of the lighting units, any supporting structure and the extent of the area to be illuminated (lighting contours), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, only the details thereby approved shall be implemented and any other external lighting features shall be removed from the site.

REASON: To safeguard residential amenities and to preserve the character and appearance of the area (including darker skies), in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, and the National Planning Policy Framework (2024).

- 10** Foul sewerage disposal for the development hereby approved shall be implemented no later than two (2) months from the date of this decision

and shall relate to a sealed cesspit (cesspool) unit only, which should have no overflow or discharge points. Thereafter, the cesspit shall remain as such at all times.

REASON: To ensure the protection of ground and surface water quality, to prevent pollution and to prevent harm to sensitive downstream sites (including Debden Water Site of Special Scientific Interest), in accordance with policy ENV12 of the adopted Uttlesford Local Plan (2005), policy NQRGSE1 of the made Newport, Quendon & Rickling Neighbourhood Plan (2021), Core Policies 23, 25, 38 of the (Emerging) Uttlesford Local Plan 2021-2041, and the National Planning Policy Framework (2024).

- 11** All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arbtech, February 2025). Thereafter, the enhancement measures and/or works shall be carried out in full accordance with the approved details and shall be maintained as such at all times.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, section 17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2024).

- 12** If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant/developer shall notify immediately and in writing the Local Planning Authority. Any land contamination identified shall be remediated to the satisfaction of the local planning authority (including a remediation strategy and validation report) prior to occupation of the development hereby approved to ensure that the site is made suitable for its end use.

REASON: To ensure the development will not harm human health, the water environment and other receptors, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV14, and the National Planning Policy Framework (2024).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS (HIGHWAY AUTHORITY)

From: Chioma Cureton - Strategic Development Officer [REDACTED]
Sent: 12 June 2025 15:01
To: Avgerinos Mlachor [REDACTED]
Cc: Planning [REDACTED]; Cllr Ray Gooding - Member CC [REDACTED]; Transport Development Admin Assistant [REDACTED]
Subject: [External] >> UTT/25/0866/FUL (61216) 4B

Dear Avgerinos,
I hope you are well.

Thank you for application UTT/25/0866/FUL, from a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, National Planning Policy Framework 2024 (NPPF), adopted as County Council Supplementary Guidance and Uttlesford Local Plan Policy GEN1.

- i. 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 applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

Kindest regards

Chioma Cureton
Strategic Development Officer



www.essex.gov.uk/highways



The Highway Authority is now charging for all pre-planning application advice, full details can be found here [Pre-App Charging](#)
I work 18 hours per week - usually Tues,Wed,Thurs, and Fridays although this may vary.

APPENDIX 2 – NATURAL ENGLAND

From: SM-NE-Consultations (NE) [REDACTED]
Sent: 13 May 2025 15:09
To: Planning [REDACTED]
Subject: >> UTT/25/0866/FUL Consultee Response

Dear Sir or Madam,

Application ref: UTT/25/0866/FUL
Our ref: 510696

Conservation of Habitats & Species Regulations 2017 (as amended)
Wildlife & Countryside Act 1981 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015

This application has triggered one or more Impact Risk Zones, (available on [Magic](#) and as a downloadable [dataset](#)) indicating that impacts to statutory designated nature conservation sites (European sites or Sites of Special Scientific Interest) are likely. The designates site which could be impacted by this proposal is:

Debden Water Site of Special Scientific Interest (SSSI)

We note the Applicant's proposal to dispose of foul water via a cesspit i.e. a sealed unit without any discharge, hence Natural England does not object to the proposed development. However, given potential hydrological connectivity with the SSSI our preference would be for the development to be connected to the mains foul sewer if possible. If this is not possible, foul water disposal via a package treatment plant should be considered. If a cesspit is the only available option for foul water disposal we advise your authority to append a condition to any planning permission to require foul sewerage disposal via a sealed cesspit unit only, which should have no overflow or discharge points, to ensure the protection of ground and surface water quality and to prevent harm to sensitive downstream sites including Debden Water SSSI. You may find the attached 'Discharges to ground or surface waters' advice note helpful.

Natural England's consultation response to this planning application is provided in the form of an advice note tailored for this type of development proposal (attached). We anticipate that this will contain sufficient guidance to enable you to make an informed decision regarding impacts to designated sites. If the planning application does not contain the necessary detail, we recommend that you request this from the applicant before reaching a decision.

May we respectfully remind you of your responsibilities to take into account the advice of Natural England under the above legislation, and your biodiversity duties under [s40 of the NERC Act 2006](#). We will monitor planning decisions made using these advice notes, and may contact you again to ensure outcomes are being delivered effectively. Should you have any queries about how to apply the guidance, please contact us again.

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

Please note that Natural England has only provided comments in relation to impacts on statutory designated nature conservation sites. This should not be taken to imply that there are no other more local impacts to biodiversity or other

natural environment interests, and it is for the local planning authority to determine whether or not this application is consistent with national and local policies on the protection and enhancement of the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk.

For any queries relating to the specific advice in this letter only please contact me using the contact details below. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours Faithfully,

Julian Clarke
Natural England
Consultation Service
Hornbeam House
Crewe Business Park, Electra Way,
Crewe, Cheshire, CW1 6GJ

Email: [\[REDACTED\]](mailto: [REDACTED])
www.gov.uk/natural-england



We strongly recommend using the [SSSI Impact Risk Zones](#) (SSSI IRZs) to decide when to consult Natural England on development proposals that might affect a SSSI. The SSSI IRZs tool is quick and simple to use and gives instant planning advice as a formal consultation response in certain circumstances and can reduce unnecessary delays in the planning process.

Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)
For further information on the Pre-submission Screening Service see [here](#)

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NATURAL ENGLAND'S LOCAL PLANNING CONSULTATION ADVICE FOR DISCHARGES TO GROUND OR SURFACE WATER

Natural England's initial screening of this planning application suggests that impacts to designated sites caused by foul drainage arrangements need to be considered by your authority (i.e. the relevant Impact Risk Zone has been triggered).

The assessment of impacts from small sewage discharges (SSD) of up to 5 cubic metres per day may be assessed by following the process outlined below. We therefore advise you to review the planning application under consideration, and apply the following generic advice, as appropriate.

Please note that this advice only applies to development proposals within Essex, Hertfordshire, Cambridgeshire, Bedfordshire, Northants, Norfolk and Suffolk.

Most foul water is removed from a development site by a mains sewer. If a house or business is within 30m of a mains sewer, the expectation is that this will form the foul drainage arrangement. If a mains sewer connection is not proposed, and the property is more than 30m away from the nearest sewer your sewage may go to one of the following small sewage options:

- a septic tank - an underground tank which is part of a sewage treatment system where the solids sink to the bottom and the liquid flows out and soaks through the ground
- a small sewage treatment plant (also known as a package treatment plant) - a part mechanical system that treats the liquid so it's clean enough to go into a river or stream
- a cesspool (also called a cesspit) - a sealed tank that collects the sewage but without treatment, stores the waste and requires regular emptying by a tanker
- a non-standard system, e.g. a reed bed or a trench arch system

Please refer to the decision tree at Annex A to assesses whether the discharge needs an Environmental Permit and a Habitats Regulation Assessment or SSSI Assessment.

Is the discharge to surface water?

If the discharge is to surface water such as a ditch, stream or intertidal area discharges must preferably not be in or within 500m¹ of a Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site, biological Site of Special Scientific Interest (SSSI), designated bathing water, or protected shellfish water; 200m of an aquatic local nature reserve; 50m of a chalk river or aquatic local wildlife site. If within this distance you will need to apply to the Environment Agency for a permit, and associated assessment work. Furthermore, within this distance it should be regarded as likely to have a significant effect to the European site (SPA, SAC, Ramsar), and further assessment work should be requested of the applicant, to inform your Habitats Regulations Assessment (see below), or consideration of the SSSI, as appropriate.

The sewage must only be domestic. The discharge must be less than 5 cubic metres per day in volume. The discharge must not cause pollution of surface water or groundwater. The sewage must receive treatment from a sewage treatment plant. New discharges must not be within 30m of a public foul sewer. Discharges must be made to a watercourse that normally has flow throughout the year and must not be made to an enclosed lake or pond.

¹ The distances specified in this section are taken to be the length of watercourse, not as the crow flies.

Is the discharge to ground water?

If the discharge is to ground water through a soakaway or drainage field then discharges must not be in, or within 50m of an SAC, SPA, Ramsar site, or biological SSSI, and must not be within an Ancient Woodland. If within this distance the applicant will need to apply to the Environment Agency for a permit. You can find out where ancient woodlands are on the [Magic website](#). If within this distance, it should also be regarded as likely to have a significant effect to the European site (SPA, SAC, Ramsar), and further assessment work should be requested of the applicant to inform your Habitats Regulations Assessment (see below), or consideration of the SSSI, as appropriate.

The discharge must be less than 2 cubic metres in volume. The sewage must only be domestic. The discharge must not cause pollution of surface water or groundwater. The sewage must receive treatment from a septic tank and infiltration system (drainage field) or a sewage treatment plant and infiltration system.

Is the proposed discharge close to a protected site?

Natural England has published a set of mapped Impact Risk Zones (IRZs) for SSSIs. This GIS tool can be used to help consider whether a proposed development is likely to affect a SSSI. Please see [Magic](#) and the IRZ [dataset](#) which includes user guidance.

If the discharge location is within or in close proximity to a Special Area of Conservation, Special Protection Area or Ramsar then it will be necessary for the applicant to provide sufficient information for you as the Competent Authority to conduct a Habitats Regulation Assessment in accordance with their duties under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'). In considering the European site interest, Natural England advises that the competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have². The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Where foul water is discharged either to ground to clearly filter away from the site, or into a nearby watercourse to clearly flow away from the development its impact will not need to be assessed. If the treated water flows towards a Site of Special Scientific Interest (SSSI), the closer it discharges to the SSSI, the less time there is for it to be diluted before it reaches the site. Therefore, at greater distances from the SSSI, only those developments with a greater discharge volume are likely to have an impact. The sewage discharge thresholds are aligned with Environment Agency permitting.

What is the expected discharge volume?

It is necessary to ascertain whether the sewage discharge method proposed is appropriate and sufficient to handle the expected discharges throughout the year, including peak flows if use is occasional or seasonal. The expected discharge volume for proposed developments may be estimated using the daily discharge calculator for domestic properties which can be [found here](#).

As a general rule of thumb developments likely to fall below 5 cubic metres (5000 Litres) per day discharge include:

² Requirements are set out within regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process.

In December 2012, Defra carried out a consultation on draft Core Guidance for developers, regulators & land/marine managers. This remains the most comprehensive guidance in relation to the implementation of the Habitats Regulations. This can be found on the Gov.uk website at the following page https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/82706/habitats-simplify-guide-draft-20121211.pdf

- Individual dwellings
- 5 homes of 4 bedroom or less
- 6 homes of 3 bedrooms or less
- 8 flats or small homes of 2 bedrooms or less

What information should be provided within the application for a HRA or SSSI assessment?

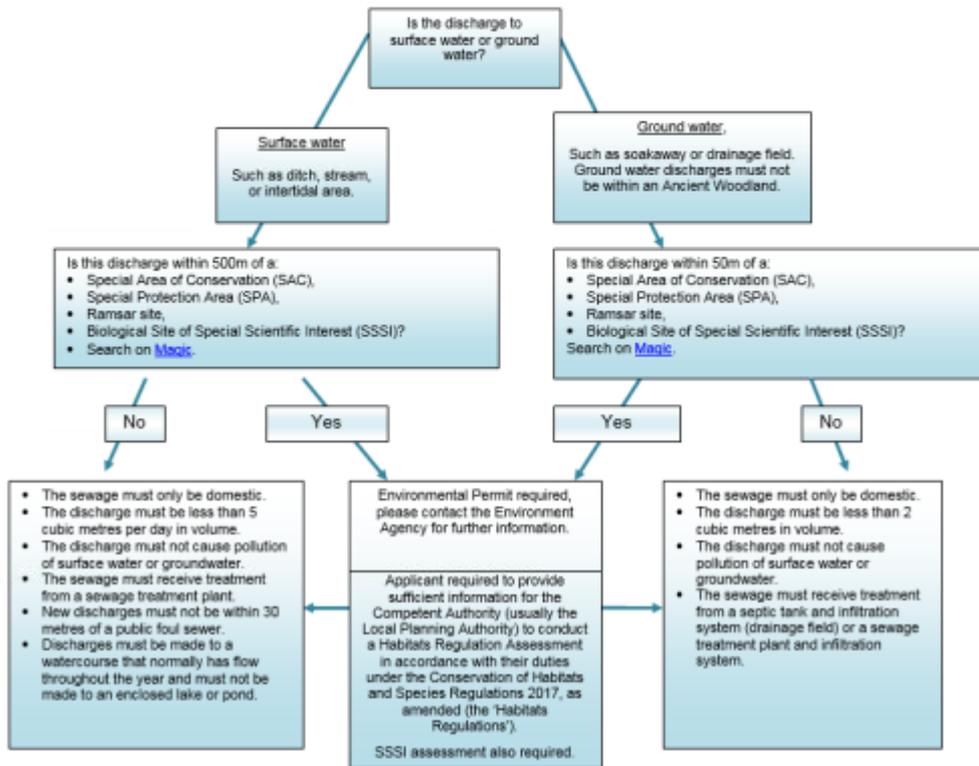
The information provided by the applicant should fulfil the requirements of the permits and general binding rules as outlined with Annex B and allow the Competent Authority to complete a HRA. For example:

- How the septic tank will work
- How often will the tank be serviced and emptied
- Will the tank have a bund around it
- Where is the tank/Where is the outfall
- Does the nearest watercourse flow all year
- If the tank overflows would it soak away to ground or to a ditch or direct to the river
- How deep is the water table
- Does the area regularly flood

Licensing

If a discharge does not meet the general binding rules as outlined in Annex A, then it will require a Small Sewage Discharges Permit from the Environment Agency. Applicants should consult the GOV.UK website to confirm whether their proposal will require a permit early in the development stage.

Annex A Decision Tree to assesses whether the discharge needs an Environmental Permit and a HRA or SSSI Assessment.



**Annex B Septic tanks and treatment plants:
permits and general binding rules**

General binding rules for small sewage discharges (SSDs) came into effect from January 2015. The general binding rules consist of the conditions together with technical requirements specified by the Environment Agency in guidance to operators, compliance with which is part of the conditions. These will apply to anyone who has a septic tank or sewage treatment plant that makes a small sewage discharge, from January 2015. For further details please refer to www.gov.uk

The following general binding rules apply to all small sewage discharges are summarised below for your convenience.

Discharges to Surface Water	Discharges to Ground Water	General Binding Rule
	X	The discharge must be 2 cubic metres or less per day in volume.
X		The discharge must be 5 cubic metres or less per day in volume.
X	X	The sewage must only be domestic.
X	X	The discharge must not cause pollution of surface water or groundwater.
	X	The sewage must receive treatment from a septic tank and infiltration system (drainage field) or a sewage treatment plant and infiltration system.
X		The sewage must receive treatment from a sewage treatment plant.
	X	The discharge must not be within a groundwater Source Protection Zone 1 or within 50m from any well, spring or borehole that is used to supply water for domestic or food production purposes.
X		For discharges in tidal waters, the discharge outlet must be below the mean spring low water mark.
X	X	All works and equipment used for the treatment of sewage effluent and its discharge must comply with the relevant design and manufacturing standards i.e. the British Standard that was in force at the time of the installation, and guidance issued by the appropriate authority on the capacity and installation of the equipment.
X	X	The system must be installed and operated in accordance with the manufacturer's specification.
X	X	Maintenance must be undertaken by someone who is competent.
X	X	Waste sludge from the system must be safely disposed of by an authorised person.

X	X	If a property is sold, the operator must give the new operator a written notice stating that a small sewage discharge is being carried out, and giving a description of the waste water system and its maintenance requirements.
X	X	The operator must ensure the system is appropriately decommissioned where it ceases to be in operation so that there is no risk of pollutants or polluting matter entering groundwater, inland fresh waters or coastal waters.
X	X	New discharges must not be within 30 metres of a public foul sewer
X	X	For new discharges, the operator must ensure that the necessary planning and building control approvals for the treatment system are in place.
X		New discharges must not be in or within: 500m of a Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site, biological Site of Special Scientific Interest (SSSI), designated bathing water, or protected shellfish water; 200m of an aquatic local nature reserve; 50m of a chalk river or aquatic local wildlife site. If within this distance you will need to apply to EA for a permit.
	X	New discharges must not be in, or within 50m of a Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site, or biological Site of Special Scientific Interest (SSSI), and must not be in an Ancient Woodland. If within this distance you will need to apply to EA for a permit.
X		New discharges must be made to a watercourse that normally has flow throughout the year.
X		For new discharges, any partial drainage field must be installed within 10m of the bank side of the watercourse.
X		New discharges must not be made to an enclosed lake or pond.

APPENDIX 3 – SAFEGUARDING AUTHORITY FOR STANSTED AIRPORT

From: DD - Aerodrome Safeguarding <aerodrome_safeguarding@stanstedairport.com>
Sent: 17 December 2025 11:06
To: Planning <planning@uttlesford.gov.uk>
Subject: >> CONSULTATION RESPONSE: UTT/25/0866/FUL

Application Number: UTT/25/0866/FUL

Our Ref.: STN 2025-306

Proposal: Section 73A Retrospective application for change of use to accommodate 4 no. traveller pitches (including 1 no. static caravan and 1 no. mobile caravan each) together with associated development, parking and access road (including engineering operations to reprofile the earth bunds).

Location: Land To The North East Of Chalk Farm Lane Newport Newport

Dear UDC,

Thank you for consulting with the aerodrome safeguarding authority for Stansted Airport, we have no objection to this development subject to the below informative:

-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.

Kind regards,

MAG Aerodrome Safeguarding Authority
Manchester Airport|East Midlands Airport|Stansted Airport
E: aerodrome_safeguarding@stanstedairport.com
W: [Aerodrome Safeguarding | Manchester Airport](#)



Disclaimer

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Please note that MAG monitors incoming and outgoing mail for compliance with its Information Security policy. This includes scanning emails for computer viruses.

For more information about the MAG Group please visit; <http://www.magworld.co.uk>

Our main operating entities are MAG Airport Limited, a private limited company, registered in England under Company Number 11748654, with the Registered Office at 6th Floor, Olympic House, Manchester Airport, Manchester, United Kingdom, M90 1QX; Manchester Airport PLC, a public limited company, registered in England under Company Number 01960988, with the Registered Office at Manchester, Professional Services Limited, PO BOX 532, Town Hall, Manchester, M60 2LA; Stansted Airport Limited, is a private limited company, registered in England under Company Number 01990920, with the Registered Office at Enterprise House, Stansted Airport, Bassingbourn Road, Essex CM24 1QW; East Midlands International Airport Limited, a private limited company, registered in England under Company Number 02078271, with the Registered Office at East Midlands Airport, Pathfinder House, Castle Donington, Derby, East Midlands, DE74 2SA; Manchester Airport Group US Holdings Inc, 101 N Wacker Dr STE 101A, Chicago, IL 60606.

Our ref: STN 2025-086

24 April 2025

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

Appn. No.: UTT/25/0866/FUL
Our Ref.: 2025-086
Proposal: Section 73A Retrospective application for change of use to accommodate four traveller static caravans and four mobile caravans together with associated parking and access road
Location: Land To The North East Of Chalk Farm Lane Newport

Dear UDC,

Thank you for consulting with the aerodrome safeguarding authority for Stansted Airport on the above proposed development dated 22nd April 2025. We have no objection to this development.

Sincerely,

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



Enterprise House
Bassingbourn Road
Essex
CM24 1QW
United Kingdom

APPENDIX 4 – LEAD LOCAL FLOOD AUTHORITY (ESSEX COUNTY COUNCIL)

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



Avgerinos Vlachos
Uttlesford District Council
Planning Services

Date: 18 February 2026
Our Ref: SUDS-008766
Your Ref: UTT/25/0866/FUL

Dear Sir/Madam,

Consultation Response- UTT/25/0866/FUL- Land to the North of Chalk Farm Lane Newport.

Thank you for your email received on 21 January 2026 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:

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

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 \(www.gov.uk\)](#)
- Please note that where discharge is to a public sewer, consent from the relevant authority will be required. The links can be found below.
<https://www.anglianwater.co.uk/developing/drainage-services/sustainable-drainage-systems/>
<https://www.thameswater.co.uk/developers>
- Any works to a ditch may require a S23 Ordinary Watercourse Consent. Please see the below link for more information and how to apply.
<https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/>

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,

Alison Vaughan, Senior 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.

APPENDIX 5 – ENVIRONMENT AGENCY

From: EastAnglia, Planning <Planning.EastAnglia@environment-agency.gov.uk>

Sent: 21 January 2026 10:43

To: Avgerinos Vlachos <AVlachos@uttlesford.gov.uk>

Subject: >> RE: Consultation - UTT/25/0866/FUL

Hi Avgerinos,

I can confirm that we have no comments on this particular application.

Regards
Giles