

5. ENVIRONMENT

Heading

Ref.No: 213 Rep.No: 7

Representor: Herrman, CPREssex **Agent (if applicable):**

Amendment(s) Sought: Suggest that the title of this chapter be expanded to Environment, Built and Natural

Reason(s) for Amendment(s) Sought: CPREssex notes that the title sheet for this section of the Plan shows the title as Environment, Built and Natural whereas the Chapter itself is headed simply Environment. Since both aspects are covered in the chapter we consider the fuller title to be more appropriate

Comments:

Agree that the chapter should consistently be referred to as Environment, Built and Natural

Recommendation

Amend Contents and Chapter title to Environment, Built and Natural

Paragraph 5.1

5.1. The policies on the built and natural environment have the following objectives:

- To safeguard the character of Uttlesford's historic settlements
- To conserve and enhance the historic buildings in Uttlesford and their setting.
- To protect the natural environment for its biodiversity, and agricultural, cultural and visual qualities.
- To limit sensitive development in areas subject to high levels of noise from aircraft or other sources, and avoid deterioration in the noise environment.
- To protect groundwater resources from contamination.
- To protect users of residential properties in particular from long term exposure to poor ground level air quality.
- To improve the health of the community.

Representations of Objection

Ref.No: 119 Rep.No: 26

Representor: , Proto Limited **Agent (if applicable):** Littman and Robeson

Amendment(s) Sought: Add a new first objective. "to accommodate necessary development whilst minimising its impact on the environment"

Reason(s) for Amendment(s) Sought: An additional objective should be added to reflect the role of such land use planning objectives.

Comment:

The need to balance development and the environment is established in the Objectives and Vision for the Local Plan.

Ref.No: 213 Rep.No: 8

Representor: Herrman, CPREssex **Agent (if applicable):**

Amendment(s) Sought: In the list of objectives the phrase "for its own sake should be added to the third objective so that it reads "to protect the natural environment for its own sake, for its biodiversity and agricultural cultural and visual qualities.

Reason(s) for Amendment(s) Sought: CPREssex considers that this whole chapter deals very well with policies on specific aspects of both built and natural environment but we strongly regret and object to the absence of any reference to the general need to protect the natural environment for its own sake in accordance with the requirements of PPG7 and Essex Structure Plan Policy C5

Comments:

Agree

Ref.No: 222 Rep.No: 5

Representor: Young, Go-East **Agent (if applicable):**

Amendment(s) Sought: The third bullet point could be expanded to read "to protect groundwater resources from contamination and over extraction" to more fully capture the spirit of Policy INF 2 in RPG9

Reason(s) for Amendment(s) Sought:

Comment:

Agree amendment to fifth bullet point

Ref.No: 219 Rep.No: 11

Representor: Fletcher, English Heritage **Agent (if applicable):**

Amendment(s) Sought:

Reason(s) for Amendment(s) Sought: This para should include protection of archaeological remains and historic parks and gardens.

Comments:

No policy is proposed and therefore no bullet point is needed

Recommendation

Amend paragraph 5.1 - bullet points 3 and 5 and to

- *'To protect the natural environment for its own sake, particularly for its biodiversity, and agricultural, cultural, and visual qualities.*
- *To protect ground and surface water resources from contamination and over extraction.*

POLICY ENV1 – DESIGN OF DEVELOPMENT WITHIN CONSERVATION AREAS

Deposit Policy

Policy ENV1 - Design of development within Conservation Areas
In Conservation Areas development will be required to preserve or enhance the character or appearance of the area. Outline applications will not be considered.

REPRESENTATIONS RECEIVED

Representations of Support

Ref.No: 156 Rep.No: 11

Representor: White, Saffron Walden Town Council **Agent (if applicable):**

The Town Council fully supports the proposals set out in Chapter 5

Ref.No: 213 Rep.No: 11

Representor: Herrman, CPREssex **Agent (if applicable):**

CRPEssex firmly supports the last sentence of this policy, that "Outline applications will not be considered"

Representation of Objection

Ref.No: 219 Rep.No: 2 & 12

Representor: Fletcher, English Heritage **Agent (if applicable):**

Amendment(s) Sought: Expansion is needed to encompass scale, form and materials of new development, protection of views and settings, historic grain and street patterns, important open spaces and landscaping.

Reason(s) for Amendment(s) Sought: Concerned about the sparsity of coverage where topics are addressed. The pursuit of brevity has resulted in many cases in bland statements which go no further than phrases in the legislation. Policy ENV1 on development in Conservation Areas is an example of this. This is a general statement which goes no further than S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ref.No: 219 Rep.No: 13

Representor: Fletcher, English Heritage **Agent (if applicable):**

Amendment(s) Sought: A new policy is required covering demolition in conservation areas.

Reason(s) for Amendment(s) Sought:

Comments:

Need to maintain some level of generality to allow flexibility and avoid prescription, however accept that some amendment to the policy would be helpful.

Recommendation

Amend Policy ENV1 to

“Development will be permitted where it preserves or enhances the character and appearance of the essential features of a Conservation Area, including plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features. Outline applications will not be considered. Development involving the demolition of a structure which positively contributes to the character and appearance of the area will not be permitted.”

POLICY ENV2 – DEVELOPMENT AFFECTING LISTED BUILDINGS

Deposit Policy

Policy ENV2- Development affecting Listed Buildings

Development affecting a listed building should be in keeping with its scale, character and surroundings. Development proposals that adversely affect the setting, and alterations that impair the special characteristics, of a listed building will not be permitted.

REPRESENTATIONS RECEIVED

Representations of Support

Ref.No: 10 Rep.No: 8

Representor: The National Trust **Agent (if applicable):** Community and Regional Planning Services

The NT strongly supports ENV2

Ref.No: 103 Rep.No: 5

Representor: Curtis, **Agent (if applicable):** John Martin & Associates

Wish to ensure that only development compatible with its surroundings may occur, and therefore supports Policy ENV2.

Representations of Objection

Ref.No: 119 Rep.No: 27

Representor: , Proto Limited **Agent (if applicable):** Littman and Robeson

Amendment(s) Sought: Redraft policy as follows: Development affecting a listed building will be determined have regard to the following: The impact on its setting and the effect on its special character or interest.

Reason(s) for Amendment(s) Sought: The policy wording goes beyond that contained in the Act

Ref.No: 212 Rep.No: 7

Representor: Locke, Uttlesford Area Access Group **Agent (if applicable):**

Amendment(s) Sought: Delete final sentence? Add a policy statement to form part of Supplementary Planning Guidance. "The District Council will encourage access and facilities for disabled people at places of architectural and historic importance where these are not likely to be detrimental to the fabric and setting of the building or the character of a space. Provision should be made for disabled people to visit and

benefit from sites of archaeological importance and ancient monuments where it is possible to do so without undue damage to the sites themselves. Such provisions should provide easy, dignified access to historic buildings for everyone. Supplementary guidance can be found in the English Heritage publication entitled "Easy Access to Historic Properties"

Reason(s) for Amendment(s) Sought: The group noted the final sentence " will not be permitted" was unacceptable. The group seeks an additional policy note to be part of Supplementary Planning Guidance

Ref.No: 219 Rep.No: 15

Representor: Fletcher, English Heritage **Agent (if applicable):**

Amendment(s) Sought: The plan should include specific policies relating to extension, alteration and change of use, setting out the criteria that will be applied. A policy relating to the demolition of listed buildings should also be included.

Reason(s) for Amendment(s) Sought: ENV2 provides insufficient guidance on development affecting listed buildings

Ref.No: 213 Rep.No: 30

Representor: Herrman, CPREssex **Agent (if applicable):**

Amendment(s) Sought: Show listed buildings on the map or indicate where maps of them could be studied.

Reason(s) for Amendment(s) Sought: We congratulate the Council on the maps, which we have found very much clearer than the maps in the existing local plan. However when the District is particularly rich in Listed Buildings, it seems to us a pity that these are no longer indicated. Would you consider re-instating them or indicating where maps of them could be studied

Comments:

It is accepted that some greater detail as suggested by English Heritage, will assist in the use of the policy. The policy can be amended to make reference to demolition.

The issues raised by the Access Group can be dealt with by an amended GEN policy and in Supplementary Planning Guidance.

It is impracticable to identify all listed buildings and structures on the proposals and inset maps. The Council leaflet on Conservation and Planning states that information and advice can be obtained from the Conservation Officer

Recommendation

Amend Policy ENV2 to read

"Development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics, of a listed building will not be permitted. In cases where planning permission might not normally be granted for the conversion of listed buildings to alternative uses, favourable consideration may be accorded to schemes which incorporate works that

represent the most practical way of preserving the building and its architectural and historic characteristics.”

POLICY ENV3 – OPEN SPACES AND TREES

Deposit Policy

The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.

REPRESENTATIONS RECEIVED

Representations of Support

Ref.No: 210 Rep.No: 2

Representor: Wadey, British Horse Society **Agent (if applicable):**
Society supports this policy

Ref.No: 213 Rep.No: 12

Representor: Herrman, CPREssex **Agent (if applicable):**
CPREssex is pleased to see the inclusion of sentence 3 of paragraph 5.5, recognizing the character of untidy land areas in certain cases.

Representations of Objection

Ref.No: 23 Rep.No: 2

Representor: Hunter, **Agent (if applicable):**

Amendment(s) Sought: Include other large gardens of importance within Policy ENV3 or write a new policy concerned with registered parks and gardens.

Reason(s) for Amendment(s) Sought: Large gardens give space for the growth of tall and spreading trees, add to the townscape of the village and contribute to the variety and texture of the overall scene, they are of nature conservation value. They are a much diminished resource.

Comments:

It is appreciated that gardens are a valuable asset and it is considered that paragraph 5.5 be amended to refer to large mature gardens. If the site lies within a Conservation Area or is a curtilage to a listed building then policies ENV1 and ENV2 are relevant. Policy ENV7 may also be applicable.

Ref.No: 71 Rep.No: 2

Representor: Walford, **Agent (if applicable):**

Amendment(s) Sought: Suggested Wording - " in circumstances where the applicant for development consent has applied for consent for a development which impinges on or diminishes any open space within the area (an impinging development) and it is within the power of that developer to carry out a different

development in such a way as can improve and/or preserve open space "a diminished impact development" consent will not be granted for an impinging development.

Reason(s) for Amendment(s) Sought: The policy needs to be strengthened. Pressure on housing and for other development is chopping away gradually at the rural nature of much of Uttlesford. Where a proposed developer has it in its power to minimise the environmental impact it should be forced to do so. The Council should ensure that all and any developments (even where considered necessary) impinge as little as possible on open space.

Comments:

It is considered that the policy is clear in its intent to protect open spaces and trees

Ref.No: 119 Rep.No: 28

Representor: , Proto Limited **Agent (if applicable):** Littman and Robeson

Amendment(s) Sought: Add "within existing built" up areas after "development proposals".

Reason(s) for Amendment(s) Sought: It should be made clear that "other visually important spaces" and the similar reference in the final sentence of paragraph 5.5 are not meant to apply to areas within the countryside.

Comments:

Traditional open spaces and trees are important characteristics in Uttlesford's landscape both within and beyond settlement boundaries. It is therefore not appropriate to restrict the policy to within Settlement Boundaries.

Ref.No: 149 Rep.No: 6

Representor: Wilson, Great Dunmow Town Council **Agent (if applicable):**

Amendment(s) Sought: Include reference to the protection of open space within the plan.

Reason(s) for Amendment(s) Sought: There is no specific reference to the protection of open spaces. All open spaces should be defined in the plan and must be protected from development.

Comments:

Policy ENV3 protects traditional and visually important open spaces both within and beyond the Settlement Boundary. It is impracticable to identify all such spaces on the proposal and inset maps. The most significant sites within settlement boundaries where policies S1 and S3 apply are specifically identified in order to protect them from development. Paragraph 5.5 makes it clear that other smaller spaces of importance may exist.

Ref.No: 161 Rep.No: 3

Representor: Brackenbury, The Stebbing Society **Agent (if applicable):**

Amendment(s) Sought:

Reason(s) for Amendment(s) Sought: Stebbing possesses a number of traditional open spaces, gardens, and trees that make an important contribution to the street scene and conservation area. These features are referred to in the Uttlesford District Plan as special characteristics to be preserved. The Local Plan should include Stebbing in this policy and this should be indicated on the Inset Map.

Comments:

Such features as referred to in the representation can be found in villages throughout the district and it is impracticable to identify them all. The Council is proposing producing Supplementary Planning Guidance describing the special characteristics of conservation areas.

Ref.No: 215 Rep.No: 2

Representor: Vose, Countryside Agency **Agent (if applicable):**

Amendment(s) Sought: We support fully the intentions of this policy but believe that the policy or its supporting text should provide further guidance on how judgements are to be made and what criteria are to be used in the assessment of "the need for development " and amenity value" if it is to be effective. The policy of supporting text should encourage the use of the Quality of Life Capital approach, recently launched by the Countryside agency etc. This is a planning and management tool for identifying what matters and why so that the consequences of plans development proposals and management options on quality of life can be better taken into account. With respect to site specific assessments the QoL approach can assist and strengthen the conventional assessment process through.....cont'd

Reason(s) for Amendment(s) Sought: (cont'd from above)..... putting all kinds of social economic and environmental services and benefits in the same framework. Providing a systematic and transparent framework for determining where, in what form and with what conditions development can be accommodated. Offering a means to integrate the views of local residents as well as expert and specialist inputs and increase public awareness of and participation in the assessment process. Encouraging the enhancement of quality of life rather than simply maintaining the status quo and ensuring a comprehensive and inclusive assessment of potential impacts and management options.

Comments:

It is proposed that greater explanation be given in the supporting text on the definition of need.

Ref.No: 218 Rep.No: 21

Representor: Dale, Saffron Walden Friends of the Earth **Agent (if applicable):**

Amendment(s) Sought: Amend final sentence of para 5.5 to read "other smaller spaces of importance will also be protected where development would be inappropriate. ENV3 - Traditional open spaces should be defined. Add recreation areas and commons to the policy. Delete "proposals" after development.

Reason(s) for Amendment(s) Sought:**Comments:**

The suggested amendment to the final sentence of paragraph 5.5 is accepted. The second sentence of the paragraph already identifies the types of spaces to which the policies be applied. It is proposed that reference is made to mature large gardens. Recreation open space is covered by policy LC1.

Ref.No: 213 Rep.No: 9

Representor: Herrman, CPREssex Agent (if applicable):

Amendment(s) Sought: We ask the Council to give further thought to this use with a view to eliminating a phrase that will be difficult to define and even more difficult to enforce.

Reason(s) for Amendment(s) Sought: CPREssex is particularly concerned at the use of the word "need" in policies ENV3, 4, 6, 7, and 8

Comments:

It is not practicable to protect such sites absolutely. Sites will be of varying quality. The policies as proposed allow a judgement to be made between the special characteristics of a site and the need for the development. Each application can therefore be treated on its merits. It is considered though that greater explanation could be given in the supporting text on the definition of need.

Recommendation

No change to policy ENV3 but amend supporting text to give definition to the term 'need', and to state that the Council will produce Supplementary Planning Guidance on the special characteristics of the Conservation Areas.

Paragraph 5.6

Ancient Monuments and Sites of Archaeological Importance

5.6 Uttlesford is an area of considerable archaeological importance. There are more than 30 scheduled ancient monuments, some of which are visible today, such as Ring Hill at Littlebury, Wallbury Camp, Canfield Mound, and the Battle Ditches and Norman Keep at Saffron Walden. In addition to these, there are numerous sites that have been identified by Essex County Council as being of archaeological importance. On many of these sites artefacts have been discovered, and some may provide evidence of past social and economic activity. New discoveries are frequently made, for example during preparatory work for development at Stansted Airport where a settlement of Romano-British origin was discovered, together with important artefacts. The structure plan has policies on the protection of archaeological sites (Structure Plan Policy HC5) and archaeological assessment (Structure Plan Policy HC6).

Representations of Objection

Ref.No: 219 Rep.No: 16

Representor: Fletcher, English Heritage **Agent (if applicable):**

Amendment(s) Sought: The addition of a policy framework relating to archeology is essential. We do not consider it sufficient to rely on the structure plan for this. The framework should cover evaluation of sites of archeological significance or potential, The presumption infavour of preservation of nationally important sites and their settings. Preservation in situ of other remains depending on their merit and the nature of the development: provision for excavation and recording where appropriate and ehancement of archeological sites.

Reason(s) for Amendment(s) Sought: .

Comments

The introduction to the Plan states at paragraph 1.7 that the Local Plan complements, rather than duplicates, the Structure Plan.

Ref.No: 219 Rep.No: 30

Representor: Fletcher, English Heritage **Agent (if applicable):**

Amendment(s) Sought:

Reason(s) for Amendment(s) Sought: Scheduled Ancient Monuments should be identified on the map

Comments:

As no policy is proposed it is inappropriate to identify sites on the maps.

Ref.No: 204 Rep.No: 5

Representor: Burchell, Essex County Council **Agent (if applicable):**

Amendment(s) Sought: Amended paragraph 5.6 suggested - see objection letter

Reason(s) for Amendment(s) Sought: Paragraph needs correction and clarification

Comments:

Agree to an abridged version.

Ref.No: 218 Rep.No: 22

Representor: Dale, Saffron Walden Friends of the Earth **Agent (if applicable):**

Amendment(s) Sought: First sentence to read Uttlesford contains many areas of considerable.....Last sentence to read "development proposals will be assessed against the Structure Plan Policies on the protection" etc

Reason(s) for Amendment(s) Sought:

Comments:

Agree

Recommendation:

Amend paragraph 5.6 to read

The Structure Plan has policies on the protection of archaeological sites (Structure Plan Policy HC5) and archaeological assessment (Structure Plan policy HC6). Within Uttlesford District, approximately 3000 sites of archaeological interest are recorded on the Heritage Conservation Record (EHCR) maintained by Essex County Council, of which 73 are Scheduled Ancient Monuments (December 2001). However the EHCR records represent only a fraction of the total. Many important sites remain undiscovered and unrecorded. Archaeological sites are a finite and non-renewable resource. As a result it is important to ensure that they are not needlessly or thoughtlessly destroyed. When investigating and making proposals for sites, the planning authority will expect applicants to adopt the procedures set out in central government planning policy guidance 16: Archaeology and Planning (PPG16).

**Paragraph 5.7
The Quality of the Countryside**

5.7 Uttlesford is a highly productive arable farming area. There is no Grade 1 land but over 80% of the District is classified Grade 2 by the Ministry of Agriculture, Fisheries and Food. There is some Grade 3a land. This represents the best and most versatile farmland. Such land should be avoided for development if at all possible.

Representations of Objection

Ref.No: 218 Rep.No: 23

Representor: Dale, Saffron Walden Friends of the Earth Agent (if applicable):

Amendment(s) Sought: Amend 5.7 to read Uttlesford is a highly productive arable farming area. There is no Grade 1 land but over 80% of the District is classified Grade 2. There is also some Grade 3a land. This represents the best and most versatile farmland. Such land should be protected from development unless a development of national or regional significance takes precedent.

Reason(s) for Amendment(s) Sought:

Ref.No: 206 Rep.No: 13

Representor: Walker, Uttlesford LA21 Group2 Agent (if applicable):

Amendment(s) Sought: 5.7 to read "Uttlesford is a highly productive farming area. There is no Grade 1 land but over 80% of the District is classified Grade 2 under the MAFF Agricultural Land Classification (ALC) system. There is also some Grade 3a land. All these grades represent some of the best and most versatile farmland. Such land should be protected from development which would adversely affect its maintaining its current ALC status.

Reason(s) for Amendment(s) Sought: The Farming, Wildlife & Countryside Group of Uttlesford Local Agenda 21 UK wishes to see strong protection from development of all agricultural land in the district.

Comments:

Sentence will need amending to reflect revised wording of policy.

Recommendation

Amend last sentence to read '...unless sustainability considerations suggest otherwise.'

Paragraph 5.8

5.7 Pasture land is not extensive although it does exist in the river valleys where drainage problems, in part, have resulted in Grade 3b designation. Representations of Objection

Ref.No: 206 Rep.No: 14

Representor: Walker, Uttlesford LA21 Group2 **Agent (if applicable):**

Amendment(s) Sought: Para 5.8 to read "Pasture land is not extensive although it does exist in the river valleys where drainage problems, in part, have resulted in (ALC) Grade 3b designation. Such land is an important element of the historic and current countryside character of the district and should be avoided for development which would adversely affect its maintaining that status and character.

Reason(s) for Amendment(s) Sought: The Farming, Wildlife & Countryside Group of Uttlesford Local Agenda 21 UK wishes to see strong protection from development of all farmland in the District.

Comments:

Agree that Pasture land, although not of high agricultural quality is important to the character and biodiversity of the district and text should reflect this.

Recommendation:

Additional sentence to paragraph saying 'Although not the best and most versatile farmland, pasture land is important to the character and biodiversity of the district.'

Paragraph 5.10 – 5.13

5.10 Woodland and hedgerows are important components in the local landscape. Many field boundary hedgerows have been lost in recent years and woodlands in the landscape have often acquired particular prominence because of this. All of the visually important woodlands in the District are shown on the Proposals Map and Inset Maps. Broad byways and narrow enclosed high-banked lanes are also important elements in the character of the countryside. The best of these have been designated Protected Lanes.

5.11 Some of the woodlands are very old and of ecological importance. The best habitats are designated as Sites of Special Scientific Interest. Hales Wood and Hatfield Forest are National Nature Reserves. Sites of Special

Scientific Interest are identified by English Nature as being of special interest by reason of flora, fauna, geological or physiographic features. Most of the sites in Uttlesford are ancient woodlands, but there are good examples of specific grassland/ streamside habitats. Halls Quarry is a site of geological interest. Where the Council has statutory discretion to require an environmental assessment, because a relevant project is likely to have significant effects on the special character of an SSSI, it will normally require one.

5.12 Roadside verges also represent uncultivated areas in an intensively farmed landscape where rare plants may still be found, and **Special Verges** are shown on the Proposals Map and Inset Maps as areas to which Policy ENV9 applies. Special Verges may often be associated with lanes following historic alignments. Other sites of local ecological value exist and further sites worthy of protection may be identified in the Plan period, which might include Local Nature Reserves.

5.13 The presence of a protected species such as bats, barn owls, badgers and crested newts on a site will be taken into account when considering a proposal for development. Development will either be refused or be subject to a requirement that reasonable precautions be taken. This is not an issue restricted to the countryside, as bats, for example, may roost in the roof spaces of buildings in towns and villages.

Objections

Ref.No: 213 Rep.No: 13

Representor: Herrman, CPREssex **Agent (if applicable):**

Amendment(s) Sought: We ask that the Council adds a phrase at the end of para 5.10 so that it reads: The best of these have been designated Protected Lanes, and will be subject to Essex Structure Plan Policy NR5

Reason(s) for Amendment(s) Sought: CPREssex regrets the absence of any specific reference to effects of traffic increase on Protected Lanes within any policy either in this chapter or in the Transport Chapter and for that reason objects to the lack of cross reference to the relevant Structure Plan Policy

Comments:

The Structure Plan is part of the Development Plan and is therefore a consideration in planning applications. The Local Plan has only made cross reference to Structure Plan policies when there is no equivalent local policy. Proposals affecting Protected Lanes will be considered against Structure Plan policy NR5 and Local Plan Policy ENV8

Ref.No: 218 Rep.No: 24

Representor: Dale, Saffron Walden Friends of the Earth **Agent (if applicable):**

Amendment(s) Sought: 5.10 should refer to hedgrow legislation. 5.11 delete last sentence and draw attention to EA requirements set out in Government Circular.5.12 Delete which and replace with "these" in last sentence. 5.13 add location of schedule of protected species to last sentence.

Reason(s) for Amendment(s) Sought:**Comments:**

Agree minor changes to text to refer to Hedgerow regulations, and Planning Policy Guidance Note 9 Nature Conservation in relation to protected species.

Ref.No: 208 Rep.No: 9

Representor: Muller, English Nature **Agent (if applicable):**

Amendment(s) Sought: The value of brownfield sites for wildlife needs to be stated in the local plan as early on as possible either in a list of criteria to be considered in all development proposals (see objection to para 3.3), or as part of the current GEN7 policy and accompanying text (para 3.10). Specific reference to the value of such sites for wildlife needs to be made within chapter 5. The subject does not appear to fit comfortably with any of the existing paragraphs and policies. New text is therefore needed.

Reason(s) for Amendment(s) Sought: Omission of reference to previously developed land (also known as 'brown field sites') and its value for wildlife.

Comment

Make reference within supporting text.

Ref.No: 208 Rep.No: 11

Representor: Muller, English Nature **Agent (if applicable):**

Amendment(s) Sought: Suggested amended wording "The Council will work with English Nature, parish councils and landowners to secure the declaration of new Local Nature Reserves in and around the District's main settlements."

Reason(s) for Amendment(s) Sought: Consider text should make a stronger commitment to declaring Local Nature Reserves (LNRs). LNRs form part of the wider biodiversity picture. They play a part in biodiversity conservation, enhance the quality of local communities and can provide opportunities for education and community development. Appreciate district Councils land holding is small however other avenues exist and the Council should consider the scope for dialogue with landowners of existing wildlife sites and nature reserves (such as Essex Wildlife Trust). Declaration and management of LNRs provides a valuable means of delivering accessible natural green space (see objection 208.10)

Comments:

Agree

Ref.No: 227 Rep.No: 16

Representor: Barrell, Environment Agency **Agent (if applicable):**

Amendment(s) Sought: Recommend inclusion of water vole in the list of protected species as an example of water reliant species and crested newts should read great crested newt. (Paragraph 5.13)

Reason(s) for Amendment(s) Sought: Species omitted.

Comments:

Agree

Recommendation:

Amend paragraphs 5.10 to 5.13 to refer to hedgerow regulations; PPG9 as a reference to protected species; correct protected species listed, declaration of LNRs and the value of previously developed land for wildlife habitats. Amend ENV9 to ENV7 in paragraph 5.12

POLICY ENV4 – PROTECTION OF AGRICULTURAL LAND

Deposit Policy

Policy ENV4 - Protection of agricultural land

Development proposals involving irreversible loss of the best and most versatile land will not be permitted, unless there is an overriding need for the development, which cannot take place on previously developed land or appropriate land of a lesser quality.

REPRESENTATIONS RECEIVED

Representations of Support

Ref.No: 206 Rep.No: 15

Representor: Walker, Uttlesford LA21 Group2 **Agent (if applicable):**

The Farming, Wildlife & Countryside Group of Uttlesford Local Agenda 21 UK welcomes this policy if our rewording of paragraphs 5.7 and 5.8 are incorporated into the Draft Local Plan.

Representations of Objection

Ref.No: 115 Rep.No: 5

Representor: , Prowting Projects and Gleeson Homes **Agent (if applicable):** Boyer Planning Limited

Amendment(s) Sought: Add to the end of the draft policy "except where other sustainability considerations suggest otherwise"

Reason(s) for Amendment(s) Sought: Object to the wording of this policy which fails to pay due regard to current government policy as set out in the revisions to PPG7. Government policy recognises that issues of agricultural land quality must be weighed in the balance with wider sustainability considerations.

Ref.No: 118 Rep.No: 7

Representor: , Bryant Projects **Agent (if applicable):** DLP Consultants Ltd

Amendment(s) Sought: Redraft ENV 4 as follows: Development proposals involving irreversible loss of the best and most versatile land will not be permitted, unless it is

otherwise considered to be the most sustainable alternative taking into account the availability of previously developed land or other appropriate land of a lesser quality and there is an over-riding need for the development

Reason(s) for Amendment(s) Sought: We do not fully consider that ENV4 interprets the revisions to Para 2.17 of PPG7 introduced in March 2001. ENV4 does not allow for sustainability considerations to be balanced against the interests of protecting agricultural land. There may, for example be occasions where a parcel of land is of higher grade quality compared to an alternative, but other sustainability considerations indicate it to be a preferable choice. The policy should allow specifically for such comparative considerations in accordance with the intentions of Government advice.

Ref.No: 119 Rep.No: 29

Representor: , Proto Limited **Agent (if applicable):** Littman and Robeson

Amendment(s) Sought: Redraft policy to state: development proposals involving the loss of land in agricultural use shall have regard to: a) the quality of land b) the size of land to be lost c) the scale of the agricultural holding and D) the extent of severance from the remainder of that or other holdings

Reason(s) for Amendment(s) Sought: The policy should be redrafted so that it also relates to the overall size and quality of the agricultural holding and issues such as severance.

Ref.No: 144 Rep.No: 5

Representor: , Bryant Homes Limited **Agent (if applicable):** Vincent and Gorbong

Amendment(s) Sought: Amend the policy to reflect the guidance in PPG7

Reason(s) for Amendment(s) Sought: The policy does not reflect the guidance relating to best and most versatile agricultural land contained in PPG7 as amended in March 2001. The guidance relaxes the previous controls over the loss of agricultural land. Sustainability considerations such as biodiversity, landscape accessibility and amenity value may override agricultural land value. Statutory and non statutory designations should also be taken into account, alongside agricultural land quality, in weighing up the relative merits of a site rather than the more limited previously developed land and agricultural land quality criteria set out in the policy

Ref.No: 164 Rep.No: 7

Representor: , Bellway Homes **Agent (if applicable):** FPD Savills

Amendment(s) Sought:

Reason(s) for Amendment(s) Sought: Policy ENV4 as written simply refers to the circumstances where development proposals on the best and most versatile land will not be permitted unless there is an overriding need for the development. There is no reference within this policy to balancing the need for the preservation of such quality land within the objectives of sustainability. Clearly in such circumstances a balance has to be struck and the policy would be more appropriate to refer to the need to

assess a site's sustainability criteria when looking at development, in comparison to its agricultural land classification.

Ref.No: 213 Rep.No: 9

Representor: Herrman, CPREssex **Agent (if applicable):**

Amendment(s) Sought: We ask the Council to give further thought to this use with a view to eliminating a phrase that will be difficult to define and even more difficult to enforce.

Reason(s) for Amendment(s) Sought: CPREssex is particularly concerned at the use of the word "need" in policies ENV3, 4, 6, 7, and 8

Ref.No: 218 Rep.No: 25

Representor: Dale, Saffron Walden Friends of the Earth **Agent (if applicable):**

Amendment(s) Sought:

Reason(s) for Amendment(s) Sought: Policy refers to need - who's definition of need is this?

Ref.No: 222 Rep.No: 7

Representor: Young, Go-East **Agent (if applicable):**

Amendment(s) Sought: We suggest that the policy be reworded as follows "Development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing settlement boundaries. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

Reason(s) for Amendment(s) Sought: Policy ENV4 does not reflect the new wording of PPG7 as set out in March 2001 concerning the best and most versatile land. Whether the development is irreversible or not is no longer a material consideration in assessing development of agricultural land.

Comments:

It is accepted that the policy needs to be reworded to reflect the new wording of PPG7 as set out in the representation by Go-East.

Recommendation

Reword Policy ENV4

Policy ENV4 Protection of Agricultural Land

Development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing settlement boundaries. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

POLICY ENV5 - CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC GARDEN

Deposit Policy

Policy ENV5 – Change of use of agricultural land to domestic garden
Change of use of agricultural land to domestic garden will be permitted if the proposal, particularly its scale, does not result in a material change in the character and appearance of the surrounding countryside. Conditions regulating development rights associated with the proposal may be necessary.

REPRESENTATIONS RECEIVED

Representations of Support

Ref.No: 38 Rep.No: 6

Representor: , Gosling & Robson Trusts **Agent (if applicable):** Bidwells
Support policy which is practical and reasonable in relation to clients concerns as landowners

Ref.No: 206 Rep.No: 16

Representor: Walker, Uttlesford LA21 Group2 **Agent (if applicable):**
The Farming, Wildlife & Countryside Group of Uttlesford Local Agenda 21 UK
welcomes this policy because open countryside requires protection within the District.

Representations of Objection

Ref.No: 10 Rep.No: 9

Representor: Turner, National Trust **Agent (if applicable):** Community and Regional Planning Services

Amendment(s) Sought:

Reason(s) for Amendment(s) Sought: The National Trust supports Policy ENV5. However the policy or supporting text could usefully be extended to highlight the importance of appropriate means of enclosure and boundary treatment such that this does not have the effect of urbanising the area or of compromising the openness of the Countryside

Ref.No: 34 Rep.No: 4

Representor: Ovenden, (Officer) **Agent (if applicable):**

Amendment(s) Sought: Should indicate that unless the area of land involved is small (however defined); that the property's existing garden is small and that it relates to tidying up a meandering boundary, that changes of use won't be permitted. Alternatively it would be better to remove the policy and rely on a robust S7 rather than retain an unhelpful policy.

Reason(s) for Amendment(s) Sought: Policy is too positive; masquerades as useful policy but terms are too vague; makes the LPA's job in refusing change of use applications unnecessarily difficult. Which applicant will believe that their proposal fails to comply with the policy? Removal of Permitted Development rights merely mean that planning permission is required and thus is no great safeguard.

Ref.No: 161 Rep.No: 6

Representor: Brackenbury, The Stebbing Society **Agent (if applicable):**

Amendment(s) Sought: Amend policy.

Reason(s) for Amendment(s) Sought: Change of use of agricultural land to domestic garden, We consider that conditions regulating development rights are essential to any planning permission of this kind and the wording of the policy should be amended to reflect this.

Ref.No: 218 Rep.No: 26

Representor: Dale, Saffron Walden Friends of the Earth **Agent (if applicable):**

Amendment(s) Sought: Delete Policy ENV5 - Countryside Protection Policies

Reason(s) for Amendment(s) Sought:

Ref.No: 222 Rep.No: 8

Representor: Young, Go-East **Agent (if applicable):**

Amendment(s) Sought:

Reason(s) for Amendment(s) Sought: Policy ENV5 (and Policy H5) states that planning permission may be subject to conditions regulating development rights. Permitted development rights should only be removed in exceptional circumstances where there is a real and specific threat to an interest of acknowledged importance. And DOE circular 11/95 advises that conditions withdrawing such rights should themselves only be imposed exceptionally. We consider that some clarification is needed as to the type of development that might warrant such restrictive action.

Comments:

The diversification of the countryside and the change of use of agricultural land are becoming increasingly common. National policy on the countryside accepts that landowners need the flexibility to consider a range of options for the use of their land

and some change can be accommodated without detriment if handled sensitively. The effect on the character of the countryside is the important test and size is only relevant in this context. It is considered that changes to the supporting text will overcome the objections received.

Recommendation.

Amend supporting text to cover issues of acceptable boundary treatment, what types of development might change the character and appearance of the countryside, and when conditions might be imposed.

POLICY ENV6 – THE PROTECTION OF THE NATURAL ENVIRONMENT – DESIGNATED SITES

Deposit Policy

Development proposals that adversely affect areas of nationally important nature conservation concern, such as Sites of Special Scientific Interest and National Nature Reserves, will not be permitted unless the need for the development outweighs the particular importance of the nature conservation value of site or reserve.

Development proposals likely to affect local areas of nature conservation significance, such as ancient woodlands, wildlife habitats and sites of ecological interest, will not be permitted unless the need for the development outweighs the local significance of the site to the biodiversity of the District.

REPRESENTATIONS RECEIVED

Representations of Support

Ref.No: 10 Rep.No: 10

Representor: Turner, National Trust **Agent (if applicable):** Community and Regional Planning Services
The National Trust strongly supports ENV6

Ref.No: 227 Rep.No: 17

Representor: Barrell, Environment Agency **Agent (if applicable):**
EA support the policy

Representations of Objection

Ref.No: 6 Rep.No: 2

Representor: Pomfret, The Woodland Trust **Agent (if applicable):**

Amendment(s) Sought: Other councils have adopted absolute protection e.g. "Permission will not be granted for development within an area of ancient woodland" and "in order to protect areas of woodland, especially ancient and semi-natural ancient woodlands and/or woodlands special scientific interest development will be resisted which would be harmful to the trees within and/or on their outer edges". We would like to see Uttlesford adopt a similar form of words in Policy ENV 6 and delete the caveat.

Reason(s) for Amendment(s) Sought: While the Trust welcomes the protection given to Ancient Woodland in the first half of the second para of this policy we object because of the caveat in the policy which states that development will not be permitted "unless the need for the development outweighs the local significance of the site to the biodiversity of the District. Ancient woodland is an irreplaceable habitat having taken at least 400 years to evolve and the Trust believes that it should be therefore given absolute protection. Especially in Uttlesford as there is such an important concentration of this habitat. The trust also believes the caveat is unnecessary as section 70 of the T and CP Act (1990) states that material considerations must be taken into account as well as development plan policies when considering planning applications.

Ref.No: 14 Rep.No: 1

Representor: Lucy, Essex RIGS Group **Agent (if applicable):**

Amendment(s) Sought:

Reason(s) for Amendment(s) Sought: Pleased to see that GEN7 already refers to geological features. ENV6 should include reference to regionally important geological sites (RIGS). The Essex RIGS group is about to notify the Council of a number of RIGS in Uttlesford District. RIGS are described in PPG9 and the initiative has the support of English Nature

Ref.No: 119 Rep.No: 30

Representor: , Proto Limited **Agent (if applicable):** Littman and Robeson

Amendment(s) Sought: Add at the end of the First Sentence "or appropriate mitigation measures are provided . Delete second sentence.

Reason(s) for Amendment(s) Sought: With regard to the first part of the policy there are different degrees of adverse affect on an area and in some circumstances mitigation may be possible or appropriate. The extent of such mitigation as well as the need for the proposed development must be taken into account. It is noted that the relevance of mitigation is referred to in Policy ENV7. The second part of the policy is inappropriate since areas of lesser nature conservation significance will require the same very substantial burden of proof of need as for nationally important sites.

Ref.No: 208 Rep.No: 10

Representor: Muller, English Nature **Agent (if applicable):**

Amendment(s) Sought: A suitable policy might be "the council will seek to ensure that all people living and working in the district have reasonable access to an area of nature conservation interest". Supporting text might include the English Nature natural green space thresholds.

Reason(s) for Amendment(s) Sought: There is an omission to reference to access to natural green space. Issue cuts across 'Environment', 'Housing', and 'Leisure and cultural provision'. UK BAP "encourages local planning authorities to make

reasonable provision for Local Nature Reserves and natural green space in local plans and environment charters." EN encourages LAs to ensure that local residents have access to certain sizes of natural green space within certain distances. Rural character of district should help to facilitate provision though proximity of open countryside does not always equate with easy access for all. New Housing and Local Nature Reserves are other key policy areas with scope to provide suitable provision. [see also 208.10 - Local Nature Reserves]

Ref.No: 208 Rep.No: 12

Representor: Muller, English Nature **Agent (if applicable):**

Amendment(s) Sought: Amend policy ENV6 to include Local Nature Reserves (another form of designated site), Country Wildlife Sites, and Regionally Important Geological and Geomorphological Sites (RIGS).

Reason(s) for Amendment(s) Sought: (1) LNRs form part of the wider biodiversity picture. They play a part in biodiversity conservation, enhance the quality of local communities and can provide opportunities for education and community development. Appreciate district Councils land holding is small however other avenues exist and the Council should consider the scope for dialogue with landowners of existing wildlife sites and nature reserves (such as Essex Wildlife Trust). Declaration and management of LNRs provides a valuable means of delivering accessible natural green space (see objection 208.10). (2) County Wildlife sites and Regionally Important Geological Sites (RIGS) are both non statutory but urge the council to include these terms within the policy.

Ref.No: 213 Rep.No: 9

Representor: Herrman, CPREssex **Agent (if applicable):**

Amendment(s) Sought: We ask the Council to give further thought to this use with a view to eliminating a phrase that will be difficult to define and even more difficult to enforce.

Reason(s) for Amendment(s) Sought: CPREssex is particularly concerned at the use of the word "need" in policies ENV3, 4, 6, 7, and 8

Comments:

The policy as proposed allows a judgement to be made between the special characteristics of a site and the need for the development. Each application can therefore be treated on its merits. It is considered though that greater explanation could be given in the supporting text on the definition of need.

It is accepted that RIGS and County Wildlife Sites should be specifically mentioned in the second half of the policy relating to local areas of significance. It is inappropriate to include Local Nature Reserves (LNR) as none exist in the District. If any are designated in the future then the policy is so worded that it can be applied to LNR. It is being recommended that paragraph 5.12 be amended in a more positive manner to identify LNRs.

It is considered important to distinguish between sites which are nationally important and those which may not be nationally important but are important locally. As the policy accommodates the potential for appropriate development it also needs to ensure that the sites nature conservation interest is protected and enhanced and therefore needs to make reference to mitigation measures.

Recommendation

Amend policy to include reference to Regionally Important Geological/Geomorphological Sites and to County Wildlife Sites. And add 'Where development is permitted the authority will consider the use of conditions or planning obligations to ensure the protection and enhancement of the site's nature conservation interest.'

POLICY ENV7 – OTHER LANDSCAPE ELEMENTS OF IMPORTANCE FOR NATURE CONSERVATION

Deposit Policy

Policy ENV7 – Other landscape elements of importance for nature conservation

Development that may adversely affect these landscape elements:

Hedgerows	Plantations and small woodlands
Linear tree belts	Ponds
Larger semi natural or ancient woodlands	Reservoirs
Semi-natural grasslands	River corridors
Green lanes and special verges	Networks or patterns of other locally important habitats

will only be permitted if the following criteria apply:

- a) The need for the development outweighs the need to retain the elements for their importance to wild fauna and flora;
- b) Mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality.

Appropriate management of these elements will be encouraged through the use of conditions and planning obligations.

REPRESENTATIONS RECEIVED

Representations of Support

Ref.No: 10 Rep.No: 11

Representor: Turner, National Trust **Agent (if applicable):** Community and Regional Planning Services

The National Trust strongly supports ENV7

Ref.No: 208 Rep.No: 17

Representor: Muller, English Nature **Agent (if applicable):**

EN is delighted to see this extremely pertinent policy included in the draft local plan. The rural character of the district makes the use of this policy especially relevant and complement other policy text such as that dealing with the diversification of farmland (E3). English nature fully supports the use of this policy to protect and where development is approved, encourage the management of such features.

Representations of Objection

Ref.No: 6 Rep.No: 1 0

Representor: Pomfret, The Woodland Trust **Agent (if applicable):**

Amendment(s) Sought: Other Councils have adopted absolute protection of ancient woodland. E.G. "Trees and woodlands, especially ancient woodlands will be protected and their management promoted" and "Development will only be acceptable where it will not result in the loss of or damage to ancient woodland". We would like to see Uttlesford adopt a similar form of words in policy ENV7 to ensure that no more of this valuable and irreplaceable resource is lost.

Reason(s) for Amendment(s) Sought: Policy is focussed on "larger semi natural or ancient woodlands" only and also because of the caveat in the policy which states that development will be permitted if the needs for the development outweigh the biodiversity interest and that mitigation is undertaken. This type of woodland is home to more threatened species than any other habitat in the UK and is irreplaceable. The Government in its strategy for sustainable development notes the value for biodiversity of ancient woodlands. The Trust is supportive of a policy explicitly protecting all ancient woodland not just the larger ones. The current policy is too permissive implying that development of ancient woodland may be acceptable. Development should not be permitted. You cannot replace centuries of ecological evolution by planting a new woodland. The approach is unnecessary since Section 70 of the T and CP Act 1990 states that material considerations must be taken into account as well as development plan policies.

Ref.No: 93 Rep.No: 8

Representor: , Hastoe Housing Association/Springboard HA **Agent (if applicable):** Oldfield King Planning

Amendment(s) Sought:

Reason(s) for Amendment(s) Sought: Object to this policy which places environmental protection of relatively low value areas at too high a level. In effect there is little difference between ENV6, which deals with high level nature conservation sites, and ENV7.

Ref.No: 119 Rep.No: 31

Representor: , Proto Limited **Agent (if applicable):** Littman and Robeson

Amendment(s) Sought: Delete policy

Reason(s) for Amendment(s) Sought: This policy is inappropriate for inclusion in a development plan. It addresses an unnecessary level of detail. Such issues may be appropriately addressed in supplementary planning guidance

Ref.No: 213 Rep.No: 9

Representor: Herrman, CPREssex **Agent (if applicable):**

Amendment(s) Sought: We ask the Council to give further thought to this use with a view to eliminating a phrase that will be difficult to define and even more difficult to enforce.

Reason(s) for Amendment(s) Sought: CPREssex is particularly concerned at the use of the word "need" in policies ENV3, 4, 6, 7, and 8

Ref.No: 227 Rep.No: 18

Representor: Barrell, Environment Agency **Agent (if applicable):**

Amendment(s) Sought: The policy should include river corridors and other linear wetland features such as streams and ditches as, although not great in landscape terms, they are of great ecological value as habitat and act as links between larger areas of habitat. Such links should be preserved and incorporated into scheme design. This would tie in with the Agency's anti-culverting policy.

Reason(s) for Amendment(s) Sought: Omits certain features.

Comments:

The policy identifies features which collectively are important to the character of Uttlesford but individually could be ignored when considering development proposals. The policy as proposed allows a judgement to be made between the special characteristics of a site and the need for the development. The district strategy equally seeks the safeguarding of the environment and ensuring a choice of homes. The policy as worded allows each application to be treated on its merits. It is considered thought that greater explanation could be given in the supporting text on the definition of need.

River corridors are already included in the policy. Linear wetland features would be included in 'networks or patterns of other locally important habitats' but it is accepted that they could be specifically mentioned.

In response to an objection to ENV3 and the need to protect large gardens it is considered appropriate to include orchards within the list of elements.

Recommendation

Amend policy to include linear wetland features and orchards. Supporting text to give greater explanation of need.

POLICY ENV8 - HISTORIC LANDSCAPE

Deposit Policy

Policy ENV8 – Historic landscape

Development proposals likely to harm significant local historic landscapes, historic parks and gardens and protected lanes as defined on the proposals map will not be permitted unless the need for the development outweighs the historic significance of the site.

REPRESENTATIONS RECEIVED

Representations of Support

Ref.No: 10 Rep.No: 12

Representor: Turner, National Trust **Agent (if applicable):** Community and Regional Planning Services

The National Trust strongly supports Policy ENV8

Representations of Objection

Ref.No: 183 Rep.No: 4

Representor: Cannon, Sworders Agricultural **Agent (if applicable):**

Amendment(s) Sought: Further clarification required.

Reason(s) for Amendment(s) Sought: The reference in the policy to 'likely to harm significant local historic landscapes' is not defined. Proving what is considered historically significant in terms of landscape would prove difficult.

Ref.No: 213 Rep.No: 9

Representor: Herrman, CPREssex **Agent (if applicable):**

Amendment(s) Sought: We ask the Council to give further thought to this use with a view to eliminating a phrase that will be difficult to define and even more difficult to enforce.

Reason(s) for Amendment(s) Sought: CPREssex is particularly concerned at the use of the word "need" in policies ENV3, 4, 6, 7, and 8

Ref.No: 218 Rep.No: 27

Representor: Dale, Saffron Walden Friends of the Earth **Agent (if applicable):**

Amendment(s) Sought: Development proposals which would lead to significant harm to local historic landscapes, historic parks and gardens and protected lanes as defined on the proposals map will not be permitted.

Reason(s) for Amendment(s) Sought:

Ref.No: 219 Rep.No: 17

Representor: Fletcher, English Heritage **Agent (if applicable):**

Amendment(s) Sought: ENV8 should include protection of the settings of historic parks and gardens. The phrase "unless the need for the development outweighs the historic significance of the site weakens the policy and is superfluous. It is always open to the local planning authority to make exceptions, taking account of other material considerations.

Reason(s) for Amendment(s) Sought:

Comments:

The policy as proposed allows a judgement to be made between the special characteristics of a site and the need for the development. The policy allows each application to be treated on its merits. It is considered thought that greater explanation could be given in the supporting text on the definition of need.

Recommendation:

No change to policy. Changes to text to clarify term 'need'

Aircraft Noise

Representation of Support

Ref.No: 213 Rep.No: 15

Representor: Herrman, CPREssex **Agent (if applicable):**

We support the observation made in Para 5.17 that this policy should apply to noise from all sources and not only from aircraft and we therefore suggest that this whole section be headed "aircraft and other noise"

Comments:

Agree that section does not just refer to Aircraft Noise and heading should be amended.

Representations of Objection

Ref.No: 223 Rep.No: 2

Representor: Williams, Elsenham Parish Council **Agent (if applicable):**

Amendment(s) Sought:

Reason(s) for Amendment(s) Sought: No mention of cargo, which is expanding and no limitation of cargo take offs. Ground noise? Night Flights?

Comments:

It has not been made clear what amendment is sought but the 15mppa 57 leq contour for 2002 takes into account the predicted number of cargo movements. Ground noise is addressed by Policy ENV10. Night flights are subject of a Government regulatory regime.

Recommendation:

Amend Section heading to "Noise".

Paragraph 5.18

5.18 The Environment Agency publishes information on the localities where contamination of ground water is a critical issue because of proximity to abstraction sites where water is drawn off for potable supply. There are four such sites under the upper reaches of the Cam, at Arkesden, Debden

Road Saffron Walden, Springwell and Uttlesford Bridge Wendens Ambo; two in the Pant valley, at Hempstead and Gambers Hall Bardfield; and three in the Chelmer Valley, at Armitage Bridge and Bolford Street Thaxted and Great Dunmow. A major aquifer lies under most of the northern half of the district.

Representations of Objection

Ref.No: 209 Rep.No: 2

Representor: , Three Valleys Water Plc **Agent (if applicable):** Freeth Melhuish

Amendment(s) Sought: Add to the end of para 5.18. Within groundwater protection zones, residential development would represent an acceptable form of development.

Reason(s) for Amendment(s) Sought: Confirmation that residential development will normally be permitted within the groundwater protection sites. Without prejudice to the Water Company's support for all measures published by the Environment Agency resulting in the protection of groundwater sources where contamination is a possible risk, we consider that it would help the clarity of the proposed policy to confirm that residential development within these areas will normally be acceptable. In the water company's experience the application of ground water protection zones over wide areas can potentially result in the sterilisation and under utilisation of important land resources within the urban area unless properly controlled. Further the application of these standards and controls can lead to unwarranted protracted time delays and costs in implementing new development controls.

Comments:

The policy is clear that if development would not cause contamination or had effective safeguards then it would not be contrary to Policy ENV11. This could include residential development as well as other forms of development and it is unnecessary to list them in the supporting text.

Recommendation:

No Change

POLICY ENV9 – NOISE SENSITIVE DEVELOPMENT AND DISTURBANCE FROM AIRCRAFT

Deposit Policy

Policy ENV9 - Noise sensitive development and disturbance from aircraft
Noise sensitive developments will be refused within the zone where it is anticipated that exposure to aircraft noise will be 57dB(A) L_{eq} (0700-2300 Hours) or more, unless it is a replacement building or an extension to a building and it will be adequately sound proofed.

REPRESENTATIONS RECEIVED

Representations of Objection

Ref.No: 119 Rep.No: 32

Representor: , Proto Limited **Agent (if applicable):** Littman and Robeson

Amendment(s) Sought: Urgently review the assumptions used and measurements made in establishing the various contours so far established. Amend contour shown

on proposals map and add other contours up to 69 dba. Redraft policy: Planning applications for noise sensitive development will be determined using the Dba noise contour appropriate for the type of development being permitted and will have regard to the appropriateness and level of any design features or sound proofing whether the development is a replacement building and whether it is an extension to an existing building

Reason(s) for Amendment(s) Sought: Objection is made to the inaccurate definition of the noise contour through the assumptions used. The inappropriateness of using 57 dba and that the policy should have regard to the types of development being permitted.

Comments:

Use of the 57-leq contour is consistent with national planning policy guidance.

Ref.No: 121 Rep.No: 8

Representor: Bush, Stansted Airport Limited **Agent (if applicable):**

Amendment(s) Sought: Base application of Policy ENV9 on noise contour representing potential greater use of airport. Amend proposal map and relevant inset plans.

Reason(s) for Amendment(s) Sought: Choice of 57 Leq contour for 15 mppa does not reflect intention and flexibility of policy ENV9 or reflect the guidance of PPG24 Para 9

Comments:

It is not considered appropriate at the current time to the use the contour representing potential greater use of the airport.

Ref.No: 157 Rep.No: 3

Representor: Townsend, Great Hallingbury Parish Council **Agent (if applicable):**

Amendment(s) Sought:

Reason(s) for Amendment(s) Sought: Policy ENV9 affects the major part of Great Hallingbury to the north of the LEQ noise contour. This would mean that no new buildings will be permitted. Policy 12, however gives permission for building within the settlement areas. If policies are contradictory how will applications be assessed.

Ref.No: 164 Rep.No: 8

Representor: , Bellway Homes **Agent (if applicable):** FPD Savills

Amendment(s) Sought: Wording of Policy ENV9 is inequitable and illogical and should be reworded. "Where noise sensitive developments fall within the zone where it is anticipated that exposure to aircraft noise will be 57db(a) Leq (0700-2300) hours or more adequate safeguarding conditions will be included within any appropriate planning permissions to ensure that adequate soundproofing is undertaken."

Reason(s) for Amendment(s) Sought: Thaxted is affected by the 57 leq contour which includes about half of the existing built up area. If the policy is applied as suggested this will mean that only extensions and/ or conversions of noise sensitive development will be permitted subject to appropriate soundproofing. In the context of this policy, noise sensitive developments include residential and office uses. The effect of this is to resist new housing or new employment proposals even within the built up area as shown on the inset plan. If the authority would resist new development on the site if it falls within a noise sensitive development category we would submit that it is contrary to the thrust behind PPG3.

Ref.No: 216 Rep.No: 3

Representor: Bailes, Herefordshire County Council **Agent (if applicable):**

Amendment(s) Sought:

Reason(s) for Amendment(s) Sought: Applying ENV9 as worded in Thaxted may prove difficult as the anticipated 57 leq contour is likely to cover different parts of the town at different times and inevitably there will be proposals for otherwise acceptable new housing within the urban envelope.

Comments:

The policy needs amending to reflect this anomaly.

Ref.No: 213 Rep.No: 14

Representor: Herrman, CPREssex **Agent (if applicable):**

Amendment(s) Sought: We suggest that policies ENV9, ENV10, ENV11 and ENV12, with the associated text be moved to chapter 3 to follow GEN5 on light pollution

Reason(s) for Amendment(s) Sought: CPREssex considers that noise pollution, ground water protection and protection from poor air quality are just as important General Policies as those listed on pages 10-11 and should therefore be in that chapter rather than this one

Comments:

General policies can be applied to all types and locations of development. Policies ENV9 and ENV12 refer to specific sites on the proposals map and policies ENV10 and ENV11 are only relevant to specific development proposals. They are therefore not considered general policies.

Recommendation:

Amend policy to

Noise sensitive development will be refused within the zone where it is anticipated that exposure to aircraft noise will be 57dB(A) L_{eq} (0700-2300 Hours) or more, unless it will be adequately soundproofed.

POLICY ENV10 – NOISE GENERATORS AND EXPOSURE TO NOISE

Deposit Policy

- a) **Noise sensitive development will not be permitted if its users would be adversely affected by noise from existing or proposed noise generating uses.**
- b) **Noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.**

REPRESENTATIONS RECEIVED

ENV10Ref.No: 218 Rep.No: 28

Representor: Dale, Saffron Walden Friends of the Earth **Agent (if applicable):**

Amendment(s) Sought: Change "users" to "occupiers" in criteria (a). Criteria (b) delete "unless the need for the development outweighs the degree of noise generated"

Reason(s) for Amendment(s) Sought:

Comments:

The term 'users' is considered a broader and therefore more appropriate term than occupiers.

The policy as proposed allows a judgement to be made between the type of noise sensitive development and the need for the development. The policy as worded allows each application to be treated on its merits. It is considered thought that greater explanation could be given in the supporting text on the definition of need.

ENV9-10

Ref.No: 10 Rep.No: 13

Representor: Turner, National Trust **Agent (if applicable):** Community and Regional Planning Services

Amendment(s) Sought:

Reason(s) for Amendment(s) Sought: The National Trust feels that Policies ENV9 and ENV10 are all very well but that they refer only to built development and do not acknowledge the harm that excessive noise does to the wildlife and tranquility of the countryside and especially to designated sites of national importance such as Hatfield Forest.

Comments:

It is considered that this point is adequately covered by policies GEN7 and ENV6.

Recommendation:

No change to policy; amend text to give further explanation of term 'need'.

POLICY ENV11 – GROUNDWATER PROTECTION

Deposit Policy

Development that would be liable to cause contamination of groundwater will not be permitted unless effective safeguards are provided, particularly in the protection zones shown on the proposals map.

REPRESENTATIONS RECEIVED

Representations of Support

Ref.No: 227 Rep.No: 19

Representor: Barrell, Environment Agency **Agent (if applicable):**

It is important that groundwater as a resource is safeguarded as once polluted it is extremely difficult to rectify any contamination, and it may not be possible.

Representations of Objection

Ref.No: 222 Rep.No: 6

Representor: Young, Go-East **Agent (if applicable):**

Amendment(s) Sought: Policy ENV11 could be expanded to fully capture the spirit of Policy INF2 in RPG 9 in relation to protecting groundwater resources from contamination and over extraction.

Reason(s) for Amendment(s) Sought:

Comments:

Policy GEN2 specifies the need to minimise water consumption. SPG will complement the policy.

Ref.No: 227 Rep.No: 9

Representor: Barrell, Environment Agency **Agent (if applicable):**

Amendment(s) Sought: Reference should be made to culverting policy in supporting text is not in a policy. Suggested policy set out in full in representation.

Reason(s) for Amendment(s) Sought: The EA has recently adopted a policy that seeks to prevent the culverting of watercourses and encourages the opening up (de-culverting) of watercourses at every opportunity.

Comments:

Amend Text to refer to EA policy on culverting.

Ref.No: 227 Rep.No: 10

Representor: Barrell, Environment Agency **Agent (if applicable):**

Amendment(s) Sought: Include a paragraph discussing CAMS. The aim of the CAMs is to develop a framework to manage water resources locally through a holistic approach that considers the needs of abstractors alongside those of fisheries, recreation and navigation, whilst protecting water quality and conserving the aquatic environment.

Reason(s) for Amendment(s) Sought: No reference to Catchment Abstraction Management Strategies (CAMS).

Comments:

CAMS lie within the control of the Environment Agency and land use planning does not have a direct role. Reference is made in paragraph 1.9 to the plans to Environment Agency Plans.

Ref.No: 227 Rep.No: 11

Representor: Barrell, Environment Agency **Agent (if applicable):**

Amendment(s) Sought: Suggested text included in full in representation.

Reason(s) for Amendment(s) Sought: Plan should state the requirement for contaminated land investigations to be undertaken in light of new legislation contained within the Environmental Protection Act 1990 as amended by the Environment Act 1995, which became operational on 1.4.00.

Comments:

Propose new policy

Ground water protection

Ref.No: 227 Rep.No: 20

Representor: Barrell, Environment Agency **Agent (if applicable):**

Amendment(s) Sought: The policy could take the form of an extension to the ground water policy or a new policy. Suggested wording for a pollution prevention policy is outlined in representation.

Reason(s) for Amendment(s) Sought: The Plan should contain a policy for the protection of surface water and pollution prevention generally. This is especially important with regard to development at Stansted Airport.

Comments:

Amend policy to include reference to surface water and make appropriate amendment to text . Re-title section

Recommendation

Re-title section 'Protection of Water Resources'

Amend policy to read

Development that would be liable to cause contamination of groundwater, particularly in the protection zones shown on the proposals map, or contamination of surface water, will not be permitted unless effective safeguards are provided.

New policy on contaminated land

New ENV Policy Contaminated land

Where a site is known or strongly suspected to be contaminated, and this is causing or may cause significant harm, a site investigation, risk assessment, proposals and timetable for remediation will be required..

Amend text to refer to EA policy on culverting.

POLICY ENV12 – EXPOSURE TO POOR AIR QUALITY

Deposit Policy

Policy ENV12 – Exposure to poor air quality

Development that would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground level will not be permitted. A zone 100 metres on either side of the central reservation of the M11 and a zone 35 metres either side of the centre of the new A120 have been identified on the proposals map as particular areas to which this policy applies.

REPRESENTATIONS RECEIVED

Representations of Support

Ref.No: 213 Rep.No: 16

Representor: Herrman, CPREssex **Agent (if applicable):**

CPREssex strongly supports the Council's air quality management strategy and this policy and consider the paragraph deserves its own heading. We suggest air quality

Comment

Agree with this suggestion

Representations of Objection

Ref.No: 10 Rep.No: 14

Representor: Turner, National Trust **Agent (if applicable):** Community and Regional Planning Services

Amendment(s) Sought:

Reason(s) for Amendment(s) Sought: Policy ENV12 refers only to built development within the M11 and A120 corridors, and neither it nor the supporting text acknowledges the harm that air pollution- whether from roads, from operations at Stansted Airport or from aircraft in flight does to wildlife, especially at designated sites of national importance such as Hatfield Forest and at other sensitive locations.

Comments:

It is considered that Policies GEN7 and ENV6 adequately protect the districts biodiversity.

Ref.No: 16 Rep.No: 6

Representor: Stock, The Fairfield Partnership **Agent (if applicable):** Januarys Chartered Surveyors

Amendment(s) Sought: The criteris for the designation of the Poor Air Quality Zone be reconsidered in a more site specific manner.

Reason(s) for Amendment(s) Sought: The allocation is not based on any scientific measure of air qulaity but refers to an arbitrary and simplistic measureof distance from the central reservation of the motorway. This fails to take account of differing local environments such as tree beltsand other mitigating features which may mean that the impact of pollution from the M11 on air quality differs from location to location according to local circumstances.

Ref.No: 119 Rep.No: 33

Representor: , Proto Limited **Agent (if applicable):** Littman and Robeson

Amendment(s) Sought: Delete second sentence of the policy

Reason(s) for Amendment(s) Sought: Objection is made to the arbitrary nature of the size of the "no development zone" based on the quality of the assumptions used.

Ref.No: 157 Rep.No: 2

Representor: Townsend, Great Hallingbury Parish Council **Agent (if applicable):**

Amendment(s) Sought:

Reason(s) for Amendment(s) Sought: Exposure to poor air quality is not limited to road traffic pollution in the areas immediately surrounding Stansted Airport. Poor air quality it also experienced when plane engines are running for considerable time on the ground. This is especially noticeable in Great Hallingbury when the wind is from the north.

Ref.No: 218 Rep.No: 29

Representor: Dale, Saffron Walden Friends of the Earth **Agent (if applicable):**

Amendment(s) Sought: Concerned that the policy does not refer to roads containing standing traffic close to peoples homes/workplaces. Extended long term basis must be defined.

Reason(s) for Amendment(s) Sought:

Comments:

The zone identified has been determined using a recommended scientific method (The Design Manual for Roads and Bridges, Section 3 Volume 11) and the best data available at the time (sources: Highways Agency, Essex CC). It is anticipated that from about 2005 air quality will get worse with the continual increase in traffic. The data is also based on an annual mean value which is why local short term traffic congestion does not register.

If it can be shown that a development site within the zone does not involve users being exposed to poor air quality then this would be taken into account in determining a proposal.

Recommendation

No Change to policy

New section heading 'Air Quality'

Other representations

New Policy Protection of historic settlements

Ref.No: 219 Rep.No: 14

Representor: Fletcher, English Heritage **Agent (if applicable):**

Amendment(s) Sought: The plan should include an additional policy relating to the protection of the character of the exceptional historic settlements in the district together with appropriate explanatory text.

Reason(s) for Amendment(s) Sought:

Comments:

It is considered that, through a combination of the policies proposed, the historic value of the District's settlements will be preserved and enhanced and an individual policy is not necessary.

Recommendation:

No change

New section and policy Renewable Energy

Ref.No: 13 Rep.No: 1

Representor: , Department of Trade and Industry (ETSU) **Agent (if applicable):**
Terence O'Rourke

Amendment(s) Sought: Plan should be revised such that it contains a specific section entitled " Renewable Energy within which there should be: text which outlines the essence of and rationale for government policy on renewable energy as expressed in PPG22. Specific reference to the Govt target for renewable energy generation by 2010 - (currently 5% of UK electricity requirements being met from renewables by the end of 2003 with 10% being achieved by 2010. A stand alone renewable energy planning policy which provides clear guidance about the circumstances in which proposals for renewable energy developments will be permitted. Plan should contain a policy which expresses positive support for the development of all renewable energy technologies subject to their meeting a range of clearly specified and suitable environmental criteria. Additional planning policies that set out the circumstances in which specific renewable energy technologies will be allowed.

Reason(s) for Amendment(s) Sought: ETSU manages the Government's new and renewable energy programme on behalf of the DTI. Para 23 of PPG22 advises that LPA's should consider what contribution their area can make in meeting the need for the increased use of renewable energy within the context of sustainability.

Comments:

Structure Plan policy EG2 Renewable Energy Schemes provides the appropriate guidance.

Recommendation

No change

New policies – Collection of recyclables

Ref.No: 227 Rep.No: 5

Representor: Barrell, Environment Agency **Agent (if applicable):**

Amendment(s) Sought: Include a policy to the effect that "collection facilities for recyclables should be provided on new and extensions to existing employment sites." Could either be a general planning policy or as part of the Economic Activity Chapter.

Reason(s) for Amendment(s) Sought: The plan should include a policy relating to development being designed to include ease of collection of recyclables, to assist the District in reaching its targets outlined in its Best Value Indicators.

Ref.No: 227 Rep.No: 6

Representor: Barrell, Environment Agency **Agent (if applicable):**

Amendment(s) Sought: Include policy encouraging development proposals involving waste recovery, such as recycling and composting, if there is no material conflict with other relevant policies of the Plan. That this should not just be collection and sorting facilities, but reprocessing facilities (to turn the material into new products) should also be encouraged on industrial estates/business parks.

Reason(s) for Amendment(s) Sought: The plan should include a policy relating to development being designed to include ease of collection of recyclables, to assist the District in reaching its targets outlined in its Best Value Indicators.

Comments:

Structure Plan policy WM1 Provision for waste management facilities and the Waste Local Plan provide the relevant policies and promotion.

Recommendation

No change

New policy – Surface Water Drainage

Ref.No: 214 Rep.No: 3

Representor: Wilson, Thames Water Property **Agent (if applicable):**

Amendment(s) Sought: "Surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses of surface water sewer. It must not be allowed to drain to the foul sewer, this is the major contributor to sewer flooding. Thames Water recognises the environmental and economic benefits of surface water source control and encourages its appropriate

application where it is to the overall benefit of our customers. Hence in the disposal of surface water Thames Water a) seek to ensure that new connections to the public sewerage system do not pose an unacceptable threat of surcharge, flooding or pollution; b) in line with advice from the DETR encourages where practicable disposal "on site" without recourse to the public sewerage system for example in the form of soakaways or infiltration areas on free draining soils. c) requires the separation of foul and surface water sewerage on new developments.

Reason(s) for Amendment(s) Sought: New policy and para should be included

Comments:

GEN6 refers to appropriate drainage and infrastructure provision. It is considered that the policy and text can be expanded to cover the points raised.

Recommendation

No change in environment chapter.