



**Public Participation on a Development Plan  
Document  
Consultation on Proposals for a Draft Local Plan  
8 June 2012 – 23 July 2012**

**Report of Representations,  
Officer Comments and Recommendations  
on**

**Strategic Environmental Policies (SP8 – SP18)  
Development Management Policies on Environment and  
Natural Resources (EN1 – EN8)**

**LDF Working Group 19 October 2012**

## CHAPTER 13 – STRATEGIC ENVIRONMENTAL POLICIES

### Policy SP8 – Environmental Protection

#### Summary of Representations

43 people responded to this consultation. 7 representations supported the policy whilst the remained objected or made observations.

The **Environment Agency** considers the policy to be sound.

**Saffron Walden Town Council, Saffron Walden Friends of the Earth, We Are Residents, Save Walden Town Centre** and **individuals** consider the policy is in breach of the NPPF (para 124). The plan does not indicate how the air quality of Saffron Walden is going to be protected and how any new development in AQMA is consistent with the local air quality action plan. No air quality modelling has been done to show the effects of the proposed development in Saffron Walden. It is considered that even though the the proposed link road between Radwinter Road and Thaxted Road may have some benefit on the level of pollution on the AQMA at their junction the sheer scale of development proposed and the associated traffic that it will generate will inevitably serve to worsen the overall level of air quality across the whole of the town centre.

**Great Dunmow Town Council** and **Great Dunmow Neighbourhood Plan Steering Group** consider that the policy lacks a clear context both at a district and local level. There is a lack of an environmental characterisation for Dunmow and of the key environmental issues that Dunmow faces. The policy should be revised to provide a context for locally specific policies. The draft plan does not contain an adequate policy setting out the terms and the implications of the presumption in favour of sustainable development.

The **Home Builders Federation** understands the objectives but consider that the Council must take account of the viability of the development otherwise it might not take place. The Framework makes it clear that there should be a presumption in favour of sustainable development. This does not mean that greenfield development should be resisted as a matter of principle. This policy needs to be rewritten so that it is in full accordance with the Framework, otherwise much needed development will be stifled.

A number of **Individuals** object to the policy and suggest it should include Air Quality standards and maximum level guidelines for example, if the net effect of development directly contributes to a breach of UK or EU air-quality limits inside the development area or within 5 miles, the developer is liable for the cost of mitigation measures. The policy should also have specific measures that relate to traffic to ensure that developers don't overly profit when they chose cheaper but non-optimal locations that create displaced environmental issues due to the vehicle journeys they create.

Other **individuals** are concerned that this policy is not reflected in the sites selected for development.

A **landowner** objects to the wording of the policy which prioritises the development of brownfield sites as this is too strong and implies some form of phasing. Paragraph 111 of the NPPF uses the word encouragement and it is suggested that the policy be reworded. Another **landowner** supports the policy but objects that the proposal sites in Saffron Walden omit the brownfield site at Ridgeons for a mixed use development.

### **National Planning Policy Framework**

The Framework requires the planning system to contribute to and enhance the natural and local environment by protecting landscapes, geology and soils; and preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Policies and decisions should encourage the effective use of land by re-using land that has been previously development, provided that it is not of high environmental value.

Policies and decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life.

Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas.

### **Sustainability Appraisal June 2012**

There will be a positive impact on retaining, enhancing and conserving the biodiversity, the water environment and the character of the landscape through retaining the character, appearance and setting of those areas that are worthy of protection. Uncertainty surrounds the biodiversity element of this policy where there is no mention of the potential biodiversity value of brownfield land. This could be overcome by including conditions on brownfield land surrounding the potential loss of biodiversity value.

There will be significant positive impacts as a result of this policy in regards to ensuring the prudent and sustainable management of the District's towns, villages and countryside by reducing any pollution that may result from development to an acceptable level. This includes noise, light, fumes, smell, dust or exposure to any other pollutants in locating development, during construction and in use as well as the inclusion of

There will be positive impacts as a result of this policy on human health in regards to ensuring the prudent and sustainable management of the District's towns, villages and countryside by reducing any pollution that may result from development to an acceptable level. This includes noise, light, fumes, smell, dust or exposure to any other pollutants in locating development, during construction and in use as well as the inclusion of appropriate mitigation measures.

There will be positive impacts on promoting the efficient use of resources and ensure the necessary infrastructure to support sustainable development where the prioritisation of development on brownfield land constitutes an efficient use of developable land.

There are no negative impacts.

### Officer Comments

The Planning Inspectorate's model policy regarding sustainable development is to be included

In order to reflect the NPPF the word prioritise in the first bullet point should be replaced with encourage.

It is accepted that some brownfield sites can have a high biodiversity value and this should be recognised in the supporting text and policy.

This policy sets the strategic approach to environmental protection. Policy EN6 sets out what will be expected of development within AQMA.

### Officer Recommendation

Include additional supporting text and amend first bullet point of policy.

Additional supporting text

**By there very nature brownfield sites can be habitats for protected species such as great crested newts, owls and bats. Development of brownfield sites will need to take into account the requirement of policy HE4.**

Policy SP8 – Environmental Protection

The Council will **support development which** seeks to ensure the prudent and sustainable management of the District's towns, villages and countryside by:-

- **Encouraging** the development of previously developed land which is un- or underused for uses which are demonstrably sustainable **and protect the natural environment** in that location.
- minimising the amount of unallocated greenfield land that is developed;
- retaining and enhancing the character, appearance and setting of those areas, settlements or buildings that are worthy of protection;
- reducing, to an acceptable level, any pollution that may result from development. The potential impacts of noise, light, fumes, smell, dust or exposure to any other pollutants must be taken into account in locating development, during construction and in use and appropriate mitigation measures included; and
- identifying and assessing any known or potential contamination both on development sites and on sites which could affect development sites and formulating and carrying out any appropriate mitigation measures agreed before development takes place.

### Policy SP9 – Minimising Flood Risk

### Summary of Representations

10 people made representations on this policy. 5 representations supported the policy subject to minor changes, 3 objected and 2 made observations.

The **Environment Agency** recommends some minor changes to the supporting text to ensure that it accords with their standing advice and the NPPF.

**Great Dunmow Town Council** and **Great Dunmow Neighbourhood Plan Steering Group** consider that the policy would benefit from being simplified but at the same time reflecting local circumstances. **Takeley Parish Council** are concerned about the maintenance of ditch systems where the responsibility is passed to landowners who are often either unknown or not local.

An **individual** considers that exception tests should be removed and no development should ever be permitted in Zones 2 and 3.

A **developer** considers that the policy would benefit from an explanation of what sort of uses are incorporated within the flood risk vulnerability classifications. Another **developer** supports the policy subject to minor amendments to provide positive encouragement to proposals which offer specific enhancements to alleviate flood risk.

### **National Planning Policy Framework**

The framework requires inappropriate development to be directed away from areas at risk of flooding but where development is necessary making it safe without increasing flood risk elsewhere. Development should not be allocated or permitted if there are reasonable available sites in areas with a lower probability of flooding. A strategic flood risk assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

### **Sustainability Appraisal June 2012**

There will be positive impacts associated with this policy on reducing the risk of fluvial flooding. It is acknowledged that details surrounding non-fluvial flooding sources are provided in relevant DM Policies and specific site allocation conditions, and will be included where each site will require an accompanying FRA. Despite this, the policy could be made more specific to the district in regards to flood risk. It is recommended that the policy make reference to the application of the Sequential Test, as per the table, in the first instance and its links to the FRA.

### **Officer Comments**

It is agreed to make the amendments suggested by the Environment Agency which will address issues raised by others and the sustainability appraisal.

The content of the policy meets the NPPF and the requirements of the Environment Agency and therefore it is not considered appropriate to simplify the policy.

It is considered appropriate to give an explanation of vulnerability classifications.

### **Officer Recommendation**

Amend text and policy:-

All development should be located in areas **at low** risk. The main risk in the District is from fluvial flooding. Just over 96% of the District lies within Flood Zone 1 where there is a low probability of flooding. The scale of development required can be provided on land which is at the lowest risk of flooding and all allocations are located in this zone. Development in certain locations may cause flood risk elsewhere as a result of **increased** run off. Surface water run off from new development should be controlled as near to the source as possible and ideally within the boundary of the development. A flood risk assessment will be required for each site in accordance with **the standing** advice published by the Environment Agency. The Council will work with developers and the Environment Agency to achieve sustainable local flood mitigation measures as part of the development. **Any residual risk should be able to be safely managed with safe access and escape routes where required and by emergency planning.** Detailed requirements are set out in the Development Management and Site Allocations Policies.

**The policy SP9 sets out whether the principle of different types of development distinguished by their vulnerability to flooding are acceptable in the different flood zones and whether an exceptions test is required. The Flood Risk Vulnerability classification is set out in the Technical Guidance to the National Planning Policy Framework. Examples of essential infrastructure are transport and utility infrastructure; Highly vulnerable developments include basement dwellings, mobile homes and emergency services required to be operational during times of flood; more vulnerable buildings include hospitals, care homes, dwellings, non-residential institutions; and less vulnerable buildings include shops, restaurants, offices etc and emergency services not required to be operational during times of flood; water compatible development includes sport and recreational land and buildings.**

### **Policy SP9 - Minimising Flood Risk**

The Council will seek to locate development on land identified as being at the lowest probability of flood risk. Such land comprises land in Flood Zone 1 on the Environment Agency Flood Map which is all land outside Flood Zones 2 and 3 which is that land at medium and high probability of flooding respectively.

### **Flood Risk Assessments will be required in accordance with Environment Agency Standing Advice.**

The Council will determine the acceptability of the principle of development in accordance with the following table of Flood Risk Vulnerability and Flood Zone 'Compatibility':

Flood risk vulnerability classification	Essential Infrastructure	Water Compatible	Highly vulnerable	More Vulnerable	Less Vulnerable
Flood Zone 1	✓	✓	✓	✓	✓
Flood Zone 2	✓	✓	Exception test required	✓	✓
Flood Zone 3a	Exception test required	✓	X	Exception test required	✓
Flood Zone 3b (functional flood plain)	Exception test required	✓	X	X	X
Key: ✓ Development is appropriate, X Development should not be permitted					
Table 6 Flood Risk Vulnerability and Flood Zone Compatibility					

The Council will consider the Exception Test to be passed where:-

1. it is demonstrated that the development provides wider sustainability benefit to the community that outweigh flood risk informed by the Strategic Flood Risk Assessment where one has been prepared; and
2. ~~the development is on developable previously developed land or, if it is not, that there are no reasonable alternative sites on developable previously developed land;~~ and
3. a Flood Risk Assessment demonstrates that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall;

The Council will only consider the suitability of sites for development in Flood Zone 3 when:

1. finds there are no reasonably available sites in Flood Zones 1 and 2;
2. the flood risk vulnerability of the proposed use meets the tests in the table above.
- 3. the redevelopment of a brownfield site seeks to reduce the causes and impacts of flooding through the consideration of SUDS and making space for water through layout.**

Within each Flood Zone the Council will:

1. direct new development first to sites at the lowest probability of flooding **following the Sequential Test**; and
2. match the flood vulnerability of the intended use to the flood risk of the site by locating the higher vulnerability uses on those parts of the site with the lowest probability of flooding

**Foul water discharges from development must not increase flood risk elsewhere.**

## Policy SP10 – Natural Resources

### Summary of Representations

41 people made representations on this policy. 26 representations raise objections, 9 support and the remainder make observations.

The **Environment Agency**, and **Essex County Council** and some **individuals** support the policy.

**Henham Parish Council**, **Elsenham Parish Council** and **individuals** support the policy but highlight the Environment Agency's concerns on the overall scale of development and water supply.

**Saffron Walden Friends of the Earth**, **Save Walden Town Centre**, **We Are Residents** and an **individual** support the policy but consider the provisions should not be limited to the design of developments but also their locations so that the effects of location are also taken into account in the overall use of natural resources. The words "where feasible and practicable" should be removed. The equivalent policy in the 2010 consultation required that "all development should be sustainable" and that development should "minimise pollution - the impacts of noise, light, smell, dust, electro magnetic radiation or exposure to pollutants must be taken into account in locating development during construction and in use and appropriate mitigation measures included. We do not see why these provisions have been removed and would wish to see them reinstated.

The policy is objected to by **Great Dunmow Town Council** and **Great Dunmow Neighbourhood Plan Steering Group** because it lacks context and vision. SMART targets should be set within the plan that enables effective policies to be developed. The use of the word maximized cannot be sustained. It is not clear how the design of buildings can "minimise the production of waste" and if it is possible, how that might be measured. The policy is not effectively aligned with Government strategy on zero carbon. It is not clear how the narrative text links to the policies in this section. The reference to the high level of CO2 from road transport in the policy narrative does not lead to any quantifiable policy response for instance and this must be remedied

**Sustainable Uttlesford** is disappointed that there is no mention in the Vision about the need to reduce resource use. The Plan should acknowledge that Uttlesford needs to reduce its ecological footprint by encouraging new lifestyles e.g. through working from home through use of superfast broadband. More emphasis should be placed on the desirability and advantages of greater local economic development in the vision.

A number of **individuals** consider the policy should make it clear that new development needs to be water neutral i.e. will not cause a net import of water from other districts. Other individuals raise the issue of shortage of water supplies to villages, localised flooding, surface water and sewage disposal. One individual considers that the highest standard (Code for Sustainable



Homes Level 6/passivhaus) must be specified in the plan. There must be strong enforcement to make sure every opportunity is used to reduce CO2 and ensure developers comply. One individual requests that in paragraph 4.9 'ecological footprint' and 'sustainable level' is explained and a comparison with Uttlesford sustainable figure is given; and it concerned that the need for a step change in the way the District uses resources is not taken further in the plan

### **National Planning Policy Framework**

One of the core planning principles is to encourage the reuse of existing resources.

Local Planning authorities should adopt proactive strategies to mitigate and adapt to water supply and demand considerations.

### **Sustainability Appraisal June 2012**

There will be positive impacts on promoting the efficient use of resources and ensure the necessary infrastructure to support sustainable development where the policy seeks to promote the minimisation of waste at its source by integrating solutions into the design of new development. Furthermore, the use of recycled building materials adheres to this objective, further strengthening the positive impacts, as does minimising water consumption through effective design solutions.

### **Officer Comments**

A further phase of the Water Cycle study is being prepared and will be taken into account in relation to the site allocations.

It is considered appropriate to remove the words 'where feasible and practicable'. The Planning Inspectorate's model policy regarding sustainable development is to be included. Minimising pollution is dealt with by Policy EN5.

It is considered that policies such as the environmental policies; the access strategy; the housing strategy provide the foundation for people to make a step change in lifestyles by locating development close to services and facilities.

The detailed requirements of energy efficient buildings are dealt with by Development Management Policies EN1-3.

### **Officer Recommendation**

Amend policy by removing 'where feasible and practicable'

#### **Policy SP10 - Natural Resources**

Development should:-

- be designed in order to minimise the consumption of, and make adequate and appropriate provision for the recycling of water;
- be designed in order to minimise the production of and make adequate and appropriate provision for the recycling of waste; and
- maximise the use of recycled building materials and other sustainable building materials and techniques.

The extent to which water consumption and waste generation is reduced will be monitored against the current national or local targets. Major development applications will need to demonstrate the relevant measures that the scheme incorporates and the anticipated levels of water consumption and waste generation. The proposed measures will need to result in the current targets being met in order to be acceptable.

## **Policy SP11 – Renewable Energy and Energy Efficiency**

### **Summary of Representations**

8 people made representation on this policy. 5 raised objections, 2 supported and 1 made a comment.

**English Heritage** suggests that the text could refer to English Heritage's Guidance on Energy Efficiency.

**NHS North Essex** consider that the policy doesn't comply with paragraph 96 and 97 of the Framework and suggest the second bullet point be reworded to say 'Include decentralised, renewable or low carbon energy sourced to minimise CO2 emissions.

The policy is objected to by **Great Dunmow Town Council** and **Great Dunmow Neighbourhood Plan Steering Group** because the scope of this policy title is not entirely consistent with the wording. The requirement that development "should be located so as to..." etc is a criterion that ought to apply to a broader range of environmental impacts than simply renewable energy and efficiency. As previously stated the use of the word minimize is not realistic and needs to be qualified in some way.

**Individuals** consider that all new buildings should be fitted with solar panels and that dwelling should provide their own energy without the need for development in the countryside such as wind farms.

### **National Planning Policy Framework**

To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;

- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and

### **Sustainability Appraisal June 2012**

There will be positive impacts on retaining enhancing and conserving the biodiversity, the water environment and the character of the landscape where proposals will not be permitted should they be likely to have an excessive adverse impact upon ecological, landscape, or other aspects of the environment. Similarly, provision should be made for the site to be cleared and reinstated to its previous use if the operation ceases.

There will be positive impacts on maintaining and enhancing the district's cultural heritage, assets and their surroundings where proposals will not be permitted should they be likely to have an excessive adverse impact upon heritage or other aspects of the environment.

There will be significant positive impacts on reducing contributions to climatic change through a commitment for all development to be as energy efficient as possible, to include renewable or low carbon energy sources to minimise CO2 emissions.

There will be positive impacts on reducing and controlling pollution where proposals will not be permitted should they be likely to have an excessive adverse impact upon aspects of the environment.

There will be positive impacts on reducing the risk of flooding where development should be located and designed to minimise the potential adverse consequences associated with the prospect of greater extremes of weather conditions.

There will be positive impacts on improving the population's health and promote social inclusion where proposals will not be permitted should they be likely to have an excessive adverse impact upon amenity.

### **Officer Comments**

It is considered appropriate to include additional supporting text referring to English Heritage guidance and the Development Management policies where this is applied.

It is agreed to amend the policy to refer to decentralised sources.

The location of development is a criterion of other policies. Development management policies set the standards with regards to energy efficiency and CO2 emissions.

Solar panels are one way of achieving energy efficiency but are not always appropriate due to a buildings orientation. Government policy is to move to a low carbon future and the policy includes criteria for determining applications for energy generating equipment such as wind and solar farms.

### **Officer Recommendation**

Amend Text and policy

Include new paragraph in supporting text.

**English Heritage provides guidance on providing renewable energy and achieving energy efficiency on historic buildings and the criteria are set out in the Development Management policies.**

Policy SP11 - Renewable Energy and Energy Efficiency

Development **will be supported where it is** located and designed so as to:-

- Be as energy efficient as reasonably possible;
- Include **decentralised**, renewable or low carbon energy sources to minimise CO2 emissions; and
- Minimise the potential adverse consequences associated with the prospect of greater extremes of weather conditions.

Proposals to generate energy from renewable sources will be **supported** unless they are likely to have an excessive adverse impact upon ecological, heritage, landscape, amenity or other aspects of the environment. Provision should be made for the site to be cleared and reinstated to its previous use if the operation ceases.

## **Policy SP12 – Protection of the Countryside**

### **Summary of Representations**

30 people made representations on the policy. 17 people objected, 12 people supported and 1 raised comments.

The policy is supported by **Little Hallingbury Parish Council; Elsenham Parish Council** who reiterate that Elsenham is set in the countryside and has limited services and facilities and this should be taken into account when 'focusing development in locations with good access to services and facilities that', and **Henham Parish Council** who consider reference should be made to the core planning principles of the NPPF.

**Saffron Walden Town Council** does not consider that the plan protects the countryside in that it both destroys productive agricultural land and focuses development in locations which do not have good access to services and facilities. **Little Easton Parish Council** does not consider the policy robust and wishes to see the 'countryside protected for its own sake' as in existing policy S7.

**Saffron Walden Friends of the Earth, Save Walden Town Centre, We Are Residents** and an **individual** consider that the policy is watered down from DC5 in the 2010 consultation and wish to see it reinstated.

**Great Dunmow Town Council** and **Great Dunmow Neighbourhood Plan Steering Group** consider that the policy is inadequate and it is not clear how it relates to development management policies. The criteria of landscape character and quality and of landscape setting should be added to those listed in the policy. It is not clear how the aim of "focusing development in areas with good access to services and facilities" can be sensibly applied to sporadic

proposal in the open countryside. The policy should be revised to demonstrate how this can be done.

**Developers/landowners** consider the policy not sound or consistent with the NPPF. The policy is considered inflexible and not positive. The policy ignores government policy and does not take into account the economic and other benefits of the best and most versatile agricultural land. One developer suggests the development of a site at Stansted Road, Bishop's Stortford would not harm the Greenbelt. One developer suggests a new policy which allows development in the countryside where there is significant sustainability benefits in accordance with paragraph 54 and 55 of the NPPF. One landowner wishes to see a specific localised review of the Green Belt around Stansted Mountfitchet to ensure this key settlement receives an appropriate apportionment of housing; and the reference in the objective related to the Green Belt should be deleted and replaced with the specific wording from the NPPF. One landowner considers the policy should reflect the core planning principles of the NPPF which states that the countryside will be 'recognised' whilst the Green Belt is 'protected'.

**Individuals** support the policy but consider the Council is ignoring it in the sites it is proposing for development. One individual suggests it needs to be incorporated in the development management policies. Another individual considers that in order to provide the number of houses the Government require to be built limited infill sites could be allowed in the Green Belt and the policy should include criteria.

### **National Planning Policy Framework**

One of the core planning principles is to protect the Green Belts around main urban areas, recognising the intrinsic character and beauty of the countryside. National policy is to avoid new isolated homes in the countryside unless for a rural worker; uses or secures the future of a heritage asset; re-uses redundant or disused buildings; or is of exceptional quality or innovative nature. In rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly affordable housing, including through rural exception sites.

### **Sustainability Appraisal June 2012**

There will be positive impacts on retaining, enhancing and conserving the biodiversity, the water environment and the character of the landscape where the countryside, as defined, will be protected for its undesignated biodiversity value. Positive impacts related to biodiversity will also be realised cumulatively with Strategic Policy 14. The policy will also directly have positive impacts on the landscape element of this objective where it seeks to protect and enhance the landscape character and distinctiveness as well as reiterating the importance on national MGB policy and the Stansted Airport Countryside Protection Zone.

There will be no direct impacts on maintaining and enhancing the district's cultural heritage, assets and their surroundings, however indirect positive impacts may be realised through countryside protection. Much of the countryside, including field boundaries and settlement patterns has been

shaped as the result of many historical practices and commitments to preserve this will support this objective.

There will be no direct impacts on reducing the risk of flooding, however a commitment to preserving the countryside will indirectly also keep large areas of the district free from development and associated surface water flooding, and focusing development in those areas with existing infrastructure in regards to flood defence mitigation

There will be positive impacts on promoting accessibility through countryside protection focussing development in land within development limits and locations with good access to services and facilities

There will be small positive impacts on improving the population's health and promote social inclusion where they policy acknowledges the need to supply rural housing and is not overly restrictive, reflecting the demand of people to live in such areas. Furthermore the countryside will be protected for its value as recreational land.

There will be small positive impacts on providing housing to meet existing and future needs where they policy recognises that residential development requirements in the plan period will require some degree of development outside current development limits (identified as growth locations). The policy is not overly restrictive, acknowledging the need to supply rural housing and seeks to meet the demand in housing growth through looking at alternative options on a proposal level basis

There will be positive impacts on promoting the efficient use of resources and ensure the necessary infrastructure to support sustainable development through countryside protection focussing development in land within development limits, including that which is previously developed, the re-use of rural buildings and locations with good access to services and facilities. Such areas have the existing necessary infrastructure to support new development in many cases, and in some instances new development in rural areas will strengthen the validity and use of local facilities.

There will be positive impacts on supporting sustainable employment provision and economic growth through countryside protection focussing development in land within development limits, including that which is previously developed, the re-use of rural buildings and locations with good access to services and facilities. Despite this, the need for rural development opportunities is not elaborated on from that mentioned in the supporting text. As such, the policy could be more descriptive as to the requirements of employment development in rural areas and rural diversification in line with countryside protection and Strategic Policy S2.

There are no negative impacts

### **Officer Comments**

The stance given to protecting the countryside is considered consistent with that in the NPPF. It is considered that the policy should use the word 'protect' rather than 'recognise' the countryside. The Countryside is such an intrinsic element of what characterises Uttlesford that it is considered important to protect it. The policy is considered flexible in that it will allow appropriate development in the countryside. It is considered that the policy rolls forward the 2010 suggested policy, incorporates the Green Belt and Countryside Protection Zone and respects national policy.

With the scale of development which the plan has to provide for it is inevitable in a District such as Uttlesford that this will involve loss of countryside. Furthermore within Uttlesford where the majority of agricultural land is Grade 2 it is inevitable that high quality agricultural land will be lost. Where possible Brownfield sites have been identified - 2 sites in Saffron Walden; sites in Stansted Mountfitchet and sites in Takeley. Other sites, although technically Greenfield sites do not make a significant contribution to the countryside landscape. The allocation of sites for development has had to take a wide range of issues into account.

The key development management policies are the Protection of the Countryside policies. Focusing development in locations with good access to services and facilitates accords with the national policy on sustainable development and generally avoiding isolated homes in rural areas.

Development Management policies cover the circumstances when a new isolated home in the countryside might be suitable other than for dwellings of exceptional design. It is considered that sufficient guidance is given in the NPPF for there to be no need to have specific policy. Evidence has shown that there is sufficient land beyond the Green Belt to meet the housing need and there is no need to review the boundary. Development in the Green Belt will accord with national policy.

In relation to the point raised in the Sustainability Appraisal, the policy refers to the re-use of rural buildings which may be suitable for many uses as well as employment and it is considered unnecessary to list them all. The preceding paragraph in the policy directs people to development management policies.

### **Officer Recommendation**

Retain text and policy subject to minor editorial changes.

### **Protection of the Countryside**

**13.10** In order to deliver the plan objectives the strategy for the rural areas is to promote a sustainable rural economy and to address any issues of rural deprivation while at the same time protecting the important countryside assets including agricultural land, historic and landscape features and biodiversity.

**13.11** The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. A belt of Countryside needs to be retained between Harlow, Bishop's Stortford **and** Stansted Mountfitchet and as part of the Green Belt containing the urban sprawl of London. Within the Green Belt development will only be permitted if it meets the criteria for exceptional development set out in the National Planning Policy Framework.

**13.12** Infilling, limited development or redevelopment of sites within the development limits of villages within the MGB (Birchanger, Hatfield Heath, Leaden Roding, Little Hallingbury and White Roding) will be allowed providing they are compatible with the character of the settlement and it's setting. Exception sites to meet local needs for affordable housing will be allowed where a need **has been** identified.

**13.13** The Plan identifies a Countryside Protection Zone around Stansted Airport. The aim of this policy approach is to maintain Stansted as an “airport in the countryside”. The priority within this zone is to restrict development which would cause coalescence between the airport and surrounding development.

**13.14** The character and appearance of the countryside changes from one area of the district to another but the landscape is predominantly agricultural. Approximately 97% of the land within the district is agricultural land of which 80% is designated Grade 2. The land is mostly used for the production of cereal and general crops. Farming remains an important part of the rural economy but it is under pressure and many farms remain vulnerable. In recent years there has been pressure for diversification into new areas of activity. The development management policies will support the re-use of farm and other buildings for commercial purposes, subject to certain criteria. This will help to retain activity in rural areas. Alternative uses of land in the countryside will be **supported** where **they comply** with Countryside, Green Belt and other policies where the environment and character of the countryside is protected.

#### Policy SP12 - Protection of the Countryside

The Countryside is defined as land outside development limits and identified growth locations and includes land within the Metropolitan Green Belt and land beyond the Metropolitan Green Belt. The Countryside will be protected for its intrinsic character and beauty, for its value as productive agricultural land, recreational land and for biodiversity. The landscape character and local distinctiveness of the Countryside will be protected and enhanced. Proposals for development will need to take into account the landscape’s key characteristics, features and sensitivities to change in accordance with the relevant Development Management Policy.

The Metropolitan Green Belt as defined on the proposals map will be protected from development in accordance with national policy.

Within the countryside, the proposal map identifies the Stansted Airport Countryside Protection Zone. The openness of this zone will be maintained in accordance with the relevant Development Management Policy.

Within the Countryside beyond the Metropolitan Green Belt, planning permission will be granted for development appropriate to a rural area in accordance with the relevant Development Management policies. In considering proposals the Council will seek:

- to protect from development the best and most versatile agricultural land, and areas which support biodiversity;
- to assess other options such as land within development limits, re-use of existing rural buildings and previously developed land; and
- focus development in locations with good access to services and facilities.



## Policy SP13 – Protecting the Historic Environment

### Summary of Representations

36 people responded to this policy. 7 support the policy whilst the remainder raise objections or comments.

**English Heritage** welcomes the policy however, it would be appropriate to provide for a more specific approach to the conservation and enhancement of the historic environment as part of a strategic approach that may ultimately guide neighbourhood plans. Heritage assets at risk are one aspect that we would hope to see included. The English Heritage guidance on Energy Efficiency in Historic Buildings might be referred to in the background text. In relation to the objectives, objective 1 and the reference to the protection of the character of the market towns and settlements is welcomed. Note that this objective does not encompass conservation and enhancement of heritage assets as a whole, within and outside settlements. Objective 2 should be amended to refer to "the natural and historic environment" reflecting the definition of environmental matters in the NPPF and that the end of the objective should be amended to "an understanding of the historic significance of landscape features and heritage assets".

**Saffron Walden Town Council** and **individuals** consider the plan fails to carry out this policy in that it has no regard to the heritage and setting of Saffron Walden and undermines the character of the local environment.

**Saffron Walden Friends of the Earth, Save Walden Town Centre, We Are Residents** and an **individual** consider that the policy does not reflect the requirements of NPPF paragraphs 127 and 128, nor does the local plan comply with the requirements of containing a clear strategy for enhancing the natural, built and historic environment as required by paragraph 157.

**Great Dunmow Town Council** and **Great Dunmow Neighbourhood Plan Steering Group** consider the use of the word 'asset' ambiguous and misleading; that the policy fails to give adequate consideration to townscape and character.

**Individuals** support the policy but consider the Council is ignoring it in the sites it is proposing for development. A number of individuals consider the policy should contain strong statements and measures with respect to the impact of traffic on designated conservation areas, historic districts and listed buildings. One individual considers that the strategic policy needs to be implemented fully in the management policies.

### National Planning Policy Framework

Local plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. Heritage assets must be recognised as an irreplaceable resource and conserve them in a manner appropriate to their significance.

## **Sustainability Appraisal June 2012**

There will be positive impacts on retaining, enhancing and conserving the biodiversity, the water environment and the character of the landscape where the policy seeks to actively enhance the street scene and/or landscape in regards to new development and the requirements for proposals put forward  
There will be significant positive impacts on maintaining and enhancing the district's cultural heritage, assets and their surroundings where the policy seeks to actively maintain and enhance the district's cultural heritage, assets and surroundings in regards to new development and the requirements for proposals put forward

Individual impacts regarding reducing contributions to climatic change in relation to the policy will only be realised at the local level in conjunction with relevant development management policies. Reducing carbon emissions through retrofitting or modifying heritage assets has the potential for negative impacts on either the asset in question or in regards to the need to reduce building emissions. Therefore the SA welcomes the approach of the council to weigh each proposal on its own merits and not commit to an overall policy stance

## **Officer Comments**

It is considered appropriate to include reference to buildings at risk in the policy. It is agreed that Objective 2 be amended to include heritage assets. The specific approach to the conservation and enhancement of the historic environment is set out in the development management policies.

The strategy is to only permit development where it protects and enhances any heritage asset and makes a contribution to the street scene and/or landscape.

The use of the word 'asset' reflects the wording of the NPPF. Consideration of townscape character is provided in the policy as it requires a positive contribution to be made to the street scene and through development management policies on Design and Landscape Character.

In considering sites to propose for development the Council has had to take a variety of issues into account. The Council has considered the Historic Settlement Character Assessment and has avoided allocating sites which would be in close proximity to the historic core of settlements.

The policy aims to protect the historic environment from all aspects of development both direct and indirect such as traffic generation. It is considered that reference to this can be made in the supporting text.

## **Officer Recommendation**

Add "and heritage assets" to the end of Objective 2

Amend text and policy

**13.15** In Uttlesford the historic environment is a rich, complex and irreplaceable resource. It has developed through a history of human activity

spanning many thousands of years. Some of the resource is hidden in the form of archaeological deposits. Other elements such as the historic landscape are the highly visible result of many years of agricultural, industrial and commercial activity. The “built” part of the historic environment is equally rich with towns, villages and hamlets set in the gently rolling countryside. There is a wealth of fine buildings, many of them ancient and listed and these buildings with their varied styles and methods of construction span many centuries.

**13.16** The historic environment is a fundamental part of the District’s environmental infrastructure but it is sensitive to change and needs to be properly understood to make sure it is managed and conserved. There may be opportunities to enhance the historic environment and it is important that these are realised. **It is equally important** that adverse impacts associated with development, **whether they are direct such as a new building or indirect such as traffic generated by development**, are minimised.

**13.17** The Council will continue to work in partnership with archaeology, design and other specialists to make sure that only development which protects and enhances the Historic Environment is approved.

**13.18** The Council has carried out a series of Conservation Area appraisals leading to management plans and some communities have produced their own design advice through Town and Village Design Statements. New development will be expected to comply with such advice where this has been approved by the Council.

#### Policy SP13 - Protecting the Historic Environment

Proposals for development will **be supported where they take** into account the significance of any heritage assets and their setting. Development will **be supported** where it protects and enhances any heritage asset and makes a positive contribution to the street scene and/or landscape.

Proposals will be favourably considered for the sympathetic re-use of heritage assets, particularly where they make a positive contribution to the special character of the local environment and can contribute to the delivery of sustainable development and regeneration.

Proposals to modify heritage assets so as to reduce carbon emissions and secure sustainable development will be weighed against harm to the significance of the heritage assets in accordance with appropriate development management proposals.

**The Council will work positively to safeguard heritage assets identified as ‘at risk’ by working in partnership with land owners, Essex County Council, English Heritage and other heritage bodies to secure a sympathetic restoration and re-use.**

Proposals for development should also take into account any relevant supplementary or other Council approved guidance.

#### **Policy SP14 – Protecting the Natural Environment**

### Summary of Representations

17 representations were received in response to this policy. 9 raised objections and 8 were in support.

**Natural England** notes that none of the objectives include the protection and enhancement of biodiversity and statutorily protected wildlife sites and ancient woodlands. The infrastructure objective should also include green infrastructure.

The **Environment Agency** considers the policy sound.

The **Natural Sciences Curator, Saffron Walden Museum** considers the policy title should be amended to be called Protecting and Enhancing the Natural Environment this making the policy stronger.

**Great Dunmow Town Council** and **Great Dunmow Neighbourhood Steering Group** consider the policy is confusing a vague overall aim with a policy. The phrase "as well as non-designated sites" should be deleted. It is not clear why designated sites are important for "nature conservation" whereas non-designated sites are recognised for "ecological" reasons. This is inconsistent and ambiguous.

**Saffron Walden Friends of the Earth, Save Walden Town Centre, We Are Residents** and an **individual** consider that the 2010 consultation policy DC10 was better and should be reinstated.

**Individuals** agree with the policy and wish to ensure that it is implemented.

### National Planning Policy Framework

One of the core planning principles is to contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;

The planning system should minimise impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

### Sustainability Appraisal June 2012

There will be positive impacts on retaining, enhancing and conserving the biodiversity, the water environment and the character of the landscape through a council commitment to improve biodiversity, tackle habitat loss and fragmentation as well as protecting and enhancing non-designated sites. Despite this, it is not clear how development proposals can be expected to protect and enhance sites that are designated for their importance to nature conservation or geology unless they directly impact on them through location or function. It is uncertain as to what development proposals need to include

under 'protection and enhancement', where currently there are no locational constraints on development in the policy in response to those designations in the district. It is recommended that the policy include some locational criteria for new development proposals in regards to protecting and enhancing designated sites.

There will be no direct impact on reducing the risk of flooding arising from this policy. There is potential however for certain flood risk minimisation measures required in some new development to increase biodiversity value through habitat creation, in particular those associated with sustainable drainage systems

There will be no direct impact on improving the population's health and promoting social inclusion, however indirect positive impacts could be realised in those instances where habitat creation, enhancement or protection of designated and non-designated sites can also be used as informal open space designations in the district

There are no negative impacts

### Officer Comments

It is agreed that the objective can be amended to make it clear that it relates to the ecological importance of the environment.

The title of the policy is consistent with other similar policies titles and it is clear from the text that the policy deals with protection and enhancement.

The policy accords with the NPPF which requires a distinction to be made between the hierarchy of national, local and non designated sites so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution they make to the wider ecological network.

Parts of the 2010 DC10 policy now appear in the Development Management policy HE4.

An additional paragraph to the policy is proposed which links the strategic policy to the development management policy and the locational and other criteria specified.

### Officer Recommendation

Objective 2

Protecting the Environment: To protect, conserve and where possible enhance the natural environment and varied landscape character within Uttlesford, reflecting **the ecological and** landscape sensitivity and promoting local distinctiveness and an understanding of the **natural and** historic significance of landscape features **and heritage assets**.

## Protecting the Natural Environment

13.19 The strategy is to protect and enhance biodiversity within the District working with partners including the Essex Biodiversity Project and the Essex Wildlife Trust and through controls on new development.

13.20 There are no European or international wildlife sites in Uttlesford. The Council will make sure that statutory sites within the district such as Sites of Special Scientific Interest (SSSI) receive the highest level of protection and that the value of other designated sites is protected. Sites with protected species, important habitats and sites which are important for their historic landscape interest will be protected and where possible enhanced. These sites are identified in the Development Management Policies.

## Policy SP14 - Protecting the Natural Environment

The Council will seek to optimise conditions for wildlife to improve biodiversity, implement the Essex Biodiversity Action Plan (EBAP) and tackle habitat loss and fragmentation.

**Development proposals will be supported where they protect and enhance sites nationally and locally designated for their importance to nature conservation, ecological or geological value as well as non designated sites of ecological or geological value.**

**The Development Management policy sets out the criteria against which proposals for any development within or affecting such sites will be considered.**

## Chapter 14 - Access Strategy

### Policy SP15 – Accessible Development

#### Summary of Representations

40 representations were received on this policy. 15 raise objections and the remainder support or make comments on the policy.

The **Highways Agency** supports the policy and will work with the Council and developers to minimise the impact of new developments. With regard to the Strategic Policy of Accessible Development at Saffron Walden, Great Dunmow, Elsenham, Great Chesterford, Newport, Stansted Mountfitchet, Takely, Thaxted, Clavering, Henham, Radwinter, and Stebbing, the Highways Agency welcomes reference to the need for a Transport Assessment, and acknowledges reference to the need of adequate travel planning elsewhere in the document. However, reference should be made specifically to the need to encourage modal shift and to reduce the need to travel through the provision of a travel plan. The Highways Agency would expect mention of an indicative level of improvement (if identified through the evidence base) that would be expected at the trunk road and its junctions. This is particularly relevant to the M11 J8 which has capacity issues, particularly at peak times with evidence of congestion and queuing on the approaches to junctions.

**Essex County Council** welcomes the policy and recommend it be strengthened to ensure that issues specific to Uttlesford is appropriately addressed to deliver sustainable development. It is recommended that the Local Plan includes reference to the County Council development management policies (Feb 2012). It is considered that the policy should make specific reference to the designated Air Quality Management Areas. It is also recommended that the policy should include reference to parking and the County Council's guidance document entitled Essex Parking Standards design and good practise.

**Saffron Walden Town Council** considers that the policy is being ignored in the allocation of sites for development. It is questioned why the requirement in policy GA1 (2010 consultation) for development to be located where it is most accessible and will encourage people to use other modes of travel apart from the car has been removed.

**Saffron Walden Friends of the Earth, Save Walden Town Centre, We Are Residents, Access Walden** and an **individual** consider that the provisions of the policy are less sustainable than the equivalent 2010 consultation provisions in policy GA1. Reference to the rural nature of the district should not be used as an excuse for non compliance and should be deleted. The policy should say that new development should be located where it is most accessible and will encourage people to use other modes of travel apart from the car. It should also have a requirement that new development should be linked with high quality pedestrian and cycle links to services and facilities.

**Great Dunmow Town Council** and **Great Dunmow Neighbourhood Steering Group** consider the policy is confusing a vague aim with a policy. It is not clear how development will be "coordinated" or how development will be "managed". The policy should be revised to clearly set out the criteria that the Council will apply.

**Elsenham Parish Council** considers that the strategy needs to recognise that the car will continue to play an essential role in the daily lives of most residents. It is clear that for certain settlements, there is an unmistakable conflict and contradiction between the Accessible Development Policy and the Site Allocations Policy. At these sites/settlements, the level of new housing allocated by the DLP, in certain cases, far exceeds the ability of the surrounding road network to support it.

**Sustainable Uttlesford** considers that the policy must ensure the comprehensive provision of sustainable transport opportunities that reduce the need for car use, especially cycling and walking throughout the whole of the communities chosen for the housing provision so that the new housing is fully integrated with the existing community and encourages the use of these options in intra community journeys.

A **developer** supports the policy but considers it should also acknowledge support for proposals that will enable works to improve the surrounding highway network for the benefit of the wider settlement.

An **individual** would like to see a more robust policy to secure commitments from developers to invest in more sustainable modes of transport as Transport Assessments and Travel Plans have been found to be inadequate. Other individuals object to the policy because it has not been applied in the site allocations. One individual considers that the lack of cycle paths makes cycling unfeasible. Another considers that we should accept that people will use cars and there should be road improvements and car parking facilities.

### **National Planning Policy Framework**

One of the core planning principles is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.

### **Sustainability Appraisal June 2012**

There will be a small positive impact on reducing contributions to climate change in so far as air quality issues are addressed through tackling congestion, reduced dependence on the private car and mitigation measures to reduce impacts

There will be a small positive impact on reducing and controlling pollution in so far as air quality issues are addressed through tackling congestion, reduced dependence on the private car and mitigation measures to reduce impacts

There will be significant positive impacts on promoting and encouraging the use of sustainable methods of travel through a commitment to reducing the need to travel by car, increasing public transport use, cycling and walking and improving accessibility through collaborative working with operators, criteria surrounding the location of development and the requirement for Travel Plans and Assessments for specific development proposals

There will be significant positive impacts on promoting accessibility through a commitment to reducing the need to travel by car, increasing public transport use, cycling and walking and improving accessibility through collaborative working with operators, criteria surrounding the location of development and the requirement for Travel Plans and Assessments for specific development proposals. In addition to this, the policy acknowledges the needs and requirements of the inclusive district population by appreciating that private car use is unavoidable in rural areas, and seeks to assess road capacities as part of development proposals.



There will be positive impacts on improving the populations health and promoting social inclusion by incorporating a wide range of transport needs for demographics within the district within the policy. There will be indirect positive impacts on health as part of commitments towards link new development to services and facilities and the wider footpath and cycle network by safe, well designed pedestrian and cycle routes

There will be positive impacts on promoting the efficient use of resources and ensuring the necessary infrastructure to support sustainable development by incorporating a wide range of transport needs within the district within the policy and considering infrastructure requirements such as road capacities, pedestrian and cycle routes at the outset of new development and development proposals.

### **Officer Comments**

The support of the Highways Agency is welcomed.  
It is agreed to include reference to the County Council development management policies and parking standards.

It is agreed to amend the policy to make specific reference to the designated Air Quality Management Areas

The Council has commissioned a highways assessment of the allocation sites which will be considered as part of the evidence base in preparing the Pre-Submission consultation plan.

The forth bullet point of the policy replicates the requirement of policy GA1 (2010) and is more specific in the means by which people will be attracted away from using the car.

The Council consider it important that the rural nature of the district is recognised and that people will generally use their cars. The view is reflected in the representations of some individual. The lack of public transport should not preclude development in some villages which may bring other benefits.

It is not appropriate for a strategic policy to set out criteria as each application will be judged on its merits and the traffic issues specific to that site.

The more strategic value of highway improvements is addressed in the Strategic Infrastructure Policy SP17

### **Officer Recommendation**

#### **Accessible Development**

14.1 Car ownership in the District is high. In a rural District like Uttlesford where many people live in smaller settlements and facilities are concentrated in centres outside the District and in Saffron Walden, Great Dunmow and the

larger villages the strategy needs to recognise that the car will continue to play an essential role in the daily lives of most residents.

14.2 Areas for growth are identified where people will have the opportunity to make use of public transport. Where necessary the Council will work with developers, the bus and rail operators and Essex County Council to make sure that existing services are improved in terms of frequency, penetration and timetable information and that public transport provides a realistic and convenient form of travel for residents.

14.3 New development should be linked to existing services and facilities including workplaces, schools, town centres, greenspaces and the countryside beyond by well designed, attractive and safe cycle and pedestrian routes.

14.4 Applications for major new development sites will be required to submit clear proposals in a travel plan for reducing travel to work by car. Demand responsive travel options like taxi buses and car pools will be supported and the Council will continue to work in partnership to provide community transport schemes like Uttlesford Community Travel which provides transport for people who, through age, disability or rural isolation find it difficult to access public transport. **Applications should comply with the current Essex County Council Highways Development Management Policies and Essex Parking Standards Design and Good Practice.**

14.5 Air quality is an issue in some areas of the District where congestion or levels of traffic lead to higher levels of pollutants than would otherwise be the case. Development within or which is likely to contribute to higher levels of pollutants within these identified zones and **Air Quality Management Areas** will be expected to include measures to mitigate adverse impacts.

#### Policy SP15 - Accessible Development

Development and transport planning will be co-ordinated to reduce the need to travel by car, increase public transport use, cycling and walking and improve accessibility and safety in the District while accepting the rural nature of the District. To achieve this:

- The capacity of the access to the main road network and the capacity of the road network itself must be capable of accommodating the development safely and without causing congestion.
- Development will be managed so that it improves road safety and takes account of the needs of all users.
- Development **within or affecting Air Quality Management Areas or areas as risk of poor air quality** should take into account impact on air quality **and any mitigation required.**
- New development should be accessible by public transport and be linked to services and facilities and the wider footpath and cycle network by safe, well designed pedestrian and cycle routes.
- Travel plans and Transport Assessments/Statements will be required for specific development proposals to demonstrate how a reduction in car travel will be achieved.

#### Policy SP16 – Access to Stansted Airport

#### Summary of Representations

10 people commented on this policy; 6 in support, 1 objecting, and 3 making comments.

**Great Dunmow Town Council** and **Great Dunmow Neighbourhood Steering Group** consider that it is not clear what the benefits of Stansted as a transport hub are. It is not clear for instance that public transport services in the Dunmow area benefit from the routeing that takes through Stansted. If this is beneficial and if alternatives would result in lesser services then these should be made clear. The policy conflates airport transport needs, international and national with local transport requirements. The policy should be split and local public transport dealt with more effectively elsewhere.

An **individual** considers that the policy fails to take account of Stansted airport's role as a local train station that serves a large number of commuters. Linked to this is the need to maintain rights to use the car parking at Stansted and seek to keep prices comparable to other local rail stations.

Although supporting the policy a number of **individuals** mention that the railway line is at capacity.

### **National Planning Policy Framework**

Local authorities should work with transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development.

### **Sustainability Appraisal June 2012**

There will be positive impacts on reducing contributions to climate change through the council's continued commitment to the Surface Access Strategy and its update beyond 2015, and to improve public transport and cycling routes to the airport to reduce carbon emissions.

There will be positive impacts on reducing and controlling pollution through the council's continued commitment to the Surface Access Strategy and its update beyond 2015, and to improve public transport and cycling routes to the airport to reduce carbon emissions.

There will be positive impacts on promoting and encouraging sustainable methods of travel through the council's continued commitment to the Surface Access Strategy and its update beyond 2015, and to improve public transport and cycling routes to the airport.

There will be positive impacts on promoting accessibility through the council's continued commitment to the Surface Access Strategy and its update beyond 2015, and to improve public transport and cycling routes to the airport and through the regional transport interchange to wider destinations

There will be indirect positive impacts on supporting sustainable employment provision and economic growth in so far as the continued commitment to the Surface Access Strategy and improvements to the public transport network around the airport will increase accessibility to a large employment base within the district.

### Officer Comments

The benefits of Stansted Airport as a transport hub are that a number of modes of transport come together so that it is possible to easily change between them thus linking more places together. For instance, Great Dunmow does not benefit from a railway station but buses from the town run to the airport where one can change to the railway to travel to destinations north or south.

As stated in the text the Council is working with a wide range of groups to achieve an integrated approach to the surface access strategy.

### Officer Recommendation

No change to supporting text or policy.

## Chapter 15 - INFRASTRUCTURE

### Policy SP17 - Infrastructure

#### Summary of Representations

32 people responded to this policy.

**NHS North Essex** consider that Objective 7 should be amended to reflect the NPPF requirement to ensure that there is a reasonable prospect that planned infrastructure is delivered in a timely fashion; and to reflect the most appropriate strategy to meet the needs arising from the development proposals. The policy only takes account of needs and does not make provision for mitigating these needs. The policy should be amended to ensure that development proposals include the means by which their impact on existing facilities and services can be adequately mitigated.

**John Tasker House Surgery**, Great Dunmow explain that the new development proposed will require extra health care facilities as the two Dunmow surgeries are full to capacity.

The **Environment Agency** welcomes the objective to protect the environment. It is recommended that reference is made to wastewater infrastructure given that the potential for sewerage infrastructure provision and water quality legislation to drive the location and phasing of development within the district. The infrastructure policy is welcomed but the following suggested amendments are made. Once completed, your detailed WCS will be an important piece of evidence to ensure that the quantity and distribution of growth can be delivered in the most sustainable locations. We strongly recommend that this is recognised. It is essential that development does not proceed ahead of necessary sewerage infrastructure being in place, and may need to be phased which could go beyond the planned timeframes for housing. It is recommended that the policy is amended in some way to encourage the strategic consideration of sewerage infrastructure provision in supporting developments, to emphasise that while individual developments could have specific issues, the solution could be more strategic in nature and

that this could have implications for phasing. Additional wording to reflect the possible strategic scale solutions that may be required to support growth would help ensure the Plan is suitably flexible.

**Anglia Water Services Ltd** is pleased to see the inclusion of 'each development must address sewage disposal and flood risk issues..' By addressing the issues, any new or improved infrastructure should be in place before connection is made to the sewerage system or interim measures identified and agreed.

**The Theatres Trust** considers that the policy does not provide guidance as to where infrastructure is deficient and what development should be sought. It is not clear what is meant by community and cultural facilities. The following definition is suggested community facilities provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community. We suggest a separate development management policy within the Community Facilities section along the lines of - The council will protect existing community and social facilities by resisting their loss or change of use unless replacement facilities are provided on site or within the vicinity which meets the need of the local population. . Item 70 in the National Planning Policy Framework on page 17 states that to deliver the social, recreational and cultural facilities and services that the community needs, planning policies and decisions should plan for the use of shared space and guard against unnecessary loss of valued facilities. Also to ensure that established facilities and services are retained and able to develop for the benefit of the community. There is no policy which reflects this guidance.

**Sport England** supports the policy.

**Hertfordshire County Council** would like to see the Infrastructure Development Plan acknowledge that children from Essex attend school in Hertfordshire and cross boundary financial contributions may be required.

**Great Dunmow Town Council** and **Great Dunmow Neighbourhood Steering Group** consider that there is a lack of up to date infrastructure study, and no community infrastructure charging schedule. The policy is too generic, covers some infrastructure but not all and hence is capable of misinterpretation and makes no mention of the crucial requirement of timely provision. It makes no reference to existing deficiency which is crucial but which is independent of new development. The plan must clearly identify local and supra-local (such as health services) infrastructure needs independently of the site allocations. It should address the key issue of shared use and co-location in the provision of services as required in the NPPF. Omission - the plan shows no evidence of addressing the health issues in the District or of being aligned with the health strategies as expressly required by the NPPF.

**Takeley Parish Council** consider that UDC Building Inspectors be responsible for monitoring building standards on new sites (rather than Building Control employed by the developer) and that S106 agreements/community infrastructure levy agreements be drawn up by the local authority (rather than the developer), in conjunction with town/parish

councils, to ensure planned development is delivered. Both of these services could be charged to the developer as part of their administrative costs.

**Sustainable Uttlesford** consider that the policy should ensure that the physical and social infrastructure is provided in a proper sequence so that the communities benefit for the development before and during construction not years after the development has been completed. Section 106 agreements need to be legally water tight.

A **developer** considers that the policy and supporting text should recognise that S106 agreements will still play a role alongside a Community Infrastructure Levy. Another **developer** considers that without an adequate infrastructure investment plan the policy is not consistent with the NPPF. The policy does not set out the strategic priorities for infrastructure and is not sound because is neither effective nor consistent with national policy. A **landowner** is concerned that planning obligations that will come forward as a result of the new development must meet the following three tests: a) Necessary to make the development acceptable in planning terms; b) Directly related to the development; c) Fairly and reasonably related in the scale and kind to the development. The scale, nature and substance of these planning obligations is absolutely critical to the viability of the proposed allocations within the draft Local Plan and it will be important for the Council to take a realistic view on CIL rates as part of the ongoing consultation process on the Local Plan. One **developer** supports the policy and considers it should be expanded by acknowledging support for sites with the critical mass to contribute to the delivery of social infrastructure as part of the development.

Issues raised by **individuals** are that the lack of detail gives little confidence in the provision of water and sewerage, schools and roads; the distribution of housing growth needs to take into account the ability of schools to expand.; the policy does not mention the provision of roads and cycle paths;

One **individual** (an East of England paramedic) notes that the Ambulance station at Birchanger interchange is to close resulting in stretching the cover further,

### **National Planning Policy Framework**

One of the Core Planning Principles is to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development

Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver - the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); and the provision of health, security, community and cultural infrastructure and other local facilities

To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

### **Sustainability Appraisal June 2012**

There will be positive impacts associated with new development that addresses and provides new green infrastructure through development contributions.

There will be positive impacts on reducing the risk of flooding where each development must address flood risk issues where relevant through developer contributions. Despite this, where open space is delivered, there is potential for this to additionally encompass flood risk minimisation, in particular those associated with sustainable drainage systems

There is no mention of transport infrastructure in the policy itself, although it is alluded to in the supporting text. Transport infrastructure requirements are specified for individual site allocations; however it is not clear whether the Strategic Policy seeks to determine transport infrastructure needs in locations/development proposals that may come forward post plan adoption.

**Mitigation:** It is recommended that the policy either includes all infrastructure requirements required through development contributions, or specifies those currently listed as a non-exhaustive list.

There will be positive impacts in regards to accessibility though seeking contributions for required infrastructure to directly support development proposals; however it is not clear whether the Strategic Policy seeks to determine transport infrastructure needs in locations/development proposals that may come forward post plan adoption.

There will be positive impacts on health and social inclusion where development must take account of the needs of new and existing populations in terms of sports provision, primary healthcare, open space and green infrastructure as well as other cultural and community facilities.

The infrastructure requirements within the strategic policy are not directly linked with the provision of housing to meet existing and future requirements in the plan period, and specific site infrastructure requirements are listed in the site allocations element of the local plan. Despite this, certain infrastructure requirements of sustainable housing provision are not listed within this strategic policy which may be relevant should any proposals come forward post plan adoption that do not correspond with those sites allocated.

**Mitigation:** It is recommended that the policy either includes all infrastructure requirements required through development contributions, or specifies those currently listed as a non-exhaustive list

The specific infrastructure requirements within the Local Plan are included within the site allocations element of the plan. This Strategic Policy does not include those infrastructure requirements which may be relevant should any proposals come forward post plan adoption that do not correspond with the sites currently allocated. There will be positive impacts on the range of infrastructure requirements listed within the policy, although there are some omissions, notable those of transport and communication infrastructure, which are important issues in a predominantly rural district.

**Mitigation:** It is recommended that the policy either includes all infrastructure requirements required through development contributions, or specifies those currently listed as a non-exhaustive list.

There will be positive impacts on improving the education and skills of the population where development must take account of the needs of new and existing populations in terms of school classrooms, pre-school places and other community and cultural facilities.

### **Officer Comments**

It is agreed to amend the wording to take into account the views of NHS North Essex.

It is considered that the supporting text can be amended to include reference to utilities and the evidence base.

It is considered that the supporting text can be reworded to refer to the strategic nature and shared use of some infrastructure

It is considered the policy can be reworded to remove the list of requirements.

It is not considered necessary to have a list of what constitutes community facilities.

The protection of community facilities is covered by Development Management policies INF1 and RET2.

Adequate educational provision is provided within Essex and therefore it is not considered appropriate for the policy to refer to cross boundary financial contributions with Hertfordshire County Council.

The Infrastructure Delivery Plan will identify infrastructure needs.

The District Council has consulted the NHS North Essex and will take their comments into account when preparing the pre-submission local plan.

The Council's Building Inspectors are not employed by developers. Section 106 agreements are drawn up by the District Council. The District Council works with town and parish councils where appropriate such as with regard to open space or community buildings.



The Council will continue to work with service providers to ensure the delivery of infrastructure.

### Officer Recommendation

Objective 7 - To ensure **timely** provision of **new or enhanced** infrastructure that will allow people to access social, educational, health, employment, recreational, greenspace and cultural facilities within and outside the district. To ensure provision of new open space, play, sport and recreational facilities to meet the community's needs.

15.1 Making sure that development is supported by the necessary community facilities, **utilities** and transport infrastructure is essential to creating sustainable communities. **The Council will have regard to studies such as the Open Space, Sport Facility and Playing Pitch Strategy, the Water Cycle Study, the Local Plan Highway Assessment, and will work with other organisations such as Essex County Council and NHS North Essex.** The policy below sets out the broad requirements for development. An infrastructure delivery plan will set out in detail what infrastructure will be required **to deliver the allocated sites**, how it will be delivered and who by. The site allocation policies will set out requirements for individual sites. **Some infrastructure may need to be delivered by a number of sites. Phasing of development will need to be considered to take account of this. Some infrastructure will have benefits for residents beyond the development site such as off site highway junction improvements; new sewerage networks; open space and sports facilities. Some infrastructure such as school halls can be used by the wider community.** Infrastructure will be funded through development contributions and/or as set out in the Community Infrastructure Levy.

#### Policy SP17 - Infrastructure

Development must take account of the needs of new and existing populations. Each development must address water supply, sewage disposal **and other utilities**, flood risk issues; **educational, health and transport issues** and make **sufficient** provision for children's playspace, open space, green infrastructure **and new or enhanced social/community infrastructure.**

#### Policy SP18 – Open Space

##### Summary of Representations

16 representations were received on this policy. 6 made objections and 10 supported the policy.

**Sport England** broadly supports the policy and considers it is based on a robust evidence base. However, changes to the supporting text are suggested. 1) Reference should be made to the evidence base (the Uttlesford Open Space Sport Facility and Playing Pitch Strategy 2012). 2) The text should be amended to reflect that developments other than a change of use may affect facilities, to widen the remit to refer to sports facilities; to refer to 'need' rather than 'use' as it will be the need to protect something that

determines whether their loss would be acceptable. Finally 'or' needs to be added before "where suitable replacement facilities are provided" to allow the sentence to make sense.

**Great Dunmow Town Council and Great Dunmow Neighbourhood Steering Group** consider the meaning of the word safeguarded should be clarified. The policy makes no reference to existing deficiencies whether that be in terms of scale, location, quality or accessibility, and how these will be addressed. The policy should be revised to reflect best practice in green infrastructure. Provision should be made in the policy for ensuring by whatever means that the facilities so provided are managed and maintained in perpetuity. Provision should be made for community engagement in this on-going management. Provision should be made to facilitate the protection of Local Green Spaces.

The **Natural Sciences Curator at Saffron Walden Museum** supports the policy and the linking of open spaces to each other and the surrounding countryside. The Essex Wildlife Trust Living Landscape approach should be supported to improve biodiversity networks and allow people to access open space and countryside.

A **landowner** considers that priority should be given to development sites which can specifically address open space deficiencies as well as other local issues.

An **individual** considers that the policy should refer to public footpaths. One individual wishes to see a policy which promotes informal open space that is adequately sized, well drained and well managed and maintained. An individual supports an amendment to the Green Belt and allowing development at Elms Farm Stansted to facilitate the opening up of Stansted Park for leisure use by the public. One individual notes that developments themselves destroy natural recreational spaces. Individuals support the policy and wish to see it applied. One individual wishes to ensure that when making provision for these facilities; liaison and consultation with interested third parties (e.g. town and parish councils) to whom these facilities are likely to be transferred, also takes place, to ensure that the facilities to be provided, best meet the needs of the local community. Another individual wishes to see enough allotments for every household and a mechanism in place to stop development by stealth on to open areas.

### **National Planning Policy Framework**

To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

### **Sustainability Appraisal June 2012**

Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

There will be no direct impact on retaining, enhancing and conserving the biodiversity, the water environment and the character of the landscape, however small indirect positive impacts may be realised on this objective through associated biodiversity potential in delivering formal and informal open space as conditions required of new development proposals. Impacts on landscape value may also be positive as a result of increasing open space provision in line with new development, although much is dependant on specific locations and their conditions.

There will be no direct impact on reducing the risk of flooding arising from this policy. Where open space is delivered in conjunction with or as required by new development, there is potential for elements of formal and informal open space to encompass flood risk minimisation, in particular those associated with sustainable drainage systems.

**Mitigation:** Links could perhaps be made in this policy to Policy S9 Minimising Flood Risk in light of Policy S9's recommendation to include surface water flooding.

There will be indirect positive impacts on promoting and encouraging sustainable methods of travel resulting from this policy, where recreation, sport and formal and informal space are provided to meet local need in specific areas. This increases the possibility and validity of walking and cycling as methods of travelling to such services.

There will be positive impacts on promoting accessibility resulting from this policy, where recreation, sport and formal and informal space are provided to meet local need in specific areas identified as in need of these services.

There will be significant positive impacts on improving the populations health and promote social inclusion, where recreation, sport and formal and informal space are easily accessible. This contributes to the promotion of healthy lifestyles and pursuits. Impacts are strengthened through a range of services defined, positively contributing to social inclusion and the needs of a wide range of demographics

There will be positive impacts on promoting the efficient use of resources and ensuring the necessary infrastructure to support sustainable development, where recreation, sport and formal and informal space are easily accessible for current and future residents. This contributes to required infrastructure in terms of residential developments.

### **Officer Comments**

Sport England's support is welcomed and it is agreed to amend the text as suggested.

Deficiencies in open space are addressed in the Open Space, Sport Facility and Playing Pitch Strategy 2012. The supporting text to INF1 is being amended to provide a background to the findings of the Strategy and policy INF1 is being amended to refer to securing financial support for the continued maintenance of facilities.

Policy HE5 protects open spaces and is being amended to refer to spaces identified in conservation areas, Neighbourhood Plans and community-led plans.

Living Landscapes are referred to in Policy HE4

Statutory footpaths have specific legal protection. Open space will be provided in accordance with policy INF1. The issue of development at Stansted will be considered in the Site Allocations policy. The Council does work with Town and Parish Councils with regard to facilitates which may be

transferred to them. The site allocation policies require the provision of allotments.

To overcome the issue raised in the Sustainability Appraisal it is considered that the supporting text should refer to Policy SP9.

### **Officer Recommendation**

Amend supporting text.

Making sure there are enough community facilities for sport to meet current needs and the additional requirements arising from any new development is one of the key aims of the plan. **The needs of the District have been identified in the Uttlesford Open Space; Sport Facility and Playing Pitch Strategy 2012.** The provision of open space contributes to healthy and active lifestyles. Planning permission will only be granted for **a development or a change of use of existing playing fields/sports pitches/sports facility** when it can be demonstrated that there is no longer a **need** for the facility **or** where suitable replacement facilities are provided. All new residential development will need to provide formal play space and sports facilities in accordance with adopted standards or make a financial contribution towards joint provision. All provision needs to be accessible. In addition formal and informal green space should be provided in new development and existing areas maintained and where possible improved. Where possible green spaces should be linked to each other and to the countryside beyond development boundaries to maximise biodiversity benefits. **Open space can be provided within floodplains as set out in Policy SP9 and can assist in minimising flooding of more vulnerable developments.** Detailed requirements are set out in the site allocations and development management policies.

### Policy SP18 - Open Space

Existing facilities for recreation, sport and play together with formal and informal open space that meets local need and adds value to the community will be safeguarded. New residential development will be required to include appropriate open space, allotments, play areas and other sports provision to meet the current and future needs of residents or contribute to the joint provision of new facilities or the enhancement of existing facilities in the area.

### **New Policy**

### **Summary of Representations**

**NHS North Essex** requests the inclusion of an additional Development Management Policy relating to Health Impact Assessments.

All residential developments have an impact on healthcare services and facilities and this is especially the case for specialist accommodation for older persons and Use Class C2 developments (residential institutions). Similarly, the design of new developments can have a positive impact on health by promoting healthy living. The extent of these impacts needs to be assessed to ensure that adequate and appropriate healthcare services continue to be provided for the whole community. It is suggested that a policy be included

setting a threshold for the submission of a Health Impact Assessment. The addition of this policy will ensure that impacts on the provision of healthcare services arising as a result of proposed growth will be assessed appropriately and can be mitigated in a timely manner to allow for the creation and maintenance of sustainable communities throughout the District.

### **National Planning Policy Framework**

Para 171 states “Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being”

### **Sustainability Appraisal June 2012**

New policy will be appraised prior to the Pre-Submission consultation.

### **Officer Comment**

It is considered appropriate to include a new policy to meet the requirements of the NHS North Essex. The proposed policy is based on wording provided by NHS North Essex.

### **Officer Recommendation**

Include new Development Management Policy in Community Facilities chapter.

### **Health Impact Assessments**

**Most housing development has a potential impact on the capacity of health services and facilities that are provided in the District. Likewise, through the design of new development, healthy living can be promoted. The extent of these impacts needs to be assessed to ensure that an adequate level of health and services continue to be provided for the new development and the community as a whole.**

**The District Council will liaise with NHS North Essex and its successor body when assessing the scope and scale of likely impacts and the nature of mitigation required.**

### **Policy INF - Health Impact Assessments**

**The Council will support development which is designed to promote healthier living and will consider the environmental impact upon health which will include the safety of an environment and if it encourages healthy activities such as walking and cycling. Development proposals will also be required to assess their impact on the capacity of existing health services and facilities.**

**For all Use Class C2 developments and Use Class C3 residential development in excess of 50 units this will take the form of a Health Impact Assessment, which will measure wider impact upon healthy**

**living and the demands that are placed upon the capacity of health services and facilities arising from the development. Where significant impacts are identified, planning permission will be refused unless infrastructure provision and/ or funding to meet the health service requirements of the development are provided and/or secured by planning obligations.**

**The District Council will require Health Impact Assessments to be prepared in accordance with the advice and best practice for such assessments as published by the Department of Health and other agencies, such as NHS North Essex**

## **CHAPTER 35 – ENVIRONMENT AND NATURAL RESOURCES**

### **Policy EN1 – Sustainable Energy**

#### **Summary of Representations**

19 representations were received, 5 in support, the others raised objections.

A number of individuals, Sustainable Uttlesford, Friends of the Earth, Save Saffron Walden Town Centre, Great Dunmow Neighbourhood Plan Steering Group and Great Dunmow Town Council want to increase the stated standard and use Passivhaus standard.

Individuals suggested the policy should include criteria for fewer than 5 homes, otherwise extensions to homes are covered but not new builds.

A developer suggests the policy should refer to national standards via Building Regulations. They state that the problem with referring to affordable housing standards is that they vary depending on whether they have been subsidised by grant. Another is concerned that some developments will become unviable if the standards change and suggest the policy should only encourage not require. A developer suggests that criteria a and b are covered in SP11 and should therefore be deleted in this policy.

Great Dunmow Neighbourhood Plan Steering Group and Great Dunmow Town Council question why there is reference to listed buildings and protected species.

The current 'affordable homes standard' will change and the policy should be altered to specify what performance is required that is consistent with the Zero Carbon Strategy in the NPPF.

#### **National Planning Policy Framework**

Core planning principles encourage the use of renewable resources e.g. by the development of renewable energy. Supporting the delivery of renewable and low carbon energy and associated infrastructure is seen as central to the three elements of sustainable development.

## **Sustainability Appraisal June 2012**

This policy will have positive impacts on SA objectives to retain, enhance and conserve the biodiversity water environment and character of the landscape and maintain and enhance the district's cultural heritage, assets and their surroundings. The positive impact of the policy has been strengthened by the addition of additional wording to reduce impacts on the landscape character and the natural and historic environment following SA recommendations on the earlier version of this policy at Issues and Options stage.

This policy positively contributes to reducing CO2 emissions and furthering the use of renewable and low carbon energy. Implementation of this policy would over time lead to a greater proportion of dwelling stock being energy efficient.

The policy positively impacts on achieving low carbon homes by strengthening the requirement for new dwellings to comply with standards and by requiring energy efficiency measures to be incorporated into planning applications for changes to the existing housing stock.

The policy directly supports the use and development of renewable and low carbon energy schemes.

### **Officer Comments**

If the Council wishes to be at the forefront of achieving sustainable development and reducing CO2 emissions then this policy is one way of achieving it. The affordable homes standard goes above and beyond what the Code for Sustainable Homes.

It accords with the thrust of the National Framework. The reason a threshold was set at 5 dwelling was to respect the threshold at which affordable housing would be required and to ensure that smaller developments are still viable. For smaller sites standard building control standards apply.

Standards will change over time and any policy that specified a target would need to be changed within the plan period. A sentence can be added in the policy which ensures that any standards which replace the existing affordable homes standards will apply.

### **Officer Recommendations**

Change the supporting text and policy to include commercial development and ensure any future changes to the affordable housing standards are covered.

Changes to supporting text paragraph 35.5

The Code measures the sustainability of a new home against categories of



sustainable design, rating the 'whole home' as a complete package. It uses a star rating system to assess the overall sustainability performance of a new home and sets minimum standards for energy and water use at each of 6 levels. The Government is also committed to reducing carbon emissions from new buildings through successive changes to The Building Regulations and to enable new non-domestic buildings to be zero carbon from 2019. **The government recognises other sustainable development standards including Passivhaus for new housing development.'**

In order to contribute towards meeting national targets for reducing CO2 emissions in all new development, the Council will:-

- a. require all dwelling units in residential or mixed use developments over 5 units to comply with the current standards for affordable housing, **or such standards that replace them in the future**, with regard to energy efficiency and CO2 emissions;
- b. require proportionate improvements to the energy efficiency of the existing dwelling when granting planning permission for residential extensions and/or the conversion of ancillary residential floorspace to living accommodation; and
- c. **support** renewable and low carbon energy infrastructure, including stand alone facilities, in suitable locations, provided that these are designed to reduce any adverse impacts on landscape character, and the natural and historical environment, to an acceptable level.
- d. **require all new commercial development to have a minimum energy efficiency target which accords with BREEAM very good rating as the minimum standard.**

## Policy EN2 - Environment and Resource Management

### Summary of Representations

12 representations were received, 4 in support, the others raising objections.

**The Home Builders Federation, Great Dunmow Town Council and Great Dunmow Neighbourhood Plan Steering Group** question how the council will judge best practice. **The Home Builders Federation** points out those developers are not responsible for the occupants water use and therefore cannot comply with this policy. They think criterion e. is covered in EN7 and wish to see the policy deleted.

**Environment Agency** wish to see criterion d. expanded to 'protection and enhancement of water quality to meet the objectives of the Water Framework Directive'.

**Great Dunmow Neighbourhood Plan Steering Group and Great Dunmow Town Council** suggest criterion a. should be revised to set clear standards. The standards for Affordable Housing will change and the policy should set precise standards. The BREEAM standard has a tiered approach and the

policy should specify which standard within BREEAM is sought. They feel criterion e. is meaningless and should be deleted.

**Developers** object stating that this is a matter best secured through building regulations.

### **National Planning Policy Framework**

This policy accords with the aim of achieving sustainable development and the environmental role of planning in using natural resources prudently, minimising waste and pollution and mitigate, adapt to climate change including moving to a low carbon economy. The NPPF requires local planning authorities to adopt proactive strategies to mitigate and adapt to climate change, taking full account of water supply and demand considerations.

### **Sustainability Appraisal June 2012**

The conditions relating to the protection and enhancement of water quality where it may be under threat, and reducing pollution to a minimum feasible level wherever this is an issue, both positively impact on retaining, enhancing and conserving the biodiversity, water environment and landscape character. These conditions will benefit habitats or particular species that may be at threat from particular developments, as well as seeking to improve the local water environment.

There will be uncertain impacts resulting from this policy, where sustainable design and construction may or may not benefit cultural heritage, assets and surroundings in local circumstances and where they exist.

There will be positive impacts on reducing climate change where sustainable design and construction will minimise carbon emissions, as well as a condition that pollution be reduced to the minimum feasible level wherever this is an issue which may be affected by a development proposal. Impacts are limited where criteria seek to mitigate or minimise the associated impacts of development, although it is acknowledged that any development is likely to increase emissions.

This policy will have significant positive impacts on pollution. Carbon emissions will be minimised by sustainable design and construction and one condition specifically refers to reducing pollution to the minimum feasible level wherever this is an issue which may be affected by a development proposal. Furthermore, enhancement of water quality will be sought as well as the remediation of contaminated land and its reinstatement to beneficial use.

There will be positive impacts from this policy from sustainable design and construction which will minimise carbon emissions, and from the condition that requires pollution to be reduced to the minimum feasible level wherever this is an issue which may be affected by a development proposal. Impacts are limited where criteria seek to mitigate or minimise the associated health

impacts of development, although it is acknowledged that any development is likely to increase emissions.

There will be positive impacts resulting from this policy where good sustainable design and construction will minimise carbon emissions from new homes with a low carbon footprint, establishing their future use and energy efficiency.

This policy promotes the efficient use of water by ensuring that new residential developments and new commercial developments adhere to minimum water efficiency targets set out in the relevant standards and assessments.

### **Officer Comments**

The council have experienced building surveyors and an energy efficiency officer who will be able to give advice on best practice.

It is not considered necessary to expand criterion d. to make reference to the Water Framework Directive as this could change over time.

Best practice changes consistently and as the plan covers a long period of time setting standards for criterion a. would be meaningless as it would not allow the flexibility to use the most up to date best practice examples.

It is recognised the standards for affordable housing will change, that is why the policy does not set out the current standards. As it is currently written it allows flexibility for the most up to date standards to be met.

It is recognised that contaminated land is dealt with in policy EN7 and this reference should be deleted from criterion e.

The council want to go beyond what is asked for by building regulations and the NPPF strongly encourages this.

### **Officer Recommendation**

Minor word amendment to policy and deletion of part of criterion e.

#### **Policy EN2: Environmental and Resource Management**

The Council will seek the prudent and sustainable management of the District's

Environmental resources by supporting development proposals which demonstrate that the following criteria have been met where relevant:-

- a. best practice in sustainable design and construction is employed;
- b. all new residential development will have a minimum water efficiency target which accords with current standards for affordable housing;

- c. all new commercial development will have a minimum water efficiency target which accords with BREEAM;
- d. protection and enhancement of water quality; and
- e. ~~the remediation of contaminated land and its reinstatement to beneficial use which is in accordance with this local plan;~~ and pollution reduced to the minimum feasible level wherever this is an issue which may be affected by a development proposal.

## Policy EN3 - Protection of Water Resources

### Summary of Representations

7 representations were received, 4 in support and the others raising objections.

The **Environment Agency** support the policy but suggest some amendments. They encourage adding some additional text to address the issue of deep soakaways. Their use can present a significant risk to groundwater quality. They suggest adding the following wording: 'the use of deep soakaways (including boreholes or structures that bypass the soil layers) for surface water disposal will not be permitted unless the developer can show:

- There is no viable alternative;
- That there is no direct discharge of pollutants to groundwater, and
- That pollution control measures are in place.

**Great Dunmow Neighbourhood Plan Steering Group and Great Dunmow Town Council** feel it is not clear that surface water contamination can be completely avoided. They question how the final sentence will be implemented and how proposals that affect ground water will be assessed. They also question what is meant by 'in a timely manner' that differs from 'prior to occupation. They point out that the wording of the first sentence and point a. is contradictory. They wish to see water quality and volume added to part b. and suggest making reference in the policy to river water volumes and how development affects this. They point out that water supply is known and therefore clarity is needed as to what investment will be required.

### National Planning Policy Framework

Water resources are seen as part of contributing to, and enhancing, the natural and local environment. New and existing development should be prevented from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution.

### Sustainability Appraisal June 2012

This policy would ensure that the quality of both groundwater and surface water is not detrimentally affected by new development. Improvements to water quality where applicable would also positively impact on the water environment and the ecosystem that depends on it.

An additional level of protection for the water environment is proposed by this policy. It focuses on the groundwater protection zone within the district and seeks to implement safeguards to maintain current water standards whilst also preventing contamination of surface waters. This policy seeks to prevent contamination of groundwater sources which supply a significant amount of local drinking water as well as improving current water quality.

It is likely to have a significantly positive impact in light of the recent amendments to this policy to only allow the permission of development where existing infrastructure and capacity off-site is either sufficient or capable of being so prior to the development being complete. This ensures that new development will be fully supported by water infrastructure.

### **Officer Comments**

Water contamination safeguard measures will be set out at planning application/permission stage, this will also include details regarding timing and phasing.

Point a. and the first sentence do not contradict each other as both points ensure that any development will not cause groundwater contamination and ensure that infrastructure and capacity can cope with the proposed development.

The amount of investment will be assessed at planning application stage, as this depends on a number of factors.

The Environment Agency's comment is noted and their point regarding deep soakaways will be included in the policy.

### **Officer Recommendation**

**Amend policy to incorporate Environment Agency comments.**

### **Policy EN3 – Protection of Water Resources**

Development will be permitted where it will not cause contamination of groundwater particularly in the protection zones shown on the proposals map, or contamination of surface water. Where there is the potential for contamination effective safeguards must be in place to prevent deterioration in current water standards. Opportunities to improve water quality in all watercourses and waterbodies will be undertaken where appropriate before development becomes operational.

Planning permission will only be permitted for developments which increase the demand for offsite service infrastructure where:

- a. sufficient infrastructure or environmental capacity already exists or
- b. extra capacity can be provided in time to serve the development which

will ensure that the environment and the amenities of local residents are not adversely affected.

When there is a lack of capacity and improvements in off-site infrastructure are not programmed, planning permission will be granted where the developer funds appropriate improvements which will be completed prior to occupation of the development, or where the water company confirms the off-site infrastructure can be provided in a timely manner.

**The use of deep soakaways (including boreholes or structures that bypass the soil layers) for surface water disposal will not be permitted unless the developer can show:**

- 1. There is no viable alternative**
- 2. That there is no direct discharge of pollutants to ground water**
- 3. Pollution control measures are in place.**

## **Policy - EN4 Surface Water Flooding**

### **Summary of Representations**

11 representations were received, 4 in support, the others raising objections and observations.

**Essex County Council** point out that they are in the process of developing guidance that may be used by the LPA to adopt a consistent approach throughout the county. They recommend that standards within the plan reflect emerging SuDs guidance that the County Council is seeking to produce.

They suggest amending the optimal level of runoff to a lower rate, and the rate should be the same for green and brownfield sites. The recommended rate is for a 1 in 1 year event for all events up to and including 1 in 100 years plus climate change. If this is found not to be achievable developers should still seek to achieve no increase in runoff from greenfield sites and a 50% betterment of existing runoff rates on brownfield sites (unless this results in a rate higher than greenfield). They want the supporting text to refer to DEFRA's National Standards and the emerging Essex CC SuDs Guide. They also recommend that the supporting text include reference to the Flood and Water Management Act and the establishment of SuDs Approval Bodies, and the types of developments that may require SuDS approval are listed as well as those which are subject to exceptions.

They point out that the policy refers to 'all new buildings.....' whereas national standards only require development with drainage implications to get SuDS approval. The policy states that SuDs will 'provide the optimum water run-off-rates and volumes back to the original Greenfield discharge' they point out that this is different from the draft national standards and their emerging standards.

They recommend that the policy includes an affordability test so when SuDS are more expensive than conventional systems, standards may be relaxed.

They suggest the following word change in the policy 'development proposals adjoining the main rivers, ordinary watercourses and culverts should be set back to provide a suitable buffer in accordance with any relevant byelaws/building regulations. They highlight that depending on the final National Standards the wording within the policy which states 'details of proposed SuDS and how they will be maintained will be required as part of any planning application and will need to be agreed by the Council' may need to change.

**The Environment Agency** suggest a change to the first sentence 'all new development, including extensions, car parks and hard standing will incorporate sustainable drainage systems.' An additional sentence is suggested after the de-culvert part of the policy which encourages the consideration of retrofitting SuDS were possible. They recommend a minor amendment to the second paragraph ' Developments should not compromise the ability of organisations responsible for maintaining watercourses and flood defences from accessing and undertaking works.'

**Anglian Water Services** suggests that smaller development schemes, in certain circumstances, may find development unviable.

**Great Dunmow Town Council and Great Dunmow Neighbourhood Plan Steering Group** feel that it is not clear what standards are being set and question the use of 'optimal conditions' in the policy. They would like it made clear how SuDS can be incorporated into development. They feel the policy requirement of the first paragraph is unclear and they would like to see reference to river watercourse volumes and the need to maintain them.

**Takeley Parish Council** want consideration to be given to provide S106/Community Levy funds to local authorities to maintain these drainage systems throughout the public space of a development.

An individual feels that the wider issue of cumulative effect of surface water run-off from existing areas and proposed sites is not addressed. It is questioned how the Environment Agency is informed of development involving SuDS. Concerns are raised regarding Elsenham and the possible flooding issues arising from the proposed allocations.

In individual is concerned about the potential of increased flooding in Saffron Walden with the proposed development there.

### **National Planning Policy Framework**

The Framework requires local authorities to adopt proactive strategies to take full account of flood risk and give priority to the use of sustainable drainage systems.

### **Sustainability Appraisal June 2012**

The requirement for all new development to include Sustainable Drainage Systems (SuDS) and the aim of river restoration supports both habitat creation and a more natural water system. This results in a positive score for this SA objective.

The requirement for inclusion of SuDS in all new development would positively impact on this SA objective. One of the benefits, in addition to slowing run-off rates, is the improvement of water quality. This preferred policy text further supports a positive score by allowing for SuDS to not be included where there is a significant risk of pollution to waters bodies.

This policy would have a positive impact on minimising the risk of flooding by stipulating that all new development incorporate SuDS, and by highlighting the Environment Agency's requirements that should be adhered to for new development near main rivers, ordinary water courses and culverts.

### **Officer Comments**

The County Council has not yet finalised it's guidance. There is the possibility that further guidance could be published by Defra which would impact on the local standards. Amendments are suggested to the policy and the supporting text to cover this point.

In relation to the run off rates being proposed by the County Council reducing the rate of runoff to rates below what might ordinarily be expected may have implications on Water Framework Directive (WFD) objectives such as the Ecological Status of the water course, increased risk of the water course running dry in low flows, interference in fauna habitat or spawning, oversiltation of the watercourse etc. The policy should contain enough flexibility for the rate to be suitably amended with regard to current ecology/fauna/WFD issues as well as for flood risk issues. Detailed requirements should be set out in the Local Flood Risk Management Strategy and there are particular areas of concern there should be a Surface Water Management Plan for these areas which can be used to determine appropriate rates of run off.

In relation to the County Council's suggestion that there should be an affordability test so that where SuDs are more expensive then conventional systems standards may be relaxed and Anglian Water Services comments in relation to viability of SuDs on smaller schemes there are a significant number of variables when considering affordability including maintenance, inflation, lifetime of system. If standards are relaxed in one situation then this will potentially weaken the council's approach. If people can demonstrate there are good reasons why SuDs should not be provided then this can be taken into account on the evidence provided as set out in the policy. No changes to the wording are considered necessary.

In relation to issues of flooding in particular settlements this will be taken into account in allocating sites and also when the Council considers planning



applications. Maintenance issues/payments will also be considered at the planning application stage.

Information about the sorts of systems which might be suitably incorporated into development is included in the supporting text it is not necessary to repeat this in the policy.

### Officer Recommendation

Amend the policy and supporting text as follows:

35.13 Sustainable Drainage Systems (SuDS) are designed to reduce the potential impact of surface water drainage discharges from both new and existing developments. SuDS aim to replicate natural systems of surface water run-off through collection, storage, and cleaning before releasing water slowly and reducing the possible risk of flooding. This is in contrast to previous conventional drainage systems that bring about rapid run-off which may result in flooding, associated pollution and potential contamination of groundwater sources. Examples of the type of system that can be provided for large-scale developments are reed beds and other wetland habitats that collect, store, and improve water quality along with providing a habitat for wildlife. For smaller developments, SuDs could comprise a green roof or rainwater harvesting techniques.

35.14 The benefits of SuDS are such that it is important that they form an integral part of development proposals wherever relevant. The optimal level of runoff is that which would occur if the site had not been developed (i.e. a greenfield site). The achievement of this level is important to all sites regardless of which flood zone they are located in. **Applicants should take account of SuDS guidance produced by Essex County Council in accordance with the Flood and Water Management Act 2010 or other relevant guidance.**

### Policy EN4 - Surface Water Flooding

~~All new buildings and extensions, and the development of car parking and hard standing, will incorporate Sustainable Drainage Systems~~ All new development including extensions, car parks and hard standings will incorporate Sustainable Drainage Systems. Such systems will be expected to provide optimum water run-off rates and volumes taking into account relevant local or national standards and the impact on the Water Framework Directive or flood risk issues.

Only where there is a significant risk of pollution to the water environment, inappropriate soil conditions and/or engineering difficulties, should alternative methods of drainage be considered. **If alternative methods are to be considered adequate assessment and justification should be provided**

**and consideration should still be given to pre and post runoff rates.** If this is not possible it will be necessary to demonstrate why it is not achievable.

Development proposals adjoining the main rivers, ordinary watercourses and culverts should be set back to provide a suitable buffer in accordance with the relevant ~~Environment Agency requirements~~ **published guidance**. Developments should not compromise the ability of organisations responsible for maintaining watercourses from accessing and undertaking works.

The Council will seek to restore/deculvert rivers through the determination of planning applications when and where the opportunity arises. **Retrofitting of SuDs will also be encouraged where possible.**

Details of proposed SuDS and how they will be maintained will be required as part of any planning application and will need to be agreed by the Council. ~~For smaller developments SuDS could comprise green roof or rainwater harvesting techniques.~~

## **Policy EN5 - Pollutants**

### **Summary of Representations**

10 representations were received, 5 in support, and 5 raising objections.

**Saffron Walden Town Council and individuals** feel that the main allocated sites in Saffron Walden are in the least accessible parts of the town and traffic levels/pollution and noise contamination will rise. They point out that pollutants include noise, vibration and fumes and there is no evidence in this plan as to how the rest of the town will be protected from them.

**Health and Safety Executive** suggests that any major hazard sites and pipelines within the development plan areas should be indicated to developers and the possible constraints imposed by their presence. They feel that major hazard sites should be marked on the proposals map. They suggest the following statement is included: 'Certain sites and pipelines are designated as major hazards by virtue of the quantities of hazardous substances present. The siting of such installations will be subject to planning controls aimed at keeping these separated from housing and other land uses which might be incompatible from the safety viewpoint. In accordance with circular 4/00 the Local Authority will consult the Health and Safety Executive, as appropriate about the siting of any major hazard installations.'

The area covered by this Local Development Plan already contains a number of major hazard sites and pipelines. Whilst they are subject to stringent controls under existing health and safety legislation, it is considered prudent to control the kinds of development permitted in the vicinity of these installations. For this reason the Planning Authority has been advised by the HSE of consultation zones for each major hazard site and pipeline. In

determining whether or not to grant planning permission for a proposed development within these consultation zones, the Planning Authority will consult the Health and Safety Executive about risks to the proposed development from the major hazards in accordance with Circular 04/00'

**Great Dunmow Town Council and Great Dunmow Neighbourhood Plan Steering Group** feel that the policy is incapable of sensible application and should focus on avoiding and remediating pollution. They want the relationship between 'nuisance' and 'pollutants' made clear, and feel the part referring to 'sources of nuisance' is meaningless.

### **Sustainability Appraisal June 2012**

SA recommendations on the earlier iteration of this policy at Issues and Options stage have been incorporated into this preferred policy and it now promotes a positive impact for retaining, enhancing and conserving the biodiversity, water environment and character of the landscape, as well as maintaining and enhancing the districts cultural heritage, assets and their surroundings. The policy wording now stipulates that the historic environment will be protected from development proposals that cause material disturbance or nuisance to it. Where development need is greater the policy now requires mitigation measures to be provided.

This policy seeks to control pollution and minimise instances where pollution negatively impacts on sensitive receptors. Incorporating the SA recommendation to include the requirement for mitigation measures to minimise the level of disturbance and nuisance by developments of overriding need further supports this outcome.

This policy has limited sphere of influence with regards to improving human health as it is beyond its remit to reduce the level of pollution already existing. However, incorporating the SA recommendation to include the requirement for mitigation measures to minimise negative effects associated with new development of overriding need would promote a positive impact for health and social inclusion. Mitigation would improve the health and wellbeing of those affected by the development.

### **National Planning Policy Framework**

The proposed policy is consistent. NPPF defines pollution as anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light. LPAs should assume that pollution control regimes will operate effectively and should focus on whether the development itself is an acceptable use of the land and the impact of the use rather than the control of emissions or processes. However there is also recognition that development will cause some noise and existing businesses wanting to develop should not have unreasonable restrictions placed upon them because

of changes in nearby land uses since they were established. See also Noise Policy Statement (DEFRA) and the EA's 'quick guide'.

### Officer comments

There is no specific policy referring to pipelines so their location will not be marked on the policies map.

It is not felt necessary to include the statement regarding hazard sites and pipelines as the council will, as a matter of course, consult with the Health and Safety Executive when an application is received which affects these sites.

It is not considered necessary to expand on the relationship between nuisance and pollutants as pollutants can have varying levels of nuisance dependant on a number of factors such as, the type of development and the surroundings.

### Officer recommendation

No change

### Policy EN6 – Air Quality

#### Summary of Representations

15 representations were received, 5 in support, the others making objections and observations.

**Saffron Walden Town Council** feel that the plan fails to explain how it will comply with this policy, in that it fails to show how it will ensure users are not being exposed on a long term basis to poor air quality, nor how developments which impact on areas of poor air quality will be able to contribute to a reduction in levels of air pollution.

**Friends of the Earth Saffron Walden and District, Save Saffron Walden Town Centre and individuals** feel that the policy needs to be strengthened in line with NPPF paragraph 124. They state that development which leads to air pollution levels exceeding EU limit should not be permitted.

An individual is concerned that the policy does not account for possible M11 widening. It is suggested that it be redrafted to include the concept of inner and outer zones either side of the central reservation; the inner zone within which no new development will be permitted.

A landowner feels the policy is too inflexible. The approach does not seem to be justified for individual circumstances at particular locations; for example, site topography or landscape characteristics may mitigate the effects.

### National Planning Policy Framework

Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should be consistent with the air quality action plan.

### **Sustainability Appraisal June 2012**

This policy focuses on locating new development away from existing areas of poor air quality but it does indirectly assist in conserving biodiversity in/ near air quality management areas (AQMAs) by seeking to reduce air pollution in them.

This policy seeks to address the issues of poor air quality by proposing that new development which is likely to impact designated AQMAs assist in reducing the level of air pollution.

This policy could be strengthened further by making reference to developments which are likely to have a cumulative impact on air quality beyond AQMAs and adopting measures to mitigate or reduce air pollution levels. This is particularly relevant in light of National Planning Policy Framework paragraph 124 which states that policies should take into account the cumulative impacts on air quality from individual sites in local areas.

This policy requires new development to contribute to improving air quality within AQMAs which are designated due to the high level of transport emissions. Sustainable transport is one potential solution. This policy seeks to address the issues of poor air quality by proposing that new developments assist in reducing the level of air pollution which would contribute to improving health.

### **Officer Comments**

Development will be looked at on a site by site basis and mitigation measures could be different dependant on the proposed development. It is therefore not felt necessary to include details listing possible mitigation measures within the policy.

Whilst this policy specifically mentions the A120 and M11 zones it does not rule out future poor air quality areas. If, at a later date, new areas are identified for poor air quality than this policy will apply to them.

The point regarding cumulative impact on air quality is recognised and the policy will be amended in line with the NPPF.

### **Officer Recommendation**

Amend policy to make reference to cumulative impact on air quality.

### **Policy EN6 – Air Quality**

Development will be permitted as long as it does not involve users being exposed on an extended long-term basis to poor air quality. **The cumulative impact on air quality from a number of developments in a local area will be considered and mitigation measures may be required.**

Development within or affecting Air Quality Management Areas will be expected to contribute to a reduction in levels of air pollution and include an air quality assessment detailing the impact of the new development and a mitigation strategy which shows how these impacts will be mitigated.

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 A120 have been identified as particular areas to which this policy applies.

## **Policy EN7 - Contaminated Land**

### **Summary of Representations**

4 representations were received and all supported the policy – no observations or objections were raised.

### **National Planning Policy Framework**

The remediation and mitigation of despoiled, derelict, contaminated and unstable land is seen as part of conserving and enhancing the natural environment. Where a site is affected by contamination, responsibility rests with the developer or landowner.

### **Sustainability Appraisal June 2012**

In seeking to prevent pollution of water bodies the policy would assist the conservation and improvement of the water environment. The remediation of contaminated land would also have a positive impact on protecting species and potentially improve habitats.

The policy has a positive impact on reducing and controlling pollution and improving the population's health through the remediation of contaminated land and by preventing pollution of water bodies.

### **Officer Comments**

No fundamental changes are proposed to the policy but minor editorial changes are suggested.

### **Officer Recommendation**

Reword the policy to say:

## **Policy EN7 – Contaminated Land**

**Development on a site where the land is known or strongly suspected to be contaminated will be permitted providing that a risk assessment, site investigation, remediation proposals and timetable for remediation are provided and satisfactorily overcome the identified risk, including any potential risk of pollution of controlled waters (including groundwater).**

## **Policy EN8 – Noise Sensitive Development and Disturbance from Aircraft**

### **Summary of representations**

8 representations were received, 4 in support, the others making objections and observations.

**Essex County Council Environment, Sustainability and Highways** recommend that Appendix 3 refers to Building Bulletin 93: Acoustic Design in Schools.

**Great Dunmow Town Council and Great Dunmow Neighbourhood Plan Steering Group** support the policy overall but feel it needs to be extended to cover developments that may impact on existing noise sensitive developments. They also want to add the protection of tranquil areas to the policy. They are concerned about aircraft noise and feel the policy should facilitate the reduction of current noise levels.

An individual feels that appendix 3 is wrong in relation to night noise as the categories are Leq figures. The WHO guidelines specify that no maximum noise (LMAX) should exceed 45 db in bedrooms and wish to see this included in the policy.

### **National Planning Policy Framework**

New and existing development should be prevented from contributing to or being put at risk from, or being adversely affected by, unacceptable levels of noise pollution. Policies and decisions should avoid noise giving rise to significant adverse impacts on health and quality of life, and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. The NPPF recognises that development will often create some noise and existing businesses wanting to develop should not be unreasonably restricted because of changes in nearby land uses since their establishment.

### **Sustainability Appraisal June 2012**

There will be no impacts resulting from this policy as it seeks to locate noise sensitive development away from sources of noise and mitigate impacts where appropriate. This does not reduce noise levels but reduces the

likelihood of new receptors. New development can therefore expect not to experience noise disturbance, and the associated negative health impacts this can cause.

### Officer Comments

It is recognised that the figures referenced in appendix 3 are subject to change. An added sentence in the policy and the appendix referring people to the latest guidance will be added.

The policy refers to proposals for new noise sensitive development near/in locations where noise levels are high; it does not cover developments that may impact on existing noise sensitive developments as these issues are addressed by Policy EN5 – Pollutants.

It is not the role of this policy to reduce current levels of noise relating to aircraft, it is to ensure that future developments are not subject to unacceptable levels of noise disturbance.

Essex County Council point is noted.

### Officer Recommendation

Change policy text to ensure the most up to date standards are used.  
Change Para 3.3 Appendix 3 to include reference to Building Bulletin 93: Acoustic Design in Schools in addition to Building Bulletin 87 – Guidelines for Environmental Design in Schools.

Policy EN8- Noise Sensitive Development and Disturbance from Aircraft

**Housing and other noise sensitive development will be permitted where the occupants will not experience significant noise disturbance.** This will be assessed by using the **most up to date and** appropriate noise contour for the type of development and will take into account mitigation by design and sound proofing features.