

**Outline Planning Application No. UTT/13/0808/OP**  
**Proposed Development on Land to the North East of Elsenham**  
**Comments and Objections from Elsenham Parish Council**

Elsenham Parish Council wishes to object in the strongest terms to the planning application submitted by The Fairfield Partnership for an 800-homes development on the site to the north-east of Elsenham.

The Joint Parish Councils Steering Group (JPCSG), of which Elsenham Parish Council is a member, commissioned a number of detailed reports from its planning consultant (Hives Planning Ltd) and transport consultant (Motion). Both of these reports have been submitted to Uttlesford District Council as a part of the recent JPCSG responses to this planning application.

In submitting this response to the planning application, Elsenham Parish Council has drawn heavily from, and mirrors the JPCSG's consultants' reports and comments. However, this notwithstanding, it must be highlighted that the Parish Council in this representation has in many instances, made more specific and/or detailed comments. In particular, the Appraisal of the Application and Transportation sections make particular and specific objections, in addition to those already made in the Hives Planning and Motion reports.

## **INTRODUCTION**

Uttlesford District Council is in the process of preparing a New Local Plan for which a Position Statement was published in March 2013.

The site is not identified for development in any development plan, either the Adopted Local Plan (2005), the emerging New Local Plan, or the recently published Position Statement, although many other sites are in order to fulfil the development needs of the Uttlesford District for the period up to 2026. It is considered that the site should be considered as part of the 'plan-led system' advocated in the National Planning Policy Framework (NPPF). Indeed, the applicant intends to (correctly) follow this procedure in relation to the balance of the site (bringing the total development up to 3,000 dwellings), which begs the question: why not do so for the whole of the development?

In essence the application claims 'special circumstances' for a favourable decision for a proposal not in accordance with the development plan, and without waiting for the outcome of the New Local Plan, which are (it is claimed) that there is an insufficient 5-year housing land supply and the site would make a material contribution to that supply. This issue will be examined but by any commonsense view this opportunistic approach which seeks to bypass the plan-led process ought not to receive planning permission.

In addition to this strong policy objection, this representation makes objections to the application, which can be summarised as follows:

- a. This proposal should not be seen as 'just' for 800 dwellings on 51ha, but clearly as Phase 1 of a much larger 3,000-dwelling development on the 265ha under the control of the applicant. This is not made explicit in the submitted material, only oblique reference is made. Even the 800 dwellings would effectively double the size of Elsenham (around 1,000 existing dwellings) and be far too much development added onto a small settlement. Adding 3,000 additional houses to Elsenham (and Henham) verges on absurdity.
- b. It is much more sustainable to add urban extensions of this scale to the main towns in the District (Saffron Walden, Great Dunmow) with proper access to schools, employment, retailing and community services. This is the strategy of the emerging New Local Plan supported by the 'sustainable development' objective of the NPPF.

- c. The site has been rejected for major development three times - by Government for the 'eco-town' in 2009, by the District Council in its Draft Local Plan 2012 and in its recently published Position Statement (March 2013).
- d. Government identified the following weaknesses with this location in 2009, and these weaknesses remain valid and relevant:
  - within a water stressed area
  - capacity of the local road network
  - improved train services at Elsenham would be at the expense of services at other nearby stops
  - impact on the character of nearby villages
  - loss of agricultural land
  - presence of protected species in the vicinity
  - archaeological impact
- e. The 5-year housing land supply position is not such that a major development should be permitted now. No evidence is presented to show that the site would make more than marginal contribution to housing land supply. Other sites which already been identified in the emerging New Local Plan (after responding to extensive public consultation) are already the subject of planning applications which will make a more meaningful and sustainable contribution to housing supply.
- f. Large numbers of affordable houses would be better located adjoining the main towns where new occupants have family links and established social networks, not in a remote and cut off location as proposed.
- g. The access roads which serve Elsenham and Henham are winding country lanes with inadequate widths and junctions. The road system is wholly unsuitable for even 800 new houses, let alone a larger 3,000 settlement, which the applicant has repeatedly stated will follow in due course.
- h. 800 or even 3,000 dwellings are too small to support essential services such as a secondary school.
- i. Even the size of Elsenham as proposed would be too small to support a supermarket leading to shoppers using cars to access existing stores. It would also be too small to attract significant employers and the station would encourage this to become a location for commuters.
- j. The eventual development would create the coalescence of Elsenham and Henham causing loss of identity and character.
- k. The countryside setting around Elsenham and Henham would be destroyed by this development; pleasant landscape would be lost forever.

## THE PLANNING APPLICATION

The outline application (all matters reserved, except access) was submitted to UDC on 2nd April 2013 for the following development described in the applicant's Application Planning Statement:

- up to 800 dwellings;
- up to 0.5ha of class B1a and B1c employment uses (*equivalent to 1% of the site area*);
- up to 1,400sqm of retail uses;
- a primary school;
- up to 640sqm of Health Centre use;
- up to 600sqm of community buildings;
- up to 150sqm of changing rooms;

- access roads including access points to B1051 Henham Road and Old Mead Road;
- provision of a link road at Elsenham Cross between the B1051 Henham Road and Hall Road;
- a construction access and haul route from B1051 Henham Road;
- a Waste Water Treatment Works (access from Bedwell Road) and other associated infrastructure, landscaping and boundary treatment works;
- demolition of all existing buildings.

The proposed Section 106 Agreement makes the following proposals for "contributions":

- land and money to early years, primary and secondary education provision; separate land transfer agreement with ECC
- Elsenham Cross link road
- off-site highway improvements
- improvements to walking/cycling network
- public transport

Actual "provision" would be made for:

- public open space and maintenance regime (later transfer to Parish Councils or management company)
- sustainable urban drainage (SUDS) and subsequent management
- health centre
- community centre

The application is accompanied by an Environmental Statement covering the following topics:

- 1 - Introduction
- 2 - Description of Site
- 3 - Description of Development
- 4 - Planning Policy Context
- 5 - Environmental Assessment Approach including Consideration of Alternatives
- 6 - Socio-Economic Impacts
- 7 - Landscape and Visual Assessment
- 8 - Ecology and Nature Conservation
- 9 - Cultural Heritage and Archaeology
- 10 - Agricultural Circumstances
- 11 - Transport
- 12 - Air Quality
- 13 - Noise and Vibration
- 14 - Hydrology, Flood Risk & Drainage
- 15 - Ground Conditions
- 16 - Cumulative Effects and Conclusion

Supporting documents that accompany the application are as follows:

- C - Design and Access Statement including an illustrative master plan.
- D - Planning Statement (including Section 106 Heads of Terms)
- E - Transport Assessment
- F - Framework Travel Plan
- G - Statement of Community Engagement
- H - Energy Strategy
- I - Sustainability Report
- J - Waste Management Strategy
- K - Retail Assessment
- L - Green Infrastructure Strategy and Open Space Assessment
- M - Economic Strategy

- N - Lighting Assessment
- O - Utilities Appraisal

It is unnecessary for this representation to examine in detail or comment on all of this material except where relevant to the principal objections to the application.

## PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development fails that principal test: it is not in accordance with the Development Plan. For reasons given below, there are no material considerations which would otherwise justify the grant of planning permission.

### Uttlesford Local Plan (adopted 2005)

The important policies which apply to this development were 'saved' by the Secretary of State in 2007. The East of England Plan (2008) was revoked by the Secretary of State in January 2013. ECC Development Plans - Review Minerals Local Plan 1996 and Essex and Southend Waste Local Plan 2001 - are not relevant to the consideration of this application.

The Adopted Local Plan will be superseded by the emerging New Local Plan being prepared by the District Council and the main policies of the Adopted Local Plan, including those below, remain relevant.

The application site is not identified for development in the ALP and is within the countryside outside the identified development boundary for Elsenham and Henham. The Adopted Local Plan's strategy was to concentrate development at the existing main settlements of Great Dunmow, Saffron Walden and Stansted Mountfitchet together with new development along the A120 corridor.

Elsewhere development was to be within development limits, as follows:

Policy S3 - Other Development Limits (emphasis added).

***Elsenham, Great Chesterford, Newport, Takeley and Thaxted are identified as Key Rural Settlements. Their boundaries, including village extensions at Takeley and Thaxted, and the boundaries of other settlements are defined on the Proposals Map. Development compatible with the settlement's character and countryside setting will be permitted within these boundaries.***

Policy S7 - The Countryside is as follows (emphasis added):

***The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.***

Policy S8 seeks to maintain a Countryside Protection Zone around Stansted Airport for which "planning permission will only be granted for development that is required to be there, or is appropriate to a rural area" This extends northwards towards the site (to the B1051) so includes the Elsenham Cross Link Road proposal.

Access to the site is principally to and from the south via Hall Road which is unclassified. Transportation is dealt with below, but the relevant policy in the Adopted Local Plan is GEN 1, as follows:

*Development will only be permitted if it meets all of the following criteria:*

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
- e) The development encourages movement by means other than driving a car.

### **National Planning Policy Framework (NPPF)**

The NPPF was published by the Government in March 2013 to supersede the majority of previous planning policy. It is "guidance" to which local authorities must have regard. It has a "presumption in favour of sustainable development" yet recognises the primacy of the development plan.

The "core planning principles" begin with:

*" planning should ... be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;*

'Sustainable development' is not clearly defined but has "three dimensions"

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

Whilst the application strongly highlights the words "*providing the supply of housing required to meet the needs of present and future generations*" it is silent on "*planning should ... be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area*". Indeed this point is omitted from the extracts of paragraph 17.

The application is almost entirely justified on the basis that there is not a five year supply of housing land in the District, which is examined below.

### **The Emerging New Local Plan**

The District Council have spent some considerable time on preparing a new Local Plan; the key stages to date are as follows:

- January 2007 - Core Strategy Policy Choices and Options for Growth
- November 2007 - Preferred Options consultation (including 'option 4' a 3,000 home settlement north-east of Elsenham)

- February 2010 - Further Preferred Options consultation (retaining 'option 4')
- June 2012 - consultation on Proposals for a Draft Local Plan. Following full consideration of the consultation responses and after further analysis, UDC proposed a spatial pattern of new development based on the main settlements of Saffron Walden and Great Dunmow.
- March 2013 - Position Statement reaffirming the spatial strategy with minor amendments to proposed site boundaries.

Much is made of the intention of Uttlesford District Council to identify land to the north-east of Elsenham as a preferred location for 3,000 houses in the Preferred Options Consultation (November 2007). The obvious comment is that local plans usually put forward many options - but the latest two iterations of the emerging New Local Plan (June 2012 and March 2013) have firmly rejected this option and the application site.

The New Local Plan proposes additional housing of 3,314 homes between 2012 and 2018. The allocations, in the June document, (all are 'a minimum of') include:

- Great Dunmow: 1150 on the southern and western edges
- Saffron Walden: 860 on the eastern edge, and 20 within the urban area
- Elsenham: 400
- Great Chesterford: 100
- 3 Newport :70
- Stansted Mountfitchet :60
- Takeley: 200
- Thaxted: 60
- And a minimum of 100 in other villages where there would be rural sustainability benefits.

The emerging New Local Plan is site specific, with sites for development identified for the following settlements:

Saffron Walden  
 Great Dunmow  
 Elsenham  
 Great Chesterford  
 Newport  
 Stansted Mountfitchet  
 Takeley/Little Canfield  
 Thaxted  
 Clavering  
 Great Hallingbury  
 Henham  
 Radwinter  
 Stebbing  
 Wendens Ambo

The application site is not included in the sites identified for Elsenham or Henham in the New Local Plan and in March 2013, the Position Statement was published in order to:

*"... set out a preferred direction of travel on the outstanding issues and the contingencies and risks involved. It is hoped this will give more certainty and clarify the Council's position."*

The Position Statement changes the plan period to 2026, removes the qualification of "minimum" settlement housing numbers, and amends proposed site boundaries. The application site is again rejected by not being identified for development.

Precise dates for the next stages of the emerging New Local Plan have yet to be confirmed, but the intention is to consult on the 'Pre-Submission' Local Plan later in 2013, with submission and adoption in 2014.

## HOUSING LAND SUPPLY

The National Planning Policy Framework states that local planning authorities should:

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*

Much has been made by housing developers of the fact that there is a deficit in the District's 5-year housing land supply when submitting planning applications (many in Elsenham) to Uttlesford District Council and suggesting that the proposed new housing developments will help to fill this short-fall. Needless to say, The Fairfield Partnership has adopted this argument as a prime justification for its proposed 800-dwellings development in Elsenham.

The Parish Council is well aware of the consequence of the District not being able to demonstrate a five year supply and understands the NPPF's statement that;

*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*

Elsenham is already experiencing the impact of the District's housing land supply deficit being the recipient of a 53-home development (The Orchard) being granted, on appeal, principally on the grounds that the development would lessen the level of deficit. This was in spite of the fact that the application clearly breached Policy S7 of the Adopted Local Plan.

Although that may have been the case in the relatively recent past, the situation has now changed significantly and the latest Uttlesford District Council published document, 'Local Development Framework Monitoring Report 2012' (February 2013), sets out a statement of the (current) 5-year housing land supply. In its concluding statements, the District Council summarises the present position as being, that the overall percentage of the plan target on deliverable sites for the 5 year period is 123% and is equivalent to 6.2 years worth of supply.

This summary of the District's 5-year housing land supply position clearly demonstrates that the NPPF condition is satisfied.

The District Council's land supply statement has also been confirmed independently by the JPCSG's own planning consultant, Hives Planning, who also reaches this same conclusion, as is fully detailed within Section 4 of the report.<sup>1</sup>

With this evidence in place, the applicant's prime assertion and justification for being granted planning permission on the grounds of a lack of adequate 5-year housing land supply can no longer be upheld.

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<sup>1</sup> Report by Hives Planning Ltd, 2nd May 2013 (prepared for the Joint Parish Councils Steering Group)

## APPRAISAL OF THE APPLICATION

### The Applicant's Primary Justifications

The applicant's justifications for this development, as put forward in its Application Planning Statement and in other documents submitted with the application, it would appear to be based upon three main factors; namely:

- That the National Planning Policy Framework (NPPF) now supersedes all previous planning considerations – such as the either the existing Uttlesford Local Plan (adopted 2005), or the emerging New Local Plan, which is currently being prepared for pre-submission public consultation.
- That this development will deliver up to 40% of affordable housing, which will be in addition to the range of private housing and that this housing will help to address the shortfall in the 5-year housing land supply.
- That the site is suitable for development and is 'sustainable'.

### The Existing and Emerging New Local Plans for Uttlesford

In attempting to justify the application, the case is made that the existing Uttlesford Local Plan is not up-to-date; therefore any conflict with it may be regarded as not relevant and thus, disregarded completely. Thus, in these circumstances the NPPF provides that there is a presumption in favour of sustainable development; moreover that permission should be granted unless:

*"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework when taken as a whole"*  
[Exception 1];

and/or

*"specific policies in this Framework indicate that development should be restricted"*  
[Exception 2].

In response to this flawed argument, it can be clearly demonstrated that the Uttlesford Local Plan is not out-of-date, that the adverse impacts of this development, both in terms of the NPPF policies and in site-specific terms do very significantly and demonstrably outweigh the benefits to be gained from it.

Furthermore, although the Uttlesford Local Plan was adopted in 2005, it is nevertheless, relevant and up-to-date as regards the issues and policies which preside over a development of this type. The important policies which affect this development are detailed above: Policy S3 (the site is outside the development limits for Elsenham); Policy S7 (the site is in the countryside which should be protected) and Policy GEN 1 (the site has an unsatisfactory access along unclassified roads).

The NPPF states that Plans adopted since 2004 should be given "*full weight*" even though after April 2013 (12 months after publication of the NPPF) this reduces to "*due weight*". The on-off revocation of the East of England Plan has caused significant delay to the preparation of the Local Plan, both in terms of uncertainty and evidence base gathering. It is unsurprising therefore that Uttlesford District Council has been unable to adopt a new Local Plan to date.

It is clear from the foregoing that decision takers should continue to give significant weight to the Uttlesford Local Plan until such time as the New Local Plan is adopted. There cannot and should not be a free-for-all if the "plan-led" system – as made clear by the NPPF- is to have any validity. The emerging New Local Plan should be given significant weight and this entire process cannot be lightly set aside.

The draft New Local Plan was published in 2012 and was prepared and was the subject of extensive public consultations. The new plan makes full provision for future housing needs within the District, including Elsenham and is based on an up-to-date assessment carried out by the District Council's officers and consultants. The application site has not been included within



the new plan, as it was considered that a more dispersed housing strategy would better serve the District and its needs.

Throughout the entire period leading up to the publication of the draft New Local Plan, public opinion within the District has been overwhelmingly against a major development at Elsenham - itself a matter of public consultations as one of the (four) LDF options during the earlier stages of the Local Plan preparation.

Although the draft New Local Plan has not formally been adopted, two of the three sites within Elsenham (Elsenham Policy 1 and 2) identified for new housing under the new plan have already been granted outline planning permission, adding approximately 395+ new homes. In addition to this, the third site identified for Elsenham (Elsenham Policy 3) will be making an application for outline permission for up to 165 new homes during June 2013.

Taken together, this will provide for 560+ new homes within Elsenham, and if The Orchard new housing development of 53 homes, currently being constructed is added, the overall level of new homes being approved will rise to 613+ dwellings, all approved under the auspices of the existing Adopted Local Plan. Therefore, for the applicant to make claims that the Local Plan is out-of-date (and thus, not fit for purpose) are clearly mistaken and untrue and must be disregarded entirely.

### **Supposed Benefits to be Provided by the Proposed Development**

The applicant also claims that the proposed development will produce four effects that will be of a 'major beneficial significance'; namely *population increase, job generation, housing provision and health centre provision* and a further four benefits that will be of a "moderate beneficial significance", being *construction jobs, education provision, community facility provision and interpretation of the Thaxted to Elsenham light railway*.

#### **(i) Claimed Major Benefits**

For the claimed 'major benefits' to be achieved from the proposed development, it must be said that the benefits gained are, in fact significantly less than the applicant asserts.

Population Increase - The claim that the increase in population will generate an additional gross household income of £24m to be spent within the local economy is, although true, only represents a very minor contribution (less than 3%) of the District's estimated overall disposable income of some £860m.

Job Generation - It is estimated that 203 extra jobs will be produced; this figure is entirely formula-based and must be regarded as subjective and very likely, an over-estimate of the extra jobs likely to be generated.

Housing Provision - The applicant claims that '*The Proposed Development would also help improve the choice and availability of market housing in the district. Increasing the supply and diversity of market housing in Uttlesford the Proposed Development would allow more households in the district that are currently financially restricted from entering the market (particularly younger people and those on low to modest incomes) to afford buying their first home.*'

The validity of this claim must be challenged. The emerging New Local Plan also makes proper provision for new housing to be made available in the District, but in locations chosen by the local community through the plan-led system, and not in locations chosen by developers making opportunistic planning applications.

Furthermore, it is intimated by the applicant that the cost of market housing to be provided by the Proposed Development will be very competitively priced, or possibly at levels below other equivalent new housing, located elsewhere in the District. This claim cannot be sustained; Uttlesford has been identified as one of the most desirable locations to live and as a result of this, house prices, both for existing and newly built properties attract premium prices. It is for this reason that Uttlesford district Council has adopted a 40% affordable housing policy for all new developments within the District, in order for those in key employment and on low to modest incomes to be able to afford to buy their own homes.

Health Centre Provision – It is proposed that a new 640m<sup>2</sup> health centre will be provided on site for at least 1 new GP and 1 dentist. It is also proposed that subject to the existing doctors' surgery in Elsenham being willing to relocate to the new development site, the new health centre will be built early in the development.

To claim this is a major benefit is totally unjustified for a number of reasons. No evidence is presented to indicate that the local Elsenham surgery and/or the Primary Care Trust are willing to agree to this proposal. It is also noted that the applicant's phasing strategy for the development (Design & Access Statement) states that construction of the proposed health centre will not begin until (sometime within) Year 3. Given that the phasing strategy shows that the development is scheduled to be completed within five years, the claim to build the health centre early in the development must be regarded as totally untrue.

It is acknowledged locally that the existing Surgery at Elsenham, which serves a very much larger and wider area than Elsenham alone, is at capacity and could not accommodate the needs of additional new homes. It is clear that the applicant has not properly considered the appropriate levels of overall health service provision that will be needed in order to meet the future demands of the local area that this development and other local new housing developments will generate.

It is considered that the applicant is making unacceptable demands by suggesting that a new health centre will be built at an early stage in the development, (only) if the existing surgery relocates. (Environmental Statement para. 6.5.54) The applicant clearly states within the application (Environmental Statement para. 6.5.51) that the proposed development will generate a demand for at least one new doctor, to meet the demands of 1920 new residents. If this is the case, the proposed new health centre should be built, both, early in the development and irrespective of whether or not the existing doctors' surgery in Elsenham is willing to relocate.

## **(ii) Claimed Moderate Benefits**

A number of statements have been made by the applicant claiming 'moderate benefits' being derived from the proposed development. The relevant claims and responding comments are as follows:

Construction jobs – It is claimed that 134 construction jobs would be created.

In response, the jobs are likely to offer only short-term benefits, possibly using personnel from outside the local area. Whilst additional construction jobs would be welcome, they would equally be provided on sites preferred in the New Local Plan.

Education provision – The claim is that the development will generate school places for up to 240 primary, 160 secondary, and 68 early years' pupils. This in turn will lead to space for a Primary School (2 forms of entry) being provided as part of the proposals.

In response to this claim, it must be noted that the Schools Service of Essex County Council in its 'ECC Developers Guide to Infrastructure Contributions' states that it has sought financial contributions to mitigate the impact on schools of new housing since 1999. The Schools Service goes on to state that it will only require developer contributions where there is a current or forecast lack of permanent places at the local school or in the immediate area to the proposed development. Given the number of new school places that the development will generate, it may be anticipated that a significant contribution will be sought from the developer. However, although a contribution would be made, there is no evidence that the Education Authority supports, intends to build, or in fact, would use the contribution to fund a new primary school. Furthermore, no actual offer by the applicant to directly fund a school is made, and no suggestion or proposal is made as to what could/would happen to the space for a school site if it were not to be built.

The ECC Developers Guide also states that: *'In some locations new schools will need to be provided. Both a 'site compliance' and then a 'project feasibility' study will be required, during which the developer must prove to the Schools Service that the land offered for the new school meets a rigorous checklist of requirements.'*

Again, there appears to be no evidence provided to suggest or demonstrate that any land offered for a new primary school will meet the checklist of requirements demanded.

Community facility provision (Open Space) – It is claimed that the Green Space Infrastructure Strategy will provide 14.98 ha of open space and green infrastructure.

This is not mentioned in the Environmental Statement Non Technical Summary, para. 16.1; so there must be some doubt as to whether this is actually being claimed to be a 'major benefit' by the applicant. The Environmental Impact Assessment, Vol. 1, Chapter 6, Table 6.5.4 (p44) shows a total provision within the proposed development for open space provision is 14.94 ha. This provision is actually below that required just for the need generated by the proposed development of 17.45 ha.

Community facility provision (Sports and Recreation Ground) – The development proposal includes the provision of a new sports and recreation ground (Little Hide Sports Ground), a sports club clubhouse, and a 150 m<sup>2</sup> changing room.

Although making some provision for sports facilities, the applicant has nevertheless failed to provide a facility that can properly meet the needs and demands that the proposed development will generate. Sport England in its own response to the application comments that the application focuses on adult and junior football pitches, but no specific provision for meeting the standards relating to other outdoor sports facilities types. The standards referred to being Uttlesford District Council's own Open Space, Sports Facility and Playing Pitch Strategy (2012).

Sports England further comment that by focusing solely upon football, the development appears to fall significantly short of meeting the full range of other outdoor sports facility needs, which in turn, would put pressure on existing sports facilities in the area.

It is clear that the proposed new sports facilities offered are totally insufficient for a development of this size and are not in accordance with Uttlesford's strategy.

Interpretation of the Thaxted to Elsenham Light Railway – The claim is made that:

*'The installation of interpretation features is proposed along the former line of the Thaxted to Elsenham Light Railway, thereby improving this cultural heritage amenity.'*

The Parish Council finds it difficult to understand the applicant's intentions regarding the light railway, nor is it clear as to how precisely, it will become a benefit. The concept of the proposal as a cultural heritage amenity and the perceived benefit being derived, if any, are poorly explained.

Archaeology – A claim of a '*Programme of archaeological investigation would be "medium beneficial"*' is made.

This would appear to be a somewhat spurious claim. Such an investigation of this type would be commonplace to be carried out on any proposed development site. To claim a demonstrable benefit for this site is not justified.

### **Adverse Impacts**

The applicant lists and summarises the various "adverse impacts" of the development under four headings; Landscape, Heritage, Noise and Other.

The impact on the landscape is treated as adverse mainly for the construction period. Housing delivery of all of the 800 dwellings is expected to be completed within a 5 year period. This equates to 160 dwellings per annum.

To extrapolate these figures further and accepting the applicant's previous public statements that this development is only Phase 1 of a much larger development scheme that will ultimately lead to 3,000+ homes, the overall development would inflict environmental damage during a 'construction phase' of some 19 years. By comparison with the pace of the current development at north-east Great Dunmow this is an entirely realistic timescale.

It is acknowledged in the Environmental Statement that the permanent development, post these many years of construction, would also have landscape impacts, namely:

- *Effects on Stort River Valley Landscape Character Area – introduction of built form, infrastructure and associated landscape measures at design year.*
- *Effects on Debden Farmland Plateau Landscape Character area – introduction of built form, infrastructure and associated landscape measures at design year.*
- *Effects on Broxted Farmland Plateau Landscape Character Area – introduction of built form, infrastructure and associated landscape measures at design year.*
- *Effects on short distance viewpoints – Introduction of built form, infrastructure and associated landscape measures at design year.*
- *Effects on middle distance viewpoints – introduction of built form, infrastructure and associated landscape measures at design year.*
- *Effects on long distance viewpoints – introduction of built form, infrastructure and associated landscape measures at design year.*

The Parish Council acknowledges that an appraisal of these adverse impacts is a matter for specialists and it is expected that the District Council will obtain specialist landscape and heritage advice. It is nevertheless anticipated the District Council will give serious weight and consideration to the impact a development of the type and size will have upon the landscape and heritage assets that surround the Henham and Elsenham area.

An 800-dwelling development, if granted, would have a very significant effect upon Elsenham, both in size and loss of separate identity - both physical and in terms of a sense of community. It will also in the future, inevitably lead to the merger of Elsenham and Henham and ultimately, the establishing of a third 'market town' within Uttlesford.

### **Retailing**

The applicant's Environmental and Application Planning Statements both appear to have avoided a proper investigation of the ability of Elsenham to serve a major new development in terms of services which are only found at larger towns such as Bishop's Stortford, Great Dunmow and Saffron Walden. Retailing is a good example. The Environmental Statement concentrates on the potential impact of the small scale retailing proposed and completely ignores the more fundamental issue of: where and how would new residents go to obtain the essential shopping needed for day-to-day life?

The applicant's Environmental Statement states:

*The proposed small-scale A1 uses will not be capable of meeting main food shopping needs; thus the established main food stores at Bishop's Stortford and further afield will continue to cater for these needs. Similarly, it is anticipated that any comparison goods shopping component at will be relatively limited and local in nature; accordingly, Stansted Mountfitchet and Bishop's Stortford will be the main comparison shopping destination for the future residents.*

What this actually means is that anything other than small-scale shopping, even everyday food shopping, will be by car trips to neighbouring towns. This is not what the NPPF envisages for 'sustainable development': i.e. "accessible local services that reflect the community's needs".

### **Phasing Strategy and Delivery**

It is vital that these community facilities must be delivered in the early stages of a development (Years 1 and 2) to ensure that the new families and residents have access to these facilities and are not reliant upon having to travel off-site to community halls, shops, doctors surgeries and leisure and recreational spaces located in the surrounding villages. The lack of new amenities within the development also puts an unnecessary and unbearable strain upon existing facilities within the nearby villages and communities, who do not have the ability or capacity to easily absorb the increased numbers of people wishing to use them.

Lack of Community Facilities and Infrastructure - The term "new town blues" has been coined to describe the isolation that many people in the large developments (e.g. new towns), in particular young mothers, felt at being separated from friends and family and having few opportunities to meet other people living locally. This problem is generally associated with the lack of

community facilities being built and provided during the earlier construction phases of the development.

Evidence from various sources point to there being a strong connection between the quality of social infrastructure in new communities and the wellbeing of the new residents. Inadequate social infrastructure is not just an inconvenience for residents, but has significant long-term consequences, and associated costs, for new communities. It also suggests that poor local services and weak social networks in the community can lead to problems. In addition, a number of related problems can be associated with new communities that lack good social infrastructure; these can include isolation, mental health problems, fear of crime, and issues with community cohesion.

The phasing strategy for the applicant's development is heavily biased towards the construction of residential dwellings in the early years of the development's construction. Construction of the community facilities – community hall, health centre and retail – are shown as being delayed until the middle or later parts of the strategy (Year 3, onwards), leading to new families and residents being without on-site access to these essential and much-needed local facilities.

Need to Travel - The developer states that the local centre within the new development will be provided with retail, health, community and residential uses, and therefore "*will allow residents to meet a range of day to day needs without the need to travel.*" However, studies have shown that other large-scale new developments have resulted in residents continuing to travel off-site to other towns within the local area for primary and secondary schools education and to visit existing shops and supermarkets, leisure and recreational facilities due to the lack of on-site facilities being delivered at an early stage and when needed by the residents.

A typical example is Cambourne near Cambridge; where an independent study and report that evaluated the new settlement, post-development, (*Lessons from Cambourne, Stephen Platt, 2007*) identified that local facilities were not provided at the early stages of the development and high levels of off-site was required for essential day-to-day activities.

It is considered highly unlikely that the new Fairfield Partnership development in Elsenham/Henham will be appreciably different from this already, well-established trend, and will inevitably result in high levels of car use and car travel off-site.

Open Space Areas – The applicant states that as part of its phasing and delivery strategy (Design & Access Statement) and Section 106 obligations (Planning Statement) that it is proposed that open space areas will be provided with an appropriate maintenance regime including consideration of transfer to the relevant Parish Council(s) or suitable management company. If not transferred, a management trust will be established.

For Elsenham Parish Council (and presumably for other Councils) the subject of taking over open space land and the ongoing maintenance and upkeep of the land is a matter that requires proper consideration. It is not sufficient, in the Council's opinion, for the relevant developer to merely hand over the land; this should (even must) be accompanied with a financial contribution towards the open spaces maintenance – particularly where children's play facilities and equipment is involved.

Where the Parish Council has not taken over the open space land - The Orchard development in Elsenham is an example – and the developer establishes a management company to carry out ongoing maintenance, there is the issue that upkeep of the open space. In the first years upkeep and maintenance is carried out; however, as time progresses, this maintenance appears to fall away and the open space becomes neglected and unkempt. Ultimately, the Parish Council is then obligated to try and maintain land, which it does not own and for which it does not have direct responsibility, but nevertheless must take action to assuage complaints from local residents.

The applicant appears to have offered only vague assurances and commitments, which do not guarantee that these community facilities can and will be properly maintained in the future.

## TRANSPORTATION

The transportation network and the local roads system has been a subject of serious and continuous disagreement and contention between the applicant and the local parish councils and residents. The conflict in opinion dates from the time when the applicant first proposed the site for a new 3000-home market town for the District, then later put forward a plan for an even larger 5,000-home eco-town. In both instances, the applicant put the case that the current network of narrow country roads and lanes were more than capable of supporting and accommodating the increased levels of traffic that these size and types of development would generate.

Elsenham has main road access to the south via Hall Road which is an unclassified road. Access to the west is via the Stansted Road (B1051) which then runs through the constricted road pattern through Stansted Mountfitchet. To the east access is via the Henham Road then Mill Road (B1051) which is a narrow twisting country road running for many miles before reaching a main road at Thaxted. This road system is unsuitable for a major new development of "just" 800 dwellings, let alone one of 3,000 dwellings. Such a development should have ready access to the main road hierarchy.

Whilst Elsenham has a railway station, this would encourage out-commuting for employment and would also be unsuitable for many other journeys, e.g. shopping trips to supermarkets. The bus service is poor compared to that serving Great Dunmow and Saffron Walden. Anything other than short cycling trips would be along unsuitable roads to reach distant services and facilities, which would inevitably be very unattractive.

To be sustainable, a development of this scale should be on a site adjoining a main settlement such as Great Dunmow and Saffron Walden.

The proposal is contrary to Policy GEN1 of the Adopted Local Plan, as follows (emphasis added):

*Development will only be permitted if it meets **all** of the following criteria:*

- a) **Access to the main road network** must be capable of carrying the traffic generated by the development safely.
- b) The traffic generated by the development **must be capable of being accommodated on the surrounding transport network**.
- c) The design of the site must not compromise road safety and **must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired**.
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
- e) The development encourages movement by means other than driving a car.

Essex CC as Highway Authority produced a short 'Comparative Transport Analysis'<sup>2</sup> which confirmed the concerns about highway access (emphasis added):

***The site is remote from the strategic road network. A significant amount of mitigation measures will be required in order to upgrade the existing roads to be capable of carrying larger flows of traffic associated with the development and encourage residents to use Hall Road and avoid the more confined historic road network of Stansted Mountfitchet. This route could suffer from congestion and junction capacity issues should development traffic choose to travel via here to get to Bishop's Stortford, the M11 and beyond.***

***There is likely to be a large proportion of external trips for food and non-food shopping, despite the proposal including a small superstore, people like to have choice.***

***The proposal does include two primary and potentially a secondary school which will keep school trips internal, but the secondary school could relocate from Stansted***

<sup>2</sup> ECC A Transport Analysis of Potential Development Locations in Uttlesford (January 2010) pp9, 10

**Mountfitchet which could result in additional movements on the network from pupils living in Stansted Mountfitchet travelling to school in Elsenham, or if not relocated, pupils living in Elsenham travelling to school in Stansted Mountfitchet.** Inevitably, as with any new settlement options there will be some residents that will still send children to schools outside of the development, staff are also likely to live external to the development and therefore some external trips associated with education will occur. Trips related to Further Education will be external trips unless the Stansted Mountfitchet School is relocated and includes a sixth form.

**It is thought that the majority of people will be employed out of the development and therefore external trips on the network. Inevitably some development traffic will use the Stansted Mountfitchet route, which has a network of historic roads which were not built to carry large traffic flows, many junctions do not have the highway land available to implement improvements making it difficult to mitigate against development traffic.**

#### **Likely Infrastructure Required:**

- A 10-15 minute frequency, high quality circular bus service between the site, Bishops Stortford, Stansted Mountfitchet and Stansted Airport.
- **Upgrading of Hall Lane (widening to allow 2 HGVs to pass comfortably)**
- **New link road from Henham Road to Hall Road to avoid Elsenham Cross**
- **Junction improvements in Stansted Mountfitchet, Takeley and Elsenham to encourage traffic to use the Hall Road route as opposed to the Stansted Mountfitchet route.**
- **Traffic Management features around Elsenham**
- Footway/Cycleway links within the site to connect with key services/facilities etc.
- Footway/cycleway links to connect with amenity routes outside of the site. Links to further destinations such as Stansted Mountfitchet should be considered however large numbers of people are unlikely to walk or cycle to employment/services outside of Elsenham due to the distances involved.

Apart from the Elsenham Cross Link Road, none of these improvements are proposed in the application, and the site's identified inadequacies are clearly not addressed.

The matter of adequate highway access is critical to the development. The doubts about adequacy were one of the reasons why the Government rejected the 'eco-town'. Whether or not these winding country lanes and numerous inadequate junctions can be satisfactorily upgraded both in terms of design, cost and land ownerships needs to be resolved before a decision on this site is taken. These are not matters which can be resolved later.

The JPCSG has commissioned a technical transport report by Motion, dated 25th April 2013 (submitted separately to this representation), which raises serious questions about the information provided by the applicant. Although submitted separately, the conclusions of the Motion transport report are set out below:

#### **7.0 Summary and Conclusions**

**7.1 This technical note has been prepared on behalf of the Joint Parish Councils Steering Group to review the Transport Assessment submitted in support of an outline planning application submitted in April 2013 for a mixed-use development on land at Elsenham, Essex (planning reference: 13/0808/OP).**

**7.2 In summary, this note concludes that the Transport Assessment is flawed for the reasons set out within this report and additionally further information is required to enable the assumptions made within the Transport Assessment to be verified.**

**7.3 On this basis, it is concluded that the planning authority should not permit the proposed development on the grounds that it has not been demonstrated the proposals comply with**

*relevant transport policy; nor has it been demonstrated that the proposals will not have an unacceptable or severe impact in terms of highway capacity, road safety and accessibility.*

In more specific terms, the Parish Council also wishes to highlight in more specific terms, the deficiencies that will result from the new development.

#### Rail Network and Services

The introduction of a large 800-home urban development will result in a significant increase in commuter-based rail travel that will use Elsenham Station to travel to London and Cambridge. Train services along the entire length of the Cambridge to London (West Anglia) line are already heavily used by existing commuters who travel daily from the key local (commuter) stations of Audley End, Newport, Elsenham, Stansted Mountfitchet and Bishop's Stortford.

Any possible improvements to train services and network capacity on the Cambridge to London (West Anglia) line to accommodate the increased numbers of rail travellers will be very limited, due to the lack of track infrastructure. The rail network along the majority of its length is two-track only, which greatly restricts future rail capacity.

It is understood that Network Rail's Strategic Business Plan (2014 – 2019) does not include funding for rail infrastructure improvements on the West Anglia line. Given this, it must be considered unlikely that improvements will be made until after 2019 (at the earliest). The lack of available land and the large investment levels needed to upgrade the rail network are major factors that will seriously delay meaningful line improvements, or even prohibit the necessary network expansion entirely.

#### Bus Transport and Services

The applicant has repeatedly stated over a long period that the proposed new settlement will be focused upon Bishop's Stortford and Stansted Airport, particularly in regard to bus transport. The applicant's Transport Assessment in its key objectives (Para 9.2.8) only considers the "key local destinations" of Stansted Mountfitchet, Bishop's Stortford and Stansted Airport. No consideration appears to have been given to the other local destinations of Saffron Walden and Great Dunmow, both of which offer good retail and leisure facilities.

The concentration of local travel in a westward direction, only towards Bishop's Stortford and East Hertfordshire, appears unrealistic and is, in fact, likely to further increase the need for car journeys where travel to other destinations, such as Saffron Walden and Great Dunmow are required; neither of which are served by local rail services.

#### **Applicant's Transport Assessment**

In the statement of methodology used for the vehicular trip assignment, it is stated that:

*The overarching principle of the assignment for traffic travelling in a southerly or westerly direction is that unless traffic has an origin or destination within Stansted Mountfitchet, Hall Road should be used rather than Stansted Road and Elsenham High Street.*

It can be seen from the Assignment by Zone and Local Road (Transport Assessment, Table 12.3), the applicant's transport consultant, WSP has rigorously applied the assignment principle, and that of the 30 Zones identified in relation to developments trips from each zone, by local road, that Hall Road is assumed to be used for 20 of these destination zones. Of those 20 zones, 11 zones assume a 100% use Hall Road, 3 zones assume 80% – 90% use and the remaining 6 zones assume up to 60% use.

In all, this must be regarded as a very high, overall use of Hall Road by the local residents. Unfortunately, this principle must be regarded as fundamentally flawed in its basis, as in reality, a high proportion of residents making trips to zone destinations such as Bishop's Stortford, Sawbridgeworth, Harlow, Uttlesford East and South, Hertfordshire and the Rest of UK North and South will continue to use Elsenham High Street and Stansted Mountfitchet to travel to these destinations.

It is unrealistic, for example, to assume that residents wishing to travel to Bishop's Stortford will be willing to travel via Hall Road, Takeley, the B1256, and Junction 8 of the M11 to Bishop's



Stortford, a distance of 10.2 miles, taking 26 minutes; in preference to the well established, and shorter route through Elsenham High Street and Stansted Mountfitchet, a distance of 5.7 miles and 16 minutes. The alternative route using Hall Road is via the airport's Coopers End roundabout, Thremhall Avenue and Junction 8 of the M11 – a route favoured by the WSP – still produces a much longer journey of 9.2 miles taking 23 minutes.

The fundamental flaw in the assignment principle is the word "*should*" when establishing the preferred choice of route that will be used by residents. It appears to assume that residents/drivers will conform to a very particular pattern, which although appearing to be (perhaps) logical when setting the parameters for traffic flow modelling, does not, in fact, take a true account of human nature and likely driver behaviour.

It is possible that The Highways Agency and Essex County Council could be willing to introduce a strict and precise traffic routing scheme that will effectively coerce drivers to use Hall Road. However, unless this is the case, the proportions used for the majority of the trip proportions detailed in the assignment zones must be regarded as heavily biased, in error, and leading to vehicle trip modelling results that are to a large degree, incorrect and invalid.

## SUMMARY AND CONCLUSIONS

This representation is the objection on behalf of Elsenham Parish Council to the Fairfield planning application (UTT/13/0808/OP) for a major development - mainly 800 houses - to the north-east of Elsenham. However, although an application for the 800 houses, it is nonetheless, effectively only Phase 1 of a very much larger 3,000-dwelling development – a new market town for Uttlesford.

The Parish Council are strongly of the opinion that this is an entirely opportunistic planning application, which is being submitted on the eve of the production of the emerging New Local Plan. It is a clear attempt to bypass the properly defined 'plan-led' system. The application acknowledges that the second phase of the eventual 3,000-dwelling settlement will be pursued through the Local Plan process. If that is so, then the applicant should be open and honest, as this would have an even greater impact upon and far-reaching consequences for Elsenham and the other surrounding villages.

The inadequacy of local infrastructure and services to serve the 800-dwelling proposal could be argued to be 'improved' if there were only more houses. In reality, this is not an application for only 800 dwellings and due regard must be taken to the implications for another 2,200 houses.

The 800-dwelling proposal will also be in addition to the 395+ new homes that have already been recently granted outline planning approval (Elsenham Policy 1 and 2), The Orchard development (53 new homes) and the possible addition of Elsenham Policy 3 (160+ new homes). This overall level of new housing in, or close to Elsenham is unacceptable and will lead to an irrevocable loss of separate identity as a village and community.

Adding 800 dwellings and over 1,600 people onto the small settlements of Elsenham (around 1,000 existing dwellings) and Henham (less than 500 dwellings) - with few services and an inadequate access system - is already unbalanced, but adding the eventual 3,000 dwellings and over 6,000 people verges on absurdity.

This development has already been rejected by Government in the 'eco-towns' exercise in 2009, and by Uttlesford District Council in the Draft Local Plan in 2012, despite detailed proposals being put forward for consideration at the relevant times.

There is no adequate reason to consider the site outside of the National Planning Policy Framework's proper "*plan-led*" system, which "*empower[s] local people to shape their surroundings*". Indeed, this important principle seems to be ignored in the planning application documents. Although hampered by the tortuous process of the East of England Plan revocation, Uttlesford District Council is making progress on preparation of the New Local Plan and there is a clear trail of public expectation through consultation that this site should be rejected.

The application is contrary to the development plan thus failing the first test of the legislation, contrary to the provisions of the Emerging Local Plan which must be given 'weight'. There are inadequate 'material considerations' to set aside these principal considerations.

The main justification put forward for this application to be permitted now is the allegation that there is not a 5-year housing land supply. On only a very narrow definition is that correct (sites with planning permission). However, by taking the NPPF's definition of 'deliverable' housing within 5 years the supply is in excess of the 5-year requirement even if the 5% additional requirement is included. The application claims that the 800 dwellings could be delivered within 5 years, but does not say which 5 year period that is. In reality, housing delivery would not commence until at least late 2014/early 2015, so that it would not make a full contribution to the 5-year supply. Other, better sites (as identified in the emerging New Local Plan) continue to be permitted and will make meaningful contributions to the immediate supply.

The provision of "up to" 40% affordable housing may be an illusion. No viability assessment has been submitted, contrary to advice in the NPPF to show how (or if) this would be achieved.

This is not a sustainable location. It lacks local services including a secondary school and adequate convenience shopping. The proposal seeks to facilitate (but cannot actually provide) additional facilities such a primary school site - although there is no apparent agreement with the Education Authority to actually build and run the school. There are suggestions for a doctor and dentist, but no agreement with existing local providers. It is acknowledged in the application that main shopping will be accessed at nearby towns, principally Bishop's Stortford.

Other proposals are claimed as 'benefits' but actually only serve the development proposed. Even then, the provision of open space seems to be less than is required, and creating 203 jobs for some 800 new workers is underwhelming.

The road system serving the site is inadequate, as identified by the Highway Authority.

Harmful impacts are acknowledged in the Environmental Statement including harm to the landscape and heritage setting, which is not limited to the construction phase.

The emerging New Local Plan has a sustainable strategy which involves the concentration of most new development at or adjoining the main towns of Great Dunmow and Saffron Walden with all their services (including schools, retailing and community facilities) readily accessible (even by walking or cycling) and served by a proper road system. This contrasts sharply with the inadequacies of seeking to 'bolt-on' a major development onto the small settlements of Elsenham and Henham.