

UTT/16/1066/FUL - (ELSENHAM)

(MAJOR)

PROPOSAL: Proposed modernisation of Elsenham Golf and Leisure to include the creation of a chipping green and adventure golf area, driving range refurbishment, extension to car park, and creation of a reservoir for the purposes of sustainable on-site irrigation and landscape / ecological enhancements.

LOCATION: Elsenham Golf and Leisure, Hall Road, Henham CM22 6FL

APPLICANT: Mr Pharoah

AGENT: Mr J Seed

EXPIRY DATE: 21st December 2016

CASE OFFICER: Madeleine Jones

1. NOTATION

1.1 Outside Development Limits. Public Right of Way. Within 6KM of Stansted Airport. Within 250m of Landfill Site. Within 2km of SSSI. Contaminated Land. Tree Preservation Order. Adjacent Historic Park/Garden. Countryside Protection Zone.

2. DESCRIPTION OF SITE

2.1 The site is located to the north of Hall Road in Elsenham and is assessed by a single track (with passing points) that is shared with Elsenham Quarry. The application site comprises a golf course with associated clubhouse and golf driving range. There is a car park to the west of the clubhouse providing parking for approximately 100 vehicles. There is a certified caravan club to the north west of the driving range. To the north and north east of the site is Elsenham quarry. Adjacent to the site are important woodlands (Lady Wood and Park Wood which are adjacent to Pledgdon Wood which is a SSSI. There are residential properties to the west of the access road. Stansted Airport is approximately 1.8 km to the south of the site.

3. PROPOSAL

3.1 The proposal is for modernisation of Elsenham Golf and Leisure to include:
Creation of a chipping green.
An adventure golf course
Extension to car park
Creation of reservoir for the purposes of sustainable on – site irrigation The dimensions would be 120m x 40m and a maximum depth of 5.5m
Landscape/ecological enhancements to include new embankments to the sides of the driving range.

4. APPLICANT'S CASE

4.1 The application is supported by:

A Transport Statement, a Tree Survey, a Preliminary Contamination Assessment, Planning , Design and Access Statement, a Phase 2 Contamination Report, A Noise Impact Assessment, a Flood Risk and Surface Water Assessment, an Ecology Report, an Arboricultural Development Report, A Biodiversity Questionnaire and a SUDS checklist, a Phase 1 Desk Top Study and an Operational Noise Assessment.

4.2 Design and Access Statement (summary)

Application Background and the Need for Development

One fundamental flaw with the facility that has been identified by the project architect is the poor definition of the driving range and the uninteresting, flat and featureless provisions which currently exists. This is evident within the photographs attached as Appendix 1 which illustrate that there is very little undulation or character present on the driving range.

These deficiencies adversely affect playability and the competitive advantage of the course in the context of other courses within the area, and ultimately the future survival of the Club. The modernisation of the facilities, the design of which has been inspired by other similar developments within the South East, will provide a greatly improved challenge which will in turn secure economic certainty for the Club and ongoing provision for current and future users.

In addition to the lack of desirability of the facility, the owners are continuing to lose trade through closure periods caused directly by the site's poor drainage, which is also illustrated by the enclosed photographs. The original construction of the facility was of poor quality which has resulted in silting-up across the site. As such, it is approaching the end of its lifecycle as the flooding issues have become more frequent and intense over the last five years. The driving range suffers from very poor drainage which makes maintenance and ball collection difficult and costly during periods of inclement weather.

This has not only resulted in a loss of revenue, but has also increased costs associated with maintenance and ball collection.

The resultant financial impact has been both sustained and significant. A recent period of closure resulted in three months of business rates relief being provided to the owner by UDC. A storm insurance claim has also recently been settled in the owner's favour to compensate for (among other things) a loss of income which was paid as a result of the facility being rendered unplayable due to waterlogging. This situation is clearly unsustainable both environmentally and economically and left unaddressed will place the future of the business in serious jeopardy.

During the project team's assessment of the aforementioned problems, an opportunity was identified to improve the site's sustainability credentials by proposing a new irrigation system and reservoir for rainwater harvesting. Water is currently piped-in from outside of the site which is both costly and at times, inconvenient. It is also considered to be a less sustainable method than using water which naturally arrives at the site. A number of ecological / biodiversity enhancements are also provided at the site which will provide a further positive to users of the facility, as well as the wider area.

4.3 Proposed Development

The proposal considers the need to improve the playability and drainage of the driving range outfield area and the sustainability of the site's irrigation system. New range embankments are proposed to enhance the aesthetics and interest of the outfield area, as well as encouraging water to shed towards the centre. The

subtle elevation proposed inside of the embankments will ensure that surface water will drain towards a collection point at the south-western area of the range. Water will then be pumped to the reservoir which is proposed at the eastern end of the range. Although the technical specification of the pumping system is still being finalised, the owner is keen to ensure that a sustainable powering method is utilised and as such, it is anticipated that the system will operate using 12v solar powered batteries. The reservoir will have approximate dimensions of 120m x 40m, and a depth of approximately 5.5m at its deepest point. It is anticipated that the reservoir will provide for a maximum capacity of approximately 18,968m³. The facility currently uses between 10- 11m³ of water for irrigation purposes per day between April and September. Generally, less irrigation is required outside of these months. At present, only tees and greens (outside of the proposal area) are irrigated so the proposal will provide additional irrigation to address this deficiency. Such irrigation is commonplace at other clubs and its introduction at Elsenham is necessary to ensure that it can provide similar or better conditions than its competitors. It is estimated that the use of the new irrigation system would quadruple the current level of water consumption so it is therefore considered that the reservoir will provide an adequate and sustainable solution. At present, water is pumped in from the site landlord's reservoir which is situated approximately one mile away. However, this source is very intermittent due to poor pumping and electrical installation which often results in the Club needing to draw water from the mains supply.

The creation of these improvements will necessitate the repositioning of the 1st hole. New tees are proposed to be located to the south of the existing clubhouse, and a new green is proposed to the south of the eastern end of the driving range. The 2nd hole would also be moved to play south to north along the back of the new driving range area, with two new tees proposed to the east of the 1st green. Users of these holes are protected from errant shots leaving the driving range by the embankments proposed on the south and eastern sides. Similar protection is provided to users of the informal footpath which is located to the immediate north of the driving range.

A new chipping green is proposed to enable the Elsenham facility to be able to compete with others sites which include these popular facilities. An adventure golf area is also proposed which is anticipated to appeal to young players and their families. Such facilities are growing in popularity within the country and it is considered that this aspect of the proposal will be of particular benefit within the context of these demographics and of the increasing population within Elsenham. Additionally, a small car park extension is proposed adjacent to the existing car park.

The report also includes details in relation to the use of imported soil and method of construction, hours of operation and dust and noise, access, transportation and traffic generation, flood risk and surface water drainage, ecology and biodiversity, archaeology, landscape and visual impact.

4.4 Summary and Conclusions

This Statement has been prepared to support a planning application for the proposed modernisation of an existing golf course and driving range at Elsenham Golf and Leisure, Hall Road, Elsenham.

In its current condition the facility is suffering financially and the owners need to make changes in order to increase its attractiveness and competitive advantage to survive in the current market. The proposed modernisation is driven by the

principles of consumer demand and inclusive participation and will revive the business to ensure that it can once again provide a valuable asset to the local community. To achieve this, updating the existing unattractive facility to bring it up to a modern standard is essential.

From the outset, the proposal has been informed by experts from wide ranging disciplines including business and environmental consultants, architects and Professional golfers. Utilising such expertise has enabled the project team to prepare a proposal which not only provides a sympathetic and well-considered modernised sports facility, but also a business model which will enable Elsenham Golf and Leisure to halt its current decline and to benefit from economic growth which will protect existing jobs and create further positions in the future. The project will utilise sustainable construction methods which will have minimal impact on the neighbouring community. Great care has been taken to ensure that such impacts have been fully considered, and the best practice recommendations contained within the various submission documents will be implemented by the contractor.

Upon completion, the proposal will deliver a number of substantial economic, social and environmental benefits to the local area. However, these benefits will be lost should planning permission be refused, and the condition and quality of the site will continue to decline, as will the business. It is likely that this will result in the loss of jobs, a community asset and the need for the owner to sell the site or to consider alternative uses.

The initiative has the support the local community and the Parish Council and further liaison with all parties will continue post-construction to ensure that the facility is effective in maximising its potential to deliver a range of benefits to the local community.

The proposal benefits from policy support at all levels. Significant weight should be placed upon economic growth in the rural economy, the enhancements of existing sports facilities (and the guarding against their loss) and improvements to landscape biodiversity quality.

It is therefore considered that the proposal's benefits and associated material considerations weigh heavily in its favour and planning permission should be granted.

5. RELEVANT SITE HISTORY

- 5.1 SWR/0015/58 – Extension of permission for extraction of sand and gravel approved with conditions
- 5.2 UTT/0644/94/FUL - Retention of mobile home for security purposes. Approved with Conditions
- 5.3 SWR/0450/71 – Proposed filling of 10 acres approx. with brick, rubbish, topsoil and factory maintenance rubbish. Approved with conditions.
- 5.4 UTT/0461/77 - Withdrawn
- 5.5 UTT/0948/12/FUL - External deck to first floor side elevation. Approved with conditions.

- 5.6 SWR/0007/58 – Development of land for sand excavations. Approved with conditions
- 5.7 UTT/1801/08/FUL - Construction of a new health facility, swimming pool, squash courts, badminton courts, reception, restaurant, 40 parking spaces and ancillary works. Refused
- 5.8 UTT/15/0819/FUL - Proposed demolition of single storey rear addition and erection of single storey extension plus new conservatory, including insertion of three new roof windows in the existing roof. Approved with Conditions
- 5.9 UTT/0007/99/FUL - Extension to existing storage building, enclosure of open bays and erection of terrace. Approved with Conditions
- 5.10 UTT/0182/95/FUL – Change of use of agricultural land after sand extraction and landfill to nine hole golf course and three academy (practice holes) Conditionally approved.
- 5.11 UTT/1251/09/FUL - Siting of portakabin for period of 18 months. Approved with Conditions
- 5.12 UTT/0728/11/FUL - Temporary siting of portacabin for two years. Approved with conditions.
- 5.13 UTT/0814/03/FUL - Construction of new health facility, swimming pool, reception, cafe extension, 5 new bays, 40 car parking space . Approved with conditions
- 5.14 UTT/0041/78 – Reinstatement of existing sand and gravel pits to agricultural land. approved with conditions
- 5.15 UTT/1021/09/FUL - Construction of a new health facility, swimming pool, squash courts, sports hall, reception, restaurant, 40 parking spaces and ancillary works. Approved with Conditions
- 5.16 UTT/1581/11/FUL - Variation of condition C.90c (The proposed portacabin structure hereby permitted shall remain assembled and be used in accordance with the boundaries of condition 4 above for a period of no more than 18 months from the date of this permission. After the expiry of this period the portacabin structure shall be completely dismantled and removed from site in its entirety and the ground returned to its previous condition, unless otherwise agreed in writing by the local planning authority) on planning application UTT/1251/09/FUL
- 5.17 UTT/1774/90 – Construction of golf driving range with associated parking facilities and alteration to existing access. Approved with conditions.
- 5.18 UTT/13/2539/FUL - Removal of existing portacabin and link corridor and erection of new single storey extension, to create larger gymnasium suite. Approved with Conditions
- 5.19 UTT/1400/87 – Change of use of agricultural land (restored after sand extraction and landfilling) to a 9 hole golf course. Conditionally approved.
- 5.20 UTT/14/2973/FUL - Construction of new external bar and 2 no. external toilets,

located beneath the existing first floor balcony. Approved with Conditions

5.21 UTT/0187/94/FUL – Temporary stationing of mobile home, erection of machinery store. Approved with conditions

5.22 UTT/1218/96/FUL- Erection of two storey extension to clubhouse including employees flat.

5.23 UTT/0984/91 – Change of use of farmland to 18 hole golf course. Withdrawn

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- S7 - The Countryside

- S8 – The Countryside Protection Zone

- GEN2 – Design

- Policy GEN1 – Access

- Policy GEN8 – Vehicle Parking Standards

- Policy GEN7 – Nature Conservation

- Policy ENV3 – Open Spaces and Trees

- Policy GEN6 - Infrastructure Provision to Support Development

- Policy ENV14 – Contaminated Land

- Policy LC4 – Provision of outdoor sport and recreational facilities beyond settlement limits

- Policy GEN3 – Flood Protection

7. PARISH COUNCIL COMMENTS

7.1 Support this application. They consider this development good for the community. However due to the development being in close proximity to Stansted Airport, the Parish Council have concerns with regards to the reservoir. This large body of water has the potential to attract and support waterfowl and other birds which may have a detrimental impact on the airport, the Parish Council would like clarification on the developer's strategy on how this is to be prevented.

8. CONSULTATIONS

Environmental Health

8.1 Several responses have been received since the application was submitted the

following is a summary of those responses.

Noise

The noise impact assessment submitted with the application does not include an assessment of noise arising from the operational phase of the proposal. The adventure golf area and chipping green will be a new source of noise which could impact on the amenity of residential properties on Henham Road to the west of the site, and an increase in user traffic on the access road may impact on properties at Elsenham Hall, notably Woodlands Cottage. A report on the operational noise levels to supplement an earlier report and the report has included modelling of levels based on worst case scenarios of traffic flows and noise from users of the facility, and predicts levels at a maximum of 0.3dB above existing ambient noise in amenity spaces of the nearest noise sensitive receptor. The findings of the report are considered to be acceptable, and taking into account of the existing high ambient noise levels, an increase of the magnitude predicted would be imperceptible in terms of loudness, and unlikely to lead to loss of amenity. A condition relating to noise from the operational phase would not therefore be recommended.

8.2 Lighting

No information has been provided on the extent of any new artificial lighting to the extended operational area, and there is potential to cause loss of amenity to nearby residents. The following condition is therefore recommended:
“Details of any proposed floodlighting or external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.”

8.3 Contaminated Land

A Preliminary Contamination Assessment and Phase 2 Report has been submitted relating to the Trisail development, which is the proposed donor site for the fill material. This demonstrates the donor material from this site is suitable for the proposed use. No information on contamination has been submitted in respect of the proposed site itself. The site is located on previously filled land and disturbance by earthworks and drainage may cause harm to relevant receptors, including construction workers, end users, and the water and ecological environment. A full site characterisation and risk assessment will be needed to ensure the site and construction methods are suitable, to include an assessment of landfill gas, and provision for screening any imported material other than from the named donor site.

Further information has been submitted to support the application, in the form of a Phase 1 desk top study for the site, prepared by Pam Brown Associates. The report finds that there is a moderate risk to human health and environmental receptors due to the historic use of the site for landfill, and has recommended site investigation and remediation statement if necessary based on the findings. The conditions relating to contamination requested in my previous comments are therefore modified in view of the submitted report and the Environment Agency comments, to the following conditions:

1. Notwithstanding the desk top study submitted with the application, no development including groundworks shall take place until a site investigation

of the extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This investigation must be undertaken by a competent person and be based on the findings of the phase 1 desk study submitted with the application and must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) a conceptual model of the site indicating sources, pathways and receptors
- (iii) an assessment of the potential risks to: human health, property (existing or proposed), service lines and pipes, adjoining land, the water environment and ecological receptors

2. If found to be necessary as a result of part 1, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the council prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation scheme are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority.

- 8.5 3. The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved scheme, a validation report to demonstrate the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Council. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. If a requirement for longer term monitoring is identified by the remediation scheme, a final report on completion of the monitoring demonstrating that all long-term remediation works specified in the scheme have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Council.
- 8.6 4. In the event that contamination that was not previously identified is found at any time during development, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.
- 8.7 The assessment, evaluation of remediation and verification shall be carried out in accordance with Essex guidance "Land Affected by Contamination: Technical Guidance for Applicants and Developers 3rd edition", available on

the UDC website.

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Council, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details

8.8 Construction Phase

In view of the volume of imported material involving 5,800 lorry movements onto the site, and earthworks within the site, there is a high risk of loss of amenity to nearby residents due to noise, dust and vehicular emissions. Notwithstanding the information submitted with the application, a comprehensive construction management scheme should be conditioned, to include mitigation to reduce the impact on the environment in accordance with best practice, prior to any works commencing.

Essex County Council Ecology

- 8.9 The application is supported by an Ecological Assessment Report (Richard Jennings, October 2015). Its findings are summarised below.
- 8.10 The site is dominated by amenity grassland; a habitat of low ecological value that is well managed. In addition, three small areas of rank grassland are present, along with a number of scattered trees. Large embankments exist in the south and east, which support rank grassland /tall ruderal /scrub mosaics with scattered trees.
- 8.11 In addition, two ponds are present within the site (P1 and P2), whilst three further ponds (P3-P5) are situated within the wider golf course, but outside the area of proposed works. An area of woodland is present off site beyond the northern boundary.
- 8.12 A number of buildings also exist on site, including the site clubhouse, and an area of hardstanding, which is utilised as a car-park.
- 8.13 A great crested newt survey was undertaken on ponds P1-P5 (May to mid-June 2015). Although no GCN were found in P1 or P2 (on site), a medium metapopulation was identified in P3-P5 (off-site). Given that this population exists within 100 metres of the site, and that the site itself presents suitable terrestrial habitat, a translocation exercise is proposed to move the GCN out of the work area to prevent harm.
- 8.14 This exercise will be supported by a mitigation strategy and submitted to Natural England to inform a development license following consent. A GCN mitigation strategy should be conditioned (A list of recommended Conditions has been supplied) The strategy will revolve around the retention of off-site ponds P3–P5 for GCN breeding purposes and the retention of areas of suitable terrestrial habitat around the boundaries of the wider site for foraging and hibernation purposes and to ensure connectivity with suitable off-site aquatic and terrestrial habitat is retained (Section 6.11.2).
A reptile survey was undertaken in September and October 2015. Grass Snake was recorded at the site during four of the seven survey visits undertaken, with a

maximum count of 3 individuals / 1 adult recorded. All Grass Snake were recorded upon either the eastern or southern embankments. These embankments support suitable reptile habitat mosaics comprising rank grassland /ruderal vegetation, scrub and trees. Given the protection afforded to reptiles, a mitigation strategy (in accordance with details provided in Section 6) will be required as a condition of consent)

- 8.15 Evidence of badgers was found on site, but no setts were seen. Precautionary measures, as set out in Section 6.7.1 should be adhered to in full.
- 8.16 The proposals are not thought to impact bats. The buildings and trees on site show limited potential to support roosting or significant numbers of foraging and commuting bats. The proposed reservoir will increase prey availability and is likely to increase bat presence on site. However, if the proposals change and either building B1 or B6 are scheduled to be directly impacted by the works, the new proposals should be discussed with a suitably qualified bat ecologist.
- 8.17 The report recommends a watching brief for hedgehog during any vegetation clearance as a safeguard against harm. This advice should be followed The report proposes a large number of enhancements which have been cross-referenced with the Landscape Plan (ELSE.03.02-3.6). I welcome the inclusion of wildflower grassland, rank grassland/scattered tree & scrub mosaic, tree planting and new ponds. The ecology report also recommends that bird and insect boxes, two amphibian / reptile hibernacula, as well as a number of log piles /brush piles for invertebrates are included as part of the proposals. These enhancements should be included on the Landscape Plan for completeness.

Sport England

- 8.17 The proposed development is not considered to fall either within our statutory or non-statutory remit upon which we would wish to comment.

Historic England

- 8.18 No comment

NATS Safeguarding

- 8.19 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

SUDS

- 8.20 Whilst the site area is 5.68ha, it is suggested in the flood risk assessment that the new impermeable areas created by the development will only be 300sqm. Therefore this application is unlikely to have an effect on drainage in the area and we will not be providing bespoke comments on the site.
- 8.21 We will not be commenting on surface water drainage at this site as not over 1000sqm of impermeable area will be created by the development.

Any bunds put up around the site should still allow any water flows that there may be across the site to flow naturally or stored appropriately.

Environment Agency

- 8.22 Response 6th May 2016: We have inspected the application, as submitted, and are raising a holding objection pending further assessment of the risk to the water environment.
- 8.22 Response 24th October 2016: we are able to remove our holding objection subject to conditions as set out below. Without these conditions the proposed development on this site poses an unacceptable risk to the environment.
We support the conditions recommend by the Environmental Health/local authority Contaminated Land Officer and have a variation of these and the additional conditions as follows.
- 8.23 Condition1: *(or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:*
- 1) A preliminary risk assessment which has identified:
 - all previous uses,
 - potential contaminants associated with those uses,
 - a conceptual model of the site indicating sources, pathways and receptors,
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority.
- The scheme shall be implemented as approved
- Reason 1: To protect groundwater
- The desk study indicates the presence of polluting substances from the previous uses.
- A detailed hydrogeological risk assessment is also required using site-specific groundwater level and quality data to assess the risks to controlled waters, proposed waste inputs and potential leachate expulsion effects to groundwater. The proposed development is located on a historical landfill and the groundwater may already be impacted. The proposed activities should not cause further deterioration to the water environment during the construction and post construction phases.
- This condition has been recommended as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing. E.g. leachate and gas management infrastructure may have to in place prior to the acceptance of any importation and placement of material across the site and excavation of the reservoir.

- 8.24 Condition 2:
No occupation/commercial usage shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
Reason: To protect groundwater. The verification report should be undertaken in accordance with in our guidance Verification of Remediation of Land Contamination <http://publications.environment-agency.gov.uk/pdf/SCHO0210BRXF-e-e.pdf>
- 8.25 Condition 3:
No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To protect groundwater from pollution and/or further deterioration
The desk study indicates the presence of polluting substances from the previous uses. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).
- 8.26 Condition 4:
If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To protect groundwater No site investigation fully characterises a site. Not all of the site area was accessible during the investigations to date.
- 8.27 Condition 5:
No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The

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

Reason: To protect groundwater

Infiltration through contaminated land has the potential to impact on groundwater quality. Infiltrations SUDs/ soakaways through contaminated soils are unacceptable as contaminants can remobilise and cause groundwater pollution

8.28 Environment Permitting Regulations 2010

The proposed development will require a bespoke permit under the Environmental Permitting Regulations 2010. We do not currently have enough information to know if the proposed development can meet our requirements to prevent, minimise and/or control pollution.

The proposed development includes a “cut and fill” activity with a total imported volume of 58,000m³ of soil proposed to be placed on a historical landfill located on a Secondary Aquifer which is likely to be in hydraulic continuity with the Stansted Brook.

To reduce the risks to people and the environment and obtain a permit,

1. the suitability of the location with respect to the protection of groundwater and surface water will need to be considered; and
2. the design may need to include abatement technology to reduce the impact of the development beyond normal standards. In particular, mitigation is likely to be required to control the impacts to groundwater.

A detailed hydrogeological risk assessment is also required using site-specific groundwater level and quality data to assess the risks to controlled waters, proposed waste inputs and potential leachate expulsion effects to groundwater. The proposed development is located on a historical landfills and the groundwater may already be impacted. The proposed activities should not cause further deterioration to the water environment during the construction and post construction phases.

We will not be able to issue a permit until this information has been provided/ and demonstrated. We therefore advise joint discussions with the applicant, planning authority and ourselves, as well as parallel tracking of the planning and permit applications. Parallel tracking planning and environmental permit applications offers the best option for ensuring that all issues can be identified and resolved, where possible, at the earliest possible stages. This will avoid the potential need for amendments to the planning application post-permission. Further guidance can be found on our website.

8.29 Proposed Reservoir

Anyone planning to build a new reservoir needs to contact our Reservoir Safety team to give notice of their intention. They can email their intention to Reservoirs@environment-agency.gov.uk.

Further information is available here: <https://www.gov.uk/reservoirs-a-guide-for-owners-and-operators>.

8.30 The proposed development is located on a historical landfill and the groundwater may already be impacted. The proposed activities should not cause further deterioration to the water environment during the construction and post construction phases.

Essex County Council - Highways

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

- 8.32 1. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
- Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.
- 8.33 2. No development shall take place until a comprehensive condition survey of Hall Road from the access to the donor site as referenced in Appendix 1 of the Transport Statement to the application site access opposite has been completed to protect the newly constructed roundabout. Details of such survey having first been submitted to and approved by the Local Planning Authority. The results of such 'before' survey and any required repair work necessary to facilitate the passage of construction vehicles shall be submitted to and approved in writing by the local planning authority with any repair work being carried out prior to the construction period.
- Reason: In the interests of highway safety.
- 8.34 3. Following completion of the construction of the dwellings, a further comprehensive survey of Hall Road from the access to the donor site as referenced in Appendix 1 of the Transport Statement to the application site access opposite shall be completed in accordance with the details approved in 2 above. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the dwellings to a programme to be agreed with the Local Planning Authority.
- Reason: In the interests of highway safety.

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Informatives

- (i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- (ii) The public's rights and ease of passage over public footpath 39, Henham and bridleway 5, Elsenham shall be maintained free and unobstructed at all times.

Natural England

- 8.35 Statutory nature conservation sites – no objection
Natural England has assessed this application using the Impact Risk Zones data

(IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Elsenham Woods SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species: We have not assessed this application and associated documents for impacts on protected species.

BAA

- 8.36 Several responses have been received and previous objections have been withdrawn (please see main file for full details)
- 8.37 The proposed development is located approximately 1.8km NNE of the end of the approaches to Runway 23 and just 800m from the extended centreline. The proposed development has been re-assessed from an aerodrome safeguarding aspect and we subsequently requested additional information is submitted and recommend that conditions and an informative are attached to any approval granted.

Netting of Open Water

Further to our previous response submitted 24 June 2016, the amended details incorporated within the Revised Proposed Masterplan and Proposed Sections detail that the proposed water bodies are to be fully netted. Due to the close location of the site to Stansted Airport, it is important to ensure full maintenance is upheld on the proposed netting over all watercourses to prevent deterioration and the potential for open water, which would increase the likelihood of bird activity. The Proposed Masterplan is acceptable based on an appropriate conditions being imposed in respect of the netting of open water and submission of a bird hazard management plan (BHMP) and an informative relating to cranes and tall construction equipment

- 8.38 Given the nature of the proposed development it is possible that a crane or tall construction equipment may be required during construction. Please note that any cranes/ tall equipment required during construction may present a hazard to aircraft and will need to be assessed separately to ensure that aircraft safety is protected. The British Standard Institute Code of Practice for the safe use of cranes (BS 7121, Part 1) places a duty on crane operators to consult the aerodrome before intending to erect a crane in close proximity to an aerodrome and we therefore request that the following informative is attached to any approval granted:

Cranes, whilst they are temporary, can be a hazard to air safety. The developer or crane operator must therefore contact Stansted Airport at least 21 days in advance of intending to erect a crane or other tall construction equipment on the site. This is to determine whether a Tall Equipment Permit would need to be obtained and whether any operating restrictions would need to be agreed in advance of issuing the Permit.

Reason: To ensure that Stansted Airport's Obstacle Limitation Surfaces are protected to avoid endangering the safe operation of aircraft.

- 8.39 With regard to the proposed solar powered scheme for the drainage and irrigation

system, no information has been supplied as part of this proposal. Furthermore, the use of photovoltaic panels has not been identified in the proposed development description. Solar photovoltaic (PV) installations can have an impact on aerodrome safeguarding and therefore should either be removed from this current proposal or additional detail supplied to the Aerodrome Safeguarding Authority for Stansted Airport for assessment prior to any approval being granted.

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

ECC Minerals and Waste

- 8.41 The application originally included the proposed importation of 58,000m³ of soil. The application also originally stated that 6,949m³ of material would be generated using cut and fill. Information has been provided to the WPA which states that cut and fill does not now form part of the proposals. However, it is not clear how the total amount of imported material would be affected by the removal of the 6,949m³ of site-generated material.
- 8.42 The WPA's main comments relate to the appropriateness of UDC determining the application as an engineering project. The Essex Replacement Waste Local plan explains this point:
Land raising activities can be district or county matters. The test of whether such a development should be determined by a district or county authority depends on whether the proposal constitutes a waste disposal activity or is a genuine engineering operation (operational development)
It is considered that the application should be determined by the Waste Planning Authority to allow full and proper consideration of the details as a waste disposal operation.
The importation of 58,000m³ of soil is considered to be a significant amount, the scale of which would lend itself to a County Matter. The Transport Statement cites a conversion factor of 1.5t/m³ based on a conservative estimate of the WRAP list of weight category 17.05.04 (inert soil and stones) material, which has a conversion factor of 1.25t/m³. This would amount to 87,000 tonnes using the applicant's proposed conversion factor.
- 8.43 The letter from DCLG dated 20th January 2009, cited by the applicant, states that developments importing over 100,000 tonnes of waste are unlikely to constitute recover operations, but are more likely to be waste disposal operations. It also states that:
Clearly for some developments there maybe a degree of judgement to be made regarding the detail and scale of the proposed development, and whether the predominant purpose of the development involves either waste disposal (for its own sake) or engineering
Uttlesford District Council should be satisfied that the proposal is an engineering operation.
The Essex and Southend Waste Local Plan, adopted 2001, provided the policy framework for this type of development. Policy W9B is of particular relevance, including a requirement for demonstration that the proposed amount of material is the minimum amount necessary to achieve a suitable landform:

Landfill, or land raising, for its own sake, without being necessary for restoration, will not be permitted. Landfill outside the boundaries of the preferred sites will not be permitted unless it can be demonstrated that satisfactory restoration cannot otherwise be achieved. Landfill will not be permitted when at a scale beyond that which is essential for restoration of the site.

- 8.44 The Essex Replacement Waste Local Plan has been considered at Examination in Public/ Although not yet formally adopted, it now carries significant weight in the determination of planning applications. Policy 13 (Landraising) is of relevance:
Policy 13. Landraising:
Proposals for landraising with waste will only be permitted where it is demonstrated that there are no feasible or practicable alternative means to achieve the proposed development.

Proposals will also demonstrate that:

- a) there is a proven significant benefit that outweighs any harm caused by the proposal*
- b) the amount of waste materials used to raise the level of the land is the minimum amount of material necessary and is essential for the restoration of the site and*
- c) in the case of land remediation and other projects, will provide a significant improvement to damaged or degraded land and/or provide a greater environmental or agricultural value than the previous land use.*

Proposals for landraising that are considered to constitute a waste disposal activity, for its own sake, will not be permitted.

- 8.45 Additionally, there is concern over the suitability of the site for waste importation (a non- preferred site according to the Waste Local Plan), the diversion of restoration material from approved landfill sites, including Elsenham, and the potential lack of compliance with the waste hierarchy and sustainable development principles if the imported material is not recycled as far as possible.
Although the application cites Tri Sail Water Circle, Elsenham Meadows, Elsenham as the donor site for the material, it would be not not be usual for any permission granted to be restricted to one particular donor site, rather that the type of waste material is suitable regardless of its source.
In conclusion, Uttlesford District Council is urged to allow WPA the opportunity to determine the application. However, without prejudice to any decision reached, in the event that UDC is satisfied that the development constitutes an engineering project and chooses to continue with determination of the application, it is suggested that conditions are imposed relating to the following matters, in the event of an approval:

- 8.46 CESS2 – Cessation of Development
CESS7 – Revised Restoration in Event of Suspension of Operations
HOURS3 – Hours of Operation (Waste Specific)
PROD1 – Export/Throughput Restriction
PROD2 – Records of Output/Throughput
PROD3 – Vehicle Records of Output
PROD4 – Monitoring Waste Data
HIGH2 - Vehicular Access
HIGH3 - Surfacing/ Maintenance of Access Road
HIGH4 – Prevention of Mud and Debris on Highway

HIGH5 – Vehicle Movement Limits
HIGH6 – Lorry Sheeting
NSE1 – Noise Limits
NSE2 - Temporary Operations
NSE3 – Monitoring Noise Levels
NSE5 – White Noise Alarms
NSE6 – Silencing of Plant and Machinery
DUST1 – Dust Suppression Scheme
LS2 – Soil Movement Scheme
LS3 – Machine Movement Scheme
LS4 – Stripping of Top and Subsoil
LS6 – Retention of Soils
LS8 – soil Handled in a Dry and Friable Condition
RES4 – Final Landform
WAST1 – Waste Type Restriction
WAST6 – No Crushing of Stone or Hardcore

NATS

- 8.47 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company (“NERL”) has no safeguarding objection to the proposal.
The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

9. REPRESENTATIONS

- 9.1 This application has been advertised and 70 neighbouring properties notified. Expiry date 28th October 2016. One representation has been received.
- 9.2 Brett Group hold ownership interest in the immediate vicinity of the proposed development, namely the Elsenham Quarry and inert material/soils landfill and own a portion of the land over which the access to the Elsenhams Golf and Leisure Centre is taken. Rights over this track are provided to the Golf courses landlord and by virtue of this the Elsenham Golf and Leisure Centre.
- 9.3 The import of this volume of material is of a scale and nature of a landfilling operation. We consider and fully agree that this application should be referred to Essex County Council, the Waste Planning Authority for determination.
- 9.4 We would also draw your attention to the Essex Replacement Waste Local Plan which has been subject to Examination in Public in late October 2016. Whilst we note that this has not formally been adopted, it shapes the future vision for Essex Waste policy and should carry significant weight in policy terms. In particular Policy 13 of the Replacement Waste Local Plan which states:
Policy 13. Landraising:
Proposals for landraising with waste will only be permitted where it is demonstrated that there are no feasible or practicable alternative means to achieve the proposed development.

Proposals will also demonstrate that:

- d) there is a proven significant benefit that outweighs any harm caused by the

- proposal
- e) the amount of waste materials used to raise the level of the land is the minimum amount of material necessary and is essential for the restoration of the site and
 - f) in the case of land remediation and other projects, will provide a significant improvement to damaged or degraded land and/or provide a greater environmental or agricultural value than the previous land use.

Proposals for landraising that are considered to constitute a waste disposal activity, for its own sake, will not be permitted.

- 9.5 The application site is not on the preferred allocations list within the Essex Waste Plan and indeed the scale of material import does have the potential to take available material away from, and thus slow infilling operations within approved timeframes at, current consented landfill/restoration operations such as Brett Site in Elsenham and those preferred sites within the emerging plan which have demonstrated their suitability for such material importation. With this in mind we conclude that this application is contrary to Essex Waste Plan (March 2016) Policy 13.
- 9.6 There is an existing traffic movement limit on the access road to the Elsenham landfill site, and thus the access proposed by Elsenham Golf and Leisure in this application, by virtue of planning application ESS/38/14/UTT. This approval limits vehicle movements in regard to infilling operations to 400 LGV movements (200 in and 200 out) per day Mon- Fri and 200 (100 in and 100 out) on a Saturday with a total 80,000 LGV movements per year maximum cap. The golf course proposal would create an additional 90 LGV movements per day on the existing access road. Should application UTT/16/1066/FUL be approved, vehicle movements to Elsenham Quarry/landfill cannot (through the planning system) and must not be affected by proposed golf course activity. Further we would seek reassurance through condition that the applicant's works would be time restricted to the 8 month maximum period as set out in their application.
- 9.7 Need: The current proposal would see 58,000m³ of material brought onto site over a 7-8 month period. The applicant has set out the rationale for this on landscaping grounds, however, the import of this volume of material is on the scale of a landfilling operation and thus it is considered should benefit from consideration by the County Waste Authority. soils imported into the golf course could be used to meet the restoration obligations at the existing Elsenham Quarry and approval of the golf course development could impact on the completion of restoration of the quarry

10. APPRAISAL

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

- A Whether the principle of the development is acceptable within the Countryside Protection Zone. (NPPF and ULP policies S8,S7 and LC4)
- B Design, scale, impact on neighbours amenity (ULP Policy GEN2)
- C Contamination (ULP policy (GEN2, ENV12, and ENV 14)
- D Biodiversity (ULP policy GEN7)
- E Highway issues and Parking (ULP Polices GEN8 and GEN1)
- F Flood Risk (ULP Policy GEN3)

A Whether the principle of the development is acceptable within the Countryside Protection Zone. (NPPF and ULP policies S8, S7 and LC4)

10.1 The site is located outside of any development limits as defined within the Local Plan, but within the Countryside Protection Zone (CPZ) surrounding Stansted Airport. Local Plan Policy S8 relates to the CPZ and specifies that planning permission will only be granted for development that is required to take place there or is appropriate to a rural area and that there will be strict control on new development. In addition, if new buildings or uses would promote coalescence between the airport and existing development in the countryside or it would adversely affect the open characteristics of the zone, development will not be permitted. The existing use of the site is in connection with the golf course and what is being proposed would overcome existing flooding issues, which if left unaddressed will place the future of the business in serious jeopardy. The owners of the site have stated that the changes are necessary to increase the attractiveness and competitive advantage to survive in the current market. Water is also currently piped in from outside the site which is costly and less sustainable than using water which naturally arrives on site. The proposed embankments would enhance the interest of the outfield area and would also encourage water to drain towards a collection point and the water would then be pumped to the reservoir which is proposed at the eastern end of the range.

The new chipping green and adventure golf facilities would enable the golf course business to be more competitive with other sites and would be a good community facility. The application is supported by the Parish Council.

The NPPF states that planning should proactively drive and support sustainable economic development to deliver the business and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the business and other development needs of an area and respond positively to wider opportunities for growth. Paragraph 28 further states that plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. Policy LC4 states that the following developments will be permitted beyond development limits a) outdoor sports and recreational facilities, including associated buildings such as changing rooms and club houses and b) suitable recreational after use of mineral workings.

The application has been the subject of the pre- application service in which due to the amount of waste being imported on a significant scale the applicant was advised that Essex County Council Minerals and Waste should determine any application. The WPA's main comments relate to the appropriateness of UDC determining the application as an engineering project. The Essex Replacement Waste Local plan explains this point:

Land raising activities can be district or county matters. The test of whether such a development should be determined by a district or county authority depends on whether the proposal constitutes a waste disposal activity (Change of use) or is a genuine engineering operation (operational development) This is a grey area in planning terms as a judgement will have to be made on whether the predominant purpose of the development (or substantial element) involves either waste disposal (for its own sake) or engineering. It is considered that this proposal is an operational development and therefore can be determined by the District Council. The applicant has disputed that the operation is a waste disposal activity and has submitted a letter from DCLG dated 20th January 2009, which states that developments importing over 100,000 tonnes of waste are unlikely to constitute recover operations, but are more likely to be waste disposal operations. This application would involve the importation of 58,000m³ of soil. The Transport Statement cites a conversion factor of 1.5t/m³ based on a conservative estimate of

the WRAP list of weight category 17.05.04 (inert soil and stones) material, which has a conversion factor of 1.25t/m³. This would amount to 87,000 tonnes using the applicant's proposed conversion factor. The Lord Taylor review of Planning Practice Guidance (December 2012) highlighted that the Government intends to retain the letter published by The DCLG entitled "Large –scale Landscaping Development Using Waste" this retention of the letter reinforces the fact that the government feels that developments of the scale of recent examples (generally in excess of 100,000 tonnes) would not have been undertaken if the material used to construct the landscaping was not waste. Therefore, it is considered they are unlikely to constitute recovery operations.

Any application needs to demonstrate that amount of material imported and deposited would be the minimum necessary to bring about any alleged improvement, not being at a scale beyond that necessary for restoration. The creation of mounds and embankments is normally classified as an engineering operation. The proposed reservoir is to be built up (No mineral is to be exported from the site to create the reservoir)and no waste will be imported to create the golf course revisions.

The Essex Replacement Waste Local Plan has been considered at Examination in Public/ Although not yet formally adopted, it now carries significant weight in the determination of planning applications. Policy 13 (Landraising) is of relevance:

Policy 13. Landraising:

Proposals for landraising with waste will only be permitted where it is demonstrated that there are no feasible or practicable alternative means to achieve the proposed development.

Proposals will also demonstrate that:

- a) there is a proven significant benefit that outweighs any harm caused by the proposal*
- b) the amount of waste materials used to raise the level of the land is the minimum amount of material necessary and is essential for the restoration of the site and*
- c) in the case of land remediation and other projects, will provide a significant improvement to damaged or degraded land and/or provide a greater environmental or agricultural value than the previous land use.*

Proposals for landraising that are considered to constitute a waste disposal activity, for its own sake, will not be permitted.

In response to the above the applicant has stated that the proposal will provide essential upgrades to an existing facility to the benefit of existing and future residents of Elsenham and surrounding areas, as acknowledged by the Parish Council in their consultation response. Furthermore, it will provide a much-needed improvement to the conditions upon which staff work and the number of closures which the club currently experience due to the site's poor drainage and overall inadequate provision. The proposal will significantly enhance the site's sustainability credentials and will also provide a net gain in biodiversity terms. It is therefore considered that the development meets with local and national objectives with regards to social, environmental and economic sustainability which is positively supported and encouraged through the key objectives of the National Planning Policy Framework and significant weight should be given to these considerations when weighed against any harm which may be perceived.

In response to b) the applicant has stated the volume of material which is to be brought into the site was originally minimised through the proposed 'cut and fill' method which was subsequently deemed unacceptable by the Environment Agency due to the historic use of the site. Although this volume of material was not replaced through further importation during the preparation of the revised plans, the proposal was amended to enable the drainage, re-contouring and pond / reservoir creation through utilising a similar volume of imported material to that

which was originally proposed, a matter which I believe to be to our architect's great credit. There are numerous examples around the Country (including Essex) where such re-contouring, at levels similar (and in many cases greater) than those proposed, has proved extremely successful in creating golfing facilities which are attractive, challenging and well-drained. Every effort has been taken throughout all phases of the design to ensure that the importation of material can be completed as soon as possible to enable the construction programme to be completed and the facility to be 'opened for business'. To this end, the Importation has been minimised to enable the opening to be achieved as soon as possible which will also minimise the disruption of the existing business and associated financial losses.

The applicant has demonstrated that drainage and overall playability of the facility are poor, as are the site's sustainability credentials with respect to irrigation. The landscaping scheme which has been submitted and the recommendations contained within the submitted ecology studies will ensure that in addition to matters of drainage and irrigation enhancement, the site will also benefit from significant biodiversity gain. What is currently a poorly drained and laid-out facility will become one which is dramatically improved over the current (and what will be previous) land use. As such, it is considered that the proposal meets and exceeds the requirements criteria c.

In view of the above It is considered that the principle of the development is acceptable in this location and would comply with the aims of policies S7, S8 and LC4.

B Design, scale, impact on neighbours amenity (ULP Policy GEN2)

- 10.2 The design of the adventure golf and chipping green is quite low key and would include landscaping. The maximum height of the features of the adventure golf would be 5m. The area would be enclosed by rustic wattle and wooden palisade 1.5m - 1.8m high fencing.
- 10.3 The embankments and reservoir are considered to be of an appropriate design and scale for the location. The benefits of the development would outweigh the limited harm of the visual impact of the proposal. The whole site is well screened by perimeter landscaping and views into the site are limited from the street scene.
- 10.4 The new adventure golf area and chipping green will be a new source of noise which has the potential to impact on the amenity of residential properties on Henham Road and residential properties to the west of the site. Accordingly a report on the operational noise levels from the proposed development was requested and submitted. Environmental Health officers state that the proposal, taking into account the existing high ambient noise levels, the proposal is unlikely to lead to loss of amenity in respect of noise levels. The proposal would also result in dust, however this can be dealt with by an appropriate condition.
Additionally an increase in user traffic on the access road may impact on neighbour's amenity. This traffic would be from construction traffic on a temporary basis and also from an increase in use of the facilities of the golf course once the works are completed. There would be a significant amount of HGV movements to and from the site which will result in approximately 45 deliveries of material to the site per day. The construction traffic would be limited to a relatively short period of time. (it is estimated that the importation phase to be completed within a 7-8 month window.)

- 10.5 There is to be no additional floodlighting associated with this proposal.
- 10.6 It is considered that there would be limited material detrimental impact on neighbour's amenity as a result of the proposal

C Contamination (ULP policy (ENV 14)

- 10.7 The site is located on previously filled land and disturbance by earthworks and drainage may cause harm to relevant receptors, including human health and the water and ecological environment.
- The NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).
- Accordingly further information was requested form the applicant and the Environment Agency has removed their holding objection subject to conditions. . Without these conditions the proposed development on this site poses an unacceptable risk to the environment.

Environmental Health Officers have also been consulted and they advise that a full site characterisation and risk assessment will be needed to ensure the site and construction methods are suitable, to include an assessment of landfill gas and provision for screening any imported material other than from the named donor site. This can be achieved by the implementation of safeguarding conditions if the application is to be approved.

D Biodiversity (ULP policy GEN7)

- 10.8 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010.

A Biodiversity Questionnaire has to be submitted by the applicant of any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the council to assess whether further information is required in respect of protected species and their

habitats. Several of the questions were answered with a yes, however an ecology report, has been submitted with the application. This identifies that the two embankments present at the site support a small population of grass snakes and within the wider golf course site Great Crested Newts have been recorded. Essex County Council ecologists have been consulted and have no objections to the proposal subject to condition.

As such it is not considered that the proposal would have any material detrimental impact in respect of protected species, (subject to appropriate conditions) and complies with policy GEN7.

- 10.9 Additionally the site is located within 1.8kms of the end of the approaches of Stansted runway and therefore the proposal could conflict with safeguarding criteria. The site and the proposed construction of the new reservoir and the water features within the adventure golf has the potential to further of increase the bird strike risk at Stansted Airport.
- 10.10 Natural England have also confirmed that they are satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interests for which Elsenham Woods SSSI has been notified. Elsenham Woods SSSI does not represent a constraint in determining this application.

E Highway issues and Parking (ULP Polices GEN8 and GEN1)

- 10.11 The proposal will result in additional LGV movements on the existing access road which is shared with Elsenham quarry site and a residential property to the west. . There is also a public footpath that passes along the northern side of the site and bridle ways to the south of the site.
- The Highways Authority at Essex County Council has been consulted and raises no objections to this scheme subject to appropriate conditions. This includes the submission of a Construction Method Statement and conditions relating to condition surveys being carried out before and after of Hall Road from the access to the donor site. It is however considered that these conditions are unreasonable as Hall Road is used by up to 400 LGV vehicle movements per day by vehicles to and from Elsenham Quarry. Additionally there are other large developments proposed and approved on adjacent sites to Hall Road making the condition unenforceable.
- A representation has been received requesting that a condition is attached to any approval restricting the works would be time restricted to the 8 month maximum period as set out in their application. It is however, considered that this would be unreasonable as importation periods are estimates and factors such as weather and soil conditions may play a part in the speed at which the materials can be imported.
- Additionally it would also be in the applicants interests to complete this phase of the development as soon as possible to minimise disruption at its own site and to get the new facility open and operational. The golf course would remain open during operations.
- Adequate parking for the facilities would be retained

F Flood Risk (ULP Policy GEN3)

- 10.12 The site is located within flood zone 1 which Planning Practice Guidance states that in this zone developers should seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage systems.

The Essex County Council SUDS team have been consulted and they state that whilst the site area is 5.68ha, it is suggested in the flood risk assessment that the new impermeable areas created by the development will only be 300sqm. Therefore this application is unlikely to have an effect on drainage in the area. The flood risk assessment and surface water drainage strategy report states that the inclusion of a pond and a reservoir will increase attenuation. The proposal has been designed so that the two new range embankments will encourage water to shed towards the centre. The subtle elevation proposed inside the embankments will ensure that surface water will drain towards a collection point at the south western area of the range. Water will then be pumped to the reservoir which is proposed at the eastern end of the range.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A The principle of the development is acceptable within the countryside Protection Zone in accordance with policy S8 of the Uttlesford Local Plan (adopted 2005)
- B The design and scale are appropriate and the proposal subject to conditions and taking into account the benefits of the scheme, would on balance be acceptable and would not have any material detrimental impact on neighbours amenity sufficient to warrant refusal of the scheme in accordance with Uttlesford policies GEN2, GEN8, GEN1, GEN4 of the Uttlesford Local Plan (adopted 2005)
- C Subject to appropriate conditions the proposal would not result in an unacceptable risk to human health, the water environment and other receptors in accordance with policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005)
- D It is not considered that the proposal would have any material detrimental impact in respect of protected species, (subject to appropriate conditions) and complies with policy GEN7.
- E Essex County Council has no objections to the proposal. Adequate parking for the facility would be retained. The proposal subject to conditions would comply with policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005)
- F The flood risk assessment demonstrates an adequate standard of flood protection and there is no increased risk of flooding elsewhere. The proposal complies with policy GEN3 of the Uttlesford Local Plan (adopted 2005)

RECOMMENDATION – APPROVAL WITH CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Development shall not begin until a fully detailed scheme and management plan for the netting of the reservoir and great crested newt ponds has been submitted and approved in writing by the Local Planning Authority, in consultation with the Safeguarding Authority for Stansted Airport. The netting must be designed to fully exclude hazardous birds such as, but not limited to, ducks, feral geese and grey heron. The management plan must include measures to ensure the netting is maintained and retained to the approved specification for as long as the reservoir and great crested newt ponds are required. Thereafter shall be implemented in accordance with the approved details. No subsequent alterations to the approved scheme are to take place unless first submitted to and approved in writing by the

Local Planning Authority.

Reason: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of Birds and an increase in the bird hazard risk of the application site, in accordance with ULP policy GEN2

3. Development shall not commence until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:
 - Monitoring of any standing water within the site temporary or permanent
 - Sustainable urban drainage schemes (SUDS) – Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at www.aoa.org.uk/operations-safety)
 - Maintenance of planted and landscaped areas, particularly in terms of species of plants that will be allowed to grow.The Bird Hazard Management Plan shall be implemented as approved as part of the development and shall remain in force in perpetuity. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the development in order to minimize its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport in accordance with ULP policy GEN2

4. The works shall be undertaken in accordance with all recommendations in the Ecological Assessment Report (October 2015). Any deviation from the recommendations should be communicated to the Local Planning Authority and project ecologist immediately

Reason: To ensure all habitats and species identified as being present on / or adjacent to the site are protected appropriately in accordance with ULP policy GEN7.

5. No works shall commence until a detailed mitigation strategy has been produced for great crested newts. The mitigation strategy shall adhere to the outline detail provided in the Ecological Assessment Report (October 2015) in all respects and be suitable for submission to Natural England to obtain a Development License following planning consent.

Reason: To ensure great crested newts (a European Protected Species) are protected throughout works in accordance with ULP policy GEN7.

6. No works shall commence until a detailed mitigation strategy has been produced for reptiles. The mitigation shall adhere to the outline detail provided in the Ecological Assessment Report (October 2015) in all respects

Reason: To ensure reptiles(nationally protected species) are protected throughout works in accordance with ULP policy GEN7

7. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development

iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with ULP policy GEN1

8. 8 No floodlighting or external lighting shall be installed until details of lighting including lux levels has been submitted to and approved in writing by the local planning authority. Thereafter the lights shall be installed in accordance with the approved details.

Reason: In the interest of visual amenity and airport safety in accordance with ULP policies GEN2 and GEN5

9. No development including groundworks shall take place until a site investigation of the extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This investigation must be undertaken by a competent person and be based on the findings of the phase 1 desk study submitted with the application and must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) a conceptual model of the site indicating sources, pathways and receptors
- (iii) an assessment of the potential risks to: human health, property (existing or proposed), service lines and pipes, adjoining land, the water environment and ecological receptors

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

10. If found to be necessary as a result of part 1 (condition 9 above), a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the council prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation scheme are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority.

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

11. The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved scheme, a validation report to demonstrate the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Council. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. If a requirement for longer term monitoring is

identified by the remediation scheme, a final report on completion of the monitoring demonstrating that all long-term remediation works specified in the scheme have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Council

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

12. In the event that contamination that was not previously identified is found at any time during development, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 9.

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

13. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent from the Local Planning Authority.

Reason: To prevent pollution of the water environment, in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005).

14. No waste other than those waste materials defined in the application details shall enter the site.

Reason: Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with Policies W3A, W3D, W4A, W5A, W8A, W8B, W8C, W9A, W9B, W0E from the Essex County Council Waste Local Plan and Policy GEN2 of the Uttlesford Local Plan (adopted 2005)

15. No crushing and/or screening of stone, concrete, brick rubble or hardcore shall take place on the site.

Reason: To protect residential amenity from adverse impacts from such operations, to control waste processing operations and to comply with Policies... WLP Policies: W3A, W8A, W8B, W8C, W10E from the Essex County Council Waste Local Plan and Policy GEN2 of the Uttlesford Local Plan (adopted 2005)

16. No development shall take place until the details of wheel and underside chassis cleaning facilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed in accordance with the approved details and implemented and maintained for the duration of the

development hereby permitted. Without prejudice to the foregoing, no commercial vehicle shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies W3A, W4C, W8A, W8B, W8C, W10E from the Essex County Council Waste Local Plan and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

17. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Policies W3A, W8A, W8B, W8C, W10E from the Essex County Council Waste Local Plan and Policy GEN4 of the Uttlesford Local Plan (adopted 2005)

18. No aggregate shall be exported from the site.

Reason: To control the level of operations so as to minimise the impact of the resultants traffic on the local/environment, in accordance with Policies GEN1, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

19. No topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition¹ and no movement of soils shall take place:
(a) During the months November and March (inclusive) unless otherwise approved in writing by the Local Planning Authority.
(b) When the upper soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
(c) When there are pools of water on the soil surface.

Reason: To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with Policies W3A, W10C, W10E from the Essex County Council Waste Local Plan.

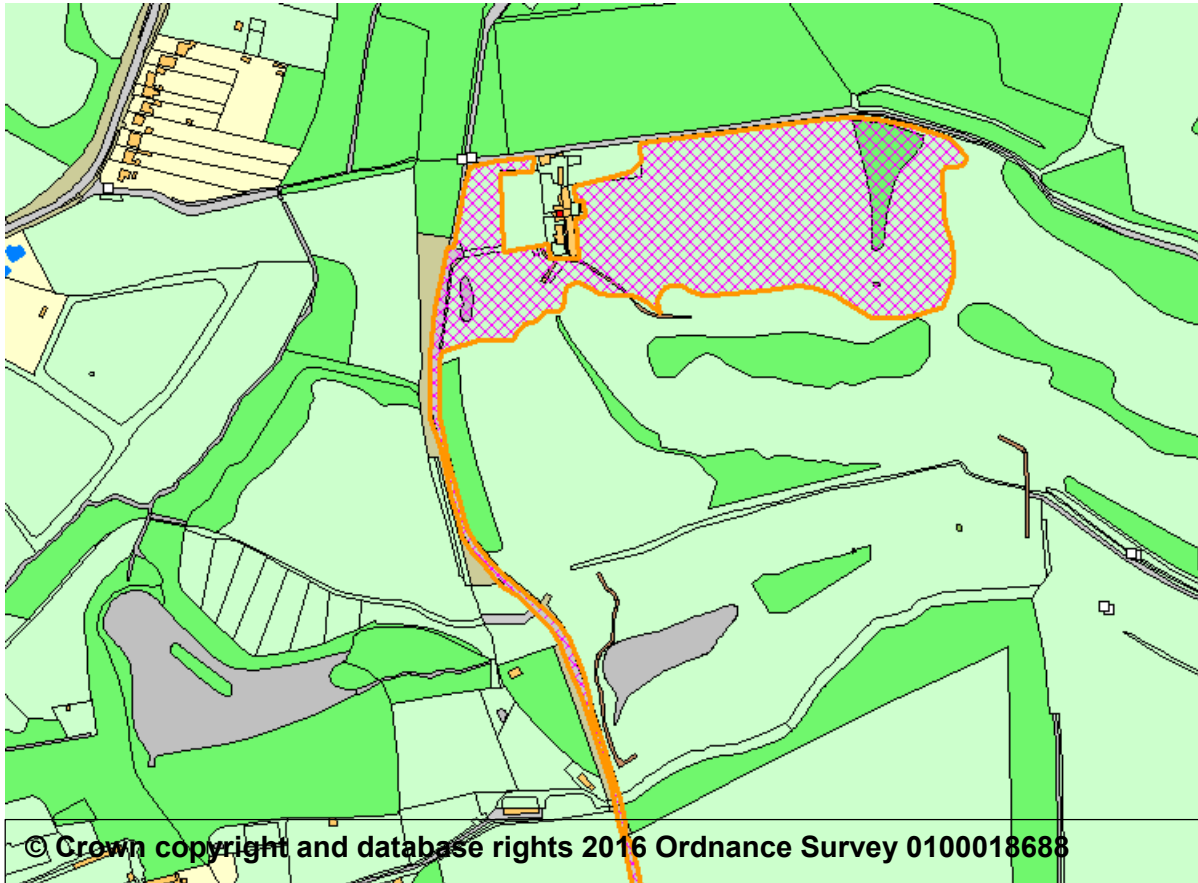
Note¹ The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

20. The proposal hereby permitted excludes the use of solar photovoltaic (PV) installations to power the drainage and irrigation system.

Reason: The installation can have an impact on aerodrome safeguarding and would be contrary to ULP policy GEN2.

Application Number: UTT/16/1066/FUL

Address: Elsenham Golf and Leisure Limited, Hall Road
Henham



© Crown copyright and database rights 2016 Ordnance Survey 0100018688

Organisation: Uttlesford District Council

Department: Planning

Date: 23 December 2016