

Draft Development Management Policies:

- Employment Policies
- Retail Policies
- Housing Policies
- Environmental Protection
- Development in the Countryside
- The Historic Environment

The policies which have been reviewed are those contained in the Withdrawn Plan, to see them in full please use the following link: <http://www.uttlesford.gov.uk/CHttpHandler.ashx?id=3056&p=0>

The proposed amendments have taken account of the following:

- The Inspectors comments raised in his questions to the Council
- The Council's response to the Inspectors questions
- The Council's Minor Modifications document
- Changes in legislation
- Meetings with Development Management team, Conservation Officers and Housing Officers.

Policy Number	Title of Policy	Retain with no change/ retain with changes/ delete/ new policy
Employment Policies		
EMP2	Non Estate Employment Use	Retain supporting text and policy with no change Note: Even though the new PD rights allow for a number of change of use without planning permission there are some restrictions such as size threshold which is when this policy will apply. It is therefore considered important to retain this policy.

Retail Policies		
RET1	Town and Local Centres and Shopping Frontages	In discussion with DM regarding this policy.
RET2	Loss of Shops and Other Facilities	Retain with no change.
RET3	New Shops in Rural Areas	Amend policy as a result of meeting with Development Management team.
<p>Policy RET3 – New Shops in Rural Areas For settlements where a Town or Local Centre is not identified, planning permission will be granted for new shops/post offices on sites beyond development limits where the following criteria are met:</p> <ol style="list-style-type: none"> the retail function is restricted to convenience goods/food; the proposal is of a size compatible with the catchment area it is intended to serve; the site is well related to the village and has the potential to reduce the need for travel by car; there would be no adverse impact on existing shops within the catchment area; and there are no suitable alternative sites within development limits. 		

Housing Policies

HO1	Housing Density	Retain supporting text with no changes. Retain policy with changes. Note: NPPF paragraph 47 states that ‘To boost significantly the supply of housing, local planning authorities should: set out their own approach to housing density to reflect local circumstances.’
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Proposals for new housing development should fall within the density ranges below:

Location	Number of Homes per Hectare
Within town Development Limits of Saffron Walden and Great Dunmow	35-67
Within Development Limits of any other settlement	30-50
Adjacent to an settlement	30-50

Unless the following factors dictate otherwise:

- **The size and shape of the site, including any significant heritage, landscape or wildlife features;**
- **The character and density of any surrounding development;**
- **The impact of development on the residential amenity of adjoining dwellings;**
- **Where appropriate the impact of the development on the wider settlement, including long distance views;**
- **The need to provide well designed public space and parking facilities; and**
- **Good quality design and layout**

HO2	Housing Mix	Amend policy as a result of meeting with Development Management team.
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It is important that the plan provides for a choice and mix of housing across the District in order to create balanced and sustainable communities in two respects: within a larger site, and villages as a whole in the case of smaller settlements. Widening housing choice broadens the appeal of an area and helps in meeting the needs of existing residents. The council will expect the mix of new residential schemes to reflect the most recent Strategic Housing Market Assessment evidence of need taking into account local character considerations and viability. **Viability needs to be demonstrated at the time of application.**

Policy HO2

All proposals for new housing developments of 5 dwellings or more or 0.17 hectares and above will be required to ~~provide a mix of dwelling types and size to meet the needs of the local area and the district as a whole~~ **include a significant proportion of 3 bed market housing** as evidenced by the most recent Strategic Housing Market Assessment and local character and viability.

HO3	Subdivision of Dwellings and Dwellings in Multiple Occupancy	Retain supporting text; amend policy to reflect suggestion at Development Management meeting. For this policy to be amended the Essex Design Guide will need to be formally adopted.
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The subdivision of dwellings into two or more units or the change of use of dwellings to houses of multiple occupancy will be permitted provided that:

- Sufficient car parking is provided in accordance with the **Essex Design Guide and Local standards;**
- There would be no material overlooking of neighbouring properties;

- A reasonable amount of amenity space is available **provided in accordance with the Essex Design Guide** for the occupiers of the newly-created units
- ~~Within dwellings in flood risk area, no sleeping accommodation is provided on the ground floor unless floor levels are set appropriately above the relevant flood levels and~~
- The development would not have a detrimental effect on the character of the area by reason of:-
 - On street parking; or
 - The loss of garden space for use as car parking; or
 - ~~The likelihood of general noise and disturbance.~~ The resulting development would not result in unreasonable noise and disturbance to the occupiers of neighbouring properties from vehicles or any other cause.

HO4	Residential Extensions	Retain policy with no change, amend supporting text as a result of Development Management meeting and taking into account changes enforced by the Housing Standards Review.
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While extensions to the home reduce the stock of smaller, cheaper housing, and extensions may be the only way many households can afford to secure the accommodation they need as their requirements change and facilitating in reducing housing stock pressure. The Council will refer to design guidance which has been approved by the Council e.g. The Essex Design Guide in determining planning applications for extensions. ~~All applications for extensions will have to be accompanied by a home energy assessment form and the applicant will be notified of energy saving measures that the Council will require as part of the conditions of granting planning permission for the extension.~~ Additional care is required when extending homes in the countryside to ensure the character of the area is protected. ~~Extension to Listed Buildings will also have to maintain any features of architectural and/or historic interest which caused them to be listed.~~

New Policy	House Extensions and Replacement Dwellings in the Countryside	A need was identified in the meeting with Development Management for a specific policy dealing with extensions in the countryside.
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Supporting text :
To help protect the character of Uttlesford’s countryside there is a need to control the amount of new development. The erection of replacement dwellings and extensions to existing houses can individually, and cumulatively over a period of years, have an adverse impact both on the character of individual properties and their surroundings.

Policy :
Proposals to extend or replace existing dwellings within the area designated as Countryside will be permitted provided that the proposal:

- **would not result in a disproportionately large increase in the height or scale of the original dwelling, and**
- **would not materially increase the impact of the dwelling on the appearance of the surrounding countryside.**

In addition to the above criteria a replacement dwelling will be permitted provided that the proposed dwelling is on the footprint of the existing dwelling unless the applicant can demonstrate why the dwelling would be best located elsewhere on the plot.

In determining what constitutes a ‘disproportionately large increase’ account will be taken of the size of the existing dwelling, the extent to which it has previously been extended or could be extended under permitted development rights, and the character of the area.

New Policy	House Extension to Dwellings in the Green Belt	A need was identified in the meeting with Development Management for a specific policy dealing with extensions to dwellings in the Green Belt.
<p>Supporting Text The Council is concerned about the impact created by extensions to existing dwellings on the openness of the Green Belt.</p> <p>Very large extensions or poorly designed and located ones, individually, collectively and cumulatively, would damage the character of the Green Belt. While householders should have some scope to adapt and extend their homes to suit their own requirements, this will inevitably be more limited in the Green Belt than in other areas.</p> <p>The extension of a dwelling in the Green Belt may be appropriate development provided that it would not result in disproportionate additions over and above the size of the original dwelling. As a general rule no extension will be approved that would either by itself or taken together with outstanding permissions and previous extensions to the property, make the property more prominent or visually obtrusive.</p> <p>Policy Extensions to dwellings in the Green Belt will be permitted subject to meeting the following criteria:</p> <ul style="list-style-type: none"> • the extension is well related to the existing building in terms of design, bulk, scale and materials; • the proposed volume of the extension, taking into consideration any previous extensions, is proportional and subservient to the original dwelling • the development does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion • the resulting building (including any earlier extensions and alterations or replacement) should not result in an increase of more than 50% of the floor area of the original dwelling. 		
H05	Residential Development in Settlements without Development Limits	After discussions with development management it has been decided to come back to this policy once the strategy for development has been decided.
H06	Replacement Dwellings in the Countryside	Update policy and supporting text as suggested by the Council in their response to the Local Plan Inspectors initial soundness concerns.
<p>In certain circumstances the provision of replacement dwellings in the countryside will be acceptable. These are set out in the policy below together with the criteria that will need to be complied with and the requirements that will be placed upon the grant of planning permission.</p> <p>Policy HO6 The replacement of existing dwellings will be permitted providing:</p> <ul style="list-style-type: none"> • the existing property does not make a positive contribution to the local character of the area; • the replacement will result in a visual improvement to the site and the surrounding area; • the proposed dwelling is on the footprint of the existing dwelling unless the applicant can 		

- demonstrate why the dwelling would be best located elsewhere on the plot;
- ~~the proposed dwelling is not harmful to the landscape by reason of its size, scale, setting or design; and~~
- ~~the replacement dwelling is not harmful to the landscape by reason of its size, scale, setting or design.~~
- **the scale, form and massing and height of the proposed dwelling is appropriate to the local context of the site, the existing dwelling, and the character of the surrounding landscape.**

If the proposed new dwelling is not on the footprint of the original, the existing house will be required to be demolished within a month of the first occupation of the new house. In order to make sure that the new dwelling remains of proportionate size to that which it replaces, permitted development rights may be removed.

HO7	Affordable Housing	Amend supporting text and policy as a result of meeting with housing officers and development management team, and taking account of changes in legislation.
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Supporting Text – additional paragraphs after 11.33:

Policy

Developments on sites of 15 dwellings or more or sites of 0.5ha or more will be required to provide 40% of the total number of dwellings as affordable dwellings on site.

Developments on sites of 11-14 dwellings will be required to provide 20% of the total number of dwellings as affordable dwellings on site or an equivalent financial contribution as advised by the District Council.

Developments on sites of 6-10 dwellings XXX (waiting for the Council to adopt the amended Developer Contributions Guide)

Where it can be evidenced to the satisfaction of the council that these requirements would render the development unviable the council will negotiate an appropriate proportion.

Developers may not circumvent this policy by artificially subdividing sites. Where sites are subdivided, the Council will normally expect each subdivision or smaller development to contribute proportionally towards achieving the amount of affordable housing which would have been appropriate on the whole or larger sites.

To prevent the loss of affordable housing to the general housing market, the Council will, where appropriate, expect long term safeguards to be in place to ensure the benefit of affordable housing will be enjoyed by successive occupiers. This will normally be secured by an agreement under section 106.

HO8	Affordable Housing on Exception Sites	Amend supporting text and policy as suggested by the Council in their response to the Local Plan Inspectors initial soundness concerns and discussions with Development Management and Housing Officers.
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Supporting text:

It is important to establish that a need exists and then to make sure that accommodation is made available for those people who have a genuine need for housing in the locality that they cannot meet in the market. Such people may for example, include residents who need separate accommodation locally, ~~those who provide an important local service~~ **keyworkers** or people who have longstanding links with the local community, such as people who used to live in the village but were forced to move away because of a lack of affordable housing, and people who need to move away because of a lack of affordable housing, and people who need to move back into a village to be near relatives. 'local' in this context means 'within the parish', principally, although the needs of those who live or work in an adjoining parish may also be accepted. This would particularly apply where a scheme is proposed in a larger village that would meet the needs of adjoining smaller communities. Properties need to meet an identified local need and be provided and maintained by a registered or other provider, to be agreed by the Council at an early stage. On some exception sites the Council may consider development that includes cross-subsidy from open market sales on the same site. The applicant would need to demonstrate to the Council's satisfaction that a mixed tenure scheme was essential to the viability and delivery of the development.

Policy

Development of affordable housing will be permitted outside settlements on a site where housing would not otherwise normally be permitted, if it meets all the following criteria:-

- the development will meet a demonstrable local need that cannot be met in any other way;
- the development is of a scale appropriate to the size, facilities;
- the site adjoins the settlement; and
- **there is an up to date housing needs survey, up-to-date being in the past 3 years.**

The inclusion of market housing in such schemes will be supported provided that:-

- viability appraisals demonstrate that the need for the market housing component is essential for the successful delivery of the development; and
- The proportion of market housing is the minimum needed to make the scheme viable.

HO9	Agricultural/Rural Workers Dwellings	Delete policy as this covered by the NPPF paragraph 55, bullet point 1.
HO10	Removal of Agricultural/Rural Workers' Dwelling Occupancy Conditions	Delete as above.
HO11	Sites for Gypsies, Travellers and Travelling Showpeople	Retain with no change. Although the definition regarding Gypsy and Travellers have changed this does not affect the proposed policy.

Potential New Policies

Uttlesford has an aging population and the population of older people living in the District has risen over the last 10-15 years. Therefore it is considered important to include a policy regarding the development of bungalows.

At the moment the Council require 5% bungalows on sites of 10+ dwellings, however no policy exists to support this approach.

The Council also needs to consider the implications of the change in building regulations and the introduction of the optional requirements - please see 'Things to Consider' below.

Supporting text :

Uttlesford has an ageing population which has clear implications for the future delivery of housing over the plan period. It is therefore essential that planning policy be provided to ensure that the needs of older people are met over the plan period. The Local Plan aims to give people more choice and control over where and how they live and receive care.

Policy

Developments on sites of 10 dwellings or more will be required to provide 5% of the total number of dwellings as bungalows.

Applications for new build residential development should meet the Building Regulations Approved Document M Volume 1 optional access requirement under Category 2: Accessible and adaptable dwellings.

XX% of units should be designed in accordance with the Building Regulations Approved Document M Volume 1 optional access requirement under Category 3: Wheelchair user dwellings.

Things to Consider

Access to and use of dwellings: wheelchair user homes

Approved document M of the Building Regulations introduces minimum specifications for wheelchair user dwellings (M4(3)). This is subdivided into:

- Wheelchair Adaptable Dwellings M4(3)(2a) and
- Wheelchair Accessible Dwellings M4(3)(2b) which are fitted out for occupation by a wheelchair user.

The National Planning Practice Guidance states that category M4(3)(2b) may only be required for wheelchair user dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. M4(3)(2b)) may therefore only apply to social rented and affordable rented homes, all other wheelchair user dwellings may only be conditioned to meet M4(3)(2a) standard.

Uttlesford's new local plan could require a % of all homes to achieve M4(3) standards. This requirement would relate to either private or affordable homes provided through major developments.

Access to and Use of Dwellings: Accessible Homes

Approved document M introduces the category Accessible and Adaptable Dwellings M4(2). if new homes are not conditioned to this category then they will only need to meet standard M4(1) - Visitable dwellings.

It could be that Uttlesford's new local plan will require all non-wheelchair user dwellings to meet M4(2) standard where practical and viable.

Evidence needed

Guidance had made clear that the optional technical standards should only be required through new Local Plan policies if they address a clearly evidenced need and where their impact on viability has been considered.

LPA's should look at their housing needs assessment and other available datasets. It is up to the LPA to set out how they will evidence need for requiring M4(2) and/or M4(3).

Uttlesford can take into account the following:

- the likely future need for housing for older and disabled people
- size location, type and quality of dwellings needed to meet specifically evidenced need
- the accessibility and adaptability of existing housing stock
- how needs vary across different housing tenures
- impact on viability

To guide LPA's in appraising this data the Government has produced a summary data sheet which sets out useful data and sources of information that can be used to inform the assessment of need.

Where a LPA adopts a policy to provide enhanced accessibility of adaptability it should only be done by reference to M4(2) and / or M4(3). It should clearly state in the Local Plan what proportion of new dwellings should comply with the requirements

Conclusion

Officers consider that there is enough time to gather evidence to include a policy in the local plan requiring M4(2) and M4(3)(2a).

Nationally Described Space Standards

Where a LPA wishes to require an internal space standard in their local plan it should do so only by reference to the Nationally Described Space Standards.

Where a need for internal space standards is identified LPA's should provide evidence and justification for requiring internal space policies. LPA's should take into account the following:

- need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions

Conclusion

Officers consider that to evidence the requirement for dwellings to meet this standard will be time consuming. At present we have no existing data to justify the adoption of the National Space Standards.

At present development management officers consider space standards on a case by case basis reflecting the site constraints and commercial viability. Officers consider this should remain the Council's approach until such time that evidence emerges that the National Space Standards can be justified.

Environmental Protection Policies		
EN1	Pollutants	Amend policy as suggested by the Council in their response to the Local Plan Inspectors initial soundness concerns.
<p><i>Amended policy and supporting text -</i></p> <p>Policy EN1 The potential impacts of exposure to pollutants must be taken into account in locating development, during construction and in use.</p> <p>Planning permission will not be granted where the development and uses would not cause material harm disturbance or nuisance to occupiers of surrounding land uses or the historic and natural environment, unless or the need for development is judged to outweigh the effects caused and the development includes mitigation measures to minimise the negative effects.</p> <p>Developments sensitive to sources of nuisance will be permitted where the occupants would not experience significant nuisance, or the nuisance can be overcome by mitigation measures.</p> <p>Nuisance includes: Noise or vibrations generated, smell, dust, glare and light spillage, fumes, electromagnetic radiation, exposure to other pollutants.</p>		
EN2	Air Quality	Amend policy as a result of meeting with Development Management team.
<p>EN2</p> <p>Development will be permitted as long as it does not involve users being exposed on an extended long-term basis to poor air quality. The cumulative impact on air quality from a number of developments in a local area will be considered and mitigation measures may be required.</p> <p>Development within or affecting Air Quality Management Areas should include an air quality assessment detailing the impact of the new development on air quality and a mitigation strategy which shows how any adverse impacts will be addressed.</p> <p>In addition the Air Quality Management Area a zone 100 metres on either side of the central reservation of the M11 and a zone 35 metres either side of the centre of the A120 have been identified as particular areas to which this policy applies.</p>		
EN3	Contaminated Land	Retain with no change
EN4	Waste and Recycling	Delete policy after discussions with Development Management.
EN5	Noise Sensitive Development	Amend policy after discussions with Development Management.
<p>Policy EN5</p> <p>Housing and other noise sensitive development will be permitted where unless the occupants will not experience significant noise disturbance. This will be assessed by using the most up to date and appropriate noise contour for the type of development and will take into account mitigation by design and sound proofing features.</p>		
EN6	Minimising Flood Risk	Amend policy as it repeats national policy and is over complicated.

Policy EN6

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

Flood risk assessments will be required in accordance with Environment Agency standing advice.

The rest of the policy, including the table, is to be deleted as it repeats national policy.

EN7

Surface Water Flooding

Amend policy as proposed in the Councils Minor Modifications document and after discussions with Development Management.

Amended policy -

Policy EN7

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

Only where there is a significant risk of pollution to the water environment, inappropriate soil conditions and/or engineering difficulties, should alternative methods of drainage be considered. If alternative methods are to be considered adequate assessment and justification should be provided and consideration should still be given to pre and post runoff rates. If this is not possible it will be necessary to demonstrate why it is not achievable.

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

The Council will seek to restore/decultvert rivers through the determination of planning applications when and where the opportunity arises. Retrofitting of SuDS and how they will be maintained will be required as part of any planning application.

SUDs systems should be designed so as not to increase the bird hazard risk or the safe operation of Stansted Airport or the movement of aircraft; where appropriate the implementation of a bird hazard management plan will be secured by condition or planning obligation.

EN8

Protection of Water Resources

Change policy and supporting text in line with the Housing Standard Review 2015 which allows LPA to ask for 110 l/p/d if required by planning condition. As Uttlesford is an area of high water stress (source EA) Delete reference to the Code for Sustainable Homes as this is no longer in use.

		<p>Evidence will have to be collected to support the use of the lower optional l/p/d in local plan policy. Uttlesford is in an area of high water stress, this supports the need for the lower requirement.</p> <p>Highlighted text will need to be amended when the Water Cycle Study is updated.</p>
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Amended policy and supporting text -

Water supply in Uttlesford is managed and delivered by Affinity Water. The area supplied by Affinity Water is divided into three regions and eight water resource zones (WRZ) and Uttlesford falls within their Central Region and the Stort WRZ. Every 5 years Affinity Water publishes a Water Resource Management Plan (WRMP) which shows how the company plans to supply enough water to meet demand over the next 25 years. The most recent ~~draft WRMP~~ was published in ~~May 2013~~ **June 2014**.

Water use in Uttlesford is high. The current average per capita consumption for the Affinity Water Central Region is ~~166~~ **161.27** litres per person per day (l/p/d) for existing costumers, compared to a national average of 147 l/p/d and **121.92 and 126.19** in the East and Southeast Affinity Regions where higher levels of metering have been achieved. ~~Affinity Water have set a target in the WRMP of achieving a 20 litre reduction in average PCC over the next 25 years.~~ Changes to Building Regulations in 2010 require that the potential consumption of someone occupying a new home must not exceed 125 l/p/d.

~~The Water Cycle Study demonstrates that if the current rate of consumption remains constant and new dwellings only achieve 125 l/p/d total domestic demand could increase by nearly 8% on 2012/2013 levels depending on whether occupancy rates decrease or not. (Smaller households tend to have higher consumption figures because there is less opportunity to share water use).~~ The Council is unlikely to be able to have much influence on the consumption rates in existing properties but it can influence consumption in new homes through planning policy so in order to reduce consumption it is suggested that all new homes should meet a target of ~~105~~ **110** l/p/d ~~which equates to Sustainable Homes Code Level 3, subject to viability.~~ This can be done through the specification and installation of water efficient fixtures such as dual flush toilets, spray taps and showerhead flow regulators. ~~In order to achieve the Code for Sustainable Homes Level 5/6 target of 80 l/p/d it would be necessary to consider the use of Rainwater Harvesting or Grey Water Recycling to supplement the potable water supply in addition to water efficiency measures.~~ The Council can also influence consumption rates in its own stock. ~~The Water Cycle Study demonstrates for example that if the Council were able to reduce the PCC in all council owned properties to the DEFRA Target of 130 l/p/d then the reduction in demand would be enough to supply around 900 new dwellings at Sustainable Homes Code Level 3 (105 l/p/d).~~ For non-residential uses the Council is not intending to specify a standard across all uses as there may be variations in requirements between uses. All applicants will be expected to demonstrate how water efficiency will be achieved in their development.

Groundwater provides a third of the drinking water in England and Wales, and it also maintains the flow in many of the rivers. In some areas of Southern England, groundwater supplies up to 80% of the drinking water. It is therefore crucial that these sources are looked after to make sure that the water is completely safe to drink. The Environment Agency publishes information on the areas where contamination of ground water is a critical issue because they are near abstraction sites where water is drawn off for portable supply. There are a number of ground water protection zones in Uttlesford – under the reaches of the Cam, in the Pant Valley, the Chelmer Valley, and in the Stort Valley as shown on the policies map. A major

aquifer lies under most of the northern half of the District.

Development must minimise its impact on the environment by adopting environmental best practice and necessary measures to limit pollution to acceptable limits. The ability of waste water infrastructure to deal with the increased load arising from development is an important issue in protecting water resources, particularly the increase in the discharge rate from the sewage treatment works into rivers. It is therefore important to make sure that sufficient infrastructure exists or will be made available.

Policy EN8 Protection of Water Resources

Development will be supported where it is designed to minimise consumption of water, protect and enhance water quality and protect water resources. All new residential development should ~~aim to~~ achieve a ~~minimum~~ water efficiency target of ~~105~~ **110** l/p/d and development should also make adequate and appropriate provision for water recycling. The extent to which water consumption is reduced will be monitored against the current national or local targets. Major development applications will need to demonstrate the relevant measures that the scheme incorporates and the anticipated levels of water consumption. The proposed measures will need to result in the current targets being met in order to be acceptable.

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

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

- a. Sufficient infrastructure or environmental capacity already exists or
- b. Extra capacity can be provided in time to serve the development which will ensure that the environment and the amenities of local residents are not adversely affected.

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

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

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

EN9	Minerals Safeguarding	Delete policy as repeats policy in the Essex Minerals Local Plan – Policy S8.
EN10	Sustainable Energy and Energy Efficiency	Delete policy and supporting text in light of the amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015.

NEW POLICY	Energy Efficiency for new Commercial Development	This policy is proposed as the BREEAM standards still apply for commercial buildings.
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Supporting Text:

It is important for the Council to try and make sure that commercial buildings are built in a way which minimises the use of energy and so reduce carbon dioxide emissions, commercial buildings should be designed to avoid both overheating and the need for artificial cooling which can be energy intensive and to minimise heat loss in cold weather.

Policy :

In order to contribute towards meeting national targets for reducing CO2 emissions in all new commercial development, the Council will require all new commercial development to have a minimum energy efficiency target which accords with BREEAM very good rating, or such standards that replace them.

New Policy	Renewable Energy Sources	This following policy is proposed
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Supporting Text:

Energy efficiency measures will need to take into account the character and setting of any heritage asset such as a Conservation Area or a Listed Building. English Heritage provides guidance on providing renewable energy and achieving energy efficiency on historic buildings. It will be important to make sure that the architectural or historic integrity of areas and buildings or architectural or historic merit are not prejudiced by additional features which impact adversely on the character or appearance of the heritage asset. Some renewable energy projects may impact on protected species. The Council will take these impacts into account when determining planning applications e.g. a bat survey will be required for any application for a wind turbine.

policy :

Proposals to generate energy from renewable sources will be supported, in suitable locations, provided they are designed to reduce any impacts on landscape character, ecology and the natural and historical environment to an acceptable level. Provision should be made for the site to be cleared and reinstated to its previous use if the operation ceases.

Development in the Countryside		
C1	Protection of Landscape Character	Retain with no change
C2	Re-use of rural buildings	Delete policy and supporting text. New PD rights 'Development consisting of a change of use of a building and land within its curtilage from use as an agricultural building to a flexible use falling within Class A1, A2, A3, B1, B8, C1 or D2 of the Schedule to the Use Classes Order.' PD Rights – agricultural buildings to

		dwelling houses 'Development consisting of a change or use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3'
C3	Change of Use of Agricultural Land to Domestic Garden	Retain with no change
The Historic Environment		
HE1	Design of Development within Conservation Area	Change policy to reflect comments the Council made in their response to the Inspectors initial questions and in discussion with Development Management.
<p>Policy HE1</p> <p>Development will be permitted where it preserves and enhances the character and appearance of the essential features of a Conservation Area, as identified in the Conservation Area Appraisal and including plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain or significant natural or heritage features. Outline applications will not be considered. Development involving the demolition of a structure which positively contributes to the character and appearance of the area will not be permitted.</p> <p>Development involving the installation of renewable energy equipment will be permitted if the following criteria are met:-</p> <ul style="list-style-type: none"> a) There is minimal visual impact; there is no detrimental visual impact; b) It is not located on principal elevations; c) It does not damage key views in, out or within the Conservation Area, including very visible secondary elevations; d) There is no loss in the overall character or historic interest of the Conservation Area; and e) There is no cumulative impact through the installation of different types of equipment within the same property or group of properties leading to a loss of special interest of the Conservation Area. 		
HE2	Development affecting Listed Buildings	Retain with no changes
HE3	Scheduled Monuments and Sites of Archaeological Importance	Change supporting text and policy to reflect the comments the Council made in their response to the Inspectors initial questions and after discussions with Development Management.
<p>Para 14.16</p> <p>Applicant's applications proposing for development affecting a scheduled monument or site of archaeological significance need to consult refer to the English Heritage Register of Scheduled Monuments and or the Historic Environment Records respectively and explain how the significance of the heritage asset will be affected. Proposed development does not substantially harm the archaeological asset. The developer will be expected to fund the pre-application survey work and any agreed preservation or recording work.</p>		

Policy HE3

Where nationally important archaeological assets, whether scheduled or not, and their settings, are affected by proposed development there will be a presumption in favour of their physical preservation in situ. The Council will seek the preservation in situ of archaeological assets unless the need for the development outweighs the importance of the asset.

In situations where there are grounds for believing that **historic assets sites, monuments** or their settings would be affected, developers will be required to arrange for an archaeological field assessment to be carried out prior to the application being submitted ~~before the planning application can be determined to~~ **define the significance of the assets and the developments impact thus allowing** ~~allow~~ an informed and reasonable planning decision to be made.

In circumstances where preservation **in situ** is not possible or feasible, then development will not be permitted until satisfactory provision has been made for a programme of excavation and recording before the development starts.

Development involving the installation of renewable energy equipment with Scheduled Monuments will generally be permitted if the following criteria are met:-

- a. There are no reasonable off site alternatives;
- b. Impact on important fabric is limited and reversible;
- c. The development involves the least damaging type of technology;
- d. There is no loss of special interest; and
- e. Where freestanding equipment is proposed there is no detrimental impact on the setting of the Monument.

New Policy	Protecting the Setting of Conservation Areas	After discussion with Development Management a gap in policy was identified and the following policy is now proposed
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New Policy

Within or adjacent to a Conservation Area development will only be permitted where it is not detrimental to the character, appearance or setting of the Conservation Area and does not adversely affect listed buildings.

New Policy	Non Designated Buildings of Local Importance	<p>After discussion with Development Management a gap in policy was identified and the following policy is now proposed.</p> <p>Note: For this policy to be adopted a list of locally important heritage assets needs to be drawn up. This involves officers assessing buildings against set criteria to determine whether or not they merit being registered on a Local List.</p> <p>The NPPF paragraph 169 recognises the importance of local listing.</p>
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Supporting Text:

Uttlesford has a valuable historic environment containing many significant heritage assets including buildings which make a positive contribution to the local character and environment.

Many buildings are valued for their contribution to the local scene or for the local historical associations, but will not merit statutory listing, but can have local architectural or historic value.

The Council's Local List of Heritage Assets identifies buildings that make an important architectural or historical contribution to the local area. Although not statutory listed these buildings merit protection from development which adversely affect them.

There may be instances where it is discovered that a building has local heritage significance. The Council may identify new heritage assets at any stage of the planning process and their identification would be a material consideration in any planning decision.

Policy:

The planning authority will seek to ensure the retention, good maintenance and continued use of buildings of local interest. Whilst not enjoying the full protection of statutory listing, the design and the materials used in proposals affecting these buildings should be of a high standard compatible with the character of the building.

Development proposal which would have an adverse impact upon the character, form and fabric of the Building of Local interest and/or would have a detrimental impact on the setting of the building will be resisted.