



Uttlesford District Council

Chief Executive: Dawn French

Planning Policy Working Group

Date: Tuesday, 13 September 2016
Time: 19:00
Venue: Council Chamber
Address: Council Offices, London Road, Saffron Walden, CB11 4ER

Members: Councillors S Barker, P Davies, A Dean, S Harris, J Lodge, J Loughlin, A Mills, E Oliver, J Parry, H Rolfe.

AGENDA

Open to Public and Press

- 1 Apologies for absence and declarations of interest**
To receive any apologies for absence and declarations of interest.
- 2 Minutes of the meeting held on 23 August 2016** 5 - 18
To consider the minutes of the previous meeting.
- 3 Matters Arising**
To consider matters arising from the minutes
- 4 Letter from Councillor Lodge regarding the Distribution Strategy**
To consider the letter from Councillor Lodge as appended to the minutes of the previous meeting.
- 5 Feedback from the Member Workshop on 7 September - Verbal Report**
To receive feedback from the Member Workshop on 7 September.
- 6 Transport Study - Verbal Report**
To consider the Transport Study.

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| 7 | Retail Study
To consider the Retail Study. | 19 - 22 |
| 8 | Draft Local Plan Chapters
To consider the draft Local Plan chapters. | 23 - 74 |
| 9 | Project Plan (to follow)
To receive the Project Plan | |

MEETINGS AND THE PUBLIC

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**PLANNING POLICY WORKING GROUP held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN on 23 AUGUST 2016 at 7.00pm**

Present: Councillor H Rolfe – Chairman
Councillors S Barker, A Dean, J Lodge, E Oliver and J Parry.

Officers in attendance: M Cox (Democratic Services Officer), R Fox (Planning Policy Team Leader), G Glenday (Assistant Director Planning) and S Wood (Planning and Housing Policy Manager).

PP16 APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS

Apologies for absence were received from Councillors Davies, Loughlin and Mills.

Councillor Barker declared her interest as a member of ECC.

PP17 EMPLOYMENT LAND REVIEW

Simon Thurley and Dave Widger from consultants AECOM presented the Uttlesford Employment Land review update 2016. The study was a key part of the evidence base and this review assessed the quality and quantity of the existing supply of employment land and forecast the land and floorspace requirements to meet potential future demand. The presentation gave details of the approach taken, explained the difference between supply and demand and put forward recommendations to support employment growth.

Councillor Barker asked to what extent the scenarios had changed since the last report. She was advised that demand for employment space was broadly at the same level, although there was particular pressure for office space. The trend for a decrease in manufacturing and an increase in office employment was continuing.

Councillor Dean commented that housing should be jobs led, and asked if there was a geographical difference in the pressure for jobs, for example taking account of the influence of Cambridge. It was explained that this was a district wide study, which was in line with the requirement of the the Planning Policy guidance.

In answer to questions from Councillor Lodge, it was explained that the delay in receiving this report had been due to the need to clarify the relationship between jobs and housing growth. The call for sites information would be considered alongside the knowledge gained from the study and the emerging strategy would be brought to the meetings in October.

The report was NOTED as part of the Local Plan evidence base.

PP18 **MINUTES**

The minutes of the meetings held on 12 July and 19 July 2016 were signed by the Chairman as a correct record.

PP19 **BUSINESS ARISING**

(i) Minute PP12 – Project Plan

The Assistant Director Planning said a project manager had recently been appointed and work on the project plan was ongoing. A copy of the plan would be available at the next meeting.

Councillor Lodge mentioned a letter he had recently sent to the Leader of the Council, outlining his concerns about the Local Plan distribution strategy. It was agreed to attach a copy of the letter and the officers' reply to the minutes and include this as an item for the next meeting.

(ii) Minute PP13 – Duty to cooperate

Councillor Lodge asked if any duty to cooperate meetings had been held with South Cambs DC. Cllr Barker said that South Cambs proposed to deliver its own housing and was not looking for assistance from UDC. Meetings between the authorities would only be required if there was a proposal for a major development to the north of the district. However, officers were continuing to have discussions on cross boundary transport issues.

PP20 **THE CHESTERFORD NEIGHBOURHOOD PLAN – HISTORIC ENVIRONMENT ASSESSMENT AND LANDSCAPE ASSESSMENT**

The working group received two documents, the Historic Environment Assessment and Landscape Assessment, which had been commissioned by the Chesterfords Neighbourhood Plan Group to help inform the preparation of their Neighbourhood Plan. The group had asked the council to include the assessments in the evidence base documents for the Local Plan.

A letter from Bidwells, representing landowners within the Great Chesterford area was circulated at the meeting. This set out their comments on the assessment documents. There had been concern that the documents had not been subject to a public consultation process. Bidwells had also asked for it to be made clear that the assessments had been produced independently and therefore carried the same weight as representations received from a third party.

Councillor Dean expressed similar concerns, that the study had not been commissioned by the UDC and might therefore affect what should be a level playing field in determining site locations.

The Planning Policy Team Leader said the NPPF considered it good practise to take on board Neighbourhood Plan evidence. The council would also commission its own landscape work, so there would be an independent

reference point. Councillor Parry asked about the historic character assessments that had been carried out for a number of parishes in 2007. She was advised that these reports were still relevant, but the Chesterfords had wanted to commission additional studies as part of their Neighbourhood Plan.

The Chairman said the group was only noting the studies, similar to other Neighbourhood Plan documents. The letter from Bidwells would be kept on file and the Neighbourhood Plan itself would be subject to independent examination.

The working group NOTED the documents to be included in the Local Plan evidence base.

PP21

BRAINTREE LOCAL PLAN

The working group considered the proposed response to the Braintree Local Plan preferred options consultation. The document set out Braintree's emerging position in broad terms; there would be more detail in the local plan consultation document in December, The Council had submitted a holding response prior to discussion by this group and approval by Cabinet.

Mr Nick Buhenko-Smith spoke to the meeting on behalf of SERCLE (Stop the Erosion of Rural Communities in Essex). The group's main concern was the proposed new town, west of Braintree and the presumption that some of this development could be provided across the district boundary with Uttlesford. He questioned UDC's opinion on this point. A full copy of the statement is attached to these minutes.

In reply, the Chairman said that other authorities would not influence UDC's development decisions. However, Uttlesford had to provide 4600 new houses and it was a cross party Council decision that the development strategy would include the start of a new settlement. As UDC had few brownfield sites, it was inevitable that rural sites in the district would be developed. Members had not discussed specific locations, but any decisions on the recommended sites would be evidence based.

Councillor Dean said he was uncomfortable with the response to the consultation as it could be seen to be giving the amber light to this development. There was no caveat to say the council had not yet started to determine the site locations. He thought the response should be amended to reflect this and would speak to officers about the phraseology of the letter before it was referred to Cabinet.

The Assistant Director said the response only acknowledged Braintree's position. Officers were not yet in a position to recommend where the housing would be distributed across the district. In terms of the single settlement site, all options were still being considered.

Councillor Barker said that at a recent Duty to Cooperate meeting, officers from Braintree DC had confirmed that the 'west of Braintree' development would still be viable as a stand-alone option.

The working Group AGREED to note the proposed response and recommend that the Cabinet comment on the Braintree District Council preferred options document as set out in the appendix to the report

PP22 LOCAL PLAN CHAPTERS

The working group received three of the draft chapters for inclusion in the new Local Plan: Environmental Protection, Development in the Countryside, and the Historic Environment and Natural Environment. A further member workshop had been arranged for 31 August to discuss the development management policies. Councillor Lodge had a number of questions, but said he would raise these at the workshop.

PP23 LOCAL PLAN TIMETABLE

The Assistant Director Planning said he had recently met with DCLG to discuss the proposed project plan/timetable for the Local Plan. It was clear from that meeting that there was no flexibility with the deadline and UDC had to submit its Local Plan by the end of March 2017, to avoid the risk of Government intervention. He suggested the following timetable of meetings to the end of the year, which although tight, was achievable and the only way to meet the submission deadline.

In answer to Members questions, it was confirmed that the Transport Study would be sent to the working group members as soon as it was available. The Gypsy and Traveller plan would also form part of the documentation.

7 September	Member workshop
13 September	PPWG
September	Public exhibitions in Dunmow, Saffron Walden and Stansted
11 October	PPWG Workshop
25 October	PPWG
26 October	Cabinet
31 October	Scrutiny?
1 November	Full Council
2 November	Start of Reg 19 consultation

The meeting ended at 8.30pm

ACTION POINTS

PP19 Project Plan	To provide a copy of the project plan for the next meeting To attach Cllr Lodge's letter and officers' response to the minutes and include this as an agenda item for the next meeting.
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Minute PP19 – Letter from Councillor Lodge and Officer’s reply

Dear Howard

Planning Policy Working Group

Following the June and July Workshop, PPWG, Cabinet and Full Council decisions to adopt a Hybrid Strategy including a New Settlement, Officers have suggested a Distribution Strategy without evidence or serious analysis.

I am surprised then that this Strategy has since been distributed to towns and villages as an apparently finalised plan at this stage in the Local Plan preparation process. As you will be well aware, many of the key Evidence Studies are uncompleted, and indeed some of the key documents, such as the overall Transport Assessments, are at a very early stage of preparation. You will equally be well aware that no evidence has been put before the Planning Policy Working Group to justify any housing distribution strategy, nor have any alternative strategies been produced or considered by the PPWG.

Comment

I assume the reference here is to the letter of July 27th sent to all town and parish councils. The letter is not in any way prescriptive and makes it clear that officers are only suggesting the potential distribution of housing between towns/villages and new settlement(s) and not specifying any specific housing target for individual towns and villages. The fact that we are asking for suggestions for sites from town and parish councils shows that nothing is finalised.

The letter is clear that “the Council has yet to make a decision as to where these sites should be allocated” it continues “to provide some context, at this stage officers are considering that

The two towns of Saffron Walden and Great Dunmow could provide sites to deliver between 600 - 750 dwellings each.

There are 7 key villages, one of which is in the Green Belt, which could provide between 30-70 dwellings each.

There are 19 Type A villages some of which are in or on the edge of the Green Belt and some have no suitable sites submitted. Officers consider that the remaining Type A villages could provide between 10-20 dwellings each.”

Furthermore, “parishes must be aware that there has to be some flexibility in the distribution of these dwellings across the towns and villages” and finally “Your comments will be taken into account in the preparation of the Local Plan which will be subject to consultation and governance at UDC before finally being the subject of an independent examination.” None of this can possibly be construed as predetermining housing distribution across the District.

All very interesting, but the numbers are clearly highly indicative, and there is no evidence base to support them. Why have UDC put these numbers forward if they are totally theoretical? Of course it shows that UDC have made their conclusions now – and the letter says that is where officers currently are thinking.

There will be a full inclusive discussion and debate of all potential allocations and the new settlement at PPWG, Cabinet and Council. When? And why was this not done before these numbers were put out to the public. He doesn’t address the point at all about PPWG having been completely ignored in this process

As you will be well aware since the failure of the last draft Uttlesford Local Plan, all Local Plans need to satisfy the requirements of the NPPF and in particular be evidence-based and be the best option when considered against the reasonable alternatives. The last draft Local Plan failed because it was not evidence-led, but politically driven, there was no highways evidence to justify the proposal for large-scale housing at Elsenham, there was no evidence that acceptable highways proposals could make further building in Saffron Walden sustainable, and there was no proper audit trail to demonstrate that the spatial strategy was the best when compared against the reasonable alternatives. I would refer you to, for example, paragraphs 2.27, 3.6 and 3.10-3.12.

Comment

The new Plan will be evidence based. But it's clear that it won't be as these numbers have been put out without waiting for the evidence. There is a transportation study nearing completion. A sustainability appraisal was undertaken at issues and options stage – but that SA didn't consider any of these options - and further SA/SEA work has been commissioned – what work has been commissioned and when? What are the terms of reference? What alternative scenarios are being considered for the SA and how were they chosen? Why was the PPWG not consulted before any of this was considered? before decisions are made about the policies and proposals to be included in the draft Plan. Whilst the Inspector raised concerns about the transport implications of the Elsenham proposals he felt that there was a highways solution that could facilitate development at Saffron Walden. So this is here effectively confirming that we have predetermined that development will be in SW. This is completely improper. At this stage, UDC should be looking at the evidence to determine the most sustainable allocation overall; instead, it's clear from this it has been decided that SW will be developed, and is just looking for justification

You had assured the Council that a proper, open and transparent process, which would accord with the NPPF requirements, would be followed this time. Instead we appear to be repeating our mistakes. There is a large amount of evidence outstanding, no alternative spatial strategies have been considered except in the very broadest terms, of whether or not a new settlement should be included, and no comparative sustainability assessments have been produced.

Comment

The principle of a new settlement was considered and agreed by PPWG, Cabinet and Full Council on the basis of a full report. Five potential distribution options were also considered in open public forum. This doesn't answer the question. The 5 alternatives were incredibly broad, and there has been no discussion of the alternatives within Option 5 (ie new settlement and some development elsewhere)

Yet despite all of this, UDC has managed to produce a draft Spatial Strategy setting out in very clear detail its proposed housing distribution, the split between new settlement and existing settlement allocations, and even the detailed split between existing allocations. I would repeat that no evidence has been produced to the PPWG to support any of the allocations proposed in the July 27th draft strategy.

Quite apart from the lack of compliance with the NPPF, the issue of the July 27th draft strategy raises serious concerns about the way that the Planning Policy Working Group, which is in theory the UDC body charged with overseeing the preparation of the draft Local Plan, has been completely side-lined. Nothing in the July 27th document, beyond the proposal to consider the inclusion of at least one new settlement in the spatial strategy, has been put before the PPWG previously, nor have any alternatives been analysed.

Comment

See observations above. There will be a workshop and exhibitions in September to consider issues further. That's too late! The question has been ignored, and is just saying that there will be a public workshop once all has been decided

In terms of the outstanding evidence to support any Local Plan, I would note that much, if not the majority of supporting evidence has still not been received. In particular:

- There is no Air Quality study for the district, and no updated study in relation to the unlawful pollution levels in Saffron Walden. As you will be aware, the last study was produced in 2013, and predicted that air pollution levels would remain above legal limits and that the proposed housing allocations to Saffron Walden would worsen pollution, as indeed would ECC's proposed highway "improvements". That study noted that further work would be necessary. As far as I am aware, none has been carried out, and I have not even seen draft Terms of Reference for such a study being tabled at the PPWG. Given the AQMA covering the whole of central Saffron Walden and the increased pollution levels predicted by every new development, including those already approved by UDC, a concrete plan to reduce air pollution must be an absolute pre-requisite to any housing allocation in Saffron Walden. Yet the July 27th distribution proposes 600-750 new dwellings in Saffron Walden, without any air quality assessment whatsoever;

Comment

Up to date information on the current state of air quality in Uttlesford was published in June 2016 (2016 Air quality annual status report). It shows an improving picture, including in the AQMA in Saffron Walden. A further air quality assessment will be commissioned once site allocations begin to be identified. This will assess whether mitigation strategies are necessary to inform any plan policy requirements. The letter of July 27th does not "propose" new dwellings in Saffron Walden for the reasons set out in the first comment. Yes it does, it clearly states that officers are currently considering those allocations. The UDC proposals are the wrong way round. The AQA should be part of the evidence base to decide what is the most sustainable option. Instead, as last time, UDC are going to decide where to build and then use the AQA to mitigate

- There is no Employment Land Review. The PPWG has had no update on the status of the draft Review, and has seen no drafts of it. Nor is there any employment strategy, even in draft. As you know, paragraph 158 of the NPPF requires that the strategies for employment, housing and other uses in Local Plans are integrated. It should therefore be impossible to have a housing distribution strategy without first having an employment review and an employment strategy developed in tandem, and fully integrated with it;

Comment

The findings of the Employment Land Review will be presented to PPWG on 23 August. The Local Plan will align housing and employment strategies. So why have the officers already decided the allocation before this is done?

- There is no Infrastructure Assessment or Plan. As far as I am aware, there has been no consideration whatsoever of necessary or desirable infrastructure in connection with any new Local Plan. Nor was there any proper infrastructure plan with the failed draft Local Plan, so we have nothing even as a starting point;

Comment

Work has already been undertaken by Essex County Council to assess the infrastructure requirements of major development proposals. A full Infrastructure Development Plan has been commissioned that will build on this work, assess the infrastructure requirements of the proposals in the Plan and ensure that allocations are deliverable. When was it commissioned? What are its terms of reference and why were they not first presented to the PPWG? Again, this is too late – the Infrastructure Plan should inform the decision as to which allocations are most sustainable, not just be used once the allocation decision has been made

- There is no Highways Assessment and no Transport Assessment, and no comparative study of the respective transport merits of particular potential allocation sites. A Transport Assessment has been commissioned, but I understand that it has a very early stage, and that ECC Highways are still gathering the underlying evidence to be able to prepare modelling. Given that the 2013 draft Local Plan failed in part because of the impossibility of installing robust transport links for the proposed allocations in Elsenham and Saffron Walden, I find it surprising that UDC should again be putting forward a spatial strategy without transport evidence;

Comment

The Council has commissioned its own Transport Study which has undertaken an in depth analysis of various strategic development scenarios and strategic site allocations. When was it commissioned? What are its terms of reference and why were they not first presented to the PPWG? Its findings will be presented to the Member Workshop on 7 September and then PPWG on 13 September. Again, this is much too late – it should be part of the evidence base

- There is no updated Retail Study;

Comment

There is an updated retail study. We have preliminary findings and will present the final report to PPWG. Again - When was it commissioned? What are its terms of reference and why were they not first presented to the PPWG? How have the 27 July numbers been arrived at when it hasn't been completed?

- There is no updated Water Cycle Study. It is vital that such a study is available to feed into the plan and that it is robust. The previous Water Cycle Study was seriously flawed in that the Stage 1 outline study effectively dismissed various options but the more detailed Stage 2 study then included them as possibilities. Not only was that process nonsensical but it was effectively over-ridden by subsequent more detailed technical assessments which made the study meaningless. I have seen nothing new however for this draft Local Plan;

Comment

An updated Water Cycle study has been commissioned. It will be complete before the Plan is published. Again - When was it commissioned? What are its terms of reference and why were they not first presented to the PPWG? The new draft Local Plan preparation has been informed by the previous study. But that is out of date; this confirms that the new Plan isn't being informed by the updated study, but by the old one, in breach of the NPPF requirement to use up to date evidence

- There is no education strategy. As you know, education strategy has failed the district for the last 5 years, and the policy of encouraging distributed relatively small-scale development has exacerbated the lack of school places, and resulted in more and more restrictive catchment / priority admission areas, and increased the distances needed to travel to schools. The 27 June draft spatial strategy is not in any way that I am aware, integrated with any education strategy. The changes to s.106, prohibiting pooling from more than 5 developments, has meant an immediate drop in education contributions from developers. The current failure to plan for a CIL-based approach

would mean that any spatial strategy with significant amounts of distributed housing, as apparently currently favoured, would result in ever-increasing shortages of education contributions;

Comment

We have liaised closely with the County Council's Infrastructure Delivery Department throughout the preparation of the Plan. We have consulted with them on all potential site allocations to ascertain if there are any school capacity issues. That is not an education strategy. Where is the results of this and the ECC advice? Why has it never been put before the PPWG

- There are no Sustainability Assessments at all on any proposed spatial strategies. Indeed there are not even any reasonable alternatives to the 27 June draft spatial strategy on which to prepare a Sustainability Assessment.

Comment

See observations above relating to sustainability appraisals. Doesn't answer the question. What are the alternative strategies being considered?

I am sure that there is other outstanding evidence which I have missed. I also can't find amongst the documents previously submitted to the PPWG a comprehensive list of the studies which have been or are being prepared in connection with the Local Plan drafting.

In terms of the lack of alternative strategies, you should be well aware that paragraph 182 of the NPPF requires that "the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence". I have discussed above the lack of proportionate evidence. In terms of the July 27th distribution strategy being the most appropriate strategy, no reasonable alternatives have ever been considered by the PPWG, and nor as far as I am aware have they been considered by anyone else.

appropriate strategy, no reasonable alternatives have ever been considered by the PPWG, and nor as far as I am aware have they been considered by anyone else.

The presentation from Mr Fox of 12 July 2016 set out the need for UDC to plan for 12,500 new homes to be built in the period 2011 – 2033, of which some 2,468 have been built. That leaves just over 10,000 new homes to be built in the period from now to 2033. As the presentation states, 850 will be windfall allocations, 4,600 have already been given planning permission and roughly 4,600 remain to be allocated. All of the sites already allocated are in or adjacent to existing settlements, and I assume that substantially all of the windfall sites will be also. The July 27th draft strategy proposes an allocation of 2,800 new homes to one new settlement, and the remaining 1,800 new homes to existing settlements. Of the 10,000 new homes to be built in the period to 2033, UDC is therefore proposing that 7,200 are in existing settlements and 2,800 in a new settlement.

I have never seen any justification for this strategy, and I am not aware that one even exists. I have equally never seen any reasonable alternatives to this draft strategy, and again am not even aware that any exist. To give just a few obvious alternative scenarios:

- Why are 72% of new homes being allocated to existing settlements and 28% to a new settlement? Why not for example 50% to each, or some other proportions? Where is the comparative sustainability assessment of the alternatives?
- It is proposed that only 2,800 new homes are allocated to a new settlement in the next 17 years. UDC has consistently said that the absolute minimum housing allocation for a new settlement would be 3,000 new homes, at least in part to justify a new secondary school, and probably 4,000-

5,000. Why has UDC's approach changed suddenly, and where is the evidence to support it? Why does the new settlement option include a 2,800 allocation? Why not 3,000 or 3,500 or 4,000 or indeed any other number?

- Is there only one proposed new settlement? Previous proposals have suggested that a sustainable alternative would be to have 2 new settlements, for example one in the north of Uttlesford and one in the south, which could then be expanded in the next Plan period. Yet this does not appear even to have been considered?
- What drives the extremely blunt allocations between the larger towns and the smaller villages? They are very different from what was considered sustainable in the 2013 draft Local Plan, for no obvious reason?

Comment

See above observations regarding the distribution strategy. The potential 2,800 figure for a new settlement purely relates to the lifetime of the Plan. New settlements could continue to grow beyond that period to create the critical mass necessary to deliver the requisite physical and social infrastructure. No decision has been taken about how many new settlements there will be. Members will consider this in September/October.

Again, the questions effectively ignored – why have the officers put the numbers they have into the 27 July letter and not any others? If nothing has been determined, what is the basis for the SAs? They must consider potential scenarios, and the NPPF requires a comparative sustainability analysis of all the reasonable options, so has this yet been commissioned, and what options are being considered?

Clearly I could come up with other perfectly reasonable alternative scenarios. My aim is not to give an exhaustive list but to demonstrate that no such alternatives have ever been considered by the PPWG, no comparative sustainability work has ever been published, and as far as I am aware no alternatives have even been prepared. If I am wrong in any of this, I should be grateful if the Planning Team would provide the documents to me as a matter of urgency; I have copied Mr Fox into this letter, and would ask him to provide me with any such documents, or confirmation that no such analysis has yet been performed. If any such analysis has been prepared, please also provide the associated assessments of related impacts on, for example, education, health and transport impact and employment strategy.

Comment

See above observations. Completely ignores the question. Where is the analysis of other options

As I said at the start, I am disappointed that we have got to this position. I am writing to you now in good time before the next PPWG meeting, and ask that that meeting should as a matter of urgency:

- Consider the issues I have raised. I request that this letter be tabled as a formal agenda item, and that consideration of all the above issues be a major part of the meeting;
- Be given a detailed list of the evidence base which will support the Local Plan, with a description of which documents already exist, what evidence is still to be prepared, and the dates on which such evidence is expected to be received;

Comment

This can be provided for you. So why hasn't it already, and why has the PPWG been completely side-stepped?

- Be provided with a list of reasonable alternative spatial strategy scenarios, a detailed assessment of each, and details of which will be the subject of comparative sustainability assessments, and why, and the timescale for their production;

-

Comment

See above observations. This doesn't address this question, as we've said repeatedly above

- I have repeatedly asked for a CIL timetable, consistently this has been delayed and at the last meeting the PPWG referred to historic UDC policy to retain a s.106 approach. Given that s.106 has been made consistently less attractive as the Government seeks to push councils to adopting CIL, and given that the NPPF specifically requires that where practicable (and in our case it presumably is), a CIL costing be prepared in conjunction with the draft Plan. I would have assumed that at least an outline CIL costing would have been an essential part of each alternative spatial strategy, so we can see what associated level of infrastructure could be provided. As we are all too well aware, the current spatial strategy has resulted in very little new infrastructure, and changes to s.106 have made the position worse;
- An explanation of how and why the July 27th was arrived at, and particularly why it was issued in the absence of so much supporting evidence;

Comment

See above commentary relating to July 27th letter. The above commentary gives no information on how the 27 July allocation was arrived at, what alternatives were considered and why it was arrived at in the absence of the evidence base

- An explanation as to why the PPWG appears to have been completely side-lined in relation to the draft spatial strategy.

Comment

The PPWG have been engaged fully to date in considering the evidence base and adopting a preferred distribution strategy. They haven't been involved in any of the reports above; they have had no evidence which would justify the 27 July allocation and they have seen no alternatives; they weren't consulted at all on the 27 July allocation The Group will have a key role in contributing to the decision on specific site allocations and the location of a new settlement(s). ie they won't be involved at all on the spatial strategy

Throughout the functioning of the current PPWG we have struggled to get a sensible work plan and scope of work through to the final production of the Plan. With the current timetable we are in serious danger of failing to follow due process and hence give cause for the Inspector to fail our plan again. I feel that even though we are under pressure from government to deliver an early Plan, we now need to seriously consider delaying the timetable until we can be assured of that proper process. I would like to request this also as an item at the next PPWG.

Comment

At present we are on track to comply with the timetable set out in the Local Development Scheme. There are no reasons to deviate from it at this stage. Recent advice from Communities and Local Government is that we should continue with our current timetable, otherwise we risk being "blacklisted", put into special measures or have a plan imposed on us. It is therefore my view that although extremely challenging the current local plan timetable must be adhered to. The current timetable can only be adhered to if decisions are taken before the necessary evidence-base is compiled, which is what is happening

Minute PP21 - Braintree Local Plan – Statement by Mr Nick Buhaenko-Smith



Thank you for allowing me to speak at this session.

As an introduction, my name is Nick Buhaenko-Smith and I am resident of Uttlesford. I am also here as a representative of SERCLE (Stop the Erosion of Rural Communities in Essex).

To provide some background, SERCLE was established in summer 2016 and continues to steadily grow with support from residents from several parishes, on both sides of the UDC/BDC boundary.

Its primary objective is the opposition to BDC's presumption that a new town **WILL** be built at the "West of Braintree". One that crosses the district boundary into Uttlesford.

Even at this early stage, as an indication of our resolve and commitment, you may want to review the responses of residents in relation to this new town in BDC's local plan consultation.

Beyond those responses, SERCLE have also identified significant issues in BDC's commitment to this new town in areas such as non-adherence to UK and Local planning policies, and the principles of the TCPA.

It with these developing arguments and many others we have identified, along with support from external organisations, that SERCLE will seek to show this development is both inappropriate and unsustainable.

However, it with regard to BDC's presumptive attitude that I ask UDC for their opinions on the following 4 points:

- BDC are promoting this site as a certainty and have proposed a total number of houses of 13,000 with a significant portion in Uttlesford. Has BDC any grounds to make these claims on UDC's behalf?

www.facebook.com/sercle.org

- In the planning policy meeting dated 25th May 2016, the leader of the BDC stated with respect to the two proposed new towns in the Braintree district, and I quote:

"In respect to the two sites, I will be particularly interested in the one coming forward for West Braintree because the largest employer in the district is Stansted, and whether we like it or not, Stansted airport is not going to decrease, it isn't going to shrink, it's going to grow in size and it's going to become more and more a major employer for this part of the country, and wouldn't it make sense to developing housing to close to one of the major airports in this country. So I think it is well worth looking at West Essex."

- I, and maybe the council also infers from this quote, that BDC may be looking to meet it's housing requirements with this site but expecting Stansted to meet the employment requirements?
- Also given the proximity of the site to the UDC border and BDC expecting employment to head west, initially along the B1256, what is UDC's opinion to BDC shifting it's transport issues onto this council?
- Finally, if the council is aware of these issues and have been discussing with BDC why is there no publically available documents nor virtually no mention in any planning meetings? Given the statements from the council after the rejection of the last plan, surely the transparency on the topic of "duty to cooperate" is essential?

Committee: Planning Policy Working group

Agenda Item

Date: 13 September 2016

7

Title: Uttlesford District Council Retail Study Update 2016

Author: Alan Gillham Principal Policy Planner

Summary

1. The above Update to the 2014 Retail Study is required to ensure latest information available to inform decisions that impact on retail centres.

Recommendations

2. The Uttlesford District Council Retail Study Update 2016 is noted by PPWG.

Financial Implications

3. None

Background Papers

4. There are no background papers.

Impact

- 5.

Communication/Consultation	N/A
Community Safety	N/A
Equalities	NA
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	N/A
Ward-specific impacts	All
Workforce/Workplace	N/A

Situation

6. An Update to the 2014 Retail Study is required to ensure the latest information is available to inform decisions that impact on retail centres and ensure a town centre first approach compliant with national retail policy. New features of the update include;
 - New Household survey of shopping behaviour replacing the 2010 survey
 - Study area enlarged to cover relevant impacts of larger centres outside the district
 - More zones within study area to identify spheres of influence of different centres with new zones to north and south of the district

7. The study update shows the district;
 - Well provided with food shopping facilities with the market towns capturing a high proportion of the districts food spend
 - Saffron Walden has increased its capture of food spend following the opening of new food facilities especially the Aldi superstore
 - Less reliant on car for food shopping
 - Meeting significant non-food needs especially for every day goods albeit almost all via Saffron Walden but under pressure from larger centres
 - Heavily reliant on larger centres of Cambridge, Chelmsford, Bishops Stortford, Harlow, and Braintree for most non-food higher order goods
 - More reliant on car for non-food shopping

8. On new retail needs the 2016 Study update found;
 - Food floorspace capacity arises at 2026 for a small to medium sized foodstore in both Saffron Walden and Great Dunmow
 - Capacity for additional non-food floorspace in Saffron Walden in 2026, amounting to 5,000 sqm net but no such capacity in Great Dunmow
 - Caution needed on setting floorspace requirements beyond 2026 to take account of market volatility/provide a town centre first approach in line with national policy

The study update is available via the PPWG web page.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
The new Local Plan may be found unsound if it has not been prepared in accordance with up to date and robust evidence.	Low	3. If the Plan is found unsound, there will be delay and uncertainty.	Ensure that the evidence base is kept up to date and refreshed as necessary.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Committee: Uttlesford Planning Policy Working Group

Agenda Item

Date: 13 September 2016

8

Title: Draft Local Plan Chapters

Author: Richard Fox, Planning Policy Team Leader

Item for Information

Summary

1. The appendix sets out the Strategic and Development Management Policies for inclusion in the new local plan.

Recommendations

2. To comment on the draft Chapters

Financial Implications

3. None

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

Impact

- 5.

Communication/Consultation	Internal consultation with Development Management
Community Safety	N/A
Equalities	N/A.
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	N/A
Ward-specific impacts	All
Workforce/Workplace	N/A

Situation

6. The local plan will contain a number of Strategic and Development Management policies which will guide decision making on applications for planning permission.
7. The starting point in drafting the Chapters was the text and policies proposed in the withdrawn local plan, the Inspectors questions and comments on the withdrawn plan, government policies and legislation and meetings with development management team and housing strategy and conservation officers.
8. Members have already had the opportunity to comment on the first draft of the Development Management Policies at the Working Group on 9 June. Workshops have also been held to discuss the policies on 22 June and 31 August.
9. The appendix sets out the text and policies for the following chapters. The strategic policies on employment, retail and housing will follow after consideration of the relevant studies.
 - General Development Principles
 - Employment Strategy (Development Management Policies only)
 - Retail Strategy (Development Management Policies only)
 - Housing Strategy (Development Management Policies only)
 - Environmental Protection
 - Development in the Countryside
 - The Historic Environment
 - The Natural Environment
 - Access Strategy
 - Infrastructure
10. Amendments to supporting text and policies have been suggested as well as deletion of policies and introducing new ones.

Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
If the Council does not have NPPF compliant up to date policies the Local Plan could be found unsound	1 - Low	Delays in adopting the Local Plan	Making sure that the policies are up to date and in accordance with the relevant regulations and NPPF.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

GENERAL DEVELOPMENT PRINCIPLES

Introduction

This document is split into a number of different chapters. Each chapter contains the strategic policies and development management policies which would be applied to that particular type of development or location within the District. Detailed policy requirements for individual sites are set out in the Site Allocations policy section. All development will need to comply with the overarching policies below:

Presumption in Favour of Sustainable Development

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is also a material consideration in planning decisions and sets out what sustainable development means in practice for the planning system. This includes building a strong responsive and competitive economy, supporting strong vibrant and healthy communities and protecting and enhancing the natural, built and historic environment, improving biodiversity, using natural resources prudently and minimising waste and pollution. These principles will be taken into account in considering applications for new development in accordance with the following policy.

Policy SP1 – Presumption in Favour of Sustainable Development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- **Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or**
- **Specific policies in that Framework indicate that development should be restricted.**

Development Limits

The principles of sustainable development generally mean that development will be directed to the towns and villages. Development Limits are used in this plan to define the boundary between the towns and villages and the countryside beyond. In order for development within Development Limits to be acceptable it will have to comply with the following policy.

Policy SP2 - Development within Development Limits

Development will be permitted on land within development limits if:

- a. **it is in accordance with any existing allocation;**
- b. **it would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting;**
- c. **it protects the setting of existing buildings and the character of the area;**
- d. **development provides adequate amenity space and does not result in an unacceptable loss of amenity space**
- e. **it does not result in any material overlooking or overshadowing of neighbouring properties;**
- f. **it would not have an overbearing effect on neighbouring properties; and**
- g. **it would not result in unreasonable noise and/or disturbance to the occupiers of neighbouring properties by reason of vehicles or any other cause.**

Quality in Design

Achieving successful new development depends on how enjoyable it is to live or work in or visit, how easy it is to find your way around and how safe you feel. This results partly from how the buildings and spaces relate to each other and their surroundings and how attractive the development is and how it fits in with surrounding development.

An important element of making high quality places is to make sure that new buildings are fit for purpose, well designed and appropriate to their location and setting. The Council will expect the design of new development to reflect any design or other guidance which has been approved by the Council e.g. Essex Design Guide, Village Design Statements and for development within Conservation Areas, the Conservation Area Appraisals.

It is important that buildings to which the public expect to have access are designed to be accessible to everyone. New buildings also need to be designed in an adaptable way to make sure there is flexibility in their potential use and function over the life of the building. ~~Homes, in particular will need to be designed in accordance with Lifetime Homes and Lifetime Neighbourhoods standards so that they can be adapted to accommodate any changing circumstances of the occupiers.~~

Policy DES1 – Design

New development will be approved if it respects the historic character of towns and villages within the district and specifically within the locality of the development, including their layout, built form, open space, views and landscape setting.

The Council will assess detailed proposals to make sure the following issues have been addressed:

Siting and Layout: The design should be based on an appraisal of the site and its wider setting, be designed to the latest Lifetime Neighbourhood standards and reflect the relevant design guidance approved by the Council.

Density, scale, form and massing: The density, scale, form, massing and height of a development must be appropriate to the local context of the site and to the character of the surrounding streetscape/landscape.

Design and materials: The detailing and materials of a building must be of high quality and appropriate to its wider context. New development should employ sustainable materials, building techniques and technology where appropriate.

~~**Accessibility:** The development should meet the highest standards of accessibility and inclusion for all people regardless of disability, age or gender. New dwellings should be built to the latest Lifetime Homes standards~~

~~In developments of 10 units or more 5%, rounded up to the nearest whole unit should be designed to Wheelchair Accessible Home standards. The design should also promote accessibility by linking places to each other so that people can move easily between homes, shops and services, preferably on foot or by cycle.~~ New housing must be designed and constructed in a way that enables it to be adapted to meet the changing needs of its occupants over time. For this reason the Council requires xx% of new housing on sites of 10 or more dwellings to meet the optional Building Regulations Requirement M4(3)(2)a.

Crime prevention: The design and layout of development should be safe and secure, with natural surveillance. Measures to reduce the risk of crime and anti-social behaviour must not be at the expense of overall design quality; and

Adaptability: Developments should be capable of adapting to changing circumstances, in terms of occupiers and use. In particular, homes should be adaptable to changing family circumstances or ageing of the occupier. New dwellings must be built to the optional building regulations standards (part M4(2)).

~~**Climate Change:** Development should be capable of adaptation to cope with the effects of climate change. Development must embrace the use of high quality design including sustainable, renewable resources of energy and low emissions technology and enhance Green Infrastructure.~~

EMPLOYMENT

The employment SP policies will be drafted once allocations are discussed.

The draft DM policies for this chapter are as follows:

Existing Employment Areas

The policy identifies the existing and proposed employment areas which are to be retained in these uses. The policy also sets out the requirements that would have to be met in order to warrant making an exception to the policy of retention and permitting changes of use to non-employment uses.

Policy EMP1 – Existing and Proposed Employment Areas

Existing and proposed employment areas identified as such on the policies map will be safeguarded for offices, warehouses, factories and physically similar ‘sui generis’ uses. Planning permission will only be granted for the change of use or redevelopment or extension of sites or premises in these areas for uses other than those identified above in exceptional circumstances where all of the following criteria are met:-

- a. the proposed use provides an essential community benefit which demonstrably cannot be located elsewhere within the area it serves;**
- b. the proposed use would not conflict with any existing or potential other employment uses in the employment area in terms of environmental, traffic generation or any other planning matters; and**
- c. where the applicant is able to provide demonstrable proof that the employment use is no longer viable. The non-viability of employment uses would need to be proven either by marketing or an independent assessment in accordance with the requirements set out in Appendix 3.**

None-Estate Employment Uses

A significant number of employment uses in the District are not on industrial estates which reflects the predominantly rural and dispersed nature of the district. Examples include factories or storage depots in residential areas or situated along main road frontages in towns and villages. Such uses may be relatively small or quite large and make an important contribution to the local economy so it is desirable that they be retained if at all possible. But such uses may come under considerable pressure for redevelopment and a change of use, usually to housing, which realises an enhanced land value. Whilst such pressure will be resisted in the interests of the local economy, there will be certain instances where an exception to this rule is warranted. The following policy sets out the overall approach to such uses and the circumstances in which such exceptions may be acceptable.

EMP2 – Non Estate Employment Use

Employment sites located outside the identified employment areas but within development limits should be retained for employment use. Exceptions to this may be permitted where the applicant is able to provide demonstrable proof that the employment use is no longer viable.

The non-viability of employment uses would need to be proven either by marketing or an independent assessment in accordance with the requirements set out in Appendix 3.

RETAIL

The retail SP will be drafted once allocations are discussed.

The draft DM policies for this chapter are as follows:

Town and Local Centres

Supporting text

The town centres of Saffron Walden and Great Dunmow and the local centres of Thaxted and Stansted are identified on the policies map. Retail uses in Stansted are split between two locations—Cambridge Road and Lower Street and policy RET1 will apply to both. For the purposes of this policy, town centre uses are defined under the National Planning Policy Framework as including retail, leisure, commercial, office, tourism, culture, community and residential development needed in towns. The Town and Local Centres include Primary and Secondary Shopping Frontages. The Primary Shopping Frontages are the main shopping streets which attract the most shoppers and therefore the Council wish to retain Class A1 shops along these streets. The secondary shopping frontages extend from the primary shopping frontages to the edge of the town or local centre and provide a mix of town centre uses. The Council will expect details of the marketing to be submitted with any application for the change of use of ground floor units along the primary shopping frontages to non A1 class uses. The requirements for marketing are set out in Appendix 3.

Residential uses can add to the vitality of the town centre and the Council will support the change of use of upper floors to residential within the centres. Mixed schemes on development sites could also include a residential element but the council would expect to see town centre uses at ground floor level on the street frontage.

Tourism is an important economic activity in all centres as a result of visitor attractions like Audley End House on the edge of Saffron Walden, the Guildhall in Thaxted and the Castle in Stansted Mountfitchet. Events like the Music Festival and Morris Weekend in Thaxted and the open air concerts at Audley End House also attract significant numbers of visitors. Development which supports this tourism function like galleries, craft workshops, cafes, bed and breakfast accommodation would be appropriate development within the centres.

RET1 – Town and Local Centres and Shopping Frontages

Along Primary Shopping Frontages as identified on the policies map, change of use of the ground floor to non A1 uses will only be permitted if the applicant is able to demonstrate that the unit is not viable as an A1 shop use.

Along Secondary Shopping Frontages as identified on the policies map change of use of A1 shop units to town centre uses of retail, leisure, office and other main town centre uses will be permitted.

Along both Primary and Secondary Shopping Frontages change of use to residential will be allowed on upper floors. Mixed use schemes with a residential element will be appropriate within the town and local centres.

Development that would contribute to the tourism function within these centres will be supported where it preserves or enhances the character of the townscape.

Loss of Shops and Other Facilities

Supporting text:

Within the towns, but outside the designated town and local centres and in the villages, individual shops, small parades of shops and other facilities like public houses, places of worship, village halls and health services provision are important to the local communities they serve. Some villages also have specialist outlets like antique shops, garden centres, restaurants etc which may contribute to the tourism economy. There have been continued losses of services in recent years through conversion to other uses, mainly housing. It is important to recognise that some facilities perform a number of functions and their closure could result in a significant loss to the community and more travel as a result e.g. rooms in pubs or places of worship used by local groups as meeting rooms, children's nurseries etc.

The Council is generally unable to prevent the loss of these facilities unless planning permission is required e.g. for a change of use. Where planning permission is required the Council will apply the tests in Policy RET2 below. Applicants will be required to demonstrate that the use is no longer viable. The requirements for marketing etc are set out in Appendix 3. It is important that communities make good use of local facilities to make a sound case for refusing changes of use. The policy below will apply to all services and facilities. Facilities which the community feels are important to their social well being can be listed as Assets of Community Value. Where these facilities are listed as an Asset of Community Value additional requirements apply as set out in Appendix 3.

RET2 – Loss of 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:

- ~~a. the retail function is restricted to convenience goods/food;~~
- b. the proposal is of a size compatible with the catchment area it is intended to serve;**
- c. the site is well related to the village and has the potential to reduce the need for travel by car;**
- d. there would be no adverse impact on existing shops within the catchment area; and**
- e. there are no suitable alternative sites within development limits.**

New Shops in Rural Areas

Supporting text:

In villages where there is interest in opening a new shop the Council will allow provision outside development limits where no sites are available within the development limits, providing the chosen site is next to the village and residents can walk to the new shop. Applicants will be expected to define the catchment area which the new shop is intended to serve. If there are existing shops within this catchment area applicants will need to submit a report with the application showing what the likely impact (if any) will be on these existing businesses. The Council will encourage community run schemes and schemes which provide a mix of facilities which might include a shop, post office, meeting rooms, internet access etc and possibly local transport hub e.g. for community run transport schemes, and interchange for cyclists to use public transport. This policy does not relate to settlements which have a Town or Local Centre as identified on the policies map.

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:

- ~~a. the retail function is restricted to convenience goods/food;~~
- b. the proposal is of a size compatible with the catchment area it is intended to serve;**
- c. the site is well related to the village and has the potential to reduce the need for travel by car;**
- d. there would be no adverse impact on existing shops within the catchment area; and**
- e. there are no suitable alternative sites within development limits.**

HOUSING

The housing SP will be drafted once allocations are discussed.

The draft DM policies for this chapter are as follows:

Housing Density

Supporting text:

Density is a measure of the number of homes which can be built on a site. It is usually expressed in terms of the number of homes per hectare. It is important that the density of development is appropriate to the site to make sure the quality of the development is good, to make the best use of the land available and for sites on the edge of settlements to reduce the amount of greenfield land being used. Higher densities do not necessarily mean lower quality. Many of the central areas of the historic town centres are built to quite high densities. Density should depend on the character of the area and the types of development being proposed but the policy below should be taken into account when schemes are designed.

HO1 – Housing Density

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/or
- good quality design and layout

Housing Mix

Supporting text:

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.

HO2 – Housing Mix

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.

Subdivision of Dwellings

Supporting text :

The character of an area may be adversely affected by subdivision of existing properties or change of use to multiple occupancy as a result of on-street parking, the use of garden space for car parking, an increase in overlooking of adjacent properties and general noise and disturbance. If a dwelling is within a flood risk area, subdivision creating a ground floor flat could mean a flat being created with no access to a first floor level for refuge. The

potential adverse effects of the subdivision or multiple occupancy of residential properties will be controlled by the following policy.

HO3 – Subdivision of Dwellings and Dwellings in Multiple Occupancy

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:

- a) Sufficient car parking is provided in accordance with the Essex Parking Standards and Local standards;
- b) There would be no material overlooking of neighbouring properties;
- c) A reasonable amount of amenity space is available provided in accordance with the Essex Design Guide for the occupiers of the newly-created units
- d) ~~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~~
- e) The development would not have a detrimental effect on the character of the area by reason of:-
 1. On street parking; or
 2. The loss of garden space for use as car parking; or
 3. ~~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.

Residential Extensions

Supporting Text

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.~~

Policy HO4 – Residential Extensions

Residential extensions will be permitted if the following criteria are met;

- a. their scale, design and external materials respect those of the existing building;
- b. there would be no material overlooking, overshadowing of, or loss of daylight to, nearby properties;
- c. development would not have an overbearing effect on neighbouring properties;
- d. the extension will not lead to the over development of the site or cramped appearance of the development; and
- e. the extension will not lead to a detrimental impact on the overall character of the street scene.

New Policy

House Extensions and replacement Dwellings in the Countryside and the Greenbelt

Supporting Text

To help protect the character of Utilesford's countryside and its Greenbelt 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 or the openness of the Greenbelt through excessive scale, bulk or visual intrusion.**

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.

Residential Development in Settlements without Development Limits

Supporting text:

Infilling between existing dwellings and the development of other village sites often provide opportunities for the provision of additional homes. However, care should be taken to make sure such development is appropriate, well designed and well related to its surroundings.

This will be particularly important beyond development limits where the sensitive nature of these sites requires development only to be allowed where it will not adversely affect the local environment and where it will not lead to over development.

It is also important to safeguard the interests of residents in surrounding houses by making sure that residential amenity such as large gardens, privacy and the character of the area is maintained.

HO5 – Residential Development in Settlements without Development Limits

Proposals for small scale residential development on sites in settlements without development limits will be permitted if the following criteria are met:

- a. the setting of existing buildings, the natural and historical environment, and the character of the area are protected;**
- b. the resulting garden space is not unreasonably small;**
- c. the development would not have an overbearing effect or cause disturbance to neighbouring properties;**
- d. there would be no material overlooking or overshadowing of neighbouring**

properties; and

e. the resulting development would not result in unreasonable noise and disturbance to the occupiers of neighbouring properties from vehicles or any other cause.

Replacement Dwellings in the Countryside

Supporting text:

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 any planning permission.

HO6 – Replacement Dwellings in the Countryside

The replacement of existing dwellings will be permitted providing:

- ~~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.~~

Affordable Housing

Supporting text:

There are, and will continue to be, many households in Uttlesford lacking their own housing or living in housing that is inadequate or unsuitable, who are unlikely to be able to meet their needs in the housing market without some assistance.

For affordable housing to be relevant to those in housing need in Uttlesford it must be available, both initially and for subsequent occupancy, only to those with a demonstrable housing need.

This plan sets a target of;

- 40% of dwellings to be affordable on sites of 15 or more dwellings or 0.5ha **a build area of 1000sqm** or more;
- 20% of dwellings to be affordable on sites of 11-14 dwellings or sites of between 0.17ha and 0.49ha. In exceptional circumstances, the Council may accept an equivalent financial contribution to help deliver off site affordable housing. In these cases the applicant will be expected to demonstrate that the provision of affordable housing renders the development unviable.
- ~~a financial contribution to be provided on sites of 2-4 dwellings to help deliver off-site affordable housing.~~

~~This financial contribution will be based on the build cost of an affordable unit and will be subject to annual review. The Council will calculate the financial contribution as follows:~~

- ~~A four unit development would provide 80% of the build cost of an affordable unit.~~
- ~~A three unit development would provide 60% of the costs~~
- ~~A two unit development would provide 40% of the costs~~

The Council encourages meeting affordable housing requirements through one of its preferred Registered Providers (RP) who have the management abilities and local knowledge to effectively manage new affordable housing.

The percentage and type of affordable housing on any given site may be subject to negotiation at the time of a planning application, to allow issues such as site size, sustainability and viability to be considered. An appropriate mix of tenures and property size would need to be agreed and will be determined by local circumstances. The Council will set down in its Developer Contributions Guidance - available on the website. The tenure split, mix and distribution that it expects. Currently the tenure split is 70% affordable rented or Social Rented Tenure, 30% Shared Ownership Tenure. Affordable housing units will be normally be distributed throughout the development in clusters of no more than 10 units, depending on the size of the development.

Requirements for affordable housing provision can render some schemes unviable, especially when faced with a down turn in the housing market. The viability of schemes is a key consideration. It is the responsibility of the applicant to commission a viability study by specialists to be agreed with the Council to prove that the affordable dwellings requirement as set out in the policy will make their scheme unviable.

Where appropriate, consideration will also be given to the provision of specialist housing to meet needs in the District. Needs for specialist accommodation are identified in the Council's Housing Strategy and the Council will work with partner organisations to deliver the housing required.

HO7 – Affordable Housing (officers are still in discussions regarding this policy)
Developments on sites of 15 dwellings or more or a build area of 1000 sq. metres 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.

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 sub-divided, 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.

Affordable Housing on Exception Sites

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.

HO8 – Affordable Housing on Exception Sites

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.

Agricultural/Rural Workers Dwellings

Supporting text:

~~The erection of a new dwelling for someone engaged in agriculture or rural activity who has to be available on the holding at all times is one instance where new buildings may exceptionally be permitted in the countryside.~~

~~Applications for planning permission in such circumstances will need to demonstrate that the agricultural or rural enterprise, or intention to engage in one is genuine and will be sustained for a reasonable period of time that is sufficient to warrant a dwelling in the countryside where it would not otherwise be permitted. Applications should include clear evidence that the proposed enterprise has been planned on a sound financial basis. It will also be necessary to establish that the enterprise needs one or more full time workers to be readily available at most times, for example to provide essential care to animals or processes at short notice and to deal quickly with emergencies that could cause serious loss of crops or produce.~~

~~Such dwellings may be exceptionally permitted in open countryside only because of the needs of the enterprise. Before permission is granted there has to be a clearly established existing need.~~

~~In these cases dwellings will normally be modest in size, in line with the function of providing appropriate care, and be related to the needs of the holding in terms of its scale. The test is a stringent one. The application must demonstrate that new residential accommodation is essential for the enterprise, and not just convenient.~~

HO9 – Agricultural / Rural Workers Dwellings

~~An agricultural/rural workers' dwellings will be permitted if it meets the following criteria:~~

- ~~a. the dwelling is essential for the proper functioning of the enterprise to enable one or more full time workers to be readily available at most times;~~
- ~~b. the enterprise is economically viable to the extent that it can sustain the dwelling proposed;~~
- ~~c. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;~~
- ~~d. the size and location of the proposed dwelling is commensurate with the established functional requirements of the enterprise, rather than those of the owner or occupier; and~~
- ~~e. the proposed dwelling should satisfy other planning requirements including access arrangements, energy efficiency, siting and impact on the countryside and flood risk.~~

~~In granting planning permission the Council will:~~

- ~~1. make sure that the dwellings are kept available for meeting this need for~~

~~as long as it exists; and
2. remove the permitted development rights.~~

~~Removal of Agricultural or Rural Workers' Dwelling Occupancy Conditions~~

~~Supporting text:~~

~~The need for agricultural or Rural Workers' Dwellings may change from time to time with economic circumstances and some agricultural dwellings approved in the past have since become surplus to requirements. In order to maintain the credibility of this policy it is important that such conditions, once imposed, should remain in force unless it can be proved beyond doubt that the essential need no longer exists, both on the particular holding and in the locality. The onus will be on the applicant to demonstrate this in accordance with the guidance on marketing set out in Appendix 3.~~

~~HO10 – Removal of Agricultural / Rural Workers' Dwelling Occupancy Conditions~~

~~An occupancy condition restricting the occupancy of a dwelling to a person employed or last employed in agriculture or rural worker will not be removed unless the council is satisfied that:-~~

- ~~a. the long term need for the dwelling has ceased; and~~
- ~~b. there is no evidence of a continuing need for housing for persons employed or last employed in agriculture or other rural work in the locality.~~

~~Sites for Gypsies, Travellers and Travelling Showpeople~~

~~Supporting text:~~

~~Sites for Gypsies, Travellers and Travelling Showpeople should be provided in sustainable locations, which are not at risk of flooding and have access to health, education, utility services and other community facilities. Sites should be connected to the sewer network where reasonably possible. Funding for the provision of sites and plots may be sought as part of the developer contributions from strategic housing sites.~~

~~The Council is unlikely to grant consent for commercial uses in the countryside.~~

~~HO11 – Sites for Gypsies, Travellers and Travelling Showpeople~~

~~The Council will identify sites for Gypsies, Travellers and Travelling Show People in the Site Allocations Development Plan Document, or through the planning application process in accordance with the following criteria:-~~

- ~~a. sites should be located, designed and landscaped to minimise any impact on the natural, built and historic environment;~~
- ~~b. sites should have safe pedestrian access, and safe vehicular access to and from the public highway and allow for parking, turning and servicing of vehicles on site;~~
- ~~c. sites should not be located within areas at risk of flooding;~~
- ~~d. sites should be capable of being provided with drainage, water supply and other necessary utility services;~~
- ~~e. sites should be of an appropriate size to provide the planned number of caravans pitches together with amenity blocks, play areas, access roads and structural landscaping; and~~
- ~~f. in addition the plots for Travelling Showpeople should be large enough for the storage and maintenance of rides and equipment.~~

New Policy

Accessible Homes and Housing for Older People

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 or other types of older persons housing.

New housing must be designed and constructed in a way that enables it to be adapted to meet the changing needs of its occupants over time. For this reason the Council requires XX% of new housing on sites of 10 or more dwellings to meet the optional Building Regulations Requirement M4(3)(2)a: Wheelchair adaptable standard.

Only where circumstances exist where it can be demonstrated by the application that it is not practically achievable or financially viable to deliver will new development be exempt from this policy.

ENVIRONMENTAL PROTECTION

Introduction

This plan aims to reduce the use of resources and minimise greenhouse gas emissions by encouraging the supply and use of appropriate renewable energy and low carbon technologies.

The world's climate and weather patterns are changing. Global temperatures are rising causing more extreme weather events. In Britain the Climate Change Act 2008 established a long-term framework to tackle climate change. Its aim is to encourage the transition to a low-carbon economy in the UK through legally binding targets on carbon emission reductions. It requires Government to reduce greenhouse gas emissions by:

- cutting emissions by at least 34% by 2020 and 80% by 2050 - below the 1990 baseline;
- setting and meeting five-yearly carbon budgets for the UK during that period.

and

- requiring that those carbon budgets be set three budget periods ahead - so that it is always clear what the UK's emissions will be for the next 15 years.

Half of all the country's carbon emissions come from the energy used in constructing, occupying and operating buildings. A high standard of construction is therefore important if these targets are to be met. Sustainable design and construction takes account of the resources used in construction and also how buildings are designed and used. While consideration of energy and carbon impacts is important sustainable design and construction goes much wider than this and seeks to:

- minimise the use of resources (including energy and water)
- make sure that the built environment mitigates against and is resilient to the impacts of climate change

- protect and enhance biodiversity and green infrastructure
- provide buildings that are pleasant and healthy for occupiers and users
- make sure that materials come from sustainable sources; and
- minimise waste.

In relation to carbon emissions particular problems arise from the rural nature of the district which leads to dependence on private cars for transport and the use of high emission fuels for heating such as oil, liquid petroleum gas (LPG) and electricity. In 2011, the per capita emissions for Uttlesford District were estimated to be 10.2 tonnes of CO² compared with a total for Essex of 6.1 tonnes. The largest contributor to CO₂ emissions (6.00 tonnes) is road transport. (Source 2011 Local Authorities CO₂ emissions estimates, statistical summary)

Spatial planning must minimise carbon emissions if an overall reduction from the District is to be achieved. Other strategic policies try to encourage development, which, through its location and design has the potential to reduce the need to travel by car.

The supply of previously-developed land in the District is limited and brownfield sites will only make a relatively limited contribution to the delivery of the growth targets. In order to make the best use of available land resources, the Council will continue to encourage and support the re-use of previously-developed sites where these become available. By their very nature brownfield sites can be habitats for protected species such as great crested newts, owls and bats. Development of brownfield sites will need to take into account the requirements of Policy NE1. Sites being proposed for development are, as far as possible, outside areas known to be at risk from pollution, contamination, floodrisk or will be required to provide appropriate mitigation/safeguards. Natural resources will be protected and all development will be expected to contribute to recycling and energy efficiency.

Policy SP8 - Environmental Protection

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

- **employing best practice in sustainable design and construction;**
- **encouraging the redevelopment of previously-developed land which is unused or under-used for uses which are sustainable and protect the natural environment in that location;**
- **minimising the amount of unallocated greenfield land that is developed;**
- **retaining and enhancing the character, appearance and setting of those areas, settlements or buildings that are worthy of protection;**
- **reducing, to an acceptable level, any pollution that may result from development;**
- **reducing, to an acceptable level any impacts arising from known or potential contamination both on development sites and on sites which affect development sites;**
- **locating development on land identified as being at low risk from flooding and taking into account any potential increased risk of flooding from new development;**
- **promoting development that minimises consumption of and protects natural resources including water;**
- **promoting development that makes provision for waste recycling; and**
- **promoting development which is located and designed to be energy efficient.**

Pollution

The planning system plays a vital role in making sure all new development takes into account pollution levels and ways to minimise these. Pollution can come from many sources, including light, noise, air, odour and vibrations, all of which can have a damaging effect on the local environment, amenities and health and wellbeing of residents and visitors.

All development will be assessed on the level of pollution it would generate and the effect it would have on the surrounding area including the natural and historic environment. Assessments will be made in relation to the benefits of the development, such as job creation, affordable housing, and sports provision etc, against the degree of impact caused by the development.

The Council will expect the development to mitigate any negative effects caused and also take into account any controls and mitigation measures that could reasonably be imposed by condition e.g. hours of operation.

It is also important to make sure that developments sensitive to pollution such as homes and schools are not located in areas affected by nuisance.

Policy EN1 – Pollutants

The potential impacts of exposure to pollutants must be taken into account in locating development, during construction and in use.

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, or unless the need for development is judged to outweigh the effects caused and the development includes mitigation measures to minimise the negative effects.

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.

Nuisance includes: Noise or vibrations generated, smell, dust, glare and light spillage, fumes, electro magnetic radiation, exposure to other pollutants.

Air Quality

A large area within Saffron Walden is designated as an Air Quality Management Area (AQMA) because of poor air quality resulting from high levels of nitrogen dioxide at particular road junctions. The Council will promote measures to improve air quality and will support development which does not result in poorer air quality than national air quality objectives seek to achieve. Where possible development should contribute to improvements in air quality.

Poor air quality is also anticipated alongside the M11 and the A120. Since both run through the countryside where there is strict control on new buildings it is unlikely there will be many proposed developments close to either road.

Policy EN2 – Air Quality (Officers still in discussions regarding this policy)

Development will be permitted as long as it does not involve users being exposed on an extended long-term basis to poor air quality. The cumulative impact on air quality

from a number of developments in a local area will be considered and mitigation measures may be required.

Development within or affecting Air Quality Management Areas 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.

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.

Contaminated Land

The principle of sustainable development means that, where possible brownfield sites including those affected by contamination should be recycled into new uses. Any proposal on contaminated land needs to take proper account of the contamination. Mitigation measures, appropriate to the nature and scale of the proposed development and which protect the water environment during remediation will need to be agreed.

Policy EN3 – Contaminated Land

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

Waste and Recycling

Uttlesford has been very successful in encouraging residents to recycle their domestic waste. The proportion of household waste being reused or recycled in 2012/13 was the highest in Essex. Nearly 56% of Uttlesford's waste is being diverted from landfill. The Council in its role as waste collection authority, in partnership with Essex County Council will continue to encourage recycling by making appropriate facilities available throughout the district. There is a Civic Amenity site in Saffron Walden and a new Waste Transfer Station is being planned in Great Dunmow. New buildings should incorporate space for recycling and collection of compostable materials. New development should minimise non-renewable resource consumption including building materials and re-use and recycle construction and demolition waste.

Policy EN4 - Waste and Recycling

Development will be supported where it is designed in order to minimise the production of waste and make adequate and appropriate provision for the recycling of waste and maximises the use of recycled building materials and uses sustainable building materials and techniques. Major development applications will need to demonstrate the relevant measures that the scheme incorporates and the anticipated levels of waste generation.

Noise

This policy aims to make sure that wherever practicable, noise sensitive developments are separated from major sources of noise such as road, rail and air transport and certain types of industrial development.

Aircraft movements are a particular major source of noise in Uttlesford. Stansted Airport Noise Strategy and Action Plan 2010-2015 (Building on a Sound Foundation) sets out what controls there are on noise generated by departing and arriving aircraft (Sections 5.1 and 5.2). The strategy also sets out what controls there are on ground noise (Section 5.3) and what the night noise restrictions are (Section 5.4). A revised action plan will need to be delivered every five years or whenever a major development occurs, affecting the noise situation.

Calculation of the noise index of exposure to aircraft noise takes into account the level of use of each Noise Preferential Route (NPR) and glide path, the number of aircraft movements and aircraft type. Indices are calculated for each year, based on the actual number of movements, and for the future scenario of 35mppa using assumptions. Monitoring of air noise patterns will help to make sure that the policy continues to be applied to the most appropriate area. Noise sensitive developments include residential uses.

Appendix 4 indicates the appropriate response to the level of noise by source. This includes road, rail and mixed sources as well as air noise.

Policy EN5- Noise Sensitive Development

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.

Flood Risk

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

Policy EN5 sets out whether the principle of different types of development distinguished by the vulnerability to flooding are acceptable in the different flood zones and whether an exceptions test is required. The Flood Risk Vulnerability classification is set out in the Technical Guidance to the National Planning Policy Framework. Examples of essential infrastructure are transport and utility infrastructure; highly vulnerable developments include basement dwellings, mobile homes and emergency services required to be operational during times of flood; more vulnerable buildings include hospitals, care homes, dwellings, non-residential institutions; and less vulnerable buildings include shops, restaurants, offices etc and emergency services not required to be operational during times of flood; water compatible development includes sport and recreational land and buildings.

Policy EN6 - Minimising Flood Risk

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

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

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

Flood Risk Vulnerability and Flood Zone Compatibility						
Flood Risk Vulnerability Classification		Essential Infrastructure	Water Compatible	Highly Vulnerable	More Vulnerable	Less Vulnerable
Flood Zone	Zone 1	√	√	√	√	√
	Zone 2	√	√	Exception Test Required	√	√
	Zone 3a	Exception Test Required	√	x	Exception Test Required	√
	Zone 3b "Functional Flood Plain"	Exception Test Required	√	x	x	x
Key: √ = Development is Appropriate, x = Development should not be permitted						

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

- ~~a. it is demonstrated that the development provides wider sustainability benefit to the community that outweigh flood risk informed by the Strategic Flood Risk Assessment where one has been prepared; and~~
- ~~b. a Flood Risk Assessment demonstrates that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall;~~

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

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

~~Within each Flood Zone the Council will:~~

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

~~Foul water discharges from development must not increase flood risk within the sewerage network, at Waste Water Treatment Works or elsewhere.~~

Surface Water Flooding

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

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

Policy EN7 - Surface Water Flooding

All new development excluding 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 the 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 will also be encouraged where possible.

Details of proposed SuDs and how they will be maintained will be required as part of any planning application.

SUDs systems should be designed so as not to increase the bird hazard 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.

Protection of Water Resources

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 466 **161.27** litres per person per day (l/p/d) for existing customers, compared to a national average of 147 l/p/d and 414 and 134 **121.92 and 126.19** l/p/d 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 2012/13 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 405 **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 potable 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 ~~405~~ 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 a lack of capacity and improvements in off-site infrastructure are not programmed, planning permission will be granted where the developer funds appropriate improvements which will be completed prior to occupation of the

development, or where the water company confirms the off-site infrastructure can be provided in a timely manner.

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

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

Minerals Safeguarding

Minerals resources are finite and can only be worked where they naturally occur. Mineral resources of national and local importance need to be protected and safeguarded. In Uttlesford this includes mainly chalk in the north of the District and sand and gravel in the south. Mineral resources also need to be protected from incompatible/sensitive development nearby which might constrain mineral production in the future. Minerals Safeguarded Areas (MSAs) and Minerals Consultation Areas (MCAs) are included in this plan and are shown on the policies map. MSAs identify areas on mineral deposits considered to be of national importance. MCAs include each safeguarded permitted mineral development and site allocation and can include a zone of up to 250m around the site. The Minerals Planning Authority (Essex County Council) will be consulted on relevant applications within the MSAs and MCAs. ~~The types of development to which this policy will apply is set out in the Minerals Local Plan available on the Essex County Council website.~~ **Policies relating to minerals and mineral sites are set out in the Minerals Local Plan prepared by Essex County Council.**

Policy EN9 - Minerals Safeguarding

Where development proposals fall within a Minerals Safeguarded Area the Local Planning Authority will consult the Minerals Planning Authority where the site is greater than:

- 5 hectares for Sand and Gravel or
- 3 hectares for Chalk

Non minerals proposals which exceed these thresholds should be supported by a minerals resource assessment to establish the existence or otherwise of a mineral resource of economic importance,

If surface development is permitted consideration will be given to the extraction of any existing minerals before development starts.

The Local Planning Authority will consult the Minerals Planning Authority on any relevant application within a Minerals Consultation Area.

Development will only be supported where it does not unnecessarily sterilise minerals resources or conflict with the effective working of permitted minerals development or Preferred Mineral Site

New Policy:

Energy Efficiency for new Commercial Development

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:

Energy Efficiency for new Commercial Development

In order to contribute towards meeting national targets for reducing CO₂ emissions in all new commercial development, including conversions, 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 which replace them.

New Policy:

Renewable Energy Sources

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. Historic England provides guidance on providing renewable energy and achieving energy efficiency on historic buildings. It is important to make sure that the architectural or historic integrity of areas and buildings of 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.

New Policy:

Renewable Energy Sources

Proposals to generate energy from renewable sources will be supported provided they are designed to minimise their impact on landscape character, ecology and/or the natural and historic environment. Provisions should be made for the site to be cleared and reinstated if the operation ceases.

Where relevant, applications will need to demonstrate that the cumulative impacts of renewable energy proposals will not give rise to significant adverse impacts.

Sustainable Energy and Energy Efficiency

There is potential for some of the District's energy needs to be met by renewable and low carbon technologies within the District. Development on a larger scale such as wind farms or agricultural biomass production will be challenging in Uttlesford because of the rural nature of the District and restrictions due to interference with aircraft radar at Stansted Airport and

Debden. Where schemes can be implemented without causing damage to environmental and other interests these will be supported. A number of applications for solar farms have recently been approved.

Improving energy efficiency offers potential for reducing emissions from the district and can reduce energy costs for householders and businesses.

The Government is committed to making sure that new build homes are zero carbon from 2016 and do not add extra carbon dioxide emissions to the atmosphere. The Government currently seeks to achieve this through a combination of the Code for Sustainable Homes and the Building Regulations.

The Code for Sustainable Homes provides standards for the sustainable design and construction of new homes (including water efficiency) that meet or exceed those set out in The Buildings Regulations 2010. The Code is the national standard for the sustainable design and construction of new homes. The aim of the code is to increase the environmental sustainability of homes and give homeowners better information about the running costs of their homes. It also offers a tool for home builders to demonstrate the sustainability performance of their homes and to differentiate themselves from their competitors.

The Code measures the sustainability of a new home against categories of sustainable design, rating the "whole home" as a complete package. The code uses a star rating system to assess the overall sustainability performance of a new home and sets minimum standards for energy and water use at each of 6 levels. Requirements for demonstrating compliance with the Code are set out in the Code for Sustainable Homes Technical Guide (2010). Affordable homes delivered in line with guidance from the Homes and Communities Agency are currently required to meet Code Level 3.

The Government has recently completed its Housing Standards Review. It is likely that many of the requirements of the Code for Sustainable Homes will be consolidated into Building Regulations and in the light of this is it possible that the current code will be wound down. This may require that the plan is updated to take account of the new arrangements, once these have been finalised.

It is important for the Council to try and make sure that homes and other buildings are built in a way that minimises the use of energy and so reduce carbon dioxide emissions. 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.

Minimising overheating can be achieved by measures including:-

- using external shading;
- using blinds with double glazed units;
- using solar control glass;
- increased ventilation;
- avoiding large areas of glazing on south facing elevations.

Reducing heat loss can be achieved by measures including:-

- double glazing
- loft insulation

- cavity wall insulation

When designing an extension, best practice standards for energy efficiency in the design and specification of the extension can help reduce running costs and also reduce carbon dioxide emissions. This will involve consideration of the shape, insulation, glazing, air tightness, ventilation, heating system and lighting of the extension. The Council will require simple, cost effective energy efficiency measures to be carried out on the existing house if possible and practical. These measures could include upgrading loft insulation, insulating cavity walls, improving draft proofing, improving heating controls, installation of reflective panels behind radiators, installation of low energy lighting or upgrading the boiler. Measures to reduce water use should also be included e.g. grey water recycling, space for water butts.

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 and this is set out in Policies HE2 and HE3. 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 EN10 – Sustainable Energy and Energy Efficiency

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

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

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

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

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

Introduction

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

Development in the Countryside

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

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

The Plan identifies a Countryside Protection Zone around Stansted Airport. Stansted Airport, as London's third airport, puts significant pressure for development on the surrounding countryside. The aim of this policy approach is to maintain Stansted as an "airport in the countryside". The priority within this zone is to restrict development which would cause coalescence between the airport and surrounding development. Coalescence is the physical coming together or merging between the airport and existing development in the zone. New building will generally lead to coalescence. The change of use of a building in itself will not lead to coalescence unless there is associated development such as outside storage or car parking. Each case needs to be judged on its merits, where there are only modest levels of additional parking on a tightly well-defined site for example, it may not be considered as leading to coalescence. Development which complies with the Strategic Policy SP9 - Protection of the Countryside will only be permitted if it also consistent with this over riding objective.

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

Policy SP9 - Protection of the Countryside

The Countryside is defined as land outside development limits and identified growth locations.

The Countryside will be protected for its intrinsic character and beauty, for its value as productive agricultural land, recreational land and for biodiversity. The landscape character and local distinctiveness of the Countryside will be protected and enhanced. Proposals for development will need to take into account the landscape's key characteristics, features and sensitivities to change in accordance with Policy C1.

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

Within the countryside, beyond the Metropolitan Green Belt the policies map identifies the Stansted Airport Countryside Protection Zone. Development will only be permitted within this zone if new buildings or uses of land do not lead to the coalescence between the airport and existing development and do not adversely affect the open characteristics of the zone.

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

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

Landscape Character

The District is made up of 3 main types of landscape. The largest area is the farmland plateau landscapes which are gently rolling landscapes with medium to large arable fields but well wooded in places. The landscape is cut into by river valleys providing in places long distance views across the valleys. The open nature of the skyline of the ridge tops is particularly visually sensitive to new development. There are 4 river valley landscapes in Uttlesford based on the Rivers Cam, Stort, Pant and Upper Chelmer. The valleys have flat or gently undulating valley floors and are served by several tributaries. The open skyline at the top of the valley slopes is particularly sensitive to change through development, as are the more intimate views between the lower slopes and the valley floor. The North West corner of the District is characterised by chalk upland landscapes which are rolling landscapes of broad roundback ridges. They are characterised by expansive arable farmland providing panoramic views. The open nature of the skyline of the chalk ridge tops is particularly visually sensitive to change. Each of these landscape character types can be subdivided into Landscape Character Areas and 26 of these areas have been identified in Uttlesford. Detailed profiles of the Landscape Character Areas setting out the visual, historic and ecological characteristics, sensitivities to change and planning guidelines are set out in the Landscape Character Assessment for Uttlesford (Chris Blandford Associates; 2006).

The landscape holds evidence of human activity in Uttlesford stretching back over half a million years. Some irregular shaped fields are pre 18th Century but are probably of medieval origin and some maybe older. Larger more regular fields can be evidence of fields

enclosed in the early post medieval period and later in the 18th and 19th Century as part of the parliamentary Enclosure Act. A number of small commons and linear roadside greens can also be found; the former have all been enclosed but the latter still largely survive as wide roadside verges.

There are ~~46~~ **7** historic Parklands, Parks or Gardens identified on the Proposals Map whose character remains relatively intact **and** ~~Seven of these~~ are included in the English Heritage Register of Historic Parks and Gardens. The desirability of preserving historic parks and gardens and their settings is a material consideration in determining planning applications whether the park or garden is designated or undesignated. Development which would substantially harm Audley End Park as a Grade I historic park and Bridge End Gardens, Saffron Walden as a Grade II* historic garden will only be acceptable in wholly exceptional circumstances.

Applications for development affecting a designated historic park or garden need to refer to the English Heritage Register and explain how the proposed development does not substantially harm the reasons why the park or garden was designated. ~~Development proposals affecting the locally designated parks and gardens need to explain how the proposed development does not harm special interests such as their principal building, formal and informal open spaces, ornamental gardens, kitchen gardens, plantations and water features.~~

The Flich Way is a linear country park, it follows the route of an old railway line which may be of some historic interest and it is also designated as a Local Wildlife Site. Its main function is as a recreational resource for walking, cycling and horse-riding.

Throughout Uttlesford there is a network of minor roads which evolved in Roman and Saxon times when the area was first settled so they follow the contours of the landscape. They are of historical importance because they retain their original alignment linking ancient settlements. They are infinitely variable and picturesque. Some are sunken lanes with steep banks indicating that they are the routes of early settlers; others are broad byways indicating that they are early coaching routes. The lanes are identified on the policies map.

Although the following policy will be most frequently used when considering applications within the countryside there may be instances where development within or on the edge of settlements can have an impact on the broader landscape. This policy will apply to development within and beyond development limits.

Policy C1 - Protection of Landscape Character

Development will be permitted provided that:-

- a. **cross-valley views in the river valleys are maintained with development on valley sides respecting the historic settlement pattern, form and building materials of the locality;**
- b. **panoramic views of the plateaux and uplands are maintained especially open views to historic buildings and landmarks such as churches;**
- c. **no material harm is caused to the historic settlement pattern, especially scale and density, and that it uses materials and colours that complement the landscape setting and landscape character. Such development should be well integrated with the surrounding landscape;**
- d. **no material harm is caused to the landscape pattern and structure of woodland areas and hedgerows and individual trees and does not diminish the role they play in views across the landscape.**

- e. no material harm is caused to the historic landscape character of field patterns and field size; greens; commons and verges;
- f. no material harm is caused to The Flitch Way Country Park and the special interest of the Historic Parklands and Parks and Gardens such as their principal building, formal and informal open spaces, ornamental gardens, kitchen gardens, plantations and water features; and
- g. no material harm is caused to the form and alignment of protected historic lanes.

Re-use of Rural Buildings

Buildings in the countryside, including listed buildings outside the defined development limits of settlements, are an integral part of both the landscape and the local economy. It is therefore important to facilitate their reuse but in a manner which makes a positive contribution to both the rural landscape and the rural economy.

In May 2013 the Government made changes to the Permitted Development rights to allow the change of use of agricultural buildings under permitted development for a range of uses subject to certain criteria being met. The policy below will only apply to those cases where planning consent is required.

The first part of the policy determines a series of priorities in terms of the preferred use of rural buildings and the second addresses the quality and character of the building. The implications of the policy are that not all buildings will necessarily be appropriate for some form of beneficial use.

Policy C2 - Re-use of Rural Buildings

The re-use of rural buildings outside the defined development limits will be permitted provided that the proposed use is:-

- ~~a. for employment purposes; or~~
- ~~b. if an employment use is demonstrably non-viable, then for another non-residential use; or~~
- ~~c. for residential use if all other types of use are demonstrably non-viable~~

and

1. the buildings are of a permanent and substantial construction;
2. the buildings are capable of conversion without major reconstruction or significant extension;
3. the development would protect or enhance the character of the countryside, its amenity value and its biodiversity and not result in a significant increase in noise levels or other adverse impacts; and
4. the development would not place unacceptable pressures on the surrounding rural road network in terms of traffic levels, road safety, countryside character or amenity.

~~The non-viability of employment or other non-residential uses would need to be proven either by marketing or an independent assessment in accordance with the requirements set out in Appendix 3.~~

Change of Use of Agricultural Land to Domestic Garden

Proposals to change agricultural land to domestic garden will be acceptable where there is no material change to the character or appearance of the surrounding countryside. Proposals could include, for example, unworkable corners of fields and should not create wedges of domestic garden intruding into an agricultural landscape. Proposals should include appropriate boundary treatments like native hedges or post and rail fencing which do not have the effect of urbanising the area or changing the openness of the countryside. If structures in the new garden like sheds etc would change the open character the Council may impose conditions removing permitted development rights when granting planning permission.

Policy C3 - Change of Use of Agricultural Land to Domestic Garden

Change of use of agricultural land to domestic garden will be permitted if the proposal, particularly its scale, does not result in a material change in the character and appearance of the surrounding countryside.

New supporting text:

New Community Facilities within the Countryside

Applications to provide and/or improve community facilities in the District will be favourably considered, providing the scale of the development is proportionate to the size of the catchment population it serves. Community facilities include buildings such as village or community halls, youth clubs, places of worship, education and childcare facilities and healthcare facilities.

New Policy:

New Community Facilities within the Countryside

Provision of sport, recreation or community facilities beyond development limits will be permitted if the following criteria are met:

- a. the need for the facility can be demonstrated;**
- b. the need cannot be met on a site within the development limits; and**
- c. the site is well related to the settlement.**

THE HISTORIC ENVIRONMENT

Introduction

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

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

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

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

Policy SP10 - Protecting the Historic Environment

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

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

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

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

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

Design of Development within Conservation Areas

There are ~~36~~ **37** individual Conservation Areas in the District distributed across ~~30~~ **31** parishes. It is important that the development pressures on the District are managed in ways that protect and enhance the built environment and avoid inappropriate development. The Council has a programme of preparing **produced and published** Conservation Area Appraisals and applying **applied** Article 4 directions **in a number of settlements** as appropriate to limit certain permitted development rights within these areas.

Within a Conservation Area, most renewable energy equipment can be installed on non-listed dwellings or within the dwelling's curtilage without planning permission. Where planning permission is required the policy identifies the criteria which need to be met to make sure there is no loss of the special interest of the Conservation Area. ~~The principal elevation is the one which is predominantly seen from the highway or right of way but there can be more than one principal elevation in some cases.~~

Applications for development within **or adjacent to** Conservation Areas need to refer to the Conservation Area Appraisal, ~~where one has been carried out~~, and explain how the proposed development will contribute to the character of the Conservation Area as identified in the appraisal.

Applications for development

Policy HE1 - Design of Development within Conservation Areas

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.

~~Development involving the installation of renewable energy equipment will be permitted if the following criteria are met:-~~

- a. ~~there is minimal~~ **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.~~

New Policy: **Protecting the Setting of Conservation Areas**

Development ~~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.

Development Affecting Listed Buildings

There are over 3700 Listed Buildings or structures in the District. This represents about one quarter of the number of listed buildings in Essex which is itself one of the most richly endowed of all English counties. In addition, any building or structure which belonged with the main building when it was listed, and which was built before 1 July 1948, is also viewed as a Listed Building. Features listed in this way are referred to as 'Curtilage Listed'.

The Listed Buildings in the District vary widely both in age, character and their vernacular materials. Clay tile, slate and long straw thatch are used for roof materials. The stock of buildings with long straw thatch is big enough to be a cluster of regional architectural importance. Although timber framed buildings predominate, some historic buildings are constructed of brick and stone. External finishes include many excellent examples of pargetting, flintwork and weatherboarding. Every period from before the Norman Conquest is represented, but over 40% of all Listed Buildings date from the 17th century.

When considering the special architectural or historic interests of a Listed Building the following are broad examples of what will be taken into account: - the structural frame or fabric; the plan form; roofing material; external cladding; the proportion, detail and arrangement of doors and windows, interior floor plans; interior finishes and features of special interest to the building. Proposals to remove more recent additions with a view to replacing these with features which reflect a different period in the building's history e.g. the replacement of metal windows with new wooden windows will normally be treated sympathetically provided the design and quality of the materials etc respects the historic nature of the building.

Proposals for the conversion of a Listed Building may result in a form of development which would not normally be allowed e.g. Conversion to a dwelling outside development limits. Such a proposal may be approved if the applicant can demonstrate that the conversion scheme is the most appropriate way to secure the future of the listed building and the conversion can be carried out in a sympathetic manner without damage to the fabric, setting or architectural and historic interest of the building.

Some measures to improve the energy efficiency of a Listed Building can be done without the need for consent e.g. loft insulation. Others e.g. double glazed units will require Listed Building consent. Any renewable energy equipment within the curtilage of the building or which is fixed to the building e.g. solar panels or which might affect the structure of the building e.g. Air source heat pump will require Listed Building consent and/or planning permission in most cases. If you are considering undertaking any works to a Listed Building you are advised to have early discussions with the Council's Conservation Officer. The policy identifies the criteria which need to be met to make sure there is no loss of the special interest of the Listed Building.

Applications for development affecting a Listed Building need to refer to its historic or architectural importance and explain how the proposed development does not lessen the reasons why the building or structure was listed.

Policy HE2 - Development affecting Listed Buildings

Development affecting a Listed Building should be in keeping with its scale, character and surroundings. Demolition of a Listed Building, or development proposals that adversely affect the setting, and alterations that impair the special architectural or historic interest of a Listed Building will not be permitted.

In cases where planning permission might not normally be granted for a change of use favourable consideration may be given to conversion schemes which incorporate works that represent the most appropriate way of preserving the Listed Building and its architectural and historic characteristics and its setting.

Development involving the installation of renewable energy equipment on a Listed Building will be acceptable if the following criteria are met:-

- a. **locations other than on a Listed Building have been considered and dismissed as being impracticable;**
- b. **there is no irreversible damage to significant parts of the historic fabric;**
- c. **the location of the equipment on the Listed Building would not detract from its character or appearance;**
- d. **the impact is minimised through design, choice of materials, colours etc.**

Scheduled Monuments and Sites of Archaeological Importance

There are 79 Scheduled Monuments in the District, shown on the policies map. Any work which might affect a scheduled monument either above or below ground level, will require consent from English Heritage. Within the District, approximately 4064 sites of archaeological interest are recorded on the Historic Environment Record (HER) maintained by Essex County Council. These sites are not shown on the policies map and enquiries should be made to the County Archaeologist. The Historic Environment Record represents only a fraction of the total. Many important sites remain undiscovered and unrecorded. Archaeological sites are a finite and non-renewable resource. As a result it is important to make sure that they are not needlessly or thoughtlessly destroyed.

The desirability of preserving an ancient monument and its setting is a material consideration in determining planning applications whether the monument is scheduled or unscheduled. There is a presumption in favour of the preservation of nationally important sites and their settings. The need for development affecting archaeological remains of lesser significance will be weighed against the relative significance of the archaeology.

Applications for **Applicant's proposing** development affecting a scheduled monument or site of archaeological significance need to refer to **consult Historic England's National Heritage List for England (NHLE)** the English Heritage Register of Scheduled Monuments or the HER 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.

Policy HE3 Scheduled Monuments and Sites of Archaeological Importance.

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 development's impact thus allowing 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 within 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: Non-Designated Assets of Local Importance

Supporting Text:

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

Many heritage assets 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 assets that make an important architectural or historical contribution to the local area. Although not statutory listed these assets merit protection from development which adversely affect them.

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 assets of local interest. Whilst not enjoying the full protection of statutory listing, the design and the materials used in proposals affecting these assets should be of a high standard compatible with its character.

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

THE NATURAL ENVIRONMENT

Introduction

The strategy is to protect and enhance biodiversity within the District working with partners including the Essex Biodiversity Project and the Essex Wildlife Trust and through controls on development to reduce potential impacts on sites which may have importance for biodiversity.

There are no European or international wildlife sites in Uttlesford, but there are sites in neighbouring districts and the Council has taken account of the impact of development in Uttlesford on these sites through its **Habitats Regulations Assessment** ~~Appropriate Assessment~~. The Council will make sure that statutory sites within the district such as Sites of Special Scientific Interest (SSSI) receive the highest level of protection and that the value of other designated sites is protected. Sites with protected species, important habitats and sites which are important for their historic landscape interest will be protected and where possible enhanced.

Policy SP11 - Protecting the Natural Environment

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

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

Policy NE1 sets out the criteria against which proposals for any development within or affecting such sites will be considered.

Protecting the Natural Environment

There are no internationally protected sites in Uttlesford but there are 14 nationally designated sites made up of 12 Sites of Special Scientific Interest (SSSI's) and 2 National Nature Reserves (NNR).

There are 280 locally important nature conservation areas which are designated as Local Wildlife Sites (LoWSs). Many of these are ancient woodlands but there are also good examples of grassland habitats. There are 42 special roadside verges which are protected for their flora. There are 18 proposed Local Geological Sites (LoGSs) which range in size from single erratic boulders to quarries. All these sites are identified on the policies map.

SSSI's and NNR's have the maximum degree of protection from development because the type and/or quality of habitat means it is unlikely that it can be replaced elsewhere or its loss compensated for. Locally designated sites also make a significant contribution to the biodiversity and geodiversity of the District. Because there are a large number of them and

they are distributed across the District they act as a network of sites allowing the movement of wildlife between sites as well as creating the distinctive landscape character of Uttlesford of woodland, verges and greens and water bodies. Developments that can make a positive contribution to the network of sites by habitat creation linking sites will be positively considered, especially if it contributes to the Essex Wildlife Trust Living Landscape initiative. Advice on incorporating biodiversity in developments can be found on the Essex Biodiversity Project website www.essexbiodiversity.org.uk

Hatfield Forest at 403ha is the District’s largest SSSI and it is also a National Nature Reserve. Hatfield Forest is a medieval hunting forest of mixed deciduous woodland and parkland and extends beyond the SSSI designation. The forest provides an important recreation resource to the residents of Uttlesford and is a strategic are of green infrastructure which is important to protect.

Although not protected by national legislation development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland will be refused.

The Essex Biodiversity Action Plan identifies 19 habitats of which 14 can be found to varying extents in Uttlesford. They can be grouped under farmland; water; and woodland habitats; and Brownfield sites.

- Uttlesford Habitat Types identified in the Essex Biodiversity Action Plan			
Farmland Habitats	Water Habitats	Woodland Habitats	Other
Arable field margins	Ponds	Mixed deciduous woodland	Brownfield sites
Hedgerows	Rivers	Wet Woodland	-
Traditional orchards	Fen	Wood pasture and Parkland	-
Dry acid grassland	Reedbed	-	-
Meadows	-	-	-
Heath	-	-	-

Applications for development affecting or with the potential to affect a nationally or locally designated site, protected species or species on the Red Data List or habitat suitable for a protected species or species on the Red Data List will need to be accompanied by an ecological survey explaining how the proposed development is acceptable in accordance with the following policy. Ecological surveys must be carried out by a suitably qualified person and include a desk top survey using data obtained from the relevant organisations as identified by Biological Records in Essex (BRIE) www.brienet.org.uk. Field surveys must be conducted at the optimum time for the species. Further information can be obtained from the Natural England’s Standing Advice for Protected Species available on the Natural England website www.naturalengland.org.uk.

Uttlesford is taking part in the Essex Biodiversity Offsetting Pilot. Biodiversity offsetting has the potential to deliver planning policy requirements for compensation for biodiversity loss in a more effective way for both developers and the natural environment itself.

Policy NE1 - Protecting and Enhancing the Natural Environment

Development will be permitted where it does not result in a reduction of the biodiversity or geodiversity value of nationally or locally designated sites or the habitats defined in the Essex Biodiversity Action Plan. Where the development site includes protected species or species on the Red Data List or habitats suitable for protected species or species on the Red Data List an ecological survey will be required to be submitted with the application.

Development proposals which would result in significant harm to a biodiversity or geodiversity interest will only be considered after alternative sites that would result in less or no harm have been assessed and discounted. In the absence of alternative sites development proposals must include adequate mitigation measures. Where harm cannot be prevented or adequately mitigated against, appropriate compensation measures will be sought.

To make sure that mitigation or compensation measures, which may include Biodiversity Offsetting, take place these will be secured by conditions or planning obligations upon any approval that may be granted and will need to include financial support for continued maintenance.

If significant harm to biodiversity or geodiversity cannot be adequately mitigated against, or compensated for, permission will be refused.

The design of development should incorporate measures to improve the biodiversity or geodiversity value of the development site. Such measures should include making a contribution to the network of biodiversity sites, including open spaces and green infrastructure and water bodies which make links between communities and support wildlife. Measures should also attempt to link such sites together, improving access to, between and across sites. These measures will be secured by condition or planning obligations upon any approval that may be granted and may need to include financial support for continued maintenance.

Measures to enhance the biodiversity 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.

Open Spaces and Trees

There are open spaces of high environmental quality in many of the towns and villages. Such spaces may include village greens, commons, or large mature gardens. Locally important open spaces may also be identified in Neighbourhood Plans, other community led plans or Conservation Area Appraisals. Some of these open spaces may be registered as Assets of Community Value. Sometimes, the land may have been left in a state of untidiness but, nevertheless, the existence of the space may be important to the character of the area, to biodiversity and as an area of natural greenspace. Retention of the space would also enable its full environmental potential to be realised through an enhancement project. Such areas are generally protected by excluding them from defined development limits. The need to protect similar areas within settlements is equally important and significant areas of open space are shown on the policies map. Other smaller spaces of importance will also be protected where development would be inappropriate, but it is not practical to identify all of these. Sometimes community facilities may be proposed on open space. If a successful design can be achieved, a limited loss of open space may be permitted.

Where the principle of development is acceptable it should avoid the loss of features that are prominent elements and enhance the local environment, such as healthy mature trees.

Policy NE2 - Traditional Open Spaces and Trees

Development proposals which would result in the partial, cumulative or total loss of traditional open spaces including village greens or commons and other visually important spaces, groups of trees and fine individual tree specimens will only be permitted where the need for the development outweighs their amenity value.

Development should not result in any net loss of traditional open spaces and important tree specimens, and should seek to provide net gains. Where there is unavoidable loss it should be replaced onsite to an equivalent or higher quality, or elsewhere if onsite provision is not possible.

ACCESS STRATEGY

Introduction

Car ownership in the District is high. In a rural District like Uttlesford where many people live in smaller settlements and facilities are concentrated in centres outside the District and in Saffron Walden, Great Dunmow and the larger villages the strategy needs to provide access to alternative modes of travel but at the same time recognising that the car will continue to play an essential role in the daily lives of most residents.

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

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

The Flich Way is a linear country park which runs east west through the district along the old railway line from Hatfield Forest to Braintree. The park provides safe, off road, cycling and walking for most of its length but there is a gap in the old railway through Great Dunmow and cyclists and walkers have to find an alternative route through the town. Cyclists are expected to cycle along the B1256 through the High Street and down Chelmsford Road. The walkers' route is along Highfield and down Chelmsford Road. The Council will work with the developers of sites to the west and south of Great Dunmow and other partners like Great Dunmow Town Council and Essex County Council to develop quieter, more attractive routes for walking and cycling to link the two parts of the Flich Way.

Applications for major new development sites will be required to submit clear proposals in a travel plan for reducing travel to work by car. Demand responsive travel options like taxi

buses and car pools will be supported and the Council will continue to work in partnership to provide community transport schemes like Uttlesford Community Travel which provides transport for people who, through age, disability or rural isolation find it difficult to access public transport. Applications should comply with the current Essex County Council Highways Development Management Policies and Essex Parking Standards Design and Good Practice.

Policy SP12 - Accessible Development

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

- a. **the capacity of the access to the main road network and the capacity of the road network itself must be capable of accommodating the development safely and without causing congestion.**
- b. **development will be managed so that it improves road safety and takes account of the needs of all users.**
- c. **new development should be located where it can be linked to services and facilities by a range of transport options including the private car, public transport, safe and well designed footpaths and cycle networks.**
- d. **travel plans and Transport Assessments/Statements will be required for specific development proposals to demonstrate how a reduction in car travel will be achieved.**

Access Strategy for Stansted Airport

Stansted Airport is a regional **transport** interchange centre where people are able to change easily from one form of transport to another. The current Surface Access Strategy **is part of the airport's Sustainable Development Plan which sets out how the airport will be developed as a single runway airport over the next 10-15 years. In accordance with the Government's 2013 Aviation Policy Framework the Surface Access Strategy sets out:**

i) targets for increasing the proportion of journeys made to the airport by public transport for both airport workers and passengers

ii) the strategy to achieve those targets; and

iii) a system whereby the Stansted Area Transport Forum can oversee implementation of the strategy. for the airport called "Leading the Way Forward" runs from 2008 to 2015.

A new surface access strategy will be produced to cover the period from 2015 onwards. In addition there is a Section 106 agreement relating to the 25 million passengers per annum (mppa) permission, a unilateral obligation relating to the G1 (35 mppa) permission and associated conditions including those required to be imposed by the **then** Highways Agency. All these combine to provide a framework within which the surface access needs of the airport as currently permitted to develop will be managed. The Council will continue to work with other District and County Authorities, bus and rail operators and groups like Sustrans **via** in the Stansted Area Transport Forum **and its attendant working groups** to improve public transport, cycling and walking routes to, **from** and within the airport. ~~and through the regional transport interchange to wider destinations.~~

Policy SP13 - Access to Stansted Airport

Stansted Airport's role as a national, regional and local transport interchange will be maintained. The necessary public transport infrastructure and service capacity to serve the airport and meet permitted passenger numbers must be maintained and improved to accommodate passenger movements. An integrated approach must be demonstrated within the framework of a surface access strategy.

Vehicle Parking Standards

A realistic approach is needed. Many communities within the District do not have access to regular and frequent public transport and using the car is the only practical way of getting to work, accessing services and making leisure trips. Car ownership levels are relatively high and limiting parking within residential development will not necessarily discourage car ownership and is more likely to displace parking onto the road and/or encourage parking on pavements, verges etc which detracts from the street scene and can be an obstruction to buses, waste collection and emergency vehicles and cause problems for pedestrians, particularly those with limited mobility. It is important that adequate car parking is provided in new developments. The Council approved the Essex County Council document "Parking Standards, Design and Good Practice" in January 2010 with further amendments in February 2013 for use in development management and parking provision for new development will be expected to meet these or any other standards approved by the Council.

Policy TA1 - Vehicle Parking Standards

Development will be permitted where the number, design and layout of vehicle parking spaces proposed is appropriate for the use and location, as set out in relevant parking standards approved by the Council. If the proposal is a use for which there is no relevant approved standard the applicant will be required to demonstrate that the number of parking spaces being provided is appropriate for the use and location.

Airport Parking

There is enough land allocated within the boundary of Stansted Airport for air passengers who have driven to the airport to ~~park their cars~~ **access the on-airport car parking using the on-airport road network and not the local road network beyond. On-airport parking helps** and to protect residential amenity and the character of the villages and countryside around Stansted from the impact of on street airport parking and the presence of car parking compounds, **and the additional traffic associated with it**. The Council will continue to work with the airport operator and others to manage car parking within the airport and to maximise the percentage of air passengers using public transport to get to or from the airport **in line with Government policy in the Aviation Policy Framework**. This would not be practical if the provision of car parking became fragmented **by indiscriminate off-airport parking** ~~and included off-airport sites and it would undermine~~ **undermining** the **aims of the** airport surface access strategy ~~agreed by the multi-agency airport area transport forum~~. Currently a levy from airport parking helps fund the initiatives of the Airport Surface Access Strategy. Any further on-airport parking developments including bespoke car parks and those related to hotels will be subject to a similar levy. It will also be important to make sure that the scale of parking associated with new hotels, bed and breakfast accommodation etc

does not exceed vehicle parking standards for the same reason of not undermining the surface access strategy.

Policy TA2 - Car Parking Associated with Stansted Airport

Proposals for car parking associated with any use at Stansted Airport will only be allowed within the airport boundary as defined on the policies map. Appropriate mechanisms will be sought to make sure that all on airport car parking is integrated into and contributes to funding of the airport surface access strategy.

INFRASTRUCTURE

Introduction

Making sure that development is supported by the necessary community facilities, utilities and transport infrastructure is essential to creating sustainable communities. The Council will have regard to studies such as the Open Space, Sports Facility and Playing Pitch Strategy, the Water Cycle Study, the Local Plan Highway Assessment to identify infrastructure needs and will work with other organisations such as Essex County Council, the West Essex Clinical Commissioning Group and NHS England to make sure that identified needs are met.

The policy below sets out the broad requirements for development. The site allocation policies will set out requirements for individual sites. There is a table in Appendix 2 which shows when and how the necessary infrastructure will be provided and funded. Some infrastructure may need to be delivered by a number of sites. Phasing of development will need to be considered to take account of this. Some infrastructure will have benefits for residents beyond the development site such as off site highway junction improvements; new sewerage networks; open space and sports facilities. Some infrastructure such as school halls can be used by the wider community. Infrastructure will be funded through S106 Agreements associated with the grant of planning permission.

Policy SP14 - Infrastructure

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

Superfast Broadband

Superfast broadband is of key importance to modern life. It is essential for businesses, allows people to work effectively from home and for families to access for example educational and entertainment services. The purpose of this policy is to ensure that new developments are provided with superfast broadband but recognises that as a rural District, there will be some properties and areas where it may be uneconomic to provide superfast broadband via fibre to serve small numbers of properties. In these instances alternative technologies to provide superfast broadband such as fixed wireless technology should be considered.

New Policy

Superfast Broadband

All new dwellings and non-residential buildings must be served by a superfast broadband* connection, installed on an open access basis. Where this service is fibre based it is anticipated that it will be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access to the fibre for future repair, replacement or upgrading, unless the applicant can demonstrate that this would not be possible, practical or economically viable. In those cases, the developer will ensure that a superfast broadband service is made available via an alternative technology provider such as fixed wireless.

***As new versions of broadband - such as 'ultrafast' - become available, provision must be the best possible speed.**

Protection and Provision of Open Space, Sports Facilities and Playing Pitches

The provision of public open space can contribute to healthy and active lifestyles. Making sure there is enough open space and community facilities for sport to meet current needs and the additional requirements arising from any new development is one of the key aims of the plan. The needs of the District have been assessed in the Uttlesford Open Space; Sport Facility and Playing Pitch Strategy 2012 which has identified a deficiency in the amount of public open space and the number of playing pitches, sports facilities and allotments.

The strategy found that there are only 3 public parks and gardens within Uttlesford and all are located in Saffron Walden. Most settlements are within 400m of an amenity greenspace. There is an irregular pattern of natural and semi-natural greenspace across the District and there is a poor level of provision in many parishes. There is a dispersed pattern of provision for children and young people and the majority of parishes contain at least one play area. A large proportion of the District is within 4km of the nearest allotment site. There are areas in the north-west, north-east and small areas along the south-east and south-west boundaries of the district which have no allotment provision. There is also a deficiency of allotments around Takeley and the Priors Green development. There are enough sports halls and swimming pools within the District. Although there is not a quantitative deficiency of athletics tracks, synthetic turf pitches, indoor bowls greens or indoor tennis courts demand for such facilities should be kept under review. In relation to outdoor bowls greens, outdoor tennis courts, squash courts, golf courses, health and fitness centres and village and community hall use for sport, existing provision could be improved and refurbished as appropriate. To meet the needs of the increase in population arising from the development additional sports facilities are required in all types apart from indoor tennis where additional demand is insufficient to justify specialist provision. There are enough adult football pitches and mini soccer pitches and cricket pitches across the district but there are not enough junior football pitches and rugby pitches to meet current needs. To meet the needs of the increase in population arising from the development additional junior football, mini-soccer, cricket and rugby pitches would be required.

The policy below is concerned with protecting the playing fields, open spaces, allotments and sports facilities which already exist and making sure that enough amenities and facilities are provided in the future. The policy protects not only facilities which are still in active use but also those, by reason of ownership for example, which are not in active use. It also

applies to development that would prejudice the use of land as playing fields, open space, allotments or sports facilities.

Planning permission will only be granted for a development or a change of use of existing playing fields/sports pitches when it can be demonstrated that there is no longer a need for the facility or where suitable replacement facilities are provided. In order to establish whether the need for a facility still exists or not an assessment of current and future needs will need to be submitted demonstrating that there is an excess of playing fields in a locality and the catchment of the facility or that the site has no special significance to sport or recreation.

If replacement facilities are proposed these must be at least as good as those lost in terms of location, quantity, quality and management arrangements. They must also be made available before development of the existing site begins.

All new residential development will need to provide formal and informal play space and sports facilities in accordance with adopted standards or make a financial contribution towards joint provision. All provision needs to be accessible. In addition formal and informal green space should be provided in new development and existing areas maintained and where possible improved. Where possible green spaces should be linked to each other and to the countryside beyond development boundaries to maximise biodiversity benefits. Exceptionally open space can be provided within floodplains as set out in Policy EN5 and can assist in minimising flooding of more vulnerable developments.

The provision for new sports facilities, playing pitches, allotments and natural/semi natural greenspace is identified in site allocation policies. The size and design of provision for children and young people should take account of guidance produced by Fields in Trust.

Policy INF1 – Protection and Provision of Open Space, Sports Facilities and Playing Pitches

Existing facilities for recreation, sport and play together with formal and informal open space that meets local need and adds value to the community will be safeguarded.

Development will only be permitted if it would not involve the loss of open space for recreation, including allotments, playing pitches or sports facilities, except if;

- a. **replacement facilities will be provided that better meet local educational and recreational needs and outweigh the loss; and which will be made available before development of the existing site begins; or**
- b. **it can be demonstrated that disposal will facilitate alternative investment in community or public facilities; or**
- c. **if an assessment of current and future needs demonstrates that there is an excess of open space for recreation, including allotments, playing pitches or sports facilities in the locality and the catchment of the facility; or**
- d. **the site has no special significance to sport or recreation.**

New development will be required to make appropriate on site provision or financial contributions to off site site provision (taking into consideration surpluses and deficiencies and condition of the different types of open space within the vicinity of the site) for publicly accessible green space or improvement to existing accessible

green space in accordance with the following standards and specific requirements identified in relevant site allocation policies. Financial support for the continued maintenance of the facility will be secured by planning obligation.

Table 9 Requirements for Open Space Provision			
<i>Type of Provision</i>	<i>Level of Provision- Square meters per person Hectares per 1000 people</i>	<i>Threshold for on-site provision</i>	<i>Threshold for off-site provision</i>
<i>Amenity Greenspace</i>	<i>0.8- 10</i>	<i>All development of 10 dwellings or over</i>	<i>All developments under 10 dwellings and development of 10 dwellings or over where on site provision is not possible</i>
<i>Provision for children and young people (LAPS, LEAPS and NEAPS)</i>	<i>0.2 2</i>	<i>All development of 10 dwellings or over</i>	<i>All development under 10 dwellings and development of 10 dwellings or over where on site provision is not possible</i>
<u>Allotments</u>	<u>2.5</u>	<u>All development of 10 dwellings or over</u>	<u>all development under 10 dwellings and where onsite provision is nt possible.</u>

New Community Facilities

Applications to provide and/or improve community facilities in the District will be favourably considered, providing the scale of the development is proportionate to the size of the catchment population it serves. Community facilities include buildings such as village or community halls, youth clubs, places of worship, education and childcare facilities and healthcare facilities.

In order to establish whether the need for a facility exists or not, a statement setting out the requirements of current and future users and demonstrating that no available buildings meet these requirements will need to be submitted.

Policy INF2 – Provision of community facilities beyond development limits

Community facilities will be permitted if the following criteria are met:

- a. **the need for the facility can be demonstrated;**
- b. **the need cannot be met on a site within the development limits; and**
- c. **the site is well related to the settlement.**

New Facilities for Sport and Recreation

The provision of new or replacement outdoor sport and recreational facilities is considered acceptable beyond development limits.

Policy INF3 - Provision of outdoor sport and recreational facilities beyond development limits

Beyond development limits new or replacement outdoor sports and recreational facilities, including associated buildings such as changing rooms and club-houses will be permitted if all the following criteria are met:

- a. the need for the facility can be demonstrated;
- b. the need cannot be met on a site within the development limits; and
- c. the site is well related to the settlement.

Health Impact Assessments

Healthy living can be promoted through the design of a development and the facilities provided. Most new housing developments **and large scale non-residential development** will have a potential impact on the capacity of health services and facilities that are provided in the District. Some types of development e.g. residential care homes and nursing homes are likely to place higher demands on local health services. The extent of these impacts needs to be assessed to make sure that an adequate level of health and other related services is provided for the new development and the community as a whole.

The District Council will liaise with the West Essex Clinical Commissioning Group or any successor body when assessing the scope and scale of likely impacts and the nature of mitigation required.

Further details on preparing Health Impact Assessments can be found in the Guidance Note on HIAs produced by the Essex Planning Officers Association (March 2008).

Policy INF4 - Health Impact Assessments

The Council will support development which is designed to promote healthier living and will consider the impact of the development upon health including the safety of an environment and whether it encourages healthy activities such as walking and cycling.

Residential Development (Use Class C3) proposals in excess of 50 units, non-residential development in excess of 1,000sqm and all Use Class C2 developments (residential care homes and nursing homes) will be required to provide a Health Impact Assessment in support of their application. The Health Impact Assessment will measure the wider impact on health and well being and the demands that are placed upon the capacity of health facilities arising from the development.
~~Development proposals will also be required to assess their impact on the capacity of existing health services and facilities. For all Use Class C2 developments (residential care homes and nursing homes) and Use Class C3 residential development in excess of 50 units this will take the form of a Health Impact Assessment, which will measure~~

~~wider impacts on health and well being and the demands that are placed upon the capacity of health services and facilities arising from the development.~~

Where significant impacts are identified, planning permission will be granted where refused unless infrastructure provision and/or funding to meet the health service requirements of the development ~~are~~is provided and/or secured by planning obligations.

The District Council will require Health Impact Assessments to be prepared in accordance with the advice and best practice for such assessments as published by the Department of Health and other agencies, such as the West Essex Clinical Commissioning Group and other NHS organisations across Essex.