

UTT/16/3565/OP – HATFIELD BROAD OAK

MAJOR

PROPOSAL: Outline application with all matters reserved, except for access, for community led mixed use development of up to 275 residential units, site for primary school, multi use games area, kick about area, flexible neighbourhood building (A1, A2, A3, A5, B1, D1 and D2 uses), car park, trim trail and dog walking circuit

LOCATION: Land to the west of Bonningtons Farm, Station Road, Hatfield Broad Oak

APPLICANT: R McGowan Limited

AGENT: Pomery Planning Consultants Ltd

EXPIRY DATE:

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside Development Limits/Adjacent to County Wildlife Site/Public Right of Way.

2. DESCRIPTION OF SITE

2.1 The application site is an agricultural field of approximately 17 hectares located to the south of the Flitch Way. There is a priority junction access point onto Station Road, constructed to implement a planning consent for a golf course and hotel complex. The Flitch Way has mature planting along the northern boundary of the site. There is a public right of way adjacent to the western boundary of the site, forming part of the Harcamlow Way.

2.2 Takeley Mobile Home park is located on the eastern side of Station Road, opposite the application site. Residential development in the parish of Takeley lies to the north of the Flitch Way. To the west and south are further arable fields. Hatfield Forest lies approximately 1km to the west of the site.

3. PROPOSAL

3.1 The proposal relates to an outline scheme with all matters reserved, except for access. The access provision for the site would be the existing junction created in respect of an extant consent for a golf course and hotel complex on a wider site.

3.2 The proposed scheme relates to residential development, described by the developer as community lead. The principle of development on this site has arisen from the aim of the applicant to provide additional facilities for the area, paid for by the construction of additional housing.

3.3 The scheme includes:

- A site capable of accommodating a two-form entry Primary School
- A multi-use games area (MUGA)

- A flexible building for A1, A2, A5, B1, D1 and D2 uses
- A car park to be used by users of the community building and by visitors to Takeley Football Club
- A kick-about area
- A Trim Trail
- A Dog Walking Circuit

3.4 The density of residential development would be 24.3 dwellings per hectare. No specifications of house types are indicated at this outline stage but are expected to be a range of sizes and tenures in accordance with adopted policies.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment):

The application is accompanied by an Environmental Statement. The proposal is not a Schedule 1 development. The proposal does exceed the threshold criteria of Schedule 2 in that the site exceeds 5ha. A Screening Opinion was issued that concluded that there was not likely to be significant environmental impacts in isolation, but there were likely to be significant in-combination impacts in terms of ecology, in particular impacts on Hatfield Forest, heritage assets at Hatfield Forest, and highways, in particular Junction 8 of the M11. As such the application was submitted with an Environmental Statement in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

5. APPLICANT'S CASE

5.1 The application is accompanied by the following documents:

- Environmental Statement (2011 Regulations)
- Non-Technical Summary of the Environmental Statement
- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Landscape and Visual Appraisal
- Statement of Community Involvement
- Phase 1 Desk Top Study Report (Contamination)

5.2 Comments from Planning Statement:

These proposals are genuinely community led in that they propose the construction of a multi-use games area, car park for the football club, kick-about area, trim trail, dog walking circuit and flexible neighbourhood building, alongside the provision of land for a two form entry primary school. This infrastructure is not proposed solely as mitigation to offset the impact of the development; it is proposed because the applicant wanted to create a high quality development for the community and to make the development as good as it could be. Not being a national housebuilding company, the applicant is not weighed down by shareholder expectations and has not had to pay residential land values to secure the site. These facts mean that there is more freedom to building in additional infrastructure. However, 275 homes are proposed, and these will impact on local resources and in order to mitigate that impact, the applicant expects to have to meet all usual policy compliant s106 contributions.

Such contributions are likely to include:

- Provision of 40% affordable housing
- A site of 2.1ha for a primary school
- Education contributions for Early Years, Primary and Secondary school places/transport
- Off-site highway works as required
- A crossing on Station Road
- Commuted sum for public open space

The levels of contribution required will of course be determined through consultation with statutory consultees when the application is submitted. The applicant will wish to review contribution levels once they are known to assess overall viability, however at this stage, it is anticipated that the development should be able to fund policy compliant levels of contribution.

6. RELEVANT SITE HISTORY

6.1 UTT/1159/01/FUL: Deletion of reference to drawing no 5400/20 in condition C.90E of planning permission UTT/1437/98/REN and insertion of B602/RevA (This involves revisions to the approved landscaping and layout proposals)
Approved

UTT/1158/01/DFO: Submission of reserved matters to discharge condition C.1.1. of outline applications UTT/1437/98/REN and UTT/1159/01/FUL for hotel and golf course development
Approved

UTT/1437/98/REN: Construction of 150 bed hotel, conference rooms, leisure suite, swimming pool, crèche, tennis courts, club house, 3 on course shelters, 2 x 18 hole golf courses, 1 executive course, ancillary works, landscaping and new accesses onto B183 and A120.
Approved

UTT/1260/91: Outline application for 150-bed hotel, conference rooms, leisure suite, swimming pool, crèche, tennis courts, club house, 3 on course shelters, 2 x 18 hole golf courses, 1 executive course, ancillary works, landscaping and new accessed onto B183 and A120
Approved

UTT/0984/88: Change of use from agricultural land to two 18 hole golf courses and practice facilities. Detailed application for erection of club house and one hundred bed hotel accommodation with conference and indoor leisure facilities. Construct new access onto A120 and car park facilities.
Approved

7. POLICIES

Uttlesford Local Plan (2005)

S7 – The Countryside
GEN1 – Access
GEN2 – Design

GEN3 – Flood Protection
GEN6 – Infrastructure Provision to Support Development
GEN7 – Nature Conservation
ENV2 – Development affecting Listed Buildings
ENV4 – Ancient Monuments and Sites of Archaeological Importance
ENV5 – Protection of Agricultural Land
ENV7 – The Protection of the Natural Environment – Designated Sites
ENV14 – Contaminated Land
H9 – Affordable Housing
H10 – Housing Mix
LC3 – Community Facilities
LC4 – Provision of Outdoor Sport and Recreational Facilities beyond Development Limits

Supplementary Planning Documents/Guidance

Parking Standards
Uttlesford Local Parking Standards

National Policies

NPPF (2019)

Other Material Considerations

NPPG

Emerging Local Plan

Policy SP1 – Presumption in Favour of Sustainable Development
Policy SP2 – The Spatial Strategy 2011- 2033
Policy SP3 – The Scale and Distribution of Housing Development
Policy SP10 – Protection of the Countryside
Policy SP12 – Sustainable Development Principles
Policy H1 – Housing Density
Policy H2 – Housing Mix
Policy H6 – Affordable Housing
Policy H10 – Accessible and Adaptable Homes
Policy TA1 – Accessible Development-+
Policy TA2 – Sustainable Transport
Policy TA2 – Provision of Electric Charging Points
Policy TA3 – Vehicle Parking Standards
Policy INF2 – Protection, Enhancement and Provision of Open Space, Sports Facilities and Playing Pitches
Policy INF4 – High Quality Communications Infrastructure and Superfast Broadband
Policy D1 – High Quality Design
Policy D2 – Car Parking Design
Policy D8 – Sustainable Design and Construction
Policy EN5 1 – Scheduled Monuments and Sites of Archaeological Importance
Policy EN7 – Protecting and Enhancing the Natural Environment
Policy EN10 – Minimising Flood Risk
Policy EN11 – Surface Water Flooding
Policy EN12 – Protection of Water Resources
Policy EN13 – Minerals Safeguarding
Policy C1 – Protection of Landscape Character

8. PARISH COUNCIL COMMENTS

8.1 Hatfield Broad Oak Parish Council:

1 February 2017: Strongly object.

LOCATION:

- The site of the proposed development is within the parish of Hatfield Broad Oak (HBO) on the northern boundary three miles north of the village, in the predominantly rural Bush End Ward. Any development will therefore be isolated from and not likely to have any real engagement with the community and services of HBO.
- In 2011 HBO parish had a population of 1615, the great majority living in the south in the Village Ward. 495 households are recorded in the parish. This proposed development of 275 would increase the number of dwellings in the parish by 55% and would be remote from the community of HBO (three miles). It would not contribute to sustainable patterns of development in HBO parish.
- Takeley village is immediately to the north of the application site. The Flitch Way (a linear Country Park) forms the long-standing southern limit of Takeley.
- The application site lies outside the development limits of both HBO and Takeley and would be entirely reliant on the infrastructure and services of Takeley. These are already under severe pressure from the current surge of development and cannot meet existing and planned development needs. The site is unsustainable.

SCALE OF DEVELOPMENT

- Whilst this application suggests a development of 275 dwellings please note that the most recent SHLAA identified this site and adjoining land as capable of providing more than 800 dwellings.
- This extent of development is out of all proportion for this area of countryside and HBO parish. There is no expressed need for this scale of development in the current Adopted Local Plan (ALP).
- Development along the southern side of the Flitch Way should not be encouraged. HBO PC and particularly residents of Bush End fear that acceptance of this application could lead to a further spread of urban building following the line of current development north of the Flitch Way towards Hatfield Forest and south into agricultural land.

NEED FOR THE DEVELOPMENT OF THE SITE

- Under the new Uttlesford Local Plan (ULP), HBO is included in the category of Type A villages, i.e. “villages with a primary school with some local services e.g. village hall/pub/shop – suitable for a scale of development that would reinforce role as a local service centre” (ULP Pre-Submission Consultation 7 Spatial Strategy).
- HBO Parish Council, (HBO PC) through Hastoe Housing Association, has been seeking land in a better position in or around the village for a development of 10-12 units of affordable housing.
- HBO has no need of and cannot sustain a development of 275 dwellings or more.
- Takeley is one of eight Key villages allocated a collective total of 200 homes.

However, without any further allocations, on the basis of District commitment and completions Takeley is already contributing 654 homes to the ALP or 5% of the total 12,500 for 2011 – 2033. (GPL Report)*

- The SHLAA reported that if there is a proven need to allocate further significant development at Takeley, then the principle of breaching the long-standing southern limit of the Flitch Way would be justified. However
- firstly, there is no proven need for sites in this locality and secondly it is at least recognised that the Flitch Way is an important boundary. (GPL Report)
- The National Planning Policy Framework (NPPF) emphasises the need to take into account the 'cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality'. Takeley is already contributing 654 homes to the Local Plan straining local facilities, infrastructure, transport, and health and education services beyond sustainability.
- Uttlesford District Council (UDC) is presently able to demonstrate a five year land and housing supply (PPWG Report and Presentation (12.7.16))

PLANNING POLICIES

- As above, Uttlesford District Council (UDC) is presently able to demonstrate a five year land and housing supply. (PPWG Report and Presentation) 12.7.16).
- Many of the conditions for refusal of application UTT/14/2306/OP for 180 dwellings on a similarly located site West of Canfield Road are applicable to the Bonnington Green site and should result in a similar decision. Especially relevant are:
The proposal is on the boundary of the Countryside Protection Zone and would destroy the open relationship of the zone and its connectivity to the countryside. As such the proposal represents significant harm to the CPZ and therefore does not accord with Policy S8 of the ULP 2005.
- The lack of safe and appropriate access for pedestrians and cyclists to the wider network and local facilities mean that this location is dependent on the private car and therefore the proposal does not represent a sustainable location as defined in the core principles of the NPPF and is not in accordance with Policy GEN1 of the Adopted Local Plan (ALP).

PROTECTION OF THE COUNTRYSIDE

- UDC planning policy recognises and seeks to protect the countryside's "intrinsic character and beauty, its value for agricultural production and its biodiversity." The proposed development at Bonnington Green is a greenfield site outside the development limits of both Hatfield Broad Oak and Takeley Parishes and therefore should not be under consideration.
- Under Policies NE1 & SP11 - Protection of the Countryside, development of this site would entail significant harm to the Countryside.
- The proposed site is on the northern edge of a transitional corridor of countryside and agricultural land following the Flitch Way - a linear Country Park and Local Wildlife site.
- Policy C1 - Protection of Landscape Character - must also apply as the site is within the area of the Broxted Farmland Plateau category of the Landscape Character Assessment described as "a large open landscape with ... scattered trees along field boundaries with intermittent hedgerows. It is a landscape of wide-open views." It is an area which has a moderate to high sensitivity to change.
- Bush End Ward is an area of agricultural land, with small hamlets and isolated dwellings, scattered trees and hedgerows and narrow twisting country lanes; it includes Hatfield Forest and Canfield Hart Ancient

Woodland.

- This development of at least 275 houses will entirely alter the character of the area severely compromising agricultural land and open views, and replacing a settlement pattern of scattered dwellings with a significant new urban built-up area.
- The Harcamlow Way runs to the west of the site and the proposed development will be visible from it. Views of Hatfield Forest from the B183 will be lost.
- Hatfield Forest, the District's largest SSSI and a National Nature Reserve, is "an important recreational resource for Uttlesford residents and is a strategic area of green infrastructure which it is important to protect". The Forest is already under considerable pressure from the increased numbers of visitors. The National Trust calculates that half their foot traffic comes into the Forest from the Flitch Way. Areas have been severely eroded by overuse and events have had to be scaled down and areas closed to allow the land to recover. The area is in danger of losing its SSSI status. Residential development so close to the Forest and on the scale suggested can only increase the damage to this nationally important area.
- Flitch Way: The sites are on the northern edge of a transitional corridor of countryside and agricultural land following the Flitch Way. The Flitch Way itself and the proposed site to the south provide corridors for migration of wildlife by woodland and hedgerow in the south to Hatfield Forest and east/west from Dunmow to Hatfield Forest. These corridors are vital to deer and other mammals, insects and birds. There is a great need for wildlife corridors in maintaining viable populations that would otherwise suffer as a result of fragmentation and isolation.
- The developers propose a dog walking circuit to draw residents away from using Hatfield Forest. This appears to incorporate the Flitch Way into the circuit with entrances included in the design. The Flitch Way is a linear Country Park and a Local Wildlife Site and should be protected from the impact of extra traffic from 275 houses. The Flitch Way is totally unsuited for use as a pedestrian way into Takeley and the embargo on extra entrances onto the Flitch Way applied to other new developments must be applied here.

COMMUNITY-LED

- This is not a 'Community led' housing proposal. The community (apart from Takeley FC) has certainly not been 'integrally involved throughout this process'.
- The applicants met HBO PC informally in November 2015 and serious concerns were voiced by us about the proposal.
- A public exhibition was held in Takeley at Priors Green Community Centre, not, as would have been expected, in Hatfield Broad Oak. It is claimed that 1000 flyers were issued – not one was received in Bush End. 74 people attended the Exhibition (including invited District and Parish Cllrs) and 37 people filled in the questionnaires. 64% of the respondents objected to the proposal.

SUSTAINABILITY

- The Planning Statement makes claims to economic sustainability under NPPF guidelines.
- The location does not promote the use of sustainable modes of travel nor safe and suitable access to the site and is not consistent with NPPF

guidelines:

Pedestrians

- Access to bus services and Takeley village is by the single footpath on the east side of the B183 crossing the bridge over the Flitch Way. Both footpath and bridge are too narrow to safely accommodate the likely numbers of pedestrians, particularly vulnerable users – e.g. school children, prams and strollers. An increase in pedestrian traffic at the Four Ashes junction would require altered timings to the lights, increased crossing time for pedestrians and cyclists and result in longer queues of vehicles.
- Pedestrians and heavy traffic will be within a metre of each other, as on Dunmow Road and Feathers Hill in HBO. Increased queuing at the Four Ashes junction will mean increased air pollution - at child height
- Widening is limited by the bridge parapets and the steep vertical alignment of the Flitch Way bridge makes the crossing point on either side 'blind' to approaching traffic and to pedestrians.

Cyclists

- Cycling is not a safe alternative on a daily basis given the width of the roads, the speed and volume of traffic and the delays at the Four Ashes Junction. Indeed the Sustrans route south avoids the B183 entirely going through Little Canfield.

Public transport

- Bus services have been reduced and two are dependent on public subsidies. Delays at the Four Ashes junction will extend journey time. Bus journeys via Stansted Airport often involve changing buses.
- Train services - Stansted Airport rail station is not easily accessible, and some fares are higher. The Airport is not designed for local commuters' use but for air passengers' arrival and departure.

B183 Vehicular Access

- The proposed development will be dependent on car transport and HBO residents are opposed to the introduction of extra volume of traffic on the B183.
- The access lies to the south of the Four Ashes junction and given its overcapacity and consequent delays at the lights, the growth of employment opportunities around Harlow and the planned M11 J7a it is likely that a greater proportion of the journeys than the 17% previously estimated from the proposed site will be to and from the south along the B183.
- The B183 already carries a large volume of commuter and HGV traffic particularly lorries accessing quarries and waste disposal sites via the B1256. Although it is a priority 2 route the carriageway is narrow, with blind junctions and sharp bends.
- A Highways speed survey in HBO in Sept 2014 recorded an average weekday (24 hours) volume of traffic of 4,970 vehicles of which 8% were LGV/HGV/PSVS. This has increased noticeably to date and certainly will when the planned M11 Junction 7a Harlow access is operational.
- Hatfield Broad Oak, Takeley and Hatfield Heath Parish Councils have submitted a combined proposal to ECC Highways for speed restrictions to be imposed on the B183 between the villages due to the present volume and speed of traffic using this route.
- HBO Community Speed Watch typically logs between 20 and 40 vehicles per hour in excess of 35 mph with maximum speeds of 50-55 mph entering and leaving the village limits. Takeley CSW report similar results in Station Road at the site of the access road to the proposed development.
- Any extra volume of traffic will be an unwelcome increase in the hazardous nature of the B183. HBO residents are particularly opposed to the use of the

route by construction traffic – a period of 5-6 years appears to be planned presumably anticipating the development of all three sites submitted to the SHLAA. All construction traffic must be prevented from using the B183.

- The increase in traffic volume and problems at Four Ashes lights will encourage use of alternative routes and 'rat runs' through Hatfield Broad Oak, Bush End and Hope End. None of these roads are suitable for significant volumes of extra commuter traffic.

Education

- The site is more than 800m from Roseacres and 3 miles from HBO Primary schools. The offer of the site for a primary school in the SW corner of the site is unrealistic. Pedestrian access via Station Road and the narrow railway bridge is unsafe and the Flitch Way is unlit and unsuitable in wet weather.
- The availability of secondary school places is also critical. ECC anticipate the existing provision will be over capacity in the year 2017-18. ECC has taken the unusual step of objecting to recent applications on the grounds of a lack of school places. (GLP Report)

Health provision

- Health provision is absent in Takeley which does not even have a GP surgery. Even where a GP surgery is suggested by the developer this is not deliverable because NHS England will not support it. Current policy is for large hubs therefore to suggest a GP surgery within any proposal is disingenuous. In reality the proposal may offer land (or the shell of a building) but local NHS has no intention of providing a service (GLP Report).
- The nearest GP provision is the Eden Surgeries in HBO and Hatfield Heath – waiting times for non-emergency appointments runs at two to two and a half weeks, even emergency appointments can involve waiting 1 – 2 hours.
- HBO residents are very concerned at the prospect of increased and unfeasible calls on the scarce health provision already available.

'Offer' of Facilities

- The Developers appear to offer a number of facilities on site which they claim will create a vibrant local community
- The 'offer' of on-site facilities is illusory. The viability of all of these items is doubtful given the proposal is for a development of 275 dwellings
- With regard to the offer of 'community facilities', S106 contributions are designed to compensate existing residents in the parish as well as those living on the new development. These facilities offer nothing to residents of HBO living 3 miles away and HBO PC and residents would resist maintaining facilities so remote from the village

Infrastructure

- The application fails to provide adequate proposals regarding the supply of water, drainage and sewage. Current capacity in the surrounding area is problematic after significant development north west of the site and increased capacity at Takeley Mobile Home Park.
- There are concerns that The Flood Risk Assessment is unsatisfactory, failing to account for the effect of a substantial run off from the site onto the nearby areas and into Pincey Brook. There is already regular flooding at Bridge Foot Farm and, despite the extensive work done on the water-meadows, it is seen as likely that this increase in water volumes could recreate the flooding at the foot of Feathers Hill in Hatfield Broad Oak. There is no assessment of further downstream flooding risk.

8.2 Takeley Parish Council:

Takeley Parish Council has submitted documents produced by Gardner Planning and Railton in respect of the preparation of the Draft Uttlesford Local Plan. These documents were prepared in October/November 2016 and relate to potential development proposals within the vicinity of Takeley including the potential allocation of "Bonnington Green" for a total of 230 dwellings.

8.3 In respect of the Bonnington Green site the report states:

"The 'Bonnington Green' site(s) has its own constraints which point to a lack of sustainability. Access is poor (see the attached report by Railton – Appendix 1) with the Four Ashes crossroad operating at over-capacity and the M11 Junction 8 with the B1256 also operating at over capacity. Pedestrian access is wholly unacceptable via a dangerously narrow footway over the former railway bridge. The greenfield countryside of the site(s) is 'sensitive to change'.

The 'offer' of on-site facilities (the reason put forward by the Officer at the 20 October meeting to justify a claim of 'sustainability' is illusory. A primary school on the site would have very poor and dangerous pedestrian access; a surgery would not be supported by the NHS; the various open space 'offers' are already available in Takeley.

In short, this is a wholly unsatisfactory and unsustainable site in a settlement that is unable to accommodate any more development beyond the 654 committed or completed homes that are already contributing to the Plan."

8.4 A letter of objection from Takeley Parish Council was also received:

Takeley Parish Council approved the following response OBJECTING to the above application at a meeting of the Council on 1st February 2017.

It is worth noting that much of our response has already been communicated to the UDC Planning Policy Working Group in response to information received regarding the draft Local Plan that was subsequently 'paused'. Takeley Parish Council in conjunction with Hatfield Broad Oak & Gt. Canfield Parish Councils commissioned a 'Pre Publication Report' by Gardner Planning Ltd which was submitted to UDC on 16/12/016. Attached to this document is a copy of that report for reference as well as a Highways Assessment which was part of the submission and is particularly relevant to this application.

- This is not a 'Community led' housing proposal. The applicant twice visited Takeley Parish Council which outlined the reasons why members believe development in this location is unsustainable. A public exhibition was held in Takeley at Priors Green Community Centre, not as would have been expected in Hatfield Broad Oak. 1000 flyers were issued and 74 people attended the exhibition (including invited District and Parish Cllrs). 37 people filled in the questionnaires. 64% of the respondents objected to the proposal. The community has not been 'integrally involved throughout this process'.
- The application site lies outside the development limits of both Hatfield Broad Oak (HBO) and Takeley. It is a green field site, particularly remote from the community of HBO, and should not be under consideration.
- Takeley has completely changed since UDC granted permission for a hotel and golf course on/adjacent to this site.
- The NPPF clearly recognises the need to be mindful of the cumulative impact of development on a community. The site is not part of current agreed allocations. Uttlesford can demonstrate a 5 year land and housing

supply. District completions between 2011-2015 were 1,894 of which Takeley sites accounted for 418 or 22%. Without any further allocations, therefore, Takeley is already contributing 654 homes to the (new) Local Plan or 5% of the total 12,500.

- The recent SHLAA reported that “if there is a proven need to allocate further significant development at Takeley, then the principle of breaching the long-standing southern limit of the Flitch Way would be justified”. However firstly, there is no proven need for sites in this locality and secondly it is at least recognised that the Flitch Way is an important boundary.
- Policy C1 - Protection of Landscape Character. UDC planning policy recognises and seeks to protect the countryside’s “intrinsic character and beauty, its value for agricultural production and its biodiversity.” The site is within the Broxted Farmland Plateau category of landscape Character Assessment. It has a moderate to high sensitivity to change. The proposed site is on the northern edge of a transitional corridor of countryside and agricultural land following the Flitch Way - a linear Country Park and Local Wildlife site. The Flitch Way also acts as a strong defensible boundary to the southern edge of Takeley, south of which, other than Takeley Mobile Home Park, the area is characterised by isolated dwellings and farms. Development of this land would introduce an area of built form detrimental to this character and would significantly impact on the views from Hatfield Forest. In fact, development of the site would mean the loss of the only remaining views to Hatfield Forest, including parts of the Harcamlow Way, from Takeley.
- In accordance with existing ALP Policies NE1 & SP11- Protecting & Enhancing the Natural Environment - development of this site would lead to significant harm. Planning policy recognises Hatfield Forest which ‘is an important recreational resource to Uttlesford residents and it is a strategic area of green infrastructure which is important to protect’. At the current time that SSSI status is under threat. The Forest has become overburdened with visitor numbers. The land is being eroded with insufficient time to recover which has led this year to the events calendar being scaled back in an attempt to reduce the footfall and allow the land time to heal.
- The site is part of a vital wildlife corridor for deer as well as other mammals, insects and birds, which must be retained to maintain viable populations\ RTAs involving deer collisions have increased at various pinch points along the B1256 where deer are forced to congregate and cross the road in order to maintain their natural range, which for fallow deer can be up to 16km.
- The developers propose a dog walking circuit to ‘draw residents away from using Hatfield Forest’. This appears to incorporate the Flitch Way into the circuit and accesses are included in the design. The Flitch Way is a linear Country Park and a Local Wildlife Site and should be protected from the impact of extra traffic from 275 homes. The Flitch Way is totally unsuited for use as a pedestrian access to Takeley and the embargo on extra entrances onto the Flitch Way applied to other new developments should be applied here.
- The proposal suggests a development of 275 dwellings. Given the land identified in the most recent ‘Call for Sites’ and the financial viability of offering the inferred ‘community facilities’ it must be recognised that the application site and adjoining land has capacity for over 850 dwellings (development on the scale of the current Priors Green development).
- UDC refused planning permission for 180 dwellings in March 2015 on a similarly located site south of the Flitch Way with poor access to the village. An appeal was lodged and after a significant case was assembled by UDC

and TPC the appeal was withdrawn. The 'Bonningtons Farm' proposal is completely at odds with this recent position taken in UDC's decision. The reasons for refusal included the following which are equally applicable to the 'Bonningtons Farm' site:

The proposal is on the boundary of the Countryside Protection Zone and would destroy the open relationship of the zone and its connectivity to the countryside. As such the proposal represents significant harm to the CPZ and therefore does not accord with Policy S8 of the ULP 2005.

The lack of safe and appropriate access for pedestrians and cyclists to the wider network and local facilities mean that this location is dependent on the private car and therefore the proposal does not represent a sustainable location as defined in the core principles of the NPPF and is not in accordance with Policy GEN1 of the ULP 2005.

- The Four Ashes cross-roads has no capacity to take extra traffic - the site is only accessible from the B183. Pedestrian access to the site would be via a sub-standard footway which is constrained by the railway bridge abutments. The access to the B1256 and to the M11 Junction 8 is already over capacity. So access to 'the site' is wholly unsatisfactory.
- The Four Ashes junction B1256 and Junction 8 of the M11 currently operates over capacity in the peak hours and the potential for improvements at these junctions is very limited. Only very modest new development can be accommodated within Takeley or along the B1256 corridor without severe adverse impacts in terms of queues and delays for drivers and severe adverse impacts for pedestrians and vulnerable highway users within Takeley and around the Four Ashes junction.
- A Transport Statement relating to sites 03HBO15 (application site) and 04HBO15 was prepared by Journey Transport Planning in May 2015. This report failed to undertake any detailed assessment of the likely level of impact of the proposed development on the Four Ashes junction and Junction 8 of the M11 and it did not consider the site's constrained pedestrian access. The data presented in the report were from the 2001 Census rather than the currently available 2011 Census and there was no recognition of the unsustainable travel patterns of local residents revealed by the Census data. The conclusions of the Transport Statement are therefore considered to be partial and flawed. As per Highways comments further assessment is required.
- MOVA (traffic signal control system that uses detectors and signal controllers). is already installed at the Four Ashes junction B1256/B183
- TPC and HBO PCs have submitted a joint proposal to ECC Highways for speed restrictions on the B183 between the 2 villages due to the volume and speed of traffic already using this route. There are particular hotspots in Station Road, Takeley and approaching the settlement of Hatfield Broad Oak.
- TPC is submitting a report by Railton TPC Ltd produced in Nov 2016 which assumes development of 334 dwellings and models the impact. This report clearly demonstrate and refutes the claim that the Four Ashes junction can be modified to accommodate additional traffic.
- The site could generate between 184 and 474 car trips in the peak hours, the vast majority of which will pass through the Four Ashes junction. The Four Ashes junction is already operating at or above capacity in the peak hours. The proposal site could lead to up to a doubling of traffic arriving at the junction from the B183 in the peak hours. The requirement for almost all pedestrian movements from the possible sites to cross the Four Ashes junction will serve to reduce further the capacity available for vehicles. The

development would therefore lead to severe queues and delays at this junction.

- Junction 8 of the M11 is currently operating at or above capacity during peak periods. There is only limited scope to increase capacity without a very radical reconfiguration of the junction and even with these improvements the B1256 approach remains over or close to capacity. The development would generate significant additional flows at Junction 8 of the M11 leading to a further deterioration in the junction's performance.
- Observations of traffic growth on the A120 either side of Junction 8 indicate growth of between 8% and 13% between 2012 and 2015. This is far in excess of the growth predicted by Essex Highways in their most recent assessment of the junction. It is therefore likely that the impact of further additional traffic approaching the junction from the B1256 in the peak hours will have an even more severe impact than would have been previously predicted.
- Pedestrian movement between the site and Takeley is constrained by the provision of only one footway on the B183 over the Flitch Way bridge. This has substandard width and the scope for widening is constrained by the bridge parapets. The footway is of insufficient width to safely accommodate significant pedestrian flows, particularly if they include vulnerable highway users such as school children. The safety of pedestrians using this route is further compromised by the lack of forward visibility for motorists over the bridge.
- An assessment of current travel patterns shows that the car driver mode share for people living in Takeley is the second highest in Uttlesford District and the level of walking is joint lowest. The unsustainable transport habits of residents reflect the lack of local facilities and employment, the distance to all higher order facilities and the lack of public transport services in the village. The location is not, therefore consistent with national policy that requires development to be located in areas that minimise the need to travel and maximise the use of sustainable modes.
- Despite the claims in the application documents, access to Stansted Airport railway station is inadequate and does not encourage commuter use, there is no safe pedestrian access, car drop off/collection zone charges, and bus services have recently been further reduced. Train fares are double that from Bishop's Stortford. The Airport encourages air passengers not domestic commuters.
- Education The site is more than 800m from the existing primary school provision. It is also more than 4.8km from a secondary school. A proposal for a primary school is unrealistic. It is not accessible from either Takeley or Hatfield Broad Oak. The plan indicates a school in the farthest corner of the site and access would need to be by car. Access from the centre of Takeley via Station Road, B183 cannot provide a safe pedestrian route to school due to the narrow bridge that crosses the Flitch Way (old railway line) – see above. The Flitch Way does not provide a safe route either; it is not lit nor does it provide a suitable surface for all weathers – it is a linear country park.
- The availability of secondary school places is also critical. ECC anticipate the existing provision will be over capacity in the year 2017-18. ECC has taken the unusual step of objecting to recent applications on the grounds of a lack of school places.
- Health provision is absent in Takeley - Takeley does not have a GP. Even where a GP surgery is suggested by the applicant this is not deliverable because NHS England will not support it. Current policy is for large hubs therefore to suggest a GP surgery/health facility within the proposal is

disingenuous. TPC has experience of this very situation on Priors Green, and has been engaged in discussions subsequently with the CCG. In reality the proposal may offer land (or the shell of a building) but local NHS has no intention of supporting/providing a service.

- Princess Alexandra Hospital in Harlow is operating significantly over capacity and cannot cope with the surge in population and housing development. It was built for a population of 60k which has now grown to 110k.
- With regard to the offer of 'community facilities', S106 contributions are designed to compensate existing residents in the parish as well as those living on the new development
- The application fails to provide adequate proposals regarding the supply of water, drainage and sewage. Current capacity in the surrounding area is problematic after significant development north west of the site and increased capacity at Takeley Mobile Home Park.
- The Flood Risk Analysis carried out for the site is unsatisfactory. "The assessment says there is very little chance of flooding on the site but does not cover any nearby areas". The assessment shows that all the runoff water including roads and roofs will be fed into a large pond and then into the existing drainage ditch to the south east of the site at up to 17 litres per second. There is no mention that the ditch flows south into Pincey Brook which we know struggles to cope with any heavy rainfall.
- As identified by National Grid there is a strategic gas pipeline in the vicinity of the site.

Takeley Parish Council fundamentally disagrees with some of the assumptions and conclusions of the Scoping Assessment Report regarding the impact of the development. The assessment fails to adequately comment on a number of key issues including the impact on the countryside and wildlife, the lack of safe pedestrian access to the site to/from Takeley centre as well as the impact of additional vehicle traffic at the Four Ashes junction B1256/B183. Takeley Parish Council deems this proposal to be unsustainable, unwanted, and unnecessary in this location.

8.5 A further report by Railton was completed in September 2018 for Takeley Parish Council. This report focuses on the transport aspects of the proposals and reiterates the points made in the earlier response and concludes that the proposed development is likely to have severe impacts in terms of increased queues and delays at the Four Ashes junction and in terms of highway safety, suffers from a lack of transport sustainability and may have an unacceptable transport environmental impact.

8.6 In addition, a letter from the Parish Council dated 21 September 2018 has been received raising further points.

Takeley Parish Council have noted the applicant has ring-fenced the densest part of archaeological features for non-development which is situated beneath the grassed area to the south of the school, however the archaeological advice is to follow through entire trenching to the whole of the site. The Archaeological advice is prescriptive; the entire site may need to be investigated before development can be considered. On this basis alone Takeley Parish Council highlight the NPPF principle that the potential harm outweighs benefits as the entire site has not undergone exploration.

However, should the geophysical survey prove otherwise, the council wish to highlight the disingenuous use of the most unamenable area being earmarked as part of the school playing field. Expansion of a primary school would not be able to

incorporated at a later date as the archaeological area has been advised as only suitable for seed within the archaeological study.

Furthermore, the applicant appears to have also incorporated the trim trail overlapping the school's green area. The school's playing field appears to have been incorporated into the same area which would not comply to children's health and safety amenity, in that the trim trail would be open to the public. However, the advice of the archaeological report, is that the area is only suitable for seed – not a trim trail or dog walking path either.

The benefit to the education authority is not clearly identified when the most unamenable area is being earmarked and the applicant is not proposing to build or fund the infrastructure/actual building. Housing is being created by the applicant that will lead to increased strain on resources. It would likely incorporate even more housing if the school was not built and as ECC have pointed out in their correspondence – a primary school is a necessity for the area if this development were to go ahead.

Specifically, Takeley Parish Council and Hatfield Broad Oak do not feel a MUGA is appropriate. There is currently a MUGA site which falls under Takeley's insurance remit on the other side of the road. Takeley Parish Council do not wish to insure or maintain two MUGA's within walking distance of each other and have not been consulted on the issue. Hatfield Broad Oak do not want to insure a site that they feel is remote from their current population or either pay for additional yearly ROSPA reports.

Neither Hatfield Broad Oak or Takeley Parish Council has been consulted on dog and litter bins to the area which would incur public costs which would be attributable. Please note these would be ongoing costs which would supersede any developer contribution and a staff resource implication. Hatfield Broad Oak as a small parish council does not have the staffing resource or precept level to cover upkeep of the proposals. The costs are ongoing so a contribution would not necessarily cover the long term staffing requirements.

Please also take on board that Natural England have quoted that usage of Hatfield Forest would not decline from the incorporation of a trim trail as the option to walk to the woods is always there.

In addition, Footpath 23 to the side of the field is currently not accessible to housing, however within the developer's design the trim trail accesses Footpath 23 at four access points – this leads directly on to the Flitch a linear Essex Wildlife Site which leads directly to Hatfield Forest. The development therefore will encourage dog walkers beyond the development site and directly towards the Forest a site of Special Scientific Interest which from the survey reports is suffering harm from too many local walkers. The harm therefore still outweighs benefits. Takeley Parish Council request that consultation with those who manage the Flitch also occur. Accesses to the Flitch require minimisation to ensure further damage to the wood and the preservation of the Flitch itself as it too is an Essex Wildlife site.

The Council do not believe that any benefits are being afforded to the community.

However, should the scheme be approved – Condition would need to be imposed that physical infrastructure and land be identified after the first house is built for NHS usage (D1) and further condition that NHS building is built within a timescale or percentage of other homes being developed. Conditions to be aligned in similar

manner as for the primary school – as per requirements for proper infrastructure to be facilitated.

It is known that Takeley is currently badly served by the NHS and ear markings to monies outside the area should be avoided. Small clinical rooms with large ensuites are an appropriate pre-requisite for healthcare facilities, which could potentially be rented out by NHS England whilst resourcing of a GP etc. Healthcare facilities are not identified elsewhere in Takeley and further investigation on this issue needs to be carried out urgently, as the monetary value of earmarked land, holds greater public asset and monetary value. The amenity to local residents needs to be of primary consideration.

Residents will not be happy to learn that a planner decided that ear-marking on NHS funds should go outside the immediate catchment area. This appears to be suggestion for the adjacent Gladmans' application without any appropriate assessment as to the needs of the new residents and the rest of the area.

Additionally a hall is also not required in light of Takeley Parish Council's plans to refurbish the Old School House on another site within walking distance, which will provide two halls due to the size of the plot. The new hall with its two separate halls to hire, would accommodate the needs of both Takeley, Hatfield Broad Oak and the new development and the utility of the area would be better served to making the development more sustainable to wanted infrastructure should the application inappropriately be passed.

Takeley Parish Council strongly object to all the points as outline in Ian Cowards' letter that this development should not occur and no benefit to the majority of residents has been considered, nor either the damage to the landscape, SSSI etc.

8.7 Great Canfield Parish Council

Great Canfield Parish Council discussed this application at its meeting on 9th January 2017 and was unanimous in its decision to OBJECT to the application UTT/16/3565/OP.

In September 2016 and following a request from Uttlesford District Council Planning Policy Working Group, this Parish Council responded, also in objection, to the inclusion of this site in the draft Local Plan, 02HBO15 and 03HB015. Great Canfield Parish Council in conjunction with Hatfield Broad Oak Parish Council, fully supported Takeley Parish Council in commissioning a report by Gardner Planning Ltd to provide detailed evidence to support all three Parish Councils objections to the inclusion of the sites. The report was submitted to Uttlesford District Council in December 2016 and this Parish Council fully endorses its content. There is no further evidence available in this outline planning application that would alter this Parish Councils view, their reasons for objecting to the suitability of the site for development remain and are repeated below for the benefit of this planning application.

Flich Way – Natural Boundary

The site is situated to the south of the Flich way. Uttlesford has previously stated that the 'Flich way is an important break in landscape terms and land to the south should be protected. Although land to the south is not covered by any formal designation it does have a different character which should be protected'. The Flich Way provides a natural boundary between Takeley to the north and the villages to the south and with the exception of Takeley Mobile Home Park, (exceptional

planning permission for the mobile home park site was granted in association with the approval of the development at Stansted Airport), the area is currently characterised by isolated dwellings and farms.

Great Canfield Parish Council is of the view that if these sites are developed in anyway this natural boundary would be breached and there would be no defined barrier to prevent development in the countryside beyond. The village of Great Canfield directly to the south of the Flitch Way would be open to developers and any boundary between Takeley to the north and Great Canfield would be eroded; Great Canfield parish in its current format would cease to exist.

Hatfield Forest

The Flitch Way, accessible from these proposed sites, is a linear country park which leads to Hatfield Forest, Uttlesford's largest SSSI. The Uttlesford Open Space Strategy 2012, paragraph 1.47 describes Hatfield Forest as an 'asset of regional significance for the retention, provision and enhancement of green infrastructure'. In response to a planning application in Great Canfield, UTT/14/2306/OP for up to 211 new homes adjacent to the Flitch Way, The National Trust as owners of Hatfield Forest objected to the development. Their primary reason was the 'cumulative impact of developments in the area will potentially contribute to further negative impacts on the SSSI and National Nature Reserve at Hatfield Forest.' The significant increase in visitor numbers in recent years has seen the forest being eroded with insufficient time for it to recover. This Parish Council suggests any further development in close proximity to Hatfield Forest would contribute to the damage already being caused, potentially threatening its current status and impacting the residents of Great Canfield and Uttlesford for whom this is a key recreational space.

Highways

The developments as proposed would put considerable pressures on both the B183/B1256 junction and the M11 junction 8, reference Essex Highways' Report, 'Uttlesford Local Plan Highway Impact Assessment of Draft Local Plan to 2031' (March 2014), and recent planning applications. Great Canfield Parish Council is concerned as evidence confirms traffic will use the narrow lanes through Great Canfield as cut throughs to avoid the traffic congestion at these junctions. Great Canfield Parish Council strongly objects to any development that has an adverse impact on the Highways network and that would result in an increase in traffic through the narrow lanes of Great Canfield.

The NPPF recognises the need to be mindful of the cumulative impact of development on communities. It also advocates an integrated approach to considering the location of housing, economic uses, community facilities and services. Despite the commitment in the planning application to the development of schools, recreational facilities, health service, (all of which this Parish Council would question in terms of achievability and sustainability), this site would be heavily reliant on the infrastructure and services in Takeley and Dunmow, areas which have seen large scale new housing development in recent years. They are already under significant pressure and struggling to meet the needs of the existing developments.

9. CONSULTATIONS

Highways England

- 9.1 6.1.17: Holding directive until 28 February 2017
- 23.2.17: Holding directive until 31 March 2017

28.3.17: Holding directive until 30 June 2017

14.6.17: recommend that conditions should be attached to any planning permission that may be granted:

No part of the proposed development shall be brought into beneficial use or occupation until the following highway improvements, the exit from M11 J8 on to the B1256 Takeley road is to be widened to two lanes. Or a sum equate to the cost of same is to be paid to the district council to put against a larger scheme for M11 J8 (or alternative layout form having no less effect in terms of highway safety) subject to such design modifications as the appropriate Highway Authority may decide to make.

Reason: To ensure that the strategic road network can continue to operate as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and to satisfy the reasonable requirements of safety for traffic on the strategic road network.

19.7.18: Offer no objection.

9.2 **ECC Highways**

This application has been assessed in relation to NPPF 2018 and in particular paragraph 108. A number of site visits were undertaken, as was consultation across the highway authority including the Essex Highways ITS (signals) team, public rights of way team and country parks team and externally with Highways England.

The development site was subject to a previous application and there is an existing access to the site which this application will use. To increase accessibility to the site the following will be provided:

footways, a signalised crossing, vehicle activated speed signs, upgraded bus stops with shelters and real time passenger information. The design of these works has been subject to a safety audit. The works will provide facilities aiding access to the village and bus services.

Conditions are required to protect the Flich Way, provide controlled access to it and improving the signing and surfacing of it and the PROWs that lead to it, improving routes for walkers and cyclists linking to the village and leisure routes and mitigating the impact of increased use.

The sustainable infrastructure measures above will be supported by a residential travel plan to provide information and sustainable transport incentives to residents.

The Takeley Four Ashes junction has been looked at in detail, in terms of capacity. Essex Highways ITS team have looked at the assumptions made within the model and are satisfied that the model gives a fair representation of the junction, the type of model used is recognised as one used by the industry, the cycle times reflect typical cycle times in the AM and PM peaks and the pedestrian cycle times have been included. It is recognised that there is queuing in the peak period and that this development will impact on the junction, for this reason the applicant will provide MOVA to improve the efficiency of the junction. MOVA will optimise the junction and allow it to respond automatically to differing queue lengths and adjust timings to balance the junction and make it work more effectively, providing greater capacity than is currently available.

Highways England has considered the impact of the development on junction 8 of the M11 and has required a condition to provide more capacity leading from the junction to the B1256. The condition has been included in the informatives of this recommendation for completeness.

Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the required mitigation and conditions.

9.3 **ECC Ecology**

23 January 2017: Holding objection

Chapter 6 of the Environmental Statement (Batcheller Monkhouse, no date given): Ecology & Biodiversity gives a reasonable alternative walking route as a draw away from Hatfield Forest SSSI and NNR, which is supported by Natural England. However, this footpath encourages the residents of the 275 proposed homes directly onto the Flitch Way Local Wildlife Site, and the potential impacts on the LoWS of increased visitors are not discussed. Although LoWS do not receive statutory protection, they are offered some protection through the planning system and there is a general presumption against development that will adversely affect them.

All of these potential impacts need to be set out and mitigation should be provided to ensure that the LoWS is not negatively affected by this development or by the cumulative effects of this development alongside others taking place in the vicinity.

9.4 25 June 2019: No objection subject to securing biodiversity mitigation and enhancement measures.

We are now satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on designated sites. Protected and Priority habitats and species and, with appropriate mitigation measures secured, the development can be made acceptable.

The compensation and mitigation measures identified in the Ecology Chapter (8) and associated appendices within the updated Environmental Statement (June 2018) and the letter from Ecology Solutions (7th November 2018) supplied by the applicant, should be secured and implemented in full.

While the concerns of our previous response of 28th May 2018 still fundamentally apply, we accept that the applicant has worked with the National Trust and others to help develop a comprehensive mitigation package, in the absence of an overall strategic plan.

In order to mitigate the likely impacts of recreational pressure on Hatfield Forest SSSI & NNR, the applicant is offering a mitigation strategy which would include:

- New all-weather dog walking circuit to include off-site habitat and picnic area and on site walking area including an off lead area.
- Financial contribution to the National Trust for visitor management at Hatfield Forest
- On-site green open space
- Encouraging people to use other routes in the area away from Hatfield Forest

We have recently spoken to the applicant's ecologist, who has talked through the work that has been undertaken with respect to mitigating the potential impacts upon Hatfield Forest SSSI and NNR and the Flitch Way Local Wildlife Site and he has provided some reassurances. On this basis, please find below our updated our response; we are now willing to withdraw our holding objection providing the following can be secured for discharge at Reserved Matters stage:

1. Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) –mitigation for impacts to the Statutory designated site

A report, produced in consultation with the National Trust, must be provided to set out precisely what the applicant's financial contribution to the management of Hatfield Forest will fund and proportions allocated to monitoring, education and maintenance. This will demonstrate that the financial contribution being provided to the National Trust for visitor management at Hatfield Forest has been fully costed. It will be aligned with the National Trust's published report entitled Hatfield Forest Visitor Survey and Impact Management 2018 (Footprint Ecology) and will provide specific measures that can be attributed to impacts from this development. The report will be tied to the legal agreement signed by the National Trust. The funding should provide for a significant proportion of works on the ground within Hatfield Forest, not just monitoring. The report itself should be a condition of any consent and must be provided with or before submission of reserved matters.

2. All-weather dog walking circuit, including off-site habitat and picnic area and on site walking area including an off lead area

The off-site section of the walking trail is all on land within the applicant's control. It must be demonstrated with or before submission of reserved matters that the dog walking trail and associated off-site habitats can be maintained (funded and managed) in perpetuity through the S106 agreement which must be provided before occupation.

The precise location, size and nature of the off-site habitats proposed must be defined. Figure E.4 Dog Walking Route and Biodiversity Plan (undated) should be amended to show the area of land which will be managed off-site.

A long term management plan will be provided with or before submission of reserved matters and its implementation in full must be secured for a minimum of 15 years.

3. Flitch Way Local Wildlife Site

There will be a legal agreement with Essex County Council which will include financial contributions for the maintenance of the Flitch Way Local Wildlife Site (LoWS) and public right of way for recreation and wildlife purposes. We support the suggested condition relating to this in Essex County Council's (Highways and Transportation) letter dated 8th May 2019.

We are satisfied that there is sufficient ecological information available for determination. This relates to impacts and mitigation on-site, to Hatfield Forest SSSI/ NNR and the Flitch Way Local Wildlife Site.

Should the LPA be minded to grant planning permission, the mitigation measures identified in the Environmental Statement should be secured and implemented in

full. In addition to securing off-site measures in a section 106 agreement, submission for approval and implementation of the details approved will need to be a condition of any planning consent.

This information will provide certainty for the LPA of the likely impacts on Protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable. This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 of the Natural Environment and Rural Communities (NERC) Act 2006.

9.5 **Natural England**

Hatfield Forest Site of Special Scientific Interest (SSSI)

Natural England commends the consideration given to potential impacts of recreational pressure which is considered to be the most likely pathway for an adverse effect on Hatfield Forest SSSI. Paragraph 6.6.1 of the Environmental Statement states that *'the vulnerability of the interest of the designation is considered to be relatively robust from typical recreational activities'*. We consider this to be slightly misleading within this specific context as both Natural England and the National Trust (who own and manage the Hatfield Forest) are becoming increasingly concerned about the impacts of increasing visitor pressure on the SSSI particularly in the northern area closest to the proposed development.

This increased visitor pressure, particularly during the wetter winter months, has resulted in increased trampling of the rides and paths, parts of which have become very muddy. This in turn leads to visitors attempting to detour around these areas; thereby widening the paths and trampling important ride-edge vegetation. The National Trust have been forced to close some of the affected rides and paths on a rotational basis in order to allow them to recover sufficiently to be able to withstand further visitor pressure.

We welcome the inclusion of a 2.2km dog walking route which we consider a suitable mitigation for this type of development however we would expect to see further evaluation relating to usage and consideration of probable residual recreation in Hatfield Forest. Whilst a high quality walking route may reduce the number of visitors to the SSSI it is considered highly likely that some new residents will still be attracted to Hatfield Forest on a regular basis. Natural England recognises that the new 'all weather' dog walking track could also attract existing users of Hatfield Forest but assessment should be made of whether the total number of visits to the SSSI is likely to increase as a result of the new development. Where an increase is anticipated the impact should be considered in combination with other developments and further mitigation provided where necessary.

Natural England further notes that the environmental statement focuses predominantly on dog walkers. Assessment should also be made of other forms of recreational user, for example cyclist, who could potentially be considered less likely to use the provided dog walking track.

As owners and managers of the SSSI, the views of the National Trust should be sought and appropriate weight given to their submission.

9.6 **9 November 2018: NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest ('SSSI') has been notified in combination with other developments.
- In order to mitigate adverse effects and make the development acceptable, the Environmental Statement identifies the following mitigation measures, amongst others, which we consider to be of principle importance to the conservation status of the SSSI:
 - The provision of an all-weather dog walking circuit to include a fenced off green area of 1.35 ha including a pond and picnic area.
 - The Flitch Way CWS corridor to be both protected and enhanced by an additional 20 metre buffer of managed biodiversity rich habitat to complement the Flitch Way CWS.
 - A secured financial sum to be provided to the National Trust in respect of Hatfield Forest SSSI / NNR to allow it to further mitigate and help resolve any issues that it is currently occurring from recreational pressure.
 - Areas of additional green open space within the development to provide on-site green infrastructure.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Further advice on mitigation

Natural England welcomes the additional information including the visitor survey information and updated Environmental Statement.

We understand that your authority is currently preparing a mitigation strategy to deal with in combination impacts on Hatfield Forest SSSI from Local Plan allocations with support from Natural England and the National Trust. As part of the work required to produce the Mitigation Strategy, Footprint Ecology undertook a visitor survey to identify a recreational zone of influence and to identify the distance the majority of visitors will travel to visit Hatfield Forest SSSI. This report identified that 75% of visitors travelled up to 10.4 km to the SAC. Given that this development site is less than 2 km from the SSSI it is considered highly likely that it will fall within any identified Zone of Influence.

It is anticipated that housing proposals falling within this Zone of Influence may be required to contribute to mitigation measures to ensure that development does not impact negatively on SSSI features. Given that this application is not included in the Local Plan consideration needs to be given to the maximum carrying capacity of the SSSI and whether mitigation measures are available which will create sufficient headroom to accommodate both this development and the proposed allocations. As a Strategic Solution is not yet in place and the mitigation measures required are not yet defined this development will require a bespoke solution if it is to be determined prior to the conclusion of the Local Plan led approach.

We advise that the financial sum identified in the Environmental Statement as being required for mitigation needs to be quantified and agreed with Natural England and the National Trust. It is important that any financial sum relates to costed mitigation measures which are considered to deliverable and proportionate. We understand that the National Trust has provided a recommended costed contribution in their consultation response. If the developer wishes to adopt this as their own and the amount put forward can be secured then Natural England would consider it appropriate to withdraw our objection.

9.7 National Trust

The proposed development neighbours the SSSI and National Nature Reserve areas of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. There are two Scheduled Monuments on the site and four listed buildings, which reflect its historical significance. It's cultural and natural heritage values are of potential World Heritage Site status. Although not immediately adjacent to the proposed development site, Hatfield Forest is within close proximity and the Trust has taken the decision to comment on the proposal currently under consideration at Uttlesford District Council and would like to bring the following information to your attention.

Due to the exponential housing growth in the local area over the last 10 years our visitor numbers have doubled. This growth has created particular pressure during the winter months at a time when the forest is at its most fragile due to wet clay soils. The high levels of footfall increases the impact on the site and would be further exacerbated by the cumulative effect of more visits from the proposed 275 additional households.

The existing high level of visitors during the winter is impacting the Forest to an unsustainable level. The result is a loss of woodland edge habitat and compacted soils. These fragile ancient woodland soils are important and it may not be possible for them to recover. Entire woodland paths are removed of their vegetation and this spreads to the woodlands either side. The vegetation of a woodland edge as it transitions from grass to shrub to tree is an essential element of woodland ecology.

There has also been a significant increase in demand from visitors travelling to the Forest by car increasing the pressure to the existing facilities, infrastructure and soil conditions. In turn, car parking facilities are at full capacity during these times and in most locations adjacent public highways are regularly used for overspill parking on verges causing congestion.

The Trust welcomes the proposed circular dog walking route. We are pleased the design of the development has in some way incorporated an attempt to mitigate our concerns. However, we are of the view that this provision does not provide adequate mitigation against the potential recreational impacts of the proposal upon the surrounding SSSI and National Nature Reserve. The Trust is of the opinion that appropriate mitigation measures would be in the form of a significant alternative natural green space.

Whilst the Trust is neither 'for' nor 'against' the principle of development, we are of the opinion that the proposed development would result in increased recreational pressure upon land within our ownership which would be detrimental to the ongoing positive management and conservation of the SSSI and National Nature Reserve and wish to formally object to the proposed development.

- 9.8 **30 July 2018:** This letter is submitted in response to the revised Environmental Statement prepared by Batcheller Monkhouse (dated June 2018) which was published on Uttlesford District Council's website on 28th June 2018. The comments relate to the potential impacts of the proposed development on Hatfield Forest which is designated as a SSSI and National Nature Reserve and is owned and managed by the National Trust.

Hatfield Forest - Background

The proposed development is located approximately 1km to the east of the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. Of greatest significance is that Hatfield Forest is the finest surviving example of a small Medieval Royal Hunting Forest. The whole forest is of archaeological interest, it includes a medieval rabbit warren and Portingbury Hillsearthworks (a Scheduled Ancient Monument) as well as the Grade 2* listed Shell House which is a rare surviving example of garden building dating to the mid-18th century.

The Forest's ecological and historic importance is reflected in its designations - for its considerable ecological significance and especially for its veteran trees and old growth woodland on undisturbed soils. There are two Scheduled Monuments on the site and four listed buildings, which reflect its historical significance. It is also the largest, most accessible and most important space for outdoors recreation for the community in the local area.

The National Trust welcomes visitors to Hatfield Forest but has to balance the needs of the visitor with conservation needs to ensure it can be protected for and enjoyed by future generations. The forest is currently experiencing rapid growth in visitor numbers which is putting it under considerable pressure and there are signs that the SSSI, NNR and other designated/protected features there are being damaged. Due to the clay soils of the Forest the increase in winter visitors, both walking in and arriving by car is damaging the Forest to an unacceptable level. Habitat loss is occurring and not recovering. The whole of the Forest was judged to be in 'Unfavourable Recovering' condition when formally assessed by Natural England in 2011. There is a significant risk that the Forest will be judged to be in Unfavourable Declining condition if the recreational impacts on notified features are not addressed. Part of the growth in visitor numbers can be attributed to the increase in housing in the local area.

The Trust has been actively working to address recreational impacts through its 'Every Step Counts' programme. This includes a range of management measures which are defined into the following categories – Strategic Planning, Acquisition, Community Involvement, Forest Infrastructure, Forest Works.

We previously responded to the original submission in which we raised concern about the increased recreational pressure that a development of the proposed scale could have on Hatfield Forest. Due to the exponential housing growth in the local area over the last 10 years the number of visits to Hatfield Forest has doubled to 500,000 today. The potential cumulative impact of further residential development so close to Hatfield Forest has the potential to increase visitor pressure and damage to the SSSI, NNR and ancient woodland. The site subject of this planning application is approximately 1km from Hatfield Forest. It is within walking distance of the Forest and this is facilitated by the proximity of the site to the Flitch Way. The Flitch Way is a well-used bridleway which abuts the Forest and provides users with direct access to Hatfield Forest. We previously advised that whilst the provision of a dog walking circuit (as set out in the application) was welcomed, it was not considered to provide adequate mitigation against the potential recreational impacts of the proposal.

Survey Work

Since our previous letter was submitted further work has been commissioned, both by the National Trust and the applicant to advance the understanding of the issues and the potential impacts from recreational pressure associated with housing growth in the area. The applicant has acknowledged the concerns raised by the National

Trust and Natural England regarding recreational pressure on the SSSI and has undertaken further work, in consultation with both parties, to address these. The National Trust is grateful to the applicant for this.

The applicant's consultants carried out a Visitor Survey and produced a 'Visitor Survey Report' (dated May 2018). The National Trust commissioned a 'Visitor Survey and Impact Management Strategy' which was also completed in May 2018. These are included in Volume 2 of the submitted ES - Appendices E3 and E4 respectively.

Both surveys were carried out during winter months (2017-2018) when the recreational impacts are most evident and require intervention. The Surveys are not directly comparable as they were commissioned for different purposes; however both contribute towards an advanced understanding of visitor patterns and behaviours at Hatfield Forest.

Some parallels can be drawn from both sets of survey results. In both cases over 50% of interviewees states that they visit the Forest once a week or more, with over 25% visiting daily. In both cases approximately 50% of people were walking dogs and one of the main reasons for visiting the open space at Hatfield Forest was the proximity to home. We therefore know that a lot of people who visit the forest live locally, visit more than once a week and it is a popular dog walking destination. The results also showed that those accessing the site from the Flitch Way visit the site more regularly than those using other accesses, including the main entrance. The National Trust's survey work established that 75% of visitors surveyed lived within 10.4km of the forest. This distance is likely to increase in summer months and the Trust in commissioning repeat survey work in the summer to establish a more accurate Zone of Influence. The proposed site falls within the winter Zone of Influence.

Para. 8.7.11 of the revised ES states that "prior to mitigation, effects are temporary and permanent adverse at the local level on a receptor of national importance and are of minor to moderate significance". The applicant's consultants estimate that the proposed development would create between 2920 (8 per day) and 4015 (11 per day) new visits to Hatfield Forest per annum. The Trust acknowledges that there are various methods of predicting the number of residents likely to visit Hatfield Forest from new developments and that there is not a recognised method of assessing this, nor is there any guidance (in policy or SPD for example) as to appropriate mitigation measures for the scale of development. Within the ES the applicant acknowledges that the site falls within the winter Zone of Influence (which may increase once summer surveys have been carried out) and indicates agreement to a financial contribution to the National Trust secured through a legally binding Section 106 Agreement for monitoring, education and maintenance of Hatfield Forest SSSI/ NNR.

The National Trust's Position

The National Trust supports the delivery of housing through a plan-led system. In this case the site is located outside of any defined settlement boundaries and is not allocated for development within the adopted Uttlesford Local Plan (2005). It must also be acknowledged that the site is not proposed to be allocated in the draft Regulation 19 Local Plan which is currently subject to pre-submission consultation. The site was submitted through the 'Call for Sites' process as part of the preparation of the new Local Plan. However, the evidence base and Sustainability Appraisal which accompany the emerging plan indicate that the allocation of this greenfield

site for residential development was not considered appropriate as it would introduce a significant area of built development which would be detrimental to the character of the area. The National Trust therefore maintains its objection to the principle of the development of this site.

As part of its determination, the LPA must consider whether the proposal would accord with the sustainability principles set out in the National Planning Policy Framework (NPPF). Para. 7 of the NPPF sets out the three dimensions to sustainable development: economic, social and environmental. It states that these roles should not be undertaken in isolation, because they are mutually dependent. An environmental role is about contributing to protecting and enhancing our natural, built and historic environment.

It is understood that the Council does not currently have a deliverable 5 year supply of land for housing and therefore relevant policies for the supply of housing cannot be considered up to date. When considering the presumption in favour of sustainable development as set out in Para.11 of the NPPF and applying the planning balance, it states that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted⁹.

Footnote 9 gives examples of where such restrictions may apply. This explicitly includes policies relating to sites designated as Sites of Special Scientific Interest.

Para. 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying specified principles. It states that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It also states that one of the principles that should be applied is that proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest.

Furthermore, para 5.15 of the adopted Local Plan (2005) states that 'Sites of Special Scientific Interest and National Nature Reserves have the maximum degree of protection from development'. Policy ENV7 states that 'development proposals that adversely affect areas of nationally important nature conservation concern, such as Sites of Special Scientific Interest and National Nature Reserves, will not be permitted unless the need for the development outweighs the particular importance of the nature conservation value of site or reserve'. It also states that where development is permitted the authority will consider the use of conditions or planning obligations to ensure the protection and enhancement of the site's conservation interest.

The LPA must therefore consider the 'planning balance'. If it considers that the benefits weigh in favour of the development, then the National Trust requests that a package of mitigation measures to alleviate recreational pressure on Hatfield Forest

are sought, in accordance with the policies above.

Mitigation

The revised Environmental Statement submitted proposes the provision of a “bespoke mitigation package including dog-walking circuit off-site, on-site green open space, enclosed dog exercised area, dog-walking circuit, trim trail and financial contributions to future monitoring, education and maintenance / management of Hatfield Forest SSI / NNR”. It is noted that a contribution is also proposed to the Flitch Way Bridleway to provide signage to mitigate extra use.

The National Trust welcomes the provision of the above mitigation to be provided by the developer. The Trust also suggests that the developer produces and distributes a ‘home pack’ for new residents explaining about the sensitivities of Hatfield Forest and advising on how people can enjoy the Forest while limiting damage and also recommending alternative green spaces that could be used by the new residents, particularly in winter when the paths are less attractive to visitors. We would be able to assist with appropriate wording for this. Furthermore some educational mitigation (signage) on site would be beneficial.

It is accepted that these measures would alleviate some of the potential recreational pressure on Hatfield Forest. However it is noted that this application is in outline form and therefore the design and layout of the site is not yet known. If planning permission is forthcoming it is requested that these are secured through appropriately worded conditions and provided prior to occupation of the first dwelling to help minimise visitor impacts from the new residents on the forest.

The National Trust appreciates that the applicant acknowledges that despite these measures, there would be a residual recreational impact upon Hatfield Forest. Although Hatfield Forest is used by a large number of dog walkers and walkers, it also offers other visitor experiences which could not be replicated on a new site. It is used for a range of recreational activities including cycling, wildlife watching, family outings and photography. It also has visitor infrastructure including a café, toilets, shop, and education room. Undoubtedly new residents would still visit the forest. The applicant suggests a financial sum is provided to the National Trust in respect of Hatfield Forest SSSI/NNR to allow the Trust to further mitigate issues arising from recreational pressure.

The applicant has not quantified the contribution. This is difficult without a strategic Mitigation Strategy/Charging Tariff linked to a local planning policy, which is currently absent from the Local Plan. The current Local Plan was adopted prior to the issues at Hatfield Forest becoming prevalent to the extent that they were causing unsustainable damage which then required further investigation and action. Such issues can, to some extent, be attributed to the housing growth for which provision was made in the Local Plan.

However, to assist, the National Trust recently responded to a different planning application for 135 dwellings close to Hatfield Forest. It is considered appropriate that a similar request is made and a proportionate contribution is sought. Further details are set out below.

Within the Footprint Ecology ‘Visitor Survey and Impact Management Report’ commissioned by the Trust are a number of recommendations in terms of mitigation. One of these is for further monitoring in order to give us more robust baseline information, understand visitor patterns and help determine a Zone of Influence. These include a Summer Visitor Survey (a repeat of the Winter Visitor Survey), the

design of a Botanical Monitoring Framework followed by on-going monitoring. We are keen to establish more robust methods of monitoring. The consultants have advised that the cost of this would be approximately £11,000 excl. VAT (so £13,200 incl.VAT).

The Property Operations Manager has advised that the maintenance element of the countryside budget for the Every Step Counts Forest Works element had to be increased in the last financial year by over £25,000. A further £10,000 pa was required for surfacing repairs due to wear and tear on current infrastructure alone.

One of the workstreams within the Trust's Every Step Counts programme is 'Marketing, Communications and Community Involvement'. The Trust is continually working on strategies to ensure that local communities and visitors understand the issues facing the forest in order to influence their behaviour and visiting times. So far this has included messaging on our website, social media, press coverage, workshops, face to face discussions with visitors, all of which requires staff time and financial commitment. This work will be ongoing.

In the interests of consistency and proportionality, if the LPA is minded to grant planning permission it is requested that a financial contribution of £40,740 to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring, visitor and community education and infrastructure maintenance is secured through a S106 Agreement which is signed before any planning permission is granted.

We would like to make the point that the above should not set a precedent for future developments. Both the National Trust and Natural England consider that a strategic solution to assessing the impacts of new development on Hatfield Forest and determining appropriate mitigation needs to be written into a policy within the new Local Plan. We have been discussing this with your colleagues in Planning Policy. At present there is not a strategic Mitigation Strategy/Charging Tariff linked to a local planning policy in place (based on population increases or number of dwellings/bedrooms proposed). If this were to be in place the contribution may be different. In the absence of this at the current time, we are grateful to the developer for carrying out a Visitor Survey, producing a report and updating the Environmental Statement and consider that, in this case, the measures above would assist in mitigating visitor impacts on Hatfield Forest.

9.9 Friends of Flitch Way and Associated Woodlands

The Flitch Way is already designated a Local Wildlife Site reference Ufd196 and we are working with ECC Park Rangers to declare it a Local Nature Reserve. We are concerned about the current configuration of the site UTT/16/3565/OP Bonnington Green, narrowness of the buffer zone, increased access and restriction of light from the south and ask that the site be re-configured to address the concerns.

Buffer zone alongside the Flitch Way – The preferred buffer zone between the Flitch Way and proposed Bonnington Green development should be at least 20 metres wide and ideally be 100 metres wide. The buffer zone should be landscaped sensitively and be attuned to the specific habitat of that part of the Flitch Way. For example, creation of rough grassland zones with high levels of light is especially important along the southern boundary of the Flitch Way which this forms. Having wider trim trail and dog walking areas next to the Flitch Way boundary and the installation of secure boundary fencing would help to mitigate habitat damage. Dog waste bins should be located within the development to reduce the risk of littering and dog waste on the Flitch Way.

Access points on to the Flitch Way – An access point already exists along the western boundary of Bonnington Green to the Flitch Way. We do not want to see additional new access points as this could lead to habitat damage from increased usage.

Secure boundary with good light access – The Flitch Way is in a shallow cutting where it runs alongside Bonnington Green. It is essential to maintain good light access from the south to maintain as diverse a range of wildlife as possible. One way of achieving this would be to install open metal rail fencing or similar between the Flitch Way and the buffer zone.

S106 funding to improve Flitch Way path surface – There is an opportunity to use s106 funding to improve and maintain the surface of the Flitch Way path to help mitigate the expected increase in usage.

9.10 **Essex Wildlife Trust**

Essex Wildlife Trust currently objects to this application. We are of the opinion that the proposed layout will not provide sufficient mitigation for adverse impacts of the development on the Flitch Way Country Park and Local Wildlife Site.

The Flitch Way is an important wildlife corridor which functions as such due to its connectivity to the wider, open landscape. However, the narrow, linear shape of the Flitch Way renders it vulnerable to "edge effects" which can compromise the tranquillity, biodiversity, connectivity and openness of the site.

One of the aims when planning a development of this size should be to provide a net biodiversity gain. While we welcome the proposal to incorporate additional woodland planting along the northern boundary of the development site, the suggested buffer zone is too narrow and will not mitigate for the loss of tranquillity, connectivity and openness along the country park's southern edge. The additional tree planting so close to the boundary could compromise the ecology of this length of the Flitch Way by blocking out sunlight and contributing to a sense of being enclosed on both sides by urban development. Connectivity and thus the ability of many wildlife species to move through the landscape will also be compromised.

We would wish to see a considerably increased buffer zone along the northern edge of the proposed development, comprising a mix of semi natural habitats such as native woodland, scrub and floristically diverse grassland. This will increase biodiversity and create a more open vista when viewed from the Flitch Way. The aim should be to enhance the setting of the country park and provide enhanced habitats for wildlife leading to a net increase in biodiversity.

9.11 **ECC Archaeology**

9.1.17: The Historic Environment Record and the Historic Environment Characterisation study indicate that the proposed development lies within a potentially highly sensitive area of heritage assets. The HER records that excavation in advance of the construction of a short access into the development area identified medieval occupation indicative of settlement activity (EHER 45626-30). The desk based assessment of the site also identified its potential importance, lying close to the Roman Road from Braughing to Colchester (EHER 4697), to the immediate south of a Roman site (EHER 48342) recently excavated and to the west of Hatfield Forest.

The geophysical survey submitted with the application shows archaeological features covering most of the site. Following discussions with the applicants the densest area of features has been removed from the scheme and will be situated beneath the grassed area to the south of the school.

The remaining area of the development still retains extensive archaeological deposits which will require assessment in advance of development. These deposits comprise a range of linear features and enclosures, probably of prehistoric through to medieval date. The geophysical survey suggest there are possible building remains in the eastern part of the site which may well relate to the recorded medieval remains from the small excavation that has already taken place.

It should be expected that the initial trial trenching will lead onto large scale open area excavation before any development commences.

9.12 **ECC Education**

The proposed development is located within the Broadoak and Hallingburys Ward. According to Essex County Council's childcare sufficiency data, published in July 2016, there is one child-minder and four pre-schools. Overall a total of five unfilled places were recorded. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. Although there is some EY&C capacity in the area, the data shows insufficient places to meet demand from this proposal. It is, thereby, clear that additional provisions will be needed and a project to expand provision is proposed. Additional places would be provided at an estimated total cost of £344,768 at April 2016 prices. This equates to £13,930 per place.

I note from paragraph 8 of the applicant's Planning Statement that they are proposing financial contributions for the appropriate education purposes and this is welcome.

There are two primary schools in Takeley, both of which are within a reasonable walking distance of this proposed development. These schools are full in Reception and it is anticipated that at least half an additional form of entry (15 places in each year group) will be needed in the medium to long term. To deal with immediate demand Essex County Council's 10 Year Plan, to meet demand for school places, sets out the need for a 'bulge' class at Takeley for September 2018.

This development will increase demand for school places but also offers the opportunity to acquire 1.78 hectares of land for a new primary school to serve the area and, thereby, deal with longer term growth if current demand is sustained. Whilst this opportunity is welcome, there is also the issue of viability. The total combined long term excess demand from the current population and this proposal may be slightly less than one form of entry. To ensure best value Essex County Council is committed, where possible, to building two form entry primary schools. Unless, within Uttlesford's Local Plan, there are other development proposals that can also contribute, the new school put forward in this application may not be deliverable.

The 1.78 hectares of education land proposed is sufficient for a two form entry school but it would be tight for the inclusion of an Early Years and Childcare facility. Its location, as shown on the indicative masterplan, is also not ideal in terms of access from the existing community. The applicant has submitted a site suitability

checklist but, from the information available on Uttlesford District Council's website, they do not appear to have provided the necessary supporting evidence. Before Essex County Council can respond fully to this consultation we, thereby, require additional information that we would be grateful for your assistance in obtaining.

Turning to secondary education, the Priority Admissions Area school would be Forest Hall. The School is expected to fill and the 10 Year Plan suggests that new accommodation for an additional form of entry may be needed around 2020. Clearly this development would add to that need and, as one of the largest developments proposed within its area, a formula based developer contribution should be secured.

9.13 12 July 2017:

Letter raises concerns regarding the land compliance statement:

- Asserts site is rectangular but evidence demonstrates it is not. Layout not efficient and unclear how school's developer will be able to accommodate the buildings, playing fields and hard and soft play areas efficiently within the site
- Asserts proposed education site is well located to neighbouring facilities. This is not the case – school site is away from neighbourhood centre and its car park and does not maximise efficiencies of co-location.
- Asserts proposed education site is centrally located – it is on periphery of application land. Assumed that phasing of development will commence from nearest access point and school may therefore be phased towards the latter phases of the development. This will place additional pressure on other schools in vicinity to accommodate the children.
- ECC would request that the developer offers the school land, complete with access road and infrastructure (gas, electricity, water, drainage (foul), telecoms) as soon as the first house is occupied in order to enable ECC to develop the school to mitigate the demand on other local schools
- The masterplan does not appear to offer any evidence on cycleway and safe pedestrian routes to the school

9.14 **ECC Minerals and Waste**

Land subject of this planning application is contained within a mineral safeguarding area- the area extends some 11ha within the proposed development boundary. As per the Essex MLP (2014) the applicant is required to prepare a Mineral Resource Assessment to consider the need for prior extraction of any economically viable mineral resources. ECC will maintain an objection to this proposal, subject to reaching a conclusion in respect of the findings of the MRA.

9.15 **14 February 2019:** Having reviewed the revised MRA, the Minerals and Waste Planning Authority notes the commentary provided as part of Paragraphs 3.20 and 4.2 as it relates to the impracticality of the working and storage of substantial amounts of overburden. On this basis, the Minerals and Waste Planning Authority removes its holding objection and has no further comment in relation to the application itself.

The Authority does however wish to place on record that there are elements of the MRA that are either questioned or not supported. These are set out below:

- Internal processes state that the size of the Mineral Safeguarding Area

(MSA) that would be sterilised would be approximately 11ha, which reduces to 9.6ha when a 100m buffer is applied from the façade of proximal properties. This is different from the 6ha suggested in the MRA. Appendix D of the MRA sets out a map showing the relationship between the application site and the MSA. It is not understood how the shaded area equates to 6ha.

- It is further noted that the submitted MRA states that the total application site is approximately 13.11ha, yet the total site area is given as 17.24ha in the application form submitted to Uttlesford DC in December 2016.
- It is difficult to fully support the MRA, and its conclusions, when there are outstanding discrepancies in site areas and no mineral yield calculations provided.
- Paragraph 3.18 of the MRA states that “The 10.5m depth of the bore holes is considered appropriate to give a robust analysis of the sub-base strata which has been found to be of low economic and mineral value.” This conclusion is not supported by the Mineral Planning Authority (MPA). It is held that a robust analysis of the sub-base strata can only be carried out when informed by boreholes taken to the extent of the bedrock, hence the request from the MPA that such practice is standard. The remainder of the paragraph is therefore also not supported.
- With regard to Paragraphs 3.21 and 3.22, it is not understood why the temporary impacts on visual amenity and openness caused by mineral extraction is a reason to conclude that prior extraction is not possible when the subsequent end-use is permanent built development.
- With further regard to Paragraph 3.22, any impacts described on properties less than 100m from the site of extraction would not be realised due to the establishment of a 100m buffer between the façade of proximal properties and the extraction site. Any other impacts relating to dust, noise etc would be required to be mitigated, as they would for the proposed housing development.
- Paragraph 3.23 states that “As for any material beneath 10.5 metres depth, this would require a significant amount of extraction to be carried out before any potential aggregate material is reached, and there is no evidence to demonstrate that there is suitable mineral at a lower depth. Therefore in this instance it was not considered appropriate to borehole down to bedrock depth.” It is considered that there is no evidence to demonstrate that there is suitable mineral at this lower depth because the boreholes were not taken to this depth. This lack of evidence cannot in itself justify not taking borehole samples below 10.5m when it is these borehole samples themselves which would provide that evidence.
- As a point of principle, the MPA would note that the statements made at Paragraphs 3.25 – 3.27 are also not supported. The definition of sustainable development within the NPPF extends to the appropriate conservation and use of finite resources, which includes mineral resources. The role of the MPA is not to frustrate housing delivery but to ensure that best use is made of mineral resources to secure their long-term conservation, which includes the avoidance of needless sterilisation by non-mineral development.
- Paragraph 4.2 states that “It is clear from the borehole test results that the extraction of mineral from this site is not commercially viable.” For reasons of clarity, this statement is not fully supported as borehole samples have not been taken to the full extent of the resource.

To clarify, the MPA removes its holding objection on the basis of the practicalities of working the site as set out in Paragraphs 3.20 and 4.2. This is not to be taken as an endorsement of the full MRA.

9.16 **Environment Agency**

Thank you for your consultation received on 4 July 2018. We have inspected the application, as submitted, and have no objections to the proposal. Our letter offers advice on foul drainage.

9.17 **Environmental Health Officer**

No objection subject to imposition of recommended conditions below to address noise, odour and light aspects of the proposed development.

Comments

Thank you for consulting Environmental Health on this application. This is an outline application for the development of a greenfield site for a mixed-use Development of up to 275 residential units, site for Primary School, Multi Use Games Area, Kick About Area, Flexible Neighbourhood Building (A1, A2, A3, A5, B1, D1 & D2 Uses), Car Park, Trim Trail and Dog Walking Circuit.

I have reviewed the revised Environmental Statement and supporting appendices submitted at the end of June, but these all tend to relate to matters which primarily fall within the remit of other Council Departments and outside agencies. It is noted, in particular, that air quality and land contamination were scoped out of the Environmental Statement and no documents relating to these areas have been submitted. That said, I would make the following observations and recommendations in terms of general environmental aspects of the outline application proposal:

Overall, I have not identified any significant environmental factors that in my view would warrant a formal objection to the outline proposal. However, there are a number of localised issues that will need to be addressed and which should be conditioned to ensure they are suitably resolved for the final development scheme:

Land Contamination:

This is a greenfield site that appears to have been used for arable farming in the recent past. I would therefore recommend a watching brief approach to the development of the site, to ensure that any contamination risks encountered during the course of the development are suitably remediated to ensure the site remains suitable for its proposed end use:

Contaminated Land

The applicant is advised that while the Council has no reason to believe this site is contaminated, and is not aware of any potentially contaminative past use, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Noise

The key noise source of concern for the outline application as proposed is the Multi

Use Games Area (MUGA), particularly as this is proposed for community use which is likely to involve use in the evening and at weekends. Noise from the use of MUGAs can have a detrimental impact on the amenity of residents living close to them, especially if used for extended periods, and it is important to consider their design, construction and location to mitigate any potential noise impacts arising from their use.

The proposed layout for the site shows the MUGA situated adjacent to the North-eastern boundary of the site, adjacent to the boundary with existing residential premises and to the north of a number of proposed residential units for the new development. A noise assessment of the potential noise impacts should be undertaken to inform the location, design and construction of the MUGA, including any proposed noise mitigation measures. The assessment should take account of the relevant 2015 Sport England guidance document on noise from artificial grass pitches, and a suitable mitigation scheme will need to be submitted for approval. There may also be potential noise impacts from fixed external plant attached to the proposed school and neighbourhood buildings, which is understood to include as A5 takeaway premises which is likely to have an external kitchen extraction system, together with external air condenser/chiller units. A suitable condition should be incorporated on any planning consent to establish the noise design standards for any external plant associated with the proposed development.

There is likely to be some noise and vibration during the construction phase of the proposed development, however, this can be covered by a suitable Construction Management Plan. I would therefore recommend that the following conditions are attached to any planning consent granted to address the above issues:

Noise - MUGA

No development shall take place until a scheme for protecting nearby dwellings (existing and proposed) from noise arising from the use of the proposed Multi Use Games Area (MUGA) has been submitted to and approved in writing by the local planning authority. None of the affected dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter. Reason: To protect the amenity of existing and future occupiers living in the vicinity of the MUGA.

Noise - Construction Management Plan

Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise, air quality and dust, light and odour.

Reason: In the interests of highway safety and the control of environmental impacts

Noise – External Plant

Noise resulting from the operation of any external plant at the proposed school and/or neighbourhood buildings shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

Reason: To protect the amenity of existing and future occupiers living in the vicinity of the MUGA.

Odour

It is suggested in the application that the proposed Neighbourhood Building will include A3 & A5 uses that could give rise to commercial cooking odours. It is important that impacts from commercial odours are adequately controlled by suitably designed and installed kitchen extraction systems. The following condition is therefore recommended to secure this:

Prior to any hereby permitted use commencing, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the local planning authority.

Reason: To protect the amenity of existing and future occupiers living in the vicinity of the Neighbourhood Buildings.

Lighting

In addition to public street lighting for the development, the MUGA and kickabout areas are likely to incorporate some form of floodlighting to extend their hours of use in winter months. It is important to ensure that any lighting scheme is suitably designed in accordance with relevant technical standards to prevent adverse impact on existing and future residential occupiers from obtrusive or spill over light or glare arising. Therefore, the following condition is recommended:

Lighting - MUGA & Kick About Area

Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

Reason: To prevent any adverse impact from obtrusive or spillover light or glare on existing and future occupiers living in the vicinity of the MUGA and Kick About Area facilities.

INFORMATIVES

Developers are referred to the Uttlesford District Code of Development Practice. To avoid/minimise the impact upon the amenity of adjoining residents; developers are advised to follow the General Principle, and advice contained therein.

9.18 **Historic England**

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and

archaeological advisers, as relevant.

9.19 **Housing Enabling Officer**

The affordable housing provision on this site will attract the 40% policy requirement as the site is for 275 (net) units. This amounts to 110 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

It is also the Councils' policy to require 5% being wheelchair accessible as well as 5% of all units to be bungalows delivered as 1 and 2 bedroom units. This would amount to 14 bungalows across the whole site delivered as 7 affordable units, (split 4 affordable rent and 3 shared ownership) and 7 for open market.

The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, in clusters of no more than 10 with good integration within the scheme and be predominately houses with parking spaces.

SMHAA 2015 Figures	Land West of Bonningtons Farm Station Rd. UTT/16/3565/OP					
	Name	1 bed	2 bed	3 bed	4 bed	Totals
Affordable Rent		9	32	29	6	77
Shared Ownership		4	14	13	3	33
Grand Total		13	46	42	9	110

I note from the Design and Access Statement that property sizes do not meet the Councils' requirements. 1 bed properties should sleep 2 people, 2 bed properties sleep 4 people, 3 bed properties sleep 5 people and 4 bed properties sleep 6 people. This is to comply with housing benefit rules.

9.20 **Lead Local Flood Authority**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the FRA and the documents submitted with this application are implemented and secured by way of a planning condition on any planning permission.

9.21 22 August 2018: Thank you for your email. Our consultants have reviewed this application, however ECC had previously provided a response on 18th Jan 2017 which set out a number of conditions. Further evidence has been submitted in June 2018 to demonstrate that the proposals would not result in an adverse impact on ecology and highways, through an updated ecology statement. However, as there are no changes to the proposed development plans, and only the ecology statement has been revised, the letter provided by ECC LLFA in Jan 2017 will still stand.

9.22 **London Stansted Airport – Safeguarding**

The proposed development has been examined from an aerodrome safeguarding aspect, however due to insufficient details relating to the proposed SUDs scheme

and landscaping we have not be able to fully assess the proposal from an aerodrome safeguarding perspective. We therefore recommend that conditions and informative be attached to any approval granted, as detailed below.

Landscaping

There are no landscape proposals detailed at this stage however certain plant species such as berry-bearing plants provide foraging opportunities which could attract hazardous birds. We therefore recommend that berry-bearing species are kept to a minimum, as should large canopy forming trees, such as Scots Pine and Oak. These densely crowned trees offer roosting and nesting opportunities for species such as Wood Pigeon and Corvids. We therefore require that a condition is attached.

Sustainable Drainage Scheme

The proposed development is located 3km South East from Stansted Airport and in this location, permanent areas of wetland or open water habitat have the potential to attract and support hazardous birds. We therefore require that a condition is attached.

Building Heights

In the absence of any details being submitted with the application regarding proposed elevations it has not been possible to undertake a full aerodrome safeguarding assessment of the proposal.

Should outline approval be granted, the Safeguarding Authority for Stansted Airport must therefore be consulted and reserve the right to make further comments on any subsequent application for reserved matters or for full planning approval. This is to ensure that the development does not infringe any of Stansted Airport's protected obstacle limitation surfaces.

Although we do not anticipate that a residential development in the range of 2/3 storeys in height would conflict with any safeguarding criteria in this location, we would recommend that a condition is attached to the outline permission, which states that:

Obstacle Limitation Surfaces

The height of any buildings, structures, erections or works must not infringe any of Stansted Airport's protected obstacle limitation surfaces.

Reason: To ensure that Stansted Airport's obstacle limitation surfaces are protected and to ensure the safe operation of aircraft.

Cranes and Tall Equipment

Should any crane operations be required during the construction process (e.g. for lifting of trusses, etc.), we would like to draw the applicant's attention to the requirement within the British Standard Institute Code of Practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. We therefore request that an informative be attached to any approval that is granted.

9.23 17 July 2018:

The Safeguarding Authority for Stansted Airport has assessed this proposal and potential to conflict aerodrome Safeguarding criteria. We have no objection to the outline proposal however, we seek assurance in a Condition that we will be consulted on the future detailed application. We will be especially concerned in the SuDs and landscaping detail: the attenuation facilities should be designed to remain

dry with a quick draw down time after storm events and that any planting palette will include no more than 25% berry bearing plants and will minimise large canopy forming trees such as Oak and Scots Pine.

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

9.24 **NATS – Safeguarding**

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

9.25 **NHS England**

The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 688 residents and subsequently increase demand upon existing constrained services.

The primary healthcare service directly impacted by the proposed development and the current capacity position are shown in Table 1.

Premises	Weighted List Size¹	NIA (m²)²	Capacity³	Spare Capacity (NIA m²)⁴
Eden Surgery	9,959	575.14	8,387	-107.76
Total	9,959	575.14	8,387	-107.76

The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

Healthcare Needs Arising From the Proposed Development

The intention of West Essex CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.

The development would give rise to a need for improvements to capacity, in line with emerging CCG Estates Strategy, by way of extension, reconfiguration, refurbishment or potential relocation at the Eden Surgery, a proportion of the cost of which would need to be met by the developer.

Table 2 provides the Capital Cost Calculation of additional primary healthcare services arising from the development proposal.

Premises	Additional Population Growth (275)	Additional floorspace required to	Spare Capacity (NIA)	Capital required to create additional
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	dwelling(s)	meet growth (m²)		floorspace (£)
Eden Surgery	688	47.18	-107.76	108,507
Total	688	47.18	-107.76	108,507

In its capacity as the primary healthcare commissioner with full delegation from NHS England, West Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, West Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that West Essex CCG and NHS England deem appropriate having regard to the formulated needs arising from the development.

West Essex CCG and NHS England are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

9.26 **Thames Water**

Waste Comments

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a

public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

10. REPRESENTATIONS

10.1 This application has been advertised and representations have been received raising the following issues:

- Overdevelopment
- Creates precedent for further development
- Cause strain on already stretched infrastructure
- Impact on wildlife
- Roads are at capacity
- Drainage impact
- Not enough existing infrastructure
- Impact on public transport
- Impact on essential services
- Loss of agricultural land
- Impact on schools
- Impact on flooding
- No affordable housing
- Not sustainable
- No public benefits
- Land not allocated in Local Plan
- Limited access to land
- Unsafe for pedestrians
- Impact on utilities
- Impact on Flich Way
- Create a dangerous junction
- Turn a village into a town
- Increase in air pollution
- Secondary education not considered
- Destruction and loss of countryside
- Impact on security
- No identified housing need in Takeley
- Significant harm to Hatfield Forest
- Bridge will not cope with additional traffic
- Takeley already overdeveloped
- Access unsuitable and dangerous
- Harm caused to near SSSIs
- Increase in noise pollution
- Harm to designated local wildlife site Ufd196
- Impact on parking
- Breaches the southern development limit line of Flich Way
- Within the Broxted Farmland Plateau category of landscape Character Assessment
- Harm to the CPZ
- Impact from cumulative development
- Impact on views to and from Hatfield Forest
- Not on brownfield

- Impact on telecommunications
- Impact on water pressure
- Exacerbate airport parking issue

The following comments have been made in support of the application:

- Provision of green space
- Provision of sports pitch
- Dog walking circuit
- 110 affordable homes
- Provision of new community building

11. APPRAISAL

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

- A Principle of development (ULP Policies S7, H9, ENV2, ENV5; NPPF)
- B Access (ULP Policy GEN1)
- C Ecology and biodiversity (ULP Policies GEN7, ENV3, ENV7, ENV8; NPPF)
- D Flood risk (ULP Policy GEN3; NPPF)
- E Contaminated land (ULP Policy ENV14; NPPF)
- F Other material considerations (ULP Policies ENV4, ENV11, GEN6; NPPF)
- G Emerging Local Plan policies

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

A Principle of development (ULP Policies S7, H9, ENV2, ENV5; NPPF)

11.1 The application site is located outside the development limits within the parish of Hatfield Broad Oak. To the northern boundary of the site is the Flitch Way, a linear country park and local wildlife site. This provides connectivity to Hatfield Forest, a SSSI, NNR and Ancient Woodland and a site owned and operated by the National Trust as a recreational area. The site is agricultural land and has further agricultural land to the west and south. To the east is Takeley Mobile Home Park. There is an existing access into the site constructed as part of the planning permission granted for a golf course and hotel development. This consent is extant and is a material planning consideration.

11.2 The site has been promoted by the applicant through the Call for Sites for the Local Plan. The 2015 Assessment related to a 17 hectare site with a potential developable area of 12.45ha. The conclusion of the assessment was:

“This greenfield site is located on the edge of Takeley, south of the Flitch Way (County Wildlife Site and linear Country Park). The site wraps around the site submitted at Bonningtons (O2HBO15). The site forms part of an extant planning permission for a golf course, hotel, conference centre and indoor leisure facilities. The site is in walking/cycling distance of the village centre and Roseacres primary school. The Flitch Way acts as a strong defensible boundary to the southern edge of Takeley, south of which, other than the Mobile Home Park, the area is characterised by isolated dwellings and farms. Development of the site would introduce a significant area of built development detrimental to this character. Notwithstanding this, development of the site would mirror the development north of the Flitch Way and west of the B183, which as the proposal suggests could provide additional facilities such as a Multi-Use Games Area and a community hub, primary school, football ground car park, trim trail, dog walking circuit and kick about area.”

- 11.3 The conclusion of the assessment in 2015 was that the site was available and development achievable. The site was considered suitable if development south of the Flitch Way is accepted in order to provide the scale of development needed.
- 11.4 The site was reassessed in 2018 with similar comments to those made in 2015, although it was noted that improvements to the road made in association with the golf course permission create a more urban feel to this approach to the village of Takeley. It was considered that additional information would be needed to ensure that the development of this site would not lead to harmful effects, especially on highways and on visitor numbers to Hatfield Forest. These issues will be discussed in more detail below.
- 11.5 Notwithstanding the assessments in 2015 and 2018 concluding that the site was considered suitable for development, subject to mitigation of impacts on highways and Hatfield Forest, the site was not selected for inclusion in the emerging Local Plan (currently at examination).
- 11.6 The adopted Local Plan places the site as being outside any settlement limits (ie within the open countryside) and so Policy S7 applies to the proposal. Both the Local Plan and the NPPF recognise that the countryside needs to be protected for its own sake; however, this view does not amount to a bar to development in such areas.
- 11.7 Policy S7 states that development in the countryside will be permitted if it needs to be there, or it is appropriate to a rural area. A residential development for commercial gain would not meet either of the policy's two criteria.
- 11.8 Since the Council adopted the Local Plan, the government has published the National Planning Policy Framework (NPPF) in 2012, updated in 2018 and 2019. The Council's own compatibility assessment of the Local Plan in relation to the NPPF's new requirements showed that Policy S7 was partially consistent with the NPPF. It should be noted that the Secretary of State has previously given significant weight to Policy S7, and Inspectors consistently give it moderate weight. As a consequence, whilst Policy S7 is still relevant to the consideration of this application, there remains a presumption in favour of sustainable development as set out in Paragraph 11 of the NPPF.
- 11.9 The proposed residential development, together with the associated infrastructure would result in the urbanisation of this part of the countryside to the south of the Flitch Way. This would be viewed in the context of a rural backdrop with the infrastructure of Stansted airport in the background and the urban form of the Mobile Home Park located to the east. It would impact on the rural characteristics of the land to the south and west, in particular views across the valley towards Hatfield Forest.
- 11.10 The Council's Landscape Officer has verbally advised that, although there would be harm to the countryside location this would not be significant given the context of the site. Notwithstanding this, it is accepted that the proposals do not represent infilling, and development should only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why development in the form proposed needs to be there.
- 11.11 In terms of Policy S7 there are no special reasons as to why the development in the form proposed needs to be there. The application is outline with all matters

reserved, except for access. As such it is not possible to fully assess whether the proposals would protect or enhance the character of the area as these details would be reserved matters. What is acknowledged is that the development would result in some harm to the character of the rural area. However, planning decisions must be made in accordance with material planning considerations, including the NPPF.

- 11.12 The NPPF takes a less prescriptive approach to development in the countryside, especially, as is the case for Uttlesford District Council, local planning authorities cannot demonstrate a five year supply of deliverable housing land. Following the publication of the NPPF in February 2019 it has been established that the Council can demonstrate a 3.29 year land supply and has had a 147% delivery over the past 3 years. In such circumstances, the NPPF's so called tilted balance to sustainable development applies which is set out in paragraph 11 of the NPPF.
- 11.13 The NPPF established the concept of sustainable development and the principle that consent for such development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The NPPF sets out three objectives to sustainability: economic, social and environmental.
- 11.14 Economic – there would be economic benefits arising from the proposed development, firstly in respect of construction jobs followed by additional support from residents for local facilities. The proposals incorporate the provision of additional facilities for the local area, including land for a new primary school and a mixed use building capable of providing additional employment opportunities. These benefits would be beneficial given the scale of the development.
- 11.15 Social - the new occupiers would be able to support local services in nearby villages, in particular Hatfield Broad Oak and Takeley. The site is located on a bus route with an hourly service between Stansted Airport and Bishop's Stortford. The site is within reasonable walking distance to other bus routes located on the B1256. The proposal would include the provision of 110 affordable housing units (40%) and a mix of housing to meet a range of needs in terms of property sizes. In addition, areas of open space, a trim trail and dog walking route which would be capable of supporting the health and social well-being of the community. The proposals would offer beneficial social benefits.
- 11.16 Environmental – the proposals need to demonstrate that they contribute to protecting and enhancing the natural, built and historic environment. In this particular instance this element is more wide ranging than just the site itself and will be discussed in greater detail below. The proposals would result in harm to the character of the countryside with the introduction of increased urban development on this plateau landscape. In addition, there would be additional pressures on the Flich Way and Hatfield Forest, potentially impacting on protected landscapes and/or protected species. However, mitigation measures can be secured to reduce the significance of the impacts. Therefore, on balance it is concluded that the proposals would deliver environmental benefits. As such, the proposals represent sustainable development when considering the three strands of sustainability.
- 11.17 Paragraph 170 of The Framework states that "Planning policies and decisions should contribute to and enhance the natural and local environment by:
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;..."

- 11.18 Footnote 53 states that “where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.” Annex 2 of The Framework defines “best and most versatile agricultural land” as “land in grades 1, 2, and 3a of the Agricultural Land Classification”.
- 11.19 Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 11.20 Most of the agricultural land within Uttlesford District is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3.
- 11.21 There are no defined thresholds for “significant” in terms of BMVAL. Consultation with Natural England is only required for developments exceeding 20 hectares and this site obviously falls below that threshold at 17 hectares
- 11.22 In relation to the proposed development of 600 to 700 houses and accompanying commercial development on land at Easton Park (appeal dismissed), the Secretary of State found as follows:
- “The Secretary of State agrees with the Inspector at IR15.47 that the scheme would mean the loss of a certain amount of BMV land to provide housing, other buildings, infrastructure and the landscaping buffer contrary to policy ENV5. The Secretary of State agrees with the Inspector that the loss of BMV agricultural land weighs against the proposal, and he affords this limited weight as much of the land around is within the BMV categories and it would be difficult to not to use high grade land if further housing is to be built on greenfield land in the district.”
- 11.23 Similarly, in respect of a proposal for 800 houses in Elsenham/Henham/Ugley (appeal dismissed) the Secretary of State found as follows:
- “The Secretary of State agrees with the Inspector for the reasons given at IR 15.70 that the loss of BMV land caused by the development would be contrary to LP policy ENV5 and this weighs against the proposal. He gives limited weight to harm through the loss of BMV agricultural land and to conflict with LP Policy ENV5 as there are no substantial areas of lower grade land close to existing settlements in Uttlesford.”
- 11.24 The loss of BMVAL therefore needs to be considered in the context of the sustainability considerations of the proposals. As discussed above, it is considered that the proposals deliver benefits that result in a sustainable form of development and this would outweigh the limited harm arising from the loss of BMVAL.
- 11.25 The application site is located within the landscape area B10 – Broxton Farmland Plateau. This character area covers a wide area from Great Dunmow in the east, Henham in the north, Elsenham and Stansted to the west and Takeley to the south. The character area as a whole has a moderate to high sensitivity to change.
- 11.26 The site is relatively flat and open and seen in the context of the Mobile Home Park to the east, particularly when viewed from Station Road and approaching the site

from the village of Takeley. However, in terms of its impact when approached from the south, the proposal would impact on the openness of the plateau and the views across the countryside. This visual harm would be contrary to Policy S7 and would need to be weighed up against the benefits of the proposals. The Council's Landscape Officer has verbally advised that the impact on the landscape character would not be significant and therefore would not warrant refusal on this ground.

- 11.27 The site is located adjacent to Bonningtons Farm, a grade II listed building. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to consider the impacts of development on the setting of listed buildings. This is also referred to in Policy ENV2 and the NPPF.
- 11.28 Bonningtons Farm is located within a site with extensive boundary planting and this provides a very enclosed setting to the building. Planning permission has previously been granted for new dwellings to replace existing structures to the west of the listed building and these were not considered to result in an adverse impact on the setting of the listed building.
- 11.29 Whilst this proposal would result in the urbanisation of the landscape around the adjacent property, it is not considered that this would result in significant harm to the setting of the listed building. Harm would be less than substantial and therefore the benefits of the proposals would need to be balanced against the harm.
- 11.30 As discussed above, the proposal would deliver benefits across the three strands of sustainable development. The delivery of housing, including affordable housing, would be beneficial to the district and make a positive contribution to the Council's 5 year land supply. As such, it is considered that the benefits of the proposals would outweigh the less than substantial harm to the heritage asset.

B Access (ULP Policy GEN1)

- 11.31 Policy GEN1 seeks to ensure that the main road network is capable of carrying the traffic generated by the scheme and that the design of the site meets the needs of all potential users and encourages movement by means other than the car.
- 11.32 The application is accompanied by an Environmental Statement, submitted under the 2011 Regulations, that considers the impacts of this proposal on the highway network. The initial assessment work was undertaken with a view of delivering 300 dwellings and is therefore considered to be a robust approach given the fact that the proposal is for up to 275 dwellings.
- 11.33 The approach in the Transport chapter of the ES was agreed with ECC Highways, in particular the approach with regards to the extant consent and the junctions to be appraised. The assessment identifies that operational effects will be greater than construction in terms of vehicular movements and as such only these have been assessed.
- 11.34 The operational traffic assessments confirm that in the main, under the do nothing scenario, the proposal would be likely to have a negligible effect at the links and junctions within the study area, although in one location a moderate adverse impact has been identified, being the Parsonage Road/B1256 Dunmow Road/B183 Station Road signal controlled junction. Mitigation measures are proposed which would reduce the impacts in terms of transport to a neutral negligible impact.
- 11.35 The application is for outline consent with access only to be considered now. The

access to the site is proposed to be onto Station Road at the existing access point, constructed as part of the planning permission for a golf course, conference centre and hotel complex. In terms of suitability of the access, the Highway Authority has confirmed that they have no objections subject to conditions. These relate to visibility splays and highway improvements including the relocation of existing bus stops.

- 11.36 In terms of impacts on the local highway network, the proposals have been carefully considered by the Highway Authority. The Takeley Four Ashes junction has been looked at in detail, in terms of capacity. Essex Highways ITS team have looked at the assumptions made within the model and are satisfied that the model gives a fair representation of the junction, the type of model used is recognised as one used by the industry, the cycle times reflect typical cycle times in the AM and PM peaks and the pedestrian cycle times have been included. It is recognised that there is queuing in the peak period and that this development will impact on the junction. For this reason mitigation measures will be required. The applicant will provide MOVA (Microprocessor Optimised Vehicle Actuation) to improve the efficiency of the junction. MOVA will optimise the junction and allow it to respond automatically to differing queue lengths and adjust timings to balance the junction and make it work more effectively, providing greater capacity than is currently available.
- 11.37 Given the location of the site, impacts on the M11 junction 8 are also likely to arise as a result of the proposals. These have been considered by Highways England and they raise no objections subject to a condition requiring mitigation works to be undertaken to improve capacity at the junction. Mitigation measures for highway impacts can be secured by way of conditions or legal obligations.
- 11.38 Due to the proposal being an outline application only the internal road layout is not yet known. However, some basic principles around potential routes within and around the site are set out in the application, in particular the dog walking circuit and trim trail. In addition, the site is located in relatively close proximity to a bus route and is within walking distance of services and facilities concentrated in the Four Ashes junction area.
- 11.39 The site is located immediately adjacent to the Flitch Way and the proposals are likely to increase the use of this public right of way, particularly given the fact that the Highway Authority is requesting a condition requiring a pedestrian/cycle link to be constructed prior to the first occupation. This link is required to be provided at the junction of PROW 23-5 and 48/22. Such a link will encourage movement by means other than a car and the Flitch Way can provide connectivity to other areas. However, the increased use of the Flitch Way is likely to result in harm to the area and therefore mitigation measures are required to provide appropriate surfacing, drainage, signage and information boards along the section adjacent to the site and to the old Takeley Station. This mitigation can be secured by way of a financial contribution in a s106 Legal Obligation.
- 11.40 There are additional public rights of way within the immediate vicinity of the site. These provide connectivity to a wider footpath network and as such are also likely to be impacted due to increased usage. The Highway Authority has identified mitigation measures to offset that impact in the form of suitable surfacing and drainage for PROW 23-5 (along the western boundary of the site) and PROW 48/22 (between the Flitch Way and the B1256). These mitigation measures can be secured by way of a condition. Therefore, subject to the appropriate mitigation being secured the proposal is considered to comply with Policy GEN1. As such, the Environmental Statement is considered to be an appropriate assessment of the impacts of the

proposals.

C Ecology and biodiversity (ULP Policies GEN7, ENV3, ENV7, ENV8; NPPF)

- 11.41 The application site is located to the south of the Flitch Way and within 1km of Hatfield Forest, a SSSI, National Nature Reserve and Ancient Woodland and Registered Garden. The Flitch Way is designated as a Local Wildlife Site and is a linear country park operated by Essex County Council.
- 11.42 The potential impacts on Hatfield Forest were identified at the Scoping stage of the application as being potentially significant and therefore requiring the submission of an Environmental Statement. The original Environmental Statement submitted with the application was not considered to be adequate due to failing to assess the baseline against which to measure the potential impacts. Subsequently, additional survey work was undertaken following extensive negotiations with the National Trust and Natural England. This survey work informed the revised Environmental Statement submitted in June 2018. This ES is submitted under the 2011 Regulations due to these being in force when the original application was submitted.
- 11.43 The Environmental Statement identifies that effects at Hatfield Forest are tied to the visitor pressure. The ES assesses the likely impacts arising from the development would be an additional 8 new visits to Hatfield Forest across a 12 hour day (equating to an additional 2920 visits per annum) via the Flitch Way and Harcamlow Way. The effects would build up over time as the development is built out and would result in 1.15% of the new population accessing the Forest for recreation in the absence of any alternatives. It is also recognised that additional visits are likely to be undertaken by residents driving to the Forest.
- 11.44 Impacts on ecology associated with the Flitch Way are identified as being likely as a result of:
- Surface water run-off affecting the Flitch Way
 - Potential encroachment from residential gardens and deposition of garden waste
 - Additional users of the Flitch Way degrading the surface
 - Increased dog waste if not appropriately managed
 - Increased cat predation
- 11.45 Impacts on habitats and protected species have also been assessed as part of the ES, including bats, dormice, badgers, hedgerows, grasslands, birds and invertebrates. The assessment includes direct impacts, in isolation and cumulatively.
- 11.46 Potential impacts during the construction period include dust, noise, light, vibration and the potential for pollutants from chemicals and fuels. These can be appropriately mitigated by way of a Construction Environmental Management Plan (CEMP), as is normal practice for these types of impacts. This can be secured by way of a condition.
- 11.47 Mitigation measures during the operational phase include the creation of additional habitats, in particular swales and attenuation basins, grasslands, wildflower grass margins plus gardens. Existing landscape and ecological features are designed to be retained as far as possible.
- 11.48 The fundamental area where mitigation is required is due to impacts on Hatfield

Forest. Extensive negotiations involving the National Trust and Natural England, alongside further survey works being undertaken by these bodies, and the findings of the revised ES have identified the potential impacts and a package of potential appropriate mitigation measures.

- 11.49 Paragraph 175 of the NPPF (previously 118 as referred to in the response from the National Trust) states that when determining planning applications, local planning authorities should apply, inter alia, the following principle:

“Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.”

- 11.50 A similar policy thrust is also found in Policy ENV7 of the adopted Uttlesford Local Plan. As such, it is necessary to consider whether the benefits of the proposal weigh in favour of the development.
- 11.51 The National Trust has considered the mitigation measures put forward as part of the proposal. These include the dog walking circuit off-site, on-site green open space, enclosed dog exercising area, trim trail and financial contributions to future monitoring, education and maintenance/management of Hatfield Forest SSSI/NNR.
- 11.52 The National Trust, and Natural England, welcome the provision of the mitigation measures. Natural England confirms that they have no objections to the proposals on the basis of these measures being secured, which can be done by way of conditions and/or s106 Legal Obligation.
- 11.53 The National Trust raised concerns that the applicant has not quantified the financial contributions as part of the mitigation package. This is as a result of there being a lack of a charging schedule in the current adopted Local Plan. However, following the extensive survey work undertaken by the National Trust by way of the Footprint Ecology ‘Visitor Survey and Impact Management Report’ mitigation measures to minimise the impacts on the Forest have been identified that can be quantified. As such a Botanical Monitoring Framework is being devised by the Trust, which would cost £11,000 (£13,200 including VAT). In addition, further maintenance works are required, which last year cost the Trust approximately £35,000.
- 11.54 The Trust has therefore requested that, in the interests of consistency and proportionality, if planning permission is granted, that a financial contribution of £40,740 is secured for the purposes of visitor and botanical monitoring, visitor and community education and infrastructure maintenance, is secured by way of a s106 Legal Obligation.
- 11.55 It should be noted that since the National Trust responded on this application they have submitted a Draft Hatfield Forest SSSI NNR Mitigation Strategy. This document forms one of the background documents to the emerging Local Plan and will be considered by the Examining Inspectors. The document identifies a range of measures to mitigate harms arising as a result of recreational impacts on the Forest. These include a Feasibility Study costing £22k, projects having a one-off capital cost of £1,331,900 and annual costs of £176,719, giving a total of £3,416,885 worth of mitigation measures.

- 11.56 Given the requirements of paragraph 175 of the NPPF it is therefore necessary to consider the planning balance. Mitigation measures can be secured as discussed above which negate the harm arising from the development. Planning benefits include the provision of 275 dwellings in an area where a 5 year land supply cannot be demonstrated (currently 3.29 years). This includes affordable housing and other benefits such as a new school site, financial contributions towards education and health provision, the provision of additional facilities for sports, including a car park for the local football club. On balance, it is therefore considered that the benefits of the proposal outweigh the harm to the SSSI at Hatfield Forest.
- 11.57 The ES concludes that, subject to the provision of mitigation measures relating to Hatfield Forest and the Flitch Way, the operational development would have a negligible to moderate beneficial impact. Therefore, subject to the appropriate mitigation being secured the proposal is considered to comply with Policy GEN7, Policy ENV7 and the NPPF. As such, the Environmental Statement is considered to be an appropriate assessment of the impacts of the proposals.

D Flood risk (ULP Policy GEN3; NPPF)

- 11.58 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 11.59 The development site lies within Flood Zone 1 (low probability of flooding) as defined by the Environmental Agency. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exemption testing.
- 11.60 The Flood Risk Assessment accompanying the application identifies that the site is not in an area at risk of flooding. However, as the proposal is a major development, national policy requires the use of a sustainable drainage system (SuDS). The location of the site in close proximity to Stansted Airport does mean that attenuation basins are required to be dry, except in the event of heavy rainfall. This is to ensure that features attracting large numbers of birds are not introduced in close proximity to the operational airfield and thereby increasing the risk of bird strike. The applicant has confirmed that the attenuation basins will be predominantly dry features and London Stansted Airport Safeguarding team raise no objections to the proposals.
- 11.61 The Lead Local Flood Authority (Essex County Council) has considered the proposals and raises no objections to the proposals, subject to conditions. Full details of the design would be secured at the Reserved Matters stage and through the use of conditions. It is therefore concluded that the proposal accords with the above policies insofar as they relate to flooding.

E Contaminated land (ULP Policy ENV14; NPPF)

- 11.62 Policy ENV14 seeks to ensure that contaminated land is remediated so that it is fit for its final use. In this instance the site is agricultural land and therefore the risk of contamination is low. However, the Council's Environmental Health Officer has advised that a watching brief approach to development of the site is undertaken, to

ensure that any contamination risks encountered during the course of the development are suitably remediated. As such the proposals are considered to comply with Policy ENV14.

F Other material considerations (ULP Policies ENV4, ENV11, GEN6; NPPF)

- 11.63 Policy ENV4 seeks to protect heritage assets in the form of archaeological sites. Part of the site has been identified as being of a high archaeological sensitivity and as such this area is now identified as being allocated for use as open space to serve the development and the school playing fields.
- 11.64 The remaining area of the development still retains archaeological deposits which will require assessment in advance of development. These deposits comprise a range of linear features and enclosures, probably of prehistoric through to medieval date. The geophysical survey suggests there are possible building remains in the eastern part of the site which may well relate to the recorded medieval remains from the small excavation that has already taken place.
- 11.65 Impacts on heritage assets, including archaeology were considered in the Environmental Statement. In respect of archaeology the proposal, without mitigation measures was considered to have a Major Direct impact on regionally or locally significant heritage assets. The impact would be permanent and almost certain.
- 11.66 The most appropriate mitigation measure is the preservation by record, an approach that is supported by the County Archaeologist. This would reduce the impacts to slight (adverse). It is therefore recommended that a condition is imposed requiring trial trenching and excavation.
- 11.67 A further area of concern in relation to heritage assets relates to the recreational impacts in Hatfield Forest and the potential increased harm to the Scheduled Ancient Monuments located there, the Warren and Portingbury Hills. The Environmental Statement considered the potential impacts on these designated assets.
- 11.68 The ES considered that there were likely to be impacts on the Scheduled Ancient Monuments as a result of the proposals, particularly where rides (paths) cross the Scheduled Monuments. Increased visitor numbers also have the potential to alter the quiet and tranquil nature of the sites.
- 11.69 The proposed mitigation measures relating to the ecological impacts on the Forest are also relevant to the potential impacts on the Scheduled Monuments. The dog walking circuit is envisaged to draw visitors away from the Forest as they have access to an alternative site. This is considered to be an appropriate mitigation for the likely impacts.
- 11.70 Policy ENV11 states that noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.
- 11.71 In this instance a MUGA is proposed as part of the proposals. This is likely to be used by the local community, in particular in the evenings or weekends. It is shown on the indicative drawing as being located close to residential properties and as such the use of the area could impact on the amenity of those occupiers.

- 11.72 The application is outline with all matters reserved and the location of the MUGA and its relationship with residential properties is not yet fixed. The Council's Environmental Health Officer recommends that a noise assessment of the potential noise impacts should be undertaken to inform the location, design and construction of the MUGA, including any proposed noise mitigation measures. This can be secured by condition.
- 11.73 A further potential source of noise is from plant and equipment associated with the neighbourhood building and the school. The use of the neighbourhood building will determine what, if any plant or equipment is needed. It is noted that A5 uses (hot food takeaway) are included in the development description. If an A5 use/uses are proposed then noise impact assessments associated with equipment will be required. However, this would need to be submitted and approved prior to the first use.
- 11.74 Policy GEN6 requires development proposals to secure appropriate infrastructure arising from the development. In this instance, the proposal seeks to provide additional infrastructure to serve the local area, including a car park which would provide additional facilities for the local football club. This would reduce on-street parking and improve highway safety. In addition, a MUGA and kick-about area are proposed which can meet the needs of the development but also provide additional facilities for the parishes of Takeley and Hatfield Broad Oak. However, it is noted that neither parish council wishes to receive these benefits. Likewise, there is no desire to receive the community building proposed. These elements could be provided and operated by a maintenance company and Members will need to decide what weight to give to these elements of the proposal. Officer's advice is that the improvement of sports facilities in the local area is welcome and makes a positive contribution towards health and wellbeing for the district.
- 11.75 The proposal also includes the provision of a 2.1ha site for an additional primary school. Essex County Council has confirmed that this provision would contribute towards the mitigation required as a result of increased pressure on education places as a result of these proposals. They have also requested financial contributions towards the construction of additional early years and childcare provision, primary school provision and secondary school provision.

G Emerging Local Plan policies

- 11.76 The policies in the emerging Local Plan currently have limited weight. They do not provide the basis of reaching a different decision to that considered in this report.

12. CONCLUSION

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

- A The principle of the development is deemed to be appropriate in that it would be of a sustainable development in accordance with the National Planning Policy Framework. The benefits of the scheme would outweigh the adverse impacts of the proposal.
- B The proposal, subject to appropriate mitigation measures would not give rise to significant impacts on the local or strategic highway network.
- C Subject to appropriate mitigation measures being secured, the proposals would not

give rise to significant adverse impacts on ecology or the Hatfield Forest SSSI or NNR. Mitigation measures can also be secured to ensure there are no adverse impacts on the Flitch Way.

- D Subject to the creation of an appropriate SUDS system the proposals would not result in flood risk impacts.
- E The site has been used for agricultural purposes and the potential for contamination is low. A condition can mitigate any potential impacts.
- F Impacts on archaeological assets on the site can be mitigated by way of a trial and trenching condition to ensure a recording exercise is undertaken. Potential impacts on the Scheduled Ancient Monuments in Hatfield Forest can be mitigated by the measures to be introduced to mitigate ecology impacts. The proposals require the provision of various infrastructure mitigation measures which can be secured by way of conditions or s106 Legal Obligations.

RECOMMENDATION – Approval subject to the conditions and Section 106 Agreement.

- (I) **The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 31 July 2019 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:**
 - (i) **Provision of 40% affordable housing**
 - (ii) **Provision of education financial contribution**
 - (iii) **Transfer of 2.1ha site for education purposes**
 - (iv) **Provision of financial contribution for health (£108,507 index linked)**
 - (v) **Provision of financial contribution of £37,000 (index linked) for works to the Flitch Way**
 - (vi) **Provision of MOVA at the signalised junction of the B1256/B183, known as the Four Ashes**
 - (vii) **Provision of appropriate surfacing and drainage to relevant sections of footpath 23/5 and footpath 48/22**
 - (viii) **Provision of financial contribution of £40,740 for mitigation works at Hatfield Forest**
 - (ix) **Provision and transfer of dog walking circuit, including a fenced off green area of 1.35ha including a pond and picnic area**
 - (x) **Provision and transfer of open space, MUGA and trim trail**
 - (xi) **Provision and transfer of neighbourhood building and car park**
 - (xii) **Ensure adequate ongoing maintenance of SUDS system.**
 - (xiii) **Pay the Council's reasonable costs**
- (II) **In the event of such a variation to the extant obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below:**
- (III) **If the freehold owner shall fail to enter into such a variation of the extant obligation, the Assistant Director Planning Services shall be authorised to refuse permission in his discretion at any time thereafter for the**

following reason:

- (i) Failure to provide 40% affordable housing**
- (ii) Failure to provide education financial contribution**
- (iii) Failure to transfer 2.1ha site for education purposes**
- (iv) Failure to provide financial contribution for health**
- (v) Failure to provide financial contribution for works to the Fritch Way**
- (vi) Failure to provide MOVA at the signalised junction of the B1256/B183**
- (vii) Failure to provide appropriate surfacing and drainage to footpath 23/5 and footpath 48/22**
- (viii) Failure to provide financial contribution for mitigation works at Hatfield Forest**
- (ix) Failure to provide and transfer the dog walking circuit, including a fenced off green area of 1.35ha including a pond and picnic area**
- (x) Failure to provide and transfer the open space, MUGA and trim trail**
- (xi) Failure to provide and transfer the neighbourhood building and car park**
- (xii) Failure to ensure adequate ongoing maintenance of SUDS system**

Conditions:

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

(B)The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

3. Prior to the commencement of the development hereby permitted, a detailed construction management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include the following:

- a) The construction programme and phasing

- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise, air quality and dusty, light and odour.

REASON: In the interests of highway safety and the control of environmental impacts, in accordance with Uttlesford Local Plan Policies GEN1 and GEN4 (adopted 2005) and the NPPF.

Justification: This pre-commencement condition is required to ensure the appropriate environmental mitigation measures are secured prior to works commencing.

4. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to 17l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Final modelling and calculations for all areas of the drainage system.
 - Provide sufficient treatment for all elements of the development. Treatment should be demonstrated to be in line with the guidance within the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation.

REASON: In order to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, and to provide mitigation of any environmental harm which may be caused to the local water environment, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005) and the NPPF.

Justification: Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

5. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented. The scheme shall be implemented as approved.

REASON: The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Justification: Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

6. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

Justification: Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

7. Prior to the commencement of the development hereby permitted a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve protected and priority species and to allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (priority habitats and species), and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

8. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the first residential occupation of the development hereby permitted.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing visitor and ecological monitoring and remedial measures to include monitoring use of the all-weather dog-walking circuit and associated habitat.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

9. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

REASON: In the interests of preserving archaeological heritage assets, in accordance with Uttlesford Local Plan Policy ENV4 (adopted 2005) and the NPPF.

Justification: The Historic Environment Record and the Historic Environment Characterisation study indicate that the proposed development lies within a potentially highly sensitive area of heritage assets. The HER records that excavation in advance of the construction of a short access into the development area identified medieval occupation indicative of settlement activity (EHER 45626-30). The desk based assessment of the site also identified its potential importance, lying close to the Roman Road from Braughing to Colchester (EHER 4697), to the immediate south of a Roman site (EHER 48342) recently excavated and to the west of Hatfield Forest. The geophysical survey submitted with the application shows

archaeological features covering most of the site. Following discussions with the applicants the densest area of features has been removed from the scheme and will be situated beneath the grassed area to the south of the school.

The remaining area of the development still retains extensive archaeological deposits which will require assessment in advance of development. These deposits comprise a range of linear features and enclosures, probably of prehistoric through to medieval date. The geophysical survey suggest there are possible building remains in the eastern part of the site which may well relate to the recorded medieval remains from the small excavation that has already taken place. It should be expected that the initial trial trenching will lead onto large scale open area excavation before any development commences.

10. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: In the interests of preserving archaeological heritage assets, in accordance with Uttlesford Local Plan Policy ENV4 (adopted 2005) and the NPPF.

Justification: The Historic Environment Record and the Historic Environment Characterisation study indicate that the proposed development lies within a potentially highly sensitive area of heritage assets. The HER records that excavation in advance of the construction of a short access into the development area identified medieval occupation indicative of settlement activity (EHER 45626-30). The desk based assessment of the site also identified its potential importance, lying close to the Roman Road from Braughing to Colchester (EHER 4697), to the immediate south of a Roman site (EHER 48342) recently excavated and to the west of Hatfield Forest. The geophysical survey submitted with the application shows archaeological features covering most of the site. Following discussions with the applicants the densest area of features has been removed from the scheme and will be situated beneath the grassed area to the south of the school.

The remaining area of the development still retains extensive archaeological deposits which will require assessment in advance of development. These deposits comprise a range of linear features and enclosures, probably of prehistoric through to medieval date. The geophysical survey suggest there are possible building remains in the eastern part of the site which may well relate to the recorded medieval remains from the small excavation that has already taken place.

It should be expected that the initial trial trenching will lead onto large scale open area excavation before any development commences.

11. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: In the interest of preserving archaeological heritage assets in accordance with Uttlesford Local Plan Policy ENV4 (adopted 2005) and the NPPF.

12. The details to be submitted in accordance with Condition 1 above shall include a detailed landscaping scheme to be approved in writing by the local planning

authority in conjunction with the Safeguarding Authority for Stansted Airport. The approved landscaping scheme shall be implemented as approved and no changes made unless written approval is sought from the local planning authority. The planting palette should contain no more than 25% berry-bearing species and minimise large canopy forming trees such as Oak and Scots Pine.

REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

13. The details to be submitted in accordance with Condition 1 above shall include a scheme for protecting nearby dwellings (existing and proposed) from noise arising from the use of the proposed Multi Use Games Area (MUGA). The MUGA shall not be brought into use and none of the affected dwellings shall be occupied until the approved scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON: To protect the amenity of existing and future occupiers living in the vicinity of the MUGA, in accordance with Uttlesford Local Plan Policies GEN4 and ENV11 (adopted 2005) and the NPPF.

14. The details to be submitted in accordance with Condition 1 above shall include details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated. The development shall be implemented in accordance with the approved details.

REASON: To prevent any adverse impact from obtrusive or spillover light or glare on existing and future occupiers living in the vicinity of the MUGA and Kick About Area facilities in accordance with Uttlesford Local Plan Policy GEN5 (adopted 2005).

15. Prior to the first residential occupation of the development hereby permitted, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

16. The details to be submitted in accordance with Condition 1 above shall set out the precise location, size and nature of the off-site habitats proposed in relation to the dog walking circuit. The dog walking circuit shall be accompanied by an updated Biodiversity Plan and a long term management plan. The management plan must

cover a period of a minimum of 15 years. Subsequently, the management plan shall be implemented as approved, or as updated in accordance with a revised plan submitted to and approved in writing by the local planning authority.

REASON: In the interests of protecting habitats and biodiversity in accordance with Uttlesford Local Plan GEN7 (adopted 2005) and the NPPF.

17. The details to be submitted in accordance with condition 1 above shall include a mitigation and monitoring report. The Report, which must be submitted to, and approved in writing by, the local planning authority, shall be produced in consultation with the National Trust and will be aligned with the National Trust's report entitled Hatfield Forest Visitor Survey and Impact Management 2018 (Footprint Ecology).

The Report will include specific, timetabled, measures relating to visitor and botanical monitoring, education and maintenance works to Hatfield Forest. The Report will set out the costs required in order to justify the financial contribution provided to the National Trust for visitor management at Hatfield Forest. The Report will be tied to the legal agreement with the National Trust. The Report will set out details for a regular feedback to the LPA for formal consultation with Natural England. The purpose of the Report shall be to implement effective visitor management and monitor the effects of the development upon Hatfield Forest. The content of the Report shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

The mitigation and monitoring report shall describe the results of funded measures which shall be submitted to the local planning authority at intervals identified in the report. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The mitigation and monitoring report will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Uttlesford Local Plan Policies GEN7 and ENV7 (adopted 2005) and the NPPF.

18. No part of the proposed development shall be brought into beneficial use or occupation until the following highway improvements have been carried out:

- the exit from M11 J8 on to the B1256 Takely road is to be widened to two lanes,

or a sum equate to the cost of same is to be paid to the district council to put against a larger scheme for M11 J8 (or alternative layout form having no less effect in terms of highway safety) subject to such design modifications as the appropriate Highway Authority may decide to make.

REASON: To ensure that the strategic road network can continue to operate as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and to satisfy the reasonable requirements of safety for traffic on the strategic road network, and in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005) and the NPPF.

19. Prior to first occupation of the development hereby permitted, the access as shown in principle in drawing number IT1512/SK/01/A (14/06/17) shall be provided on to Station Road , including a footway extension and associated visibility splays of a minimum of 2.4m x 77m to the south and 2.4 x 93m to the north. In addition there shall be the provision of a pedestrian access onto Station Road of a minimum width of 2m as shown in principle on drawing number 6284/SK016/E .

REASON: To ensure that vehicles and pedestrians can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

20. Prior to first occupation of the development hereby permitted, the infrastructure as shown in principle in drawing number IT1512/SK/01/A (14/06/17) shall be provided on Station Road. These shall include but not be limited to:
- relocation of two bus stops and provision of raised kerbs, shelters, poles, flags, timetable casing and real time passenger information.
 - provision of a signalled controlled crossing, including relocation of traffic island and any required surfacing
 - provision of two Vehicle Activate Speed signs.
- The infrastructure shall be provided entirely at the expense of the developer including any required safety audits, traffic regulation orders and other requirements for technical approval.

REASON: To provide access to sustainable forms of transport for users of the site and in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

21. Prior to first occupation the development hereby permitted appropriate pedestrian/cycle access to the Flitch Way to coincide with PROWs 48/22 and 23/5 at the western end of the site shall be provided, together with the provision of appropriate fencing and/or planting between the development and the Flitch Way.

REASON: To provide controlled access to the Flitch Way and improve the accessibility of the site by walking and cycling and protect it from uncontrolled use and damage, in accordance with Uttlesford Local Policies GEN1 and GEN7 (adopted 2005) and the NPPF.

22. Prior to first occupation of each of the residential units of the development hereby permitted, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport,

approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator).

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 20, and in accordance with the NPPF.

23. The layout of the development will be such that no gardens back on to Flitch Way and/or an appropriate buffer of at least 20 metres shall be provided between the Flitch Way and the development.

REASON: In order to protect the Flitch Way from uncontrolled use, littering and damage, and to protect the biodiversity of the Flitch Way, in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

24. The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.

REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with Uttlesford Local Plan Policy GEN8 (adopted 2005).

25. The SUDs scheme shall contain only dry basins, other than during flood events, with a quick draw time and no alteration to their design or operation shall be undertaken without the written approval of the Local Planning Authority, in conjunction with the Safeguarding Authority for Stansted Airport.

REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)'.

26. The height of any buildings, structures, erections or works must not infringe any of Stansted Airport's protected obstacle limitation surfaces.

REASON: To ensure that Stansted Airport's obstacle limitation surfaces are protected and to ensure the safe operation of aircraft.

27. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the local planning authority without delay. Any land contamination identified shall be remediated to the satisfaction of the local planning authority to ensure that the site is made suitable for its end use.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Uttlesford Local Plan Policies GEN2, GEN4 and ENV14 (adopted 2005).

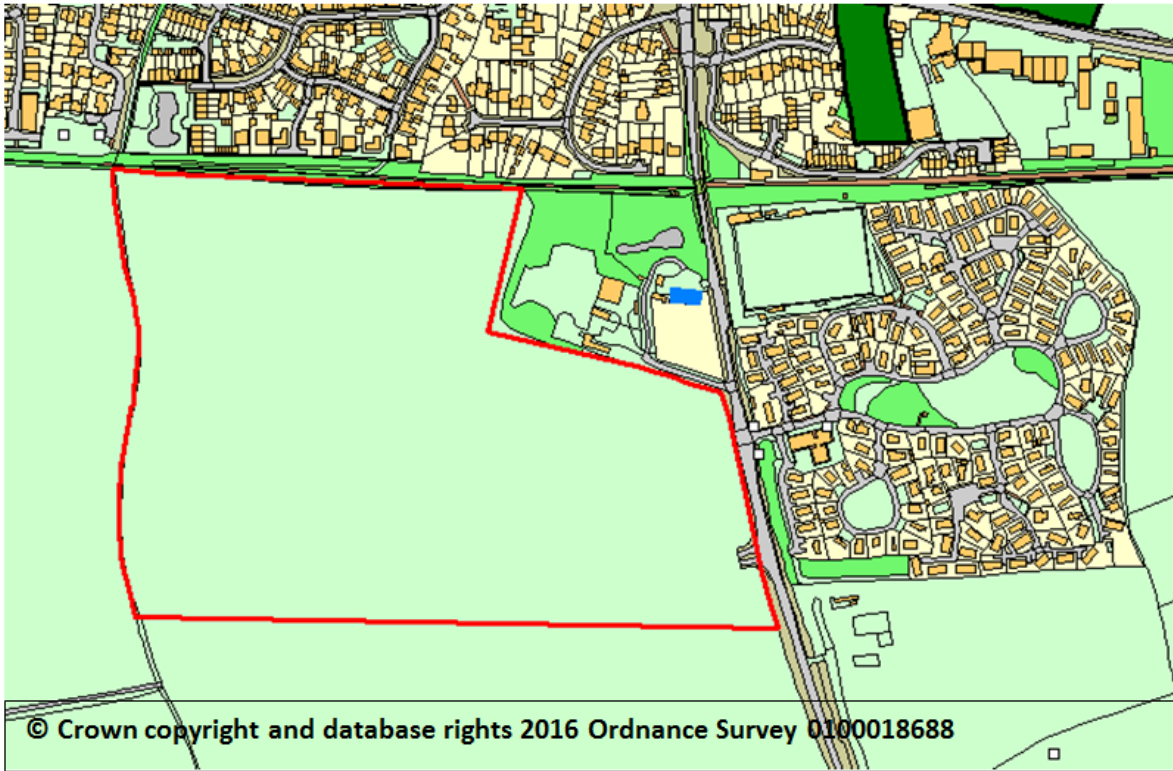
28. Prior to the first use of any part of the neighbourhood building in use class A3 or A5 (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)), a scheme containing full details of arrangements for internal air

extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out, unless otherwise agreed beforehand in writing with the local planning authority.

REASON: To protect the amenities of existing and future residential occupiers living in the vicinity of the Neighbourhood Building, in accordance with Uttlesford Local Plan Policy GEN4 (adopted 2005).

29. Noise resulting from the operation of any external plant at the proposed school and/or neighbourhood buildings shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

REASON: To protect the amenity of existing and future occupiers living in the vicinity of the school and Neighbourhood Building, in accordance with Uttlesford Local Plan Policies GEN4 and ENV11 (adopted 2005) and the NPPF.



Organisation: Uttlesford District Council

Department: Planning

Date: 05 July 2019