

## CHAPTER 10 ENVIRONMENT

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### ENVIRONMENT GENERAL

This policy and supporting text was responded to by 4 people/organisations.

Support	0
Object	4
Comment	0

#### Overarching Summary

- Concern raised over lack of environmental assessments on site allocations
- No assessments of effects on historic environment attributable to additional traffic from developments
- Local Plan has to commit to provision of substantial green spaces in proposed Garden Communities
- Failure to implement adequate sustainable travel infrastructure whilst developing east of Saffron Walden will exacerbate already illegal pollution levels of the Saffron Walden AQMA.
- New development contributes to loss of habitats and small green spaces do not mitigate large scale development
- Population increase will mean more carbon emissions from additional traffic
- Light pollution in a 'dark area'

#### Statutory consultees and other bodies

**WeAreResidents.org** is concerned about the lack of environmental impact assessments on site allocations. There is no assessment on effects of additional traffic attributable to any developments on the historic centre of Saffron Walden, on conservation areas or any historic assets.

#### Developers/landowners/site promoters

No comments received.

#### Individuals

- New build development contributes to habitat loss and provision of small greenspaces that are over managed and overused do not mitigate large scale development.
- Local Plan has to commit to substantial green spaces in the three Garden Communities including areas that are restricted to public access.
- Failure to implement adequate sustainable travel infrastructure whilst developing east of Saffron Walden will exacerbate already illegal pollution levels of the Saffron Walden AQMA.
- The countryside will be damaged and rural integrity will be undermined.

- Increased population means increased private and support vehicles resulting in an increased risk of CO<sub>2</sub> emissions.
- Light pollution will impact on the unique character of the currently "dark area".
- No overriding case presented for the unnecessary and unsustainable loss of the natural environment to rare species of flora and fauna and wildlife as well as the detrimental impact on the historic environment. This is contrary to NPPF sections 11 and 12.

Sustainability Appraisal June 2017

No policies to appraise.

Officer Response

Proposed changes to plan

**Introduction**

**Paragraph 10.1**

This supporting text was responded to by 1 organisation.

Support	0
Object	0
Comment	1

Overarching Summary

- Much of the evidence remains the same as at 2015
- Specific Brief Heritage Impact Assessments (HIA ) considered insufficient
- Full HIAs recommended for each of the three Garden Communities
- All potential sites need to be appraised against historic impacts
- Policy concern with renewable energy is why make specific provisions when out of date 2008 evidence identified a gap in provision and not obstructions to installation
- No need to include problematic provisions for renewable energy in policy

Statutory consultees and other bodies

**Historic England (HE)** notes that NPPF paragraph 169 states that Local Authorities have to have up-to-date evidence for the historic environment to assess the significance of heritage assets and contribution to the environment. In 2015 at the Issues and Options Stage, HE recommended that UDC undertake a historic environment review, as well as an audit to identify potential gaps or out-of-date information. Much of the evidence in the Evidence Base remains the same as in 2015. Specific brief Heritage Impact assessments (HIAs) 2017 are insufficient. Full HIAs should be taken for each Garden Community location. The Full HIAs should contain maps, photographs and diagrammatically show where viewpoints were taken from.

All potential sites need to be appraised against historic impacts. It is imperative to have robust evidence base for soundness of the Plan. Each HIA has to assess the suitability of each area for development and impact on historic environment. If HIAs conclude that development is acceptable for development then findings to inform Local Plan Policy including development criteria and a strategy diagram which expresses development criteria in a diagrammatic form.

Renewable Energy – The source of additional policy concern with renewable energy is unclear and it has risen to an extent that specific provisions are being made in a number of DM policies. The evidence base for renewable energy is dated 2008 and is therefore already out of date. The evidence base concludes that there is a gap in provision and does not identify any particular obstruction limiting installation and therefore no justification for including such problematic provisions within the policies.

Developers/landowners/site promoters

No comments received.

Individuals

No comments received.

Sustainability Appraisal June 2017

No policies to appraise.

Officer Response

Proposed changes to plan

**Protecting the Historic Environment**

**Paragraph 10.2 – 10.5 and Policy EN1**

This policy and supporting text was responded to by 30 people/organisations.

Support	10
Object	5
Comment	15

Overarching Summary

- Policy specifically addressing Heritage at Risk is welcome
- Strengthen policy by outlining proactive approach to addressing Heritage at Risk
- Policy should be consistent with NPPF wording and legislation and should not contradict, add to or take away from NPPF or Legislation
- The term historic environment should be used instead of heritage assets

- Historic landscape characterisation should be included in the Plan
- No policy on shopfronts in either Design or Environment Chapters
- Recommendation to reference Neighbourhood Plans where appropriate
- Policy EN1 regarded as contradictory to SP6 (Easton Park Garden Community) as EN1 principles cannot be demonstrate in proposed development
- North Uttlesford Garden Community (NUGC) does not protect or enhance the significance of heritage assets both on-site and in Great Chesterford.
- Policy regarded as ambiguous and not providing sufficient protection to historic assets
- All heritage assets should be safeguarded
- Development at West of Braintree Garden Community (WoBGC) contradicts Government policy on ancient woodlands and urges consideration of viable alternative sites
- New towns should be sited near major employment opportunities and not as in the case of UDC proposals

#### Statutory consultees and other bodies

**Historic England (HE)** advises that the term historic environment should be used instead of heritage asset. Policy provision to specifically address Heritage at Risk is welcome. However, the policy could be strengthened by outlining a positive and proactive approach to address Heritage at Risk (include assets on national and local Heritage at Risk Registers) where necessary using statutory powers to issue, undertake enforcement action, urgent works and repair notices where harm is identified, or there is immediate threat or serious risk to the preservation of a heritage asset.

It is important that the Policy is consistent with NPPF wording and legislation and does not contradict, add to or take away from NPPF or Legislation. Check each section very carefully to ensure this is the case. Nuances in wording are important and it is crucial that Local Plan Policy does not re-interpret national policy. It is suggested that relating to historic landscape characterisation should be included in the Plan. The Plan does not contain a policy on shopfronts either in the Design or Environment Chapter. A Development Management policy should be in place to successfully manage shopfront changes.

**Thaxted Parish Council and Saffron Walden Town Council** support the policy as it seeks to protect historic buildings and fabric.

**Stansted Neighbourhood Steering Group** believe that reference should be made to Neighbourhood Plan by adding “and Neighbourhood Plans” after Design Village Statements.

**Thaxted Parish Council** recommends an addition to text after Town and Village Statements “in addition, some who have emerging or adopted Neighbourhood Plans”.

**Saffron Walden Neighbourhood Steering Group** considers that the text should make reference to Neighbourhood Plans and reword last sentence to include Neighbourhood Plans.

**Saffron Walden Town Council** consider that the text should make reference to Neighbourhood Plans and should be amended accordingly. Should there be a cross reference to local listing within the conservation area appraisals? Note that road and air traffic also a source of pollution.

**Great Dunmow Town Council** believes that Policy EN1 contradicts with Policy SP6 (Easton Park Garden Community) as principles of EN1 are not being demonstrated.

**Chesterford Parish Council** believes that North Uttlesford Garden Community (NUGC) does not protect or enhance the significance of heritage assets both on-site and in Great Chesterford.

**Thaxted Parish Council** queries whether there should there be a cross reference to local listing within conservation area appraisals?

**Little Chesterford Parish Council** believes that the Policy as drafted is ambiguous and does not provide sufficient protection to historic assets. In order to remove the ambiguity it is recommended to add “.....will be supported only where”. The development of North Uttlesford Garden Village (NUGV) will cause irreparable damage to a highly sensitive historic environment contrary to Policy EN1, national policy and core planning principles regarding the historic environment.

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over ‘buildings at risk.’

**Saffron Walden Neighbourhood Steering Group and Stansted Neighbourhood Steering Group** support the policy but want it noted that there is also impact from pollution and air traffic. The Word “restoration” should be replaced by “conservation”. Is there any opportunity to included mitigating harm to old buildings?

**THE THAXTED SOCIETY** believes that Policy EN1 should safeguard all heritage assets including those at risk. The preference for Thaxted would be a reassurance that ‘planning’ will safeguard any heritage asset on any agreed list.

Developers/landowners/site promoters

No comments received.

## Individuals

- Replace 'restoration' with conservation as the former equates with bad, fakery' and the latter denotes good and authenticity.
- Add text referring to mitigation of harm to historic buildings from road traffic pollution e.g. regular cleaning of pargetting more frequently along busy roads in Saffron Walden.
- Development at West of Braintree Garden Community will not protect historic assets. This development contradicts Government policy on ancient woodlands and advises consideration of viable alternative sites.
- No comment.
- No indication that NUGV development will enhance or protect either historic features or landscape
- Where are the Conservation Area appraisals and the town and Village design Statements?
- Support
- No possibility of achieving development in NUGV which will protect and enhance the environment.
- Policy is supported but add "including air traffic" to the end of the last sentence.
- No comment
- Provision of three new Garden Communities will change a predominantly rural area "irreplaceable resource."
- West of Braintree Garden Community will dwarf and aid decline of historic towns of Braintree and Great Dunmow as well as dramatically affect surrounding ancient villages.
- Stebbing Green is the only open green between the 2 towns.
- New towns are not mandatory and should be sited near major employment opportunities and not as in the case of UDC.
- Local Plan is set to ruin the landscape and increase flooding potential; and
- Why not use land for a windfarm for renewable energy?
- The proposed NUGV development puts at risk economic opportunity that the current landscape contributes to
- Area adjacent to NUGV settlement is extremely important and should be left alone
- Due to historical and archaeological the NUGV site is highly unsuitable for development.
- Important to preserve historic environment for future generations
- Environment should be allowed to continue developing

### **Significant, Temporal and Secondary Effects**

There will be positive impacts on landscapes and townscapes in regards to new development and the requirements for proposals. This is also the case for the policy's principle aim and historic environment objectives. The possibility for enhancement is ensured through working positively to safeguard heritage assets identified as 'at risk' by working in partnership with land owners, Essex County Council, Historic England and other heritage bodies to secure a sympathetic restoration and re-use.

Individual impacts regarding reducing carbon emissions will only be realised at the local level in conjunction with relevant development management policies; as such no impacts have been realised. Reducing carbon emissions through retrofitting or modifying heritage assets has the potential for negative impacts on either the asset in question or in regards to the need to reduce building emissions and the policy acknowledges such a threat and the need to avoid any negative precedents. The SA welcomes the approach of the council to weigh each proposal on its own merits and not commit to an overall policy stance. Despite this, a similar approach could be included within the policy regarding the incorporation of SuDS in any forthcoming schemes that may affect the historic environment, assets or their settings

### **Alternatives Considered**

Paragraph 126 of the NPPF requires Local Plans to set out "a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats". The Policy is in direct compliance with the NPPF and any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

### **Proposed Mitigation Measures / Recommendations**

It is recommended that a similar stance within the policy that acknowledges the incompatibilities between the protection and enhancement of heritage assets and energy efficiency measures be included regarding the incompatibility between such assets and SuDS.

### Officer Response

### Proposed changes to plan

## **Design of Development within Conservation Areas**

### **Paragraphs 10.6 – 10.8 and Policy EN2**

This supporting text and policy was responded to by 20 people/organisations.

Support	12
Object	2
Comment	6

## Overarching Summary

- Word 'essential' should be deleted as it implies less stringent test than that required by obligatory consideration in statutory provisions
- Character and appearance of conservation area should be considered whether it is essential or not
- Remove the word 'overall' in Bullet Point 3
- Historic England would welcome the provision of any future designation of conservation areas within Uttlesford
- Village Design Statements regarded as vital to the preservation of important characteristics and historic significance of villages
- Non-consideration of outline planning applications in conservation areas supported
- What constitutes substantial pollution?
- Policy EN2 not in conformity with NPPF guidance para 132-134 because NPPF states that if harm is deemed substantial then the proposal needs to achieve substantial benefits to outweigh that harm.
- Paras 132-134 relate specifically to designated heritage assets i.e. the more important the asset the more weight attached to it
- Policy to be amended to reflect guidance

## Statutory consultees and other bodies

**Historic England** requires the word 'essential' to be deleted from the first sentence as it implies a less stringent test than that required by obligatory consideration in statutory provisions. The character or appearance of a conservation area should be considered irrespective of whether it is essential or not. The word 'overall' in Bullet Point 3 should be removed. The Local Plan process provides a basis for continued update and management of Conservation Management Plans identifying each conservation area's local identity and distinctiveness. The Plan will be more robust where it directs future development to take account of special and the distinctive character of conservation areas with emphasis on the cumulative result of the built form, materials, spaces, street patterns, uses and relationships to surrounding features such as surviving historic buildings and street patterns. HE would welcome the provision of any future designation of conservation areas within Uttlesford as well as specific provision for landscape setting of different parts of the area.

**Great Canfield Parish Council** support the continued support of Village Design Statements where approved by UDC. The Parish Council views Village Design Statements as vital to the preservation of important characteristics and historic significance of villages.

**Saffron Walden Town Council** notes that solar panels can be installed on a non-listed building without planning permission.

**Saffron Walden Town Council, Thaxted Parish Council, Saffron Walden Neighbourhood Steering Group, and Stansted Neighbourhood Steering Group** support the policy.

**Saffron Walden Town Council and Thaxted Parish Council** support the principle of non-consideration of outline planning applications in conservation areas.



**Stansted Neighbourhood Plan Steering Group** requires the deletion of 'Design' from heading. This policy should apply everywhere. There is a typographical error on third bullet point should read 'of the' and not 'oft he.'

**Thaxted Parish Council** requires the definition of "substantial pollution."

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over 'buildings at risk.'

**Saffron Walden Neighbourhood Plan Steering Group** advises the deletion of 'Design' from heading. This policy should apply everywhere.

**THE THAXTED SOCIETY** supports the policy.

#### Developers/landowners/site promoters

- Policy EN2 not in conformity with NPPF guidance para 132-134
- Paras 132-134 relate specifically to designated heritage assets i.e. the more important the asset the more weight attached to it
- Policies in the Local Plan need to make the distinction to be consistent with NPPF
- NPPF states that if harm is deemed substantial then the proposal needs to achieve substantial benefits to outweigh that harm.
- Planning balance exercise to be undertaken by decision maker and not as an embargo on development with a visual impact on an asset.
- Policy to be amended to reflect guidance

#### Individuals

- The policy is supported.
- Policy is essential to ensure that the development at Easton Park does not damage views from Little Easton Conservation Area especially the church, Church Row, Rectory and the ponds of Easton Manor.
- NUGV will have a significant visual impact.
- Where are the Conservation Area Appraisals located?
- Explanation of Article 4 Directions required.

#### Sustainability Appraisal June 2017

##### **Significant, Temporal and Secondary Effects**

The policy would have a significant positive impact on the protection and enhancement of the district's heritage assets by preventing the loss of culturally important buildings and ensuring that the characters of historic areas do not lose their quality and reason for being designated. In protecting historic landscapes this policy also positively impacts on landscape.

The inclusion of additional information on renewable energy installation within Conservation Areas provides greater clarity for the type of equipment accepted. It is recommended that a similar stance within the policy that acknowledges the incompatibilities between the protection and enhancement of heritage assets and energy efficiency measures be included regarding the incompatibility between such assets and SuDS.

### **Alternatives Considered**

Paragraph 126 of the NPPF requires the Local Plan to promote the conservation and enjoyment of the historic environment. In order to do this it states that local planning authorities should take into account the following:

- “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.”

The Policy is in direct compliance with the NPPF and any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

### **Proposed Mitigation Measures / Recommendations**

It is recommended that a similar stance within the policy that acknowledges the incompatibilities between the protection and enhancement of heritage assets and energy efficiency measures be included regarding the incompatibility between such assets and SuDS.

#### Officer Response

#### Proposed changes to plan

### **Protecting the Significance of Conservation Areas**

#### **Policy EN3**

This policy and supporting text was responded to by 11 people/organisations.

Support	4
Object	3
Comment	4

#### Overarching Summary

- Policy supported
- Developments resulting in increased traffic and pollution within Conservation areas will not be permitted
- Policy conflicts with SP6 (Easton Park) as it does not conserve or enhance the character of the conservation area
- NUGC will be damaging to the character, appearance and significance of the Conservation Area within Great Chesterford.
- UDC not proactive in countryside preservation enforcement
- EN3 contrary to NPPF advice which requires balancing exercise between harm to asset and public benefits.

- Detrimental effect of increased air traffic at Stansted Airport on setting of conservation areas to be taken into account
- This policy considered to require more detail or an SPD

#### Statutory consultees and other bodies

**Historic England** supports the policy.

**Saffron Walden Town Council recommends addition that** that developments resulting in increased traffic and pollution within Conservation areas will not be permitted

**Great Dunmow Town Council believes that** Policy EN3 conflicts with SP6 – How does Easton Park, conserve or enhance the character of the Conservation Area as identified in the (Conservation Area) Appraisal?

**Great Chesterford Parish Council** believes that NUGC will be damaging to the character, appearance and significance of the Conservation Area within Great Chesterford.

**Thaxted Parish Council** supports the policy.

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over ‘buildings at risk.’

**Saffron Walden Neighbourhood Plan Steering Group** notes that this policy needs more explanation or an SPD. Should development that undermines the overall beauty of an area be avoided?

**Stansted Neighbourhood Plan Steering Group** believes that this policy needs more explanation or an SPD. Should development that undermines the overall beauty of an area be avoided?

#### **THE THAXTED SOCIETY**

Clarification on impact is needed. The degree and acceptable impact made must be assessed but not a question of ‘whether’ as all additional development do affect conservation areas.

#### Developers/landowners/site promoters

- EN3 as drafted means development will only be permitted where it is not detrimental to the character, appearance or significance of a conservation area. This is contrary to the NPPF advice as balancing is required between harm to asset and public benefits.

#### Individuals

- Detrimental effect of increased air traffic at Stansted Airport on setting of conservation areas to be taken into account

### **Significant, Temporal and Secondary Effects**

The Policy will have positive impacts on the historic environment adjacent to Conservation Areas to the extent that Listed Buildings would be protected from neighbouring insensitive development. There will also be positive impacts associated with townscape. It is recommended that the policy is expanded to include the protection of non-designated heritage assets that may be within or adjacent to Conservation Areas.

### **Alternatives Considered**

Paragraph 126 of the NPPF requires the Local Plan to promote the conservation and enjoyment of the historic environment. In order to do this it states that local planning authorities should take into account the following:

- “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.”

The Policy is in direct compliance with the NPPF and any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

### **Proposed Mitigation Measures / Recommendations**

It is recommended that the policy is expanded to include the protection of non-designated heritage assets that may be within or adjacent to Conservation Areas.

### Officer Response

### Proposed changes to plan

## **Development Affecting Listed Buildings**

### **Paragraphs 10.9-10.14 and Policy EN4**

This policy and supporting text was responded to by 14 people/organisations.

Support	6
Object	5
Comment	3

### Overarching Summary

- Policy appears to prioritise renewable energy provision over protection and enhancement of historic environment
- As drafted policy seeks to apply less stringent test contrary to NPPF paragraph 132
- Policy currently conflicts with NPPF in affording greater weight to the provision of renewable energy equipment
- Delete entire Policy paragraph 3 and associated bullets points
- Should locally listed buildings be referenced in conservation area appraisals?
- Proposals for works on locally listed buildings to be accompanied by structural surveys if not referenced in conservation area appraisals

- Should be case-by-case examination of applications supported by meaningful enforcement
- UDC regarded as lax and slow in enforcement in countryside as evidenced by damage to hedgerows, and at 'risk buildings'
- An embargo on development based on visual impact on an asset is contrary to NPPF guidance
- Policy should be amended to reflect NPPF guidance
- Paragraph is considered misleading to readers
- Wording to be amended to align with NPPF para 128 regarding significance and not reasons for listing
- An embargo on development based on visual impact on an asset is contrary to NPPF guidance
- More information required for a listed building application than indicated in para 10.14
- Policy criteria contradicts statutory obligations as it does not ensure preservation of a building's special interest
- Support for sympathetic treatment of applications seeking restoration to reveal significance of heritage asset

#### Statutory consultees and other bodies

**Historic England** notes that Policy appears to prioritise renewable energy provision over protection and enhancement of historic environment by seeking to apply less stringent test than otherwise acceptable under statutory provisions. NPPF paragraph 132 states that on considering impact of development on significance of a designated asset then great weight should be given to asset's conservation. The Policy currently conflicts with NPPF in affording greater weight to the provision of renewable energy equipment. Entire paragraph 3 and associated bullet points should be deleted from the policy. Historic England considers that the paragraph is misleading to readers. The wording should be amended to require applications to explain the significance of a building or structure in line with NPPF paragraph 128 rather than the reason for listing. Historic England reiterates that any works affecting the special architectural or historic interest of a listed building require consent depending on specifics of building and works proposed. Criteria outlined in Policy do not determine whether or not special interest is preserved and this contradicts with statutory obligations. Many Historic Buildings exempt from Part L of the Building Regulations where compliance would alter the character and appearance.

**Stansted Neighbourhood Steering Group** notes that NPPF paragraph 128 requires more information in applications for development affecting listed buildings than is proposed in paragraph 10.14. Addition requested, "...identification of significance of asset and an explanation of the impact of the proposals on significance of asset in Historic Impact assessment."

**Saffron Walden Town Council, Thaxted Parish Council** supports sympathetic treatment to applications respecting historic nature of building as well as querying whether there should be reference to locally listed buildings in conservation area appraisals.

**Stansted Neighbourhood Steering Group** considers that Policy should be extended to Local Listings. If not add, "Proposals for works to a listed building should be accompanied by a structural survey."

**Saffron Walden Neighbourhood Steering Group** supports policy by requests extension of policy to include Local Listing.

**THE THAXTED SOCIETY** supports the policy subject to careful case-by-case examination and enforcement of policy.

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over 'buildings at risk.'

#### Developers/landowners/site promoters

- An embargo on development based on visual impact on an asset is contrary to NPPF guidance
- Decision maker should undertake a balancing exercise between visual impact and proposal's benefits
- Policy should be amended to reflect NPPF guidance

#### Individuals

No comments received

#### Sustainability Appraisal June 2017

##### **Significant, Temporal and Secondary Effects**

There are over 3,700 listed buildings or structures within the District which have been designated as such due to their special architectural and historical interest. Measures should be adopted to conserve, and where possible enhance, these buildings which in the District vary widely both in age, character and their vernacular materials. There will be significant positive impacts associated with the preservation of Listed Buildings by not permitting development that may negatively impact on the quality and appearance of these heritage assets. The policy also safeguards listed buildings by allowing in exceptional circumstances renovation and works related to a change in use providing they preserve the historic nature of the building. The policy may also positively impact on aspirations to reduce the contributions to climate change through the inclusion of additional information on renewable energy installation for Listed Buildings which provides greater clarity for the type of equipment accepted. This has the potential to increase the amount of locally based renewable energy schemes being developed within historic settlements.

##### **Alternatives Considered**

Paragraph 126 of the NPPF requires the Local Plan to promote the conservation and enjoyment of the historic environment. In order to do this it states that local planning authorities should take into account the following:

- "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation."

The Policy is in direct compliance with the NPPF and any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

### **Proposed Mitigation Measures / Recommendations**

No mitigation measures or recommendations are proposed.

### Officer Response

### Proposed changes to plan

## **Scheduled Monuments and Sites of Archaeological Importance**

### **Paragraphs 10.15 – 10.17 and Policy EN5**

This policy and supporting text was responded to by 14 people/organisations.

Support	3
Object	7
Comment	4

### Overarching Summary

- Policy title should be changed to Archaeology
- Seeking preservation in situ could be strengthened if supporting text elaborates how this could be achieved
- No terms of reference provided to what would constitute a need that would outweigh the importance of an asset
- Significance of a designated asset should be given greater weight to that asset's conservation (NPPF paragraph 132)
- Draft policy does not accord with NPPF paragraphs 132-135
- Application of NPPF paragraphs 131-135 test on identification of harm
- Objective of first paragraph not clear and could be interpreted to say that even if preservation in situ was possible it would not be necessary if development is considered to outweigh importance of the asset
- Second paragraph, Heritage England object on the basis that NPPF paragraph 128 requires applicants to provide a description of any heritage assets affected including contribution made by the asset
- Paragraph 4 wording, does not indicate requirement for actual excavation, investigation and recording but only a provision to be made
- No reasoned justification for inclusion of a renewable energy provision regarding scheduled monuments and sites of archaeological importance.
- Objection to prioritisation of renewable energy provision over protection and enhancement of the historic environment by seeking to apply a less stringent test.
- Heritage England requests removal of entire fourth paragraph and its associated bullet points from the policy.
- Policy as currently drafted fails to secure conservation of scheduled monuments

- West of Braintree Garden Community will significantly affect Andrewsfield
- Impact NUGV would not meet the Policy criterion of impact being reversible
- Historic Environment Assessment for Great Chesterford and Little Chesterford (July 2016) identifies topography as making major positive contribution to setting of Heritage assets
- SA Environment Report (July 2017) acknowledges that it is not known whether mitigation could be achieved

#### Statutory consultees and other bodies

**Historic England** advises changing policy title to Archaeology to reflect wider reaching scope. Seeking preservation in situ could be strengthened if supporting text elaborates how this could be achieved e.g. via design modification, layout, drainage, landscaping, siting and location of foundations. The second part of the second sentence provides no terms of reference to what would constitute a need that would outweigh the importance of an asset. According to NPPF paragraph 132 the significance of a designated asset should be given greater weight to that asset's conservation. Draft policy does not accord with NPPF paragraphs 132-135. On identification of harm then NPPF paragraphs 131-135 test should be applied. NPPF facilitates a balancing exercise based on merits of a scheme and specific public benefits it may bring. Not appropriate for local plan policy to include a lesser version of the NPPF paragraphs 131-135 test. Objective of first paragraph not clear and could be interpreted to say that even if preservation in situ was possible it would not be necessary if development is considered to outweigh importance of the asset. Second paragraph, Heritage England object on the basis that NPPF paragraph 128 requires applicants to provide a description of any heritage assets affected including contribution made by the asset. Amend wording in policy to read, "in situations where there is evidence to suggest that historic assets or their settings would be affected....." According to paragraph 4 wording, no requirement for actual excavation, investigation and recording but only a provision to be made. Amend policy to reflect requirement. Supporting text and policy should advise how this will be secured whether by imposition of a suitably worded condition or a legal agreement and this will ensure actual work is carried out as well as outlining the Council's expectations. Clear guidance is expected on archaeological recording and submission of records with appropriate public record e.g. Historic Environment Records for archaeological remains not to be retained in situ.

Heritage England objects considerably to the part of policy relating to installation of renewable energy equipment within scheduled monuments. Draft policy appears to prioritise renewable energy provision over protection and enhancement of the historic environment by seeking to apply a less stringent test. Scheduled Monument Consent (SMC) required for such works and policy conflicts with statutory obligations. Despite compliance with all the criteria list except 4<sup>th</sup> bullet point could result in SMC refusal.

Requirement for development to preserve or enhance special interest or significance is a fundamental requirement of the policy and not only those associated with installation of renewable energy equipment. Again in direct conflict with NPPF paras 131-135.

There is no reasoned justification for inclusion of a renewable energy provision regarding scheduled monuments and sites of archaeological importance. Lack of explanatory text



further impedes interpretation of the policy and application. It is requested that the entire fourth paragraph and its associated bullet points be removed from the policy.

Policy as currently drafted fails to secure conservation of scheduled monuments and if applied could potentially allow harm to valuable and finite assets.

**Saffron Walden Town Council** supports the policy.

**Great Dunmow Town Council** considers it a serious error that Saved Policy (Historic Landscapes) protects historic landscapes but replacement policies EN5 & EN6 do not set out protection of landscapes.

**Stansted Neighbourhood Steering Group and Saffron Walden Neighbourhood Steering Group** note that archaeological conditions should apply to all sites. Significant archaeological finds need to remain as an asset and integrated into the landscape as an attraction/monument of local interest. Suggestion to include a policy requiring integration of significant archaeological finds into the design of a development.

**Thaxted Parish Council** suggests reconsidering design to compliment archaeological find e.g. glass pavement coverings.

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over 'buildings at risk.'

**THE THAXTED SOCIETY** supports the policy.

#### Developers/landowners/site promoters

No comments received.

#### Individuals

- NUGV contains a designated Scheduled Monument (SM29399) and it is a significant development constraint on NUGV site
- Likelihood of unrecorded sites and finds in NUGV development site such as Bronze Age cemeteries and historic settlements
- Historic Environment Assessment for Great Chesterford and Little Chesterford (July 2016) identifies topography as making major positive contribution to setting of Heritage assets
- Open aspect of Temple should be retained
- SA Environment Report (July 2017) acknowledges that it is not known whether mitigation could be achieved
- Impact NUGV would not meet the Policy criterion of impact being reversible
- What is planned for archaeological finds on the NUGV site?
- Proposed West of Braintree Garden Community will substantially affect Andrewsfield, a WW2 airfield currently used for pilot training and helping with weather forecast.
- Remove redundant apostrophe on word "applicants"

### **Significant, Temporal and Secondary Effects**

There are over 3,700 listed buildings or structures within the District which have been designated as such due to their special architectural and historical interest. Measures should be adopted to conserve, and where possible enhance, these buildings which in the District vary widely both in age, character and their vernacular materials. There will be significant positive impacts associated with the preservation of Listed Buildings by not permitting development that may negatively impact on the quality and appearance of these heritage assets. The policy also safeguards listed buildings by allowing in exceptional circumstances renovation and works related to a change in use providing they preserve the historic nature of the building. The policy may also positively impact on aspirations to reduce the contributions to climate change through the inclusion of additional information on renewable energy installation for Listed Buildings which provides greater clarity for the type of equipment accepted. This has the potential to increase the amount of locally based renewable energy schemes being developed within historic settlements.

### **Alternatives Considered**

Paragraph 126 of the NPPF requires the Local Plan to promote the conservation and enjoyment of the historic environment. In order to do this it states that local planning authorities should take into account the following:

- “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.”

The Policy is in direct compliance with the NPPF and any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

### **Proposed Mitigation Measures / Recommendations**

It is recommended that that, regarding the Policy’s renewable energy criteria, an assessment of the significance of harm is required as per other development schemes. In addition, it is recommended that the Policy as a whole include some guidance to developers as to enhancements to Scheduled Monuments that may be at risk through appropriate schemes

### Officer Response

### Proposed changes to plan

## **Historic Parks and Gardens**

### **Paragraphs 10.18-10.19 and Policy EN6**

This policy and supporting text was responded to by 17 people/organisations.

Support	6
Object	5

### Overarching Summary

- Correct Register title to Register of Parks and Gardens of Special Historic Interest
- Delete third sentence as it appears to imply a distinction in considerations between Audley End and Bridge End gardens from other sites of national importance albeit not Grade 11\* listed.
- Essex Garden Trust's Historic Designed Landscapes of Essex: Handbook Part 3 constitutes a local list
- Applications to be accompanied by a statement of significance and assessment of proposed development's impact on significance
- Issue is not reasons for designation but asset's significance
- Amend to read Historic England and not English Heritage
- Proposed addition to text, "...in identification of the significance of the asset and the need to explain the impact of the proposals on the significance of the asset in a Historic Impact Assessment."
- Policy should refer to settings of historic parks and gardens
- Impacts to views to be added to list in policy
- No development should be permitted
- Development integral to function of park to be permitted subject to planning conditions
- Historic Parks and Gardens are subject to the same NPPF considerations as listed buildings, conservation areas and scheduled monuments
- Historic England concerned about reference to 'material harm'
- Ancient and veteran trees to be afforded highest protection and to be lost to development in exceptional circumstances
- Policy should not place any embargo on all development causing an impact but should undertake a balancing exercise on harm and benefits

### Statutory consultees and other bodies

**Stansted Neighbourhood Steering Group** advises that correct title is the Register of Parks and Gardens of Special Historic Interest

**Stansted Neighbourhood Plan Steering Group** notes that significance and any harm to that significance should be assessed as part of an application in a historic landscape. Suggestion to add following to text, "...in identification of the significance of the asset and the need to explain the impact of the proposals on the significance of the asset in a Historic Impact Assessment."

**Essex Gardens Trust** advises replacing paragraph with, "Applications which might affect a historic landscape, park or garden should be accompanied by a statement of significance and an assessment of how that significance would be affected by the development."

**Essex Gardens Trust** paragraph to be better replaced by, "Applications which might affect a historic landscape or park or garden, whether on the National Heritage List or included in the

Essex Gardens Trust Handbook for Uttlesford: should be accompanied by a statement of significance and an assessment of how the impact of the development on that significance.”

**Essex Gardens Trust** notes that Essex Garden Trust’s Historic Designed Landscapes of Essex: Handbook Part 3 is an inventory of sites in UDC. The Handbook identifies 7 sites with statutory protection, 14 other undesignated heritage assets and effectively constitutes a local list. Third sentence should be omitted as it appears to imply that development might be acceptable in other cases and only in exceptional cases for Audley End Park and Bridge End Gardens. **Historic England** welcomes policy on conservation of historic parks and gardens but policy should be amended to refer to their settings. As designated heritage assets Historic Parks and Gardens are subject to the same NPPF considerations as listed buildings, conservation areas and scheduled monuments. On identification of harm, NPPF test is triggered. Historic England concerned about reference to ‘material harm’ as policy should seek to conserve and where appropriate enhance the design, character, appearance and historic significance of District’s registered parks and gardens.

**Saffron Walden Town Council** supports policy but should be amended to read, “Development that is integral to the function of the park will be permitted provided that .....” and attach planning conditions.

**Great Dunmow Town Council** considers it a serious error that Saved Policy ENV9 (Historic Landscapes) protects historic landscapes but replacement policies EN5 & EN6 do not set out the same level of landscape protection.

**Thaxted Parish Council** considers that no development should be permitted and the policy should be amended to reflect this.

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over ‘buildings at risk.’

**Stansted Neighbourhood Plan Steering Group** notes that views to, from and within a historic park or garden are a key characteristic of the typology and one of the most common adverse impacts. Impacts to views should be added to policy. Proposed suggestions; add ‘views’ to list; change ‘plantations’ to ‘vegetation’ as this could comprise herbaceous borders, parkland trees, hedgerows, copses and woodlands.

**The Woodland Trust** considers that any ancient or veteran trees within historic parks and gardens should be given the strongest level of protection. The Trust wants assurance that such trees should be lost to development in most wholly exceptional circumstances.

**Saffron Walden Neighbourhood Plan Steering Group and THE THAXTED SOCIETY** support the policy.

#### Developers/landowners/site promoters

- The Policy is contrary to NPPF advice as the policy places an embargo on all development causing an impact rather than balancing impacts and benefits accrued. Policy needs rewording.

## Individuals

- Policy supported

## Sustainability Appraisal June 2017

### **Significant, Temporal and Secondary Effects**

Measures should be adopted to conserve, and where possible enhance, historic parks and gardens. There will be positive impacts associated with the preservation of historic parks and gardens by not permitting development that may negatively impact on the quality and appearance of these heritage assets. Impacts are limited in so far as enhancement is not implicit within the policy.

### **Alternatives Considered**

Paragraph 126 of the NPPF requires the Local Plan to promote the conservation and enjoyment of the historic environment. In order to do this it states that local planning authorities should take into account the following:

- “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.”

The Policy is in direct compliance with the NPPF and any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

### **Proposed Mitigation Measures / Recommendations**

It is recommended that the policy seek to enhance such assets where possible through any development proposals related to such assets.

## Officer Response

## Proposed changes to plan

## **Non-Designated Heritage Assets of Local Importance**

### **Paragraphs 10.20-10.22 and Policy EN7**

This policy and supporting text was responded to by 13 people/organisations.

Support	9
Object	2
Comment	2

## Overarching Summary

- Policy considered clear and accords with NPPF guidance
- Separate policy for non-designated heritage assets is welcome

- Stronger policies and enforcement action on countryside preservation and buildings at risk required from UDC
- Query on location of Local List of Heritage Assets in Local Plan Document
- Delete sentence re- paragraph 10.22 as UDC cannot be identify new heritage assets on an ad hoc basis
- Policy supported

#### Statutory consultees and other bodies

**Historic England** welcomes a separate policy for non-designated heritage assets. The policy is considered clear and in accordance with NPPF.

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over ‘buildings at risk.’

**Saffron Walden Town Council, Thaxted Parish Council, Stansted Neighbourhood Plan Steering Group, Saffron Walden Neighbourhood Plan Steering Group and THE THAXTED SOCIETY** support the policy.

#### Developers/landowners/site promoters

- NPPF paragraph 13 relates specifically to non-designated heritage assets and the policy test should be applied in these cases. A balanced judgement should be reached having regard to the scale of any harm and significance of the heritage asset. Policy EN7 to be reworded to reflect NPPF guidance.

#### Individuals

- Query on location of Local List of Heritage Assets as there is no such document in the Historic Environment section of the “Local Plan Evidence and Background Studies”
- Non designated heritage sites cannot simply be identified in an ad hoc basis and therefore this sentence should be deleted
- Policy supported

#### Sustainability Appraisal June 2017

##### **Significant, Temporal and Secondary Effects**

There will be significant positive impacts on the historic environment as a result of the policy’s stance on non-designated heritage assets. Minor positive impacts are highlighted due to the resistance of harm to such assets with no policy aspiration to enhance such assets where possible.

##### **Alternatives Considered**

Paragraph 126 of the NPPF requires the Local Plan to promote the conservation and enjoyment of the historic environment. In order to do this it states that local planning authorities should take into account the following:

- “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.”

The Policy is in direct compliance with the NPPF and Historic England guidance on Local Plans. Any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

### **Proposed Mitigation Measures / Recommendations**

It is recommended that the policy seek to enhance such assets where possible through any development proposals related to such assets.

### Officer Response

### Proposed changes to plan

## **Natural Environment**

### **Paragraphs 10.23 -10.24 and Policy EN8**

This supporting text was responded to by 16 people/organisations.

Support	8
Object	3
Comment	5

### Overarching Summary

- Incorrect cross-reference to NE1 instead of EN9
- An SPD and clearer forms required
- Policy and paragraph 10.24 supporting text fail to demonstrate a distinction between hierarchy of sites as required by NPPF paragraph 113 therefore policy is **unsound** as drafted as not in accordance with NPPF paragraph 113
- More detail required on how UDC intends to, “optimise conditions for wildlife and habitats to improve biodiversity and tackle habitat loss and fragmentation
- Easton Park development cannot demonstrate EN8 principles
- S106 contributions should be used to promote woodland cover, extend and create new meadows
- The proposed Flich Way Local Nature Reserve should be mentioned and supported in the Local Plan
- Visitor pressure on Hatfield Forest should be acknowledged as well as the impact of population and visitor growth from cumulative developments

### Statutory consultees and other bodies

**Essex County Council Environment, Sustainability and Highways** notes that an omission in not including ECC Country Parks and The Friends of the Flitch Way 's proposal for Flitch Way to become a Local Nature Reserve. The Local Nature Reserve will comprise a 20m wide (ideally 100m wide) buffer zone between the Flitch Way and new development. Local Plan should recognise and support proposal.

**National Trust** states that pressure on Hatfield Forest should be acknowledged as well as the impact of population and visitor growth from cumulative developments.

**Natural England:** Policy and paragraph 10.24 supporting text fail to demonstrate a distinction between hierarchy of sites as required by NPPF paragraph 113. Natural England would like to see more detail on how UDC intends to, "optimise conditions for wildlife and habitats to improve biodiversity and tackle habitat loss and fragmentation." As drafted policy is **unsound**.

**Environment Agency** supports the general overarching policy.

**National Trust** points out incorrect cross-reference to NE1 rather than EN9.

**Great Dunmow Town Council** considers that the policy conflicts with SP6 because the development of Easton Park cannot demonstrate Policy EN8 principles.

**Saffron Walden Town Council, Thaxted Parish Council and Thaxted Parish Council** support the policy.

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over 'buildings at risk.'

**Saffron Walden Neighbourhood Plan Steering Group and Stansted Neighbourhood Plan Steering Group** support policy but say an SPD and clearer forms are required. Also need to improve wildlife corridors.

### Developers/landowners/site promoters

- Incorrect reference to NE1 instead of EN9

### Individuals

- S106 agreements should be used to increase woodland cover and work with local wildlife conservation groups to enhance and extend existing as well as create woodland, meadows with emphasis on planting indigenous species and active management
- Policy supported

### Sustainability Appraisal June 2017

### **Significant, Temporal and Secondary Effects**



There will be significant positive impacts associated with biodiversity and the natural environment as a result of this policy. For further detail as to the specifics of impacts in the wider Plan and more focused policy, please see the appraisal of Policy EN9 below.

### **Alternatives Considered**

Please refer to the appraisal of Policy EN9 below.

### **Proposed Mitigation Measures / Recommendations**

Please refer to the appraisal of Policy EN9 below.

### Officer Response

### Proposed changes to plan

## **Protecting the Natural Environment**

### **Paragraph 10.25 -10.31and Policy EN9**

This policy and supporting text was responded to by 27 people /organisations.

Support	6
Object	9
Comment	12

### Overarching Summary

- The Local Plan should acknowledge existing problems and additional pressures on Hatfield Forest arising from housing developments
- Requirement of a policy required in Local Plan to protect Hatfield Forest
- Reference to Hatfield Forest in Chapter 3 of the Local Plan should be with regards to protection of the environment and not about promoting growth.
- Paragraph 3.31 should be amended by removing Hatfield Forest from 3<sup>rd</sup> and moving it to the 4<sup>th</sup> bullet point.
- Query on whether Local Geological Sites (LoGS) are shown as Geological Sites on Policies Map Key
- Environmental protection of Boxted Wood will be impossible with the proposed development of West of Braintree Garden Community
- Paragraph 10.29 wording would be more effective if included in Policy EN8 wording
- Paragraph 10.29 objective is not included in Policy EN9
- Sites such as Hatfield Forest and Aubrey Buxton are under threat because of failure by new development to provide enough amenity space for local need
- Policy should reference the creation of additional parks and sites as currently it is about protecting existing sites rather than creation of new space.
- Automatic refusal of planning permission due to a reduction in biodiversity and geodiversity value is not an approach in accordance with NPPF guidance
- Paragraph 3 of concern as it allows significant harm to biodiversity and geodiversity

- Requirement of a biosecurity protocol method statement is recommended

#### Statutory consultees and other bodies

**National Trust** reiterates the need for the Local Plan to acknowledge existing problems and pressures that additional housing development will place on Hatfield Forest. National Trust states that it has tried to engage with UDC to raise awareness of the deteriorating condition of Hatfield Forest. UDC through the Local Plan should recognise the threats to Hatfield Forest from housing development and provide appropriate protection through policies. Appropriately worded policy should ensure that any new development close to Hatfield Forest must assess impacts. If negative impacts on landscape or biodiversity cannot be avoided, policy should require impact to be mitigated and only where adequate mitigation is not possible should they be compensated.

**National Trust** objects to the mention of Hatfield Forest in relation to Vision for London Stansted Cambridge Corridor in paragraph 3.31. Any mention of Hatfield Forest should be removed from 3<sup>rd</sup> bullet point and moved to 4<sup>th</sup> bullet point which is concerned with the protection of the environment rather than promoting growth and capitalising on the Forest.

**Woodland Trust** considers that paragraph 10.29 wording would be more effective if included in Policy EN8 wording. Policy should include protection of ancient and veteran trees. Proposed addition to Policy EN8, “Although not protected by national legislation, development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient or veteran trees will be refused.”

**Environment Agency** is supportive of the thrust of the policy but raise the following issues; ‘harm’ to biodiversity can be a result of development causing introduction of invasive species and introduction of a biosecurity method statement. Recommended addition to policy as 5<sup>th</sup> bullet point under second paragraph to read, “A biosecurity protocol method statement is required for all development proposals to ensure the introduction of invasive non-native species is prevented.” Also recommended is wording to cover the provision of ecological buffer strips along river corridors and seeking opportunities for de-culverting. Recommended to insert following as the final sentence to Policy EN9, “Development proposals with river frontages should make provision for ecological buffer strips with a view to protecting and where appropriate enhancing water dependant habitats and species. Where development proposals will be carried out on land with a watercourse currently culverted, opportunity for de-culverting and restoration to an open watercourse should be sought as a means of creating blue infrastructure and enhancing the development site”.

**Woodland Trust** considers that Policy EN9 can reinforce the protection of ancient woodland under Policy EN8 by specifying that biodiversity offsetting should not be used to justify loss of irreplaceable habitats such as ancient woodland. Measures should include woodland creation and planting of street trees. Woodland Trust would like planning conditions, S106 and CIL contributions to be used as a means of securing street tree planting.

**National Trust** considers that Policy EN9 should specify on or off-site as development of a site may increase visitor pressure on nationally designated sites.

**Forestry Commission** concludes that there are no compensatory measures that can be applied to lost Ancient Woodland as it is irreplaceable. Policy supporting a 'nett gain' on trees is in accordance with the Natural Capital Committee proposals.

**Stansted Neighbourhood Plan Steering Group** considers that new development should also provide new countryside parks and sites e.g. Southern Country Park part of the St Michael's development in Bishop's Stortford. First sentence should include green infrastructure. It is proposed to add the following to 1<sup>st</sup> sentence, "or an adverse effect on the green infrastructure network."

**Saffron Walden Town Council** queries whether the Policy should reference the creation of additional parks and sites. Amendment of policy recommended to include new parks and sites.

**Thaxted Parish Council** considers that the policy should reference the creation of additional parks and sites as currently it is about protecting existing sites rather than creation of new space.

**Birchanger Parish Council** requires assurance that no future development of any kind will impact the small areas of ancient woodland and areas of ancient coppices and Birchanger Wood.

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over 'buildings at risk.'

**Saffron Walden Neighbourhood Plan Steering Group** considers that sites such as Hatfield Forest and Aubrey Buxton are under threat because of failure by new development to provide enough amenity space for local need. Residents from Stansted, Takeley and Dunmow travel to Hatfield Forest and cause damage. New developments should provide new countryside parks.

**THE THAXTED SOCIETY** supports the policy.

#### Developers/landowners/site promoters

- Automatic refusal of planning permission due to a reduction in biodiversity and geodiversity value is not an approach in accordance with NPPF guidance.

#### Individuals

- Query on whether Local Geological Sites (LoGS) are shown as Geological Sites on Policies Map Key
- Environmental protection of Boxted Wood will be impossible with the proposed development of West of Braintree Garden Community
- Paragraph 10.29 objective is not included in Policy EN9
- Paragraph 3 of concern as it allows significant harm to biodiversity and geodiversity
- Development should not be permitted if it causes significant harm as off-setting significant harm is not considered sufficient

- Green roofs on new builds and refits encouraged as they encourage biodiversity and mitigate water run-off as well as improve thermal and acoustic insulation
- UDC to ensure undertaking of appropriate surveys regarding wildlife
- West of Braintree development will affect Roman remains in Boxted Wood
- Possibility of a munitions dump in the vicinity of Boxted Wood
- SSSIs located in Impact Risk Zones of the NUGV site
- A11 Local Wildlife site ,a Public Right of Way are within the NUGV site also Crave Hall Meadow, Burton Wood (Ancient Woodland), Hildersham Wood and Bush Park are in close proximity to the NUGV site
- Natural environment presents a significant development constraint to NUGV development
- Paragraph on significant harm undermines the principles of protection and enhancement of the natural environment
- Doubts on whether 'appropriate compensation measures 'can make up for such harm
- Last Policy paragraph should require all applications within 10km of Stansted Airport should be referred to the Airport Authority
- Protection of biodiversity and geodiversity should be immutable and if no suitable alternatives then further building should not be permitted
- Local Plan needs to identify areas of wildlife importance and enhancements adjacent to built-up areas so as to improve local environments
- Harm to biodiversity can result from development introducing invasive species
- Requirement of a biosecurity protocol method statement is recommended
- Recommendation to provide buffer strips along river corridors as well as seeking de-culverting opportunities

#### Sustainability Appraisal June 2017

#### **Significant, Temporal and Secondary Effects**

The policy ensures a significant positive impact on the natural environment. Where the conservation of existing habitats and species is not possible, mitigation measures are required.

There will be positive impacts associated with social objectives where this policy seeks to contribute to green infrastructure through the provision on site or a contribution to new open spaces. This indirectly ensures positive impacts on health and wellbeing, strengthened by a policy requirement of linked green networks. This will be of key importance in light of the allocated new settlements within the Plan as well as the general quantum of growth required in the District

#### **Alternatives Considered**

Chapter 11 of the NPPF requires the planning system to contribute to and enhance the natural and local environment. Planning policy should minimise impacts on biodiversity and geodiversity by preventing harm to geological conservation interests and promoting the preservation, restoration and re-creation of priority habitats, ecological networks and priority species. The Policy is in direct compliance with the NPPF and any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

#### **Proposed Mitigation Measures / Recommendations**

No mitigation measures or recommendations are proposed.

## Officer Response

### Proposed changes to plan

## **Traditional Open Spaces and Trees**

### **Policy EN10**

This policy and supporting text was responded to by 14 people/organisations.

Support	2
Object	4
Comment	8

### Overarching Summary

- Definition of traditional open space which policy seeks to protect is not provided
- Designation of open space to be based on a robust comprehensive evidence base that clearly sets out value of space and reasons for its protection
- Policy needs redrafting to refer to planning balance exercise where only when harm significantly and demonstrably outweighs the benefits will a proposal be refused
- Policy should be more flexible
- Policy to state historic role or importance in townscape open space
- Development sites required to undertake Arboriculture Surveys and Arboriculture Impact Assessments
- Policy insufficient as it should seek to increase traditional open space, trees
- Policy should include creation of new spaces
- Tree survey to accompany planning applications
- Hedgerows to be included in policy
- Policy appears to imply that need for development outweighs amenity value
- Requirement to provide definition of amenity value

### Statutory consultees and other bodies

**Historic England** welcomes an inclusion of the policy and the requirement to maintain traditional open spaces and trees but states that the policy should refer to the fact that open spaces such as village greens and commons are often historic places and may form important aspects of the townscape.

**Saffron Walden Town Council** considers the Policy insufficient as it should seek to increase traditional open space, trees and include provision for creation of new spaces. Policy should include hedgerows. Trees to be given higher value and loss should not be permitted. Cost of maintenance should not be used as an excuse.

**Saffron Walden Neighbourhood Plan Steering Group** believes that the policy should include hedgerows and trees should be accorded a higher value. The loss of trees should not be permitted where unnecessary and more tree planting should be encouraged. UDC should provide more planted environments without using maintenance cost as an excuse.

**Stansted Neighbourhood Plan Steering Group** note that the policy deals with trees on a very superficial level as the policy does not even require a Tree Survey to accompany an application. They believe that the policy should require an Arboriculture Survey and Arboriculture Impact Assessment on development sites. Also suggested is the requirement for policies to;

- promote tree and woodland planting;
- Protect trees and woodland of amenity value;
- Promote good standards of tree care and woodland management;
- Promote retention of trees, woodlands, hedgerows, ponds and manmade features of landscape significance;
- Encourage adequate landscape treatment of new development including long term; management strategies and responsibilities; and
- Promote the planting of street trees – reference should be made to the Woodland Trust.

**Thaxted Parish Council** are of the opinion that the policy should seek to increase existing traditional open space and trees as well as making provision in the policy to encourage creation of new open spaces.

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over ‘buildings at risk.’

**THE THAXTED SOCIETY** is concerned about the phrase ‘where the need for development outweighs their amenity value’ because it is considered too broad and pro development. They need a clarification on amenity value.

#### Developers/landowners/site promoters

- The policy needs to be flexible with regards to loss of mature trees in circumstances where community benefits arising outweigh impact on mature trees

#### Individuals

- Uttlesford should set open space provision targets as it has the lowest level of accessible open space in Essex
- Definition of traditional open space which policy seeks to protect is not provided
- Designation of open space should be predicated on a robust comprehensive evidence base that clearly sets out value of space and reasons for its protection
- Policy needs redrafting to refer to planning balance exercise where harm significantly and demonstrably outweighs the benefits will a proposal be refused
- Requirement of particular care in preserving ‘native’ or unmanaged woodlands

- Concern about permitting partial, cumulative or total loss of traditional open space where need for development outweighs amenity value
- Strengthen plan by deletion of 'seek to' and replacement with 'should provide net gains'
- Policy should state that local consultation would precede any decision on need for development outweighing amenity value
- Request to remove Protected Open Space of Environmental Value (land between Station Road and Longhedges (Saffron Walden) designation in private ownership

#### Sustainability Appraisal June 2017

#### **Significant, Temporal and Secondary Effects**

There are open spaces of high environmental quality including village greens, commons and large mature gardens in many of the towns and villages in the District. It is important to protect these spaces where they are locally important for their community or environmental value. The policy seeks to retain traditional open spaces and trees which are of importance, pending the design of proposals and the extent of any loss. This will have positive impacts on biodiversity and the character of the landscape. There will also be positive implications on the local historic environment in many cases.

The Council has the power to designate Tree Preservation Orders (TPOs) in the District and as such, the policy could go further to state how these would be a starting point for developers to identify what constitutes an 'important tree specimen'. Regardless of this, as the authority responsible for designating TPOs in the District, the stance of the Council is correct in not using TPOs as the sole determinant for planning applications regarding important trees.

There will be positive impacts on health where it protects open spaces; forming part of the green infrastructure within towns and villages. Green infrastructure which includes parks, open spaces, playing fields, woodlands, allotments and private gardens also provide social benefits as a public amenity.

#### **Alternatives Considered**

Paragraph 74 of the NPPF seeks to retain existing open spaces unless they are proven to be surplus to requirements or would be replaced by an equivalent or better provision elsewhere. Paragraph 114 also requires local planning authorities to plan positively for the protection and management of green infrastructure. The Policy is in direct compliance with the NPPF and any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

#### **Proposed Mitigation Measures / Recommendations**

The Council has the power to designate Tree Preservation Orders (TPOs) in the District and as such, the policy could go further to state how these would be a starting point for developers to identify what constitutes an 'important tree specimen'.

#### Officer Response

#### Proposed changes to plan

## Flood Risk

### Paragraphs 10.34 -10.37 and Policy EN 11

This policy and supporting text was responded to by 14 people/organisations.

Support	3
Object	5
Comment	6

#### Overarching Summary

- Supporting text not consistent with national policy on Guidance for Flood Risk and Coastal Change
- Recommended paragraph amendments provided
- Text to reflect that Essex County Council Environment, Sustainability and Highways is the s Lead Local Flood Authority and statutory consultee for surface water flood management
- Most up-to-date references should be used and appropriately referenced
- Flooding will continue to be a problem
- Funding mechanisms (e.g. S106 agreements) should be included
- Recommendation to further consider whether surface water flooding is a risk in the district
- No development should be permitted in Flood Zone 3
- Recommendation to amend paragraph 10.34 as follows: *“All development should be located in areas at low risk of all forms of flooding. The main risk in the District is from river or fluvial flooding. Development in certain locations can cause flood risk elsewhere as a result of increased runoff. Surface water run-off from new development should be controlled as near to the source as possible and ideally within the boundary of the development. Just over 96% of the District lies within Flood Zone 1 where there is a low probability of fluvial and tidal flooding. The scale of development required in the Local Plan period can be provided on land which is at the lowest risk of fluvial and tidal flooding and all new built development is expected to be located in this zone. When locating development and placing development within a site, all forms of flooding should be considered. The sequential test will be used to ensure new development takes place in the areas with the lowest probability of all forms of flooding and, where necessary, the exception test will be used. Full details of the sequential and exception tests are set out in the National Planning Practice Guidance” (paragraph 10.34, page 132).”*
- Recommendation to amend paragraph 10.34 as follows: *“A site-specific flood risk assessment will be required for new development sites in accordance with the Environment Agency’s Standing Advice. All major development should include a drainage strategy which should be submitted for review for the Lead Local Flood Authority which is in line with their requirements. The Council will work with developers, the Environment Agency and the Lead Local Flood Authority to achieve sustainable local flood mitigation measures as part of development. Any residual risk should be able to be safely managed with safe access and escape routes where required and access by emergency services”.*



- Supporting text quoted references are not the most up to date and reference should be made to the most up-to-date surface water risk map available namely the Environment Agency's Risk Surface Water Flooding Maps
- Policy should include funding mechanisms such as S106 Agreements towards the stated goal of managing residual flood risks resulting from developments
- Contrary to paragraph 10.35 a site-specific flood risk assessment is not directly required under the Environment Agency's Standing Advice but is a requirement of NPPF,NPPG: Flood Risk and Coastal Change

#### Statutory consultees and other bodies

**Essex County Council Environment, Sustainability and Highways** objects to the supporting text and recommends that that paragraph 10.34 should be amended as follows so as to be consistent with national policy on the Guidance for Flood Risk and Coastal Change(DCLG 2014: *"All development should be located in areas at low risk of all forms of flooding. The main risk in the District is from river or fluvial flooding. Development in certain locations can cause flood risk elsewhere as a result of increased runoff. Surface water runoff from new development should be controlled as near to the source as possible and ideally within the boundary of the development. Just over 96% of the District lies within Flood Zone 1 where there is a low probability of fluvial and tidal flooding. The scale of development required in the Local Plan period can be provided on land which is at the lowest risk of fluvial and tidal flooding and all new built development is expected to be located in this zone. When locating development and placing development within a site, all forms of flooding should be considered. The sequential test will be used to ensure new development takes place in the areas with the lowest probability of all forms of flooding and, where necessary, the exception test will be used. Full details of the sequential and exception tests are set out in the National Planning Practice Guidance" (paragraph 10.34, page 132)."*

*It is also recommended that UDC further consider whether surface water flooding is a risk in the district. It is believed that the justification text only serves to highlight fluvial flooding as a risk in the district.*

Essex County Council Environment, Sustainability and Highways advise that it is the Lead Local Flood Authority and requires a drainage strategy to be submitted for review for all major development. It is recommended that the supporting text be amended as follows, *"A site-specific flood risk assessment will be required for new development sites in accordance with the Environment Agency's Standing Advice. All major development should include a drainage strategy which should be submitted for review for the Lead Local Flood Authority which is in line with their requirements. The Council will work with developers, the Environment Agency and the Lead Local Flood Authority to achieve sustainable local flood mitigation measures as part of development. Any residual risk should be able to be safely managed with safe access and escape routes where required and access by emergency services"*.

Essex County Council Environment, Sustainability and Highways object to the supporting text as the quoted references are not the most up to date. It is noted that reference should be made to the most up-to-date surface water risk map available namely the Environment

Agency's Risk Surface Water Flooding Maps. It is recommended that 'fluvial' be deleted from the first sentence.

Essex County Council Environment, Sustainability and Highways advises that the paragraph should include provisions for funding mechanisms such as S106 Agreements towards the stated goal of managing residual flood risks resulting from developments.

**Saffron Walden Neighbourhood Plan Steering Group and Stansted Neighbourhood Plan Steering Group** believe that flooding is likely to continue being a problem. They recommend deletion of 'where possible' from the first sentence.

**Thaxted Parish Council and Saffron Walden Town Council** support the supporting text particularly as all development should be located in areas of low risk of flooding.

**Saffron Walden Neighbourhood Plan Steering Group and Stansted Neighbourhood Plan Steering Group** believe that there should be no development in Flood Zone 3 given levels of flooding in recent years. With reference to the 3<sup>rd</sup> paragraph of the Policy it is recommended to delete 3a or 3b and add 'no development in Flood Zone 3 will be permitted.' Another proposed addition is to Policy paragraph 4 is 'Development in Flood Zones 3(a) and 3(b) will only be considered where all other sites and opportunities have been exhausted and in exceptional circumstances.'

**Essex County Council Environment, Sustainability and Highways** object to the Policy and recommend amendment to ensure that due consideration is given to all flooding and not just focus on fluvial flooding. They recommend an amendment to read 'A sequential approach will be applied to all proposals in order to direct development to areas at the lowest probability of all forms of flood risk in order to avoid flood risk to people and property, unless the proposal has met requirements of the sequential test and the exception test. The policy should refer to the role of Essex County Council Environment, Sustainability and Highways as the Lead Local Flood Authority. A drainage strategy should be submitted for all major developments in accordance with the Essex SuDs Design Guide. Reference should also be made to the Environment Agency's Risk of Water Flooding Map. It is noted that all proposals of 1 hectare or above in Flood Zone 1 and for development in Flood Zones 2, 3a or 3b must be accompanied by a flood risk assessment that sets out the mitigation measures for the site and agreed with the relevant authority.

**Environment Agency** support the policy and point out that development opportunities in Flood Zone 3b, the Functional flood plain are restricted irrespective of the developer submitting a flood risk assessment and mitigation measures. They recommend inclusion of the following to the fourth paragraph 'Development in Flood Zone 3b, the functional flood plain, must accord with those categories in Table 3 Flood Risk Vulnerability Classification which are described as appropriate for this Flood Zone'

It is pointed out that contrary to paragraph 10.35 a site-specific flood risk assessment is not directly required under the Environment Agency's Standing Advice but is a requirement of NPPF.NPPG: Flood Risk and Coastal Change.

**Saffron Walden Town Council** recommend addition to fourth paragraph to read 'and any development in flood zones.' Also recommended to add 'Development in Flood Zones 3(a) and 3(b) will only be considered where all other sites and opportunities have been exhausted

and in exceptional circumstances.’ It is also recommended to add, ‘Green roofs will be encouraged in new builds to attenuate water run-off and thereby reduce flood risk.’

**Anglian Water Services Ltd.** wish to see specific reference to foul drainage and sewage treatment in Policy EN11 and the following wording is recommended ‘All new development proposals will need to demonstrate that adequate foul water treatment and disposal exists or can be provided in time to serve development.’

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over ‘buildings at risk.’

**THE THAXTED SOCIETY** supports the policy.

**Thaxted Parish Council** recommends the replacement of ‘All’ with ‘any’ in Policy text paragraph 4 at addition

Developers/landowners/site promoters

No comments received.

Individuals

- Why not proscribe any development not in Flood Zone 1 unless exceptional circumstances are demonstrated and robust and extensive flood mitigation measures are proposed for new development.
- NUGV has several areas of fluvial risk where development would need to be avoided and mitigation required to alleviate impacts on Great Chesterford and River Cam
- Sustainable Urban Drainage Systems (SuDs) likely to decrease flooding risk to Great Chesterford but the SA Environment Report (July 2017) recognised that development is likely to be constrained by mitigation measures
- UDC should also protect ground water resources
- Risk of net water loss due to boreholes used for sewerage treatment, agriculture and golf courses
- UDC needs to commission an assessment of the sustainability of water resource use by any development and insist that housing development work to minimise water extraction
- The Andrewsfield area acts as a natural absorber of rainwater and slows delivery into River Ter and concreting land will make floods in Stebbing Green and in new development more likely
- Query on location of National Planning Practice Guidance
- Query on location of the following documents : Uttlesford Strategic Flood Risk assessment (SFRA 2016); The Environment Agency’s Fluvial Risk Maps and the Essex Local Flood Risk Management Strategy

Sustainability Appraisal June 2017

**Significant, Temporal and Secondary Effects**

Development should be directed to areas at low risk from flooding. The main risk in the District is from fluvial flooding to which this policy applies. It is important to ensure that new development does not increase flood risk elsewhere and that surface water runoff is controlled as near to the source as possible and ideally within the boundary of the development, although this is covered in a separate surface water flood risk policy within the Plan. There will be significant positive impacts on SA objective 5 in reducing the risk of fluvial flooding. There will also be secondary positive impacts associated with health.

**Alternatives Considered**

Paragraph 100 of the NPPF states that “Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk”. Any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

**Proposed Mitigation Measures / Recommendations**

No mitigation measures or recommendations are proposed at this stage.

Officer Response

Proposed changes to plan

**Surface Water Flooding**

**Paragraphs 10.38 – 10.39 and Policy EN12**

This policy and supporting text was responded to by 17 people/organisations.

Support	4
Object	6
Comment	7

Overarching Summary

- Paragraph 10.39 should be amended to refer to Essex SuDs Design Guide instead of SuDs guidance
- Exclusion of car parks and hard standings from incorporation of SuDs queried
- Run-off rates should be greenfield sites restricted to 1 in 1 greenfield rate and brownfield sites to be restricted to greenfield rate and where non-viability is demonstrated then a minimum 50% betterment on existing run-off rates should be sought
- Query basis of UDC’s information on an increase in water pollution associated with SuDs because SuDs do not increase pollution
- Last policy paragraph should refer to long-term maintenance of SuDs systems as well as bird hazard management plan

- Inadequacies in the policy such as exclusion of car parks from the requirement to incorporate SuDs.
- SuDs is likely to reduce risk of flooding to Great Chesterford but the SA Environment Report (July 2017) recognises development likely to be constrained by mitigation measures

#### Statutory consultees and other bodies

**Essex County Council Environment, Sustainability and Highways** recommend amending paragraph 39 to read ‘Applicants should take account of Essex SuDs Design Guide produced by Essex County Council in accordance with the Flood and Water Management Act 2010 or other relevant guidance.’

Essex County Council Environment, Sustainability and Highways query the exclusion of carparks and hard standings from incorporation of SuDs. Emerging national policy should aim to ensure that SuDs are expected for carparks and hard standings. It is recommended that the Local Plan should ensure that even if development is minor it should be considered for SuDs provision. Also recommended is that greenfield sites should be restricted to 1 in 1 greenfield rate and brownfield sites to be restricted to greenfield rate and where non-viability is demonstrated then a minimum 50% betterment on existing run-off rates should be sought. Essex County Council Environment, Sustainability and Highways queries UDC’s information on an increase in water pollution associated with SuDs because SuDs do not increase pollution. Reference should be made to Environment Agency’s climate change allowances and the appropriate allowance should be included within approved drainage schemes.

**Woodland Trust** supports the use of SuDs but notes that the policy does not specify the role played by trees in helping to prevent, alleviate surface water flooding especially in urban areas. Trees are a useful component of SuDs. The Woodland Trust policy paper illustrates benefits of trees for urban flooding “Trees in Our Towns – the role of trees and woods in manging urban water quality and quantity.”

**Stansted Neighbourhood Plan Steering Group** notes that a drainage engineer unlikely to include green roof calculations in a SuDs scheme. It is suggested to amend the last sentence of paragraph 10.38 to read ‘For smaller developments a green roof or rainwater harvesting should be considered.’ Both features would contribute to a sustainable solution and the green roof would provide benefits for biodiversity. Stansted Neighbourhood Plan Steering Group queries whether this is an opportunity to insist on permeable streets. Recommended to add a requirement on how and who will maintain SuDs. Plenty of green space should be included within developments to offset localised flooding through surface water. Use of green roofs should be encouraged. The policy should be amended to include car parks and make provision for other surface materials.

**Saffron Walden Neighbourhood Plan Steering Group** suggests that new developments could be required to hold water in reservoirs and incorporate a drinking water site. It is suggested to delete ‘excluding extensions, car parks and hard standings.’ Green roofs should be encouraged in new buildings.

**Saffron Walden Town Council** and **Thaxted Parish Council** query whether it is possible to indicate preference on surface area material such as a type of wet/pour or porous material other than tarmac.

**Elsenham Parish Council** notes that there are inadequacies in the policy such as exclusion of car parks from the requirement to incorporate SuDs. Run-off into open water courses should be prohibited where water course leads into a drainage system. The last Policy sentence should be amended to include a requirement that development within 10km of Stansted Airport must be referred to the Airport Authority.

**Manchester Airport Group (MAG)** recommends that the last policy paragraph should refer to long-term maintenance of SuDs systems as well as bird hazard management plan.

**Anglian Water services Ltd.** supports the requirement to use SuDs and an alternative method of surface water disposal only where it is demonstrated that there are no reasonable alternatives. This is consistent with surface water hierarchy and would help ensure that new development does not increase the risk of surface water and sewer flooding.

**The Thaxted Society** regards SuDs and ancillary systems and treatments as a clear example of successful application of sustainability principles.

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over 'buildings at risk.'

Developers/landowners/site promoters

No comments received.

Individuals

- Query on location of SuDs Guidance produced by Essex County Council and the Flood water Management Act 2010 or other relevant guidance?
- Query on location of 'relevant guidance' referred to in policy paragraph 3
- NUGV has several areas of fluvial risk where development would need to be avoided and mitigation measures required to alleviate impacts on Great Chesterford and River Cam. SuDs is likely to reduce risk of flooding to Great Chesterford but the SA Environment Report (July 2017) recognises development likely to be constrained by mitigation measures.

Sustainability Appraisal June 2017

### **Significant, Temporal and Secondary Effects**

The policy has a significant positive impact on minimising the risk of flooding by stipulating that all new development incorporate Sustainable Drainage Systems (SuDS), and by highlighting the Environment Agency's requirements for those new developments near main rivers, ordinary water courses and culverts. The significant impacts are further strengthened by the inclusion of text which encourages retrofitting of SuDS to existing development. The requirement for SuDS would also improve water quality which, along with the aim of river restoration, would positively impact on the natural environment through habitat creation in

certain schemes and providing more natural water systems. Improvements to water quality by SuDS positively support a reduction in pollution along with the option for incorporating alternative solutions to the application of SuDS where there is a significant risk of pollution to waters bodies. There will however be some uncertainty regarding the incorporation of SuDS in schemes within and adjacent to Conservation Areas, or could otherwise have an effect on the historic environment.

**Alternatives Considered**

Paragraph 103 of the NPPF requires local planning authorities to ensure that proposed development is appropriately flood resilient and resistant and that it gives priority to the use of sustainable drainage systems. Any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

**Proposed Mitigation Measures / Recommendations**

It is recommended that the policy be expanded to include the Council’s stance of ensuring that SuDS are implemented alongside Plan objectives to enhance and protect the historic environment, assets and their settings.

Officer Response

Proposed changes to plan

**Protection of Water Resources**

**Paragraphs 10.40 – 10.45 and Policy EN13**

This policy and supporting text was responded to by 16 people/organisations.

Support	7
Object	4
Comment	5

Overarching Summary

- Recommended to reconsider some of the policy provisions set out in Policy EN13
- Addition of ‘.....the amenities of existing local residents’ to fourth paragraph
- Essex SuDs Design Guide and successor documents to inform emerging policy
- policy as the comprehensive coverage and wording of policy complements Environment Agency’s internal water resources policy
- Support for water efficiency target of 110/litres /person/day within the policy
- Building Regulations 2010 require consumption of occupiers of new homes not to exceed 125/litres /person/day and this should be addressed through the Building Regulations
- Additional requirements need to be fully evidenced
- Unclear whether costs of the requirement for this infrastructure and impact on development viability have been assessed

- What plans have been made to ensure enough water for the new developments since East Anglia has the lowest amount of rainfall in the UK?
- NUGV located within groundwater protection zone and a risk based approach required to demonstrate that NUGV is protective of groundwater from potential contaminating activities
- Have the responsible water companies factored additional investment into their Asset Management Planning (AMP) process?

#### Statutory consultees and other bodies

**Stansted Neighbourhood Plan Steering Group** supports the policy but an addition is recommended to fourth paragraph point 2 to read ‘.....the amenities of existing local residents.’

**Saffron Walden Town Council and Thaxted Parish Council** recommend an amendment to policy to read ‘Development which incorporates water recycling (i.e. from rain water used for toilet facilities) will be considered favourably’.

**Saffron Walden Neighbourhood Plan Steering Group and The Thaxted Society** support the policy.

**Essex County Council Environment, Sustainability and Highways** recommends to reconsider some of the policy provisions set out in Policy EN13 as well as consider the Essex SuDs Design Guide and successor documents to assist in developing the emerging policy. Essex County Council Environment, Sustainability and Highways as that Lead Local Flood Authority seek further discussions with UDC on Protection of Water Resources. Discharge to ground is considered preferential over discharging water off-site.

**Environment Agency** is generally supportive of the policy as the comprehensive coverage and wording of policy complements Environment Agency’s internal water resources policy.

**Harlow District Council** confirms that the water efficiency target of 110/litres /person/day within the policy is supported.

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over ‘buildings at risk.’

#### Developers/landowners/site promoters

- Changes to Building Regulations 2010 require consumption of occupiers of new homes not to exceed 125/litres /person/day and this should be addressed through the Building Regulations
- Any additional requirements need to be fully evidenced and the Local Planning Authority should consider the impact of using standards as part of the Local Plan Viability Assessment
- Unclear whether costs of the requirement for this infrastructure and impact on development viability have been assessed



- According to NPPF paragraph 162, Local Planning Authorities have to work with providers to assess the quality and capacity and take account of the need for strategic infrastructure within their areas

#### Individuals

- Paragraph 10.41 spelling mistake on third line, should read 'customers' not 'costumers'
- What plans have been made to ensure enough water for the new developments since East Anglia has the lowest amount of rainfall in the UK?
- NUGV is located within the total and outer groundwater source protection zones for a potable source
- Evidence base does not include a strategy by water providers for provision of a sustainable supply to meet OAHN
- Drainage and infiltration systems to be appropriately designed so that aquifer recharge is not prohibited by development over large swathes of Greenfield catchment
- NUGV located within groundwater protection zone and Environment Agency will need a risk based approach demonstrating that NUGV is protective of groundwater from potential contaminating activities
- Possibility of the Environmental Agency restricting development in terms of density or location and siting of some activities (e.g. waste water management) if not mitigated
- Is there enough water in the system to provide for new homes?
- Have infrastructure implications of additional capacity been considered as part of the plan?
- Location of new water storage, pipes and recycling plants
- How much will the infrastructure cost?
- Have the responsible water companies factored additional investment into their Asset Management Planning (AMP) process?
- Will additional capacity be built to come on stream as houses are built?
- Has impact of adding extra treated water to existing water courses been established?
- What are the ecological and flood risk impacts?

#### Sustainability Appraisal June 2017

##### **Significant, Temporal and Secondary Effects**

There are a number of groundwater protection zones in Uttlesford and a major aquifer lies under the majority of the northern half of the district. It is important that these sources are protected because they provide drinking water and also maintain the flow in main rivers. Development needs to minimise its impact on the environment by adopting environmental best practice and necessary measures to limit pollution to acceptable limits. This policy directly seeks to protect the quality of water resources within the district which, along with new measures detailing when the use of deep soakaways will be permitted, would have positive impacts on pollution control and the water environment. In preventing contamination of groundwater sources which supply a significant amount of local drinking water this policy also positively impacts on health. Furthermore, there will be significant positive impacts on resource use and infrastructure provision where the policy ensures that new development will only be permitted if it is fully supported by water infrastructure and also seeks to minimise the consumption of water.

### **Alternatives Considered**

Paragraphs 109 of the NPPF states that the planning system should contribute to, and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from water pollution. Any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

### **Proposed Mitigation Measures / Recommendations**

No mitigation measures or recommendations are proposed.

### Officer Response

### Proposed changes to plan

## **Minerals Safeguarding**

### **Paragraph 10.46 and Policy EN14**

This policy and supporting text was responded to by 8 people/organisations.

Support	6
Object	2
Comment	0

### Overarching Summary

- Policy considered as duplication of policy adopted Essex Minerals Local Plan 2014 and needs modification to clarify relationship
- Amendment sought in second paragraph specifying Consultation with Essex County Council as the Minerals Planning Authority
- Policy considered too onerous and not in accordance with NPPF paragraph 143
- Blanket policy seeking refusal of permission where minerals will be sterilised is contrary to guidance as Local Planning Authorities should encourage prior extraction of minerals where practicable and feasible

### Statutory consultees and other bodies

**Essex County Council Environment, Sustainability and Highways** welcomes the policy and likely to result in more effective avoidance of mineral sterilisation. The policy is considered as duplicating that set out in the adopted Essex Minerals Local Plan 2014 and this needs to be modified to clarify the relationship. An amendment is sought after the second paragraph by addition of 'Consultation with the Essex County Council as the Minerals Planning Authority must be undertaken on development exceeding these thresholds in accordance with the adopted Minerals Local Plan.'

**Stansted Neighbourhood Plan Steering Group, Saffron Walden Neighbourhood Plan Steering Group and Thaxted Society** support the policy.

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over 'buildings at risk.'

#### Developers/landowners/site promoters

- Policy considered too onerous and not in accordance with NPPF paragraph 143 which state that Local Planning Authorities should set out policies to encourage prior extraction of minerals where practicable and feasible
- Blanket policy seeking to refuse development where minerals will be sterilised is therefore contrary to guidance

#### Individuals

No comments received.

#### Sustainability Appraisal June 2017

#### **Significant, Temporal and Secondary Effects**

Known locations of mineral resources of national and local importance need to be protected and safeguarded to ensure long-term security of minerals supply, and to ensure their presence is factored into decisions about future land-use when proposals for other development arise. Essex County Council, the Minerals Planning Authority for Essex, includes within their emerging Replacement Minerals Local Plan Policy S8 – 'Safeguarding mineral resources and mineral reserves' the requirement that "Essex district/ borough/ city councils should identify any safeguarded sites on their own Policies Map for their relevant administrative area". In addition to mapping County MSAs and MCAs as required, the Council have included such policy within the Local Plan to provide a context for the inclusion of MSAs and MCAs in the Proposals Map and to make applicants aware of the protocol for dealing with applications that affect these areas. The policy will have a positive impact on the efficient use of resources as the policy seeks to ensure that potential mineral resources within the district are not diminished by proposed development. The policy also refers specifically to assessing safeguarded areas for mineral resources of economic importance when non minerals proposals are submitted. Where minerals safeguarding occurs this is intrinsically linked to future growth in the County and will have positive economic impacts, however not within the remit of the Plan and employment development. There will also be some theoretical incompatibility with objectives to meet housing needs in the District. As such, uncertain impacts have been highlighted.

#### **Alternatives Considered**

Paragraph 143 of the NPPF requires local planning authorities to define Minerals Safeguarding Areas (MSA) and Minerals Consultation Areas (MCA) in Local Plans and set out policies that encourage the extraction of minerals where practical and environmentally friendly before necessary non-mineral development takes places. The NPPF goes on to say in paragraph 144 that local planning authorities should not normally permit non-mineral development proposals in mineral safeguarding areas where they might constrain potential

future use for these purposes. Any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

### **Proposed Mitigation Measures / Recommendations**

No mitigation measures or recommendations are proposed.

#### Officer Response

#### Proposed changes to plan

### **Environmental Protection**

#### **Paragraph 10.47**

This policy and supporting text was responded to by 2 people/organisations.

Support	0
Object	0
Comment	2

#### Overarching Summary

- No provision of credible strategy for tackling air pollution and traffic congestion in Saffron Walden
- UDC not taking into account cumulative effects of new development
- Saffron Walden cannot sustain the level of development without serious infrastructure improvements

#### Statutory consultees and other bodies

No comments received.

#### Developers/landowners/site promoters

No comments received.

#### Individuals

- No provision of credible strategy for tackling air pollution and traffic congestion in Saffron Walden
- UDC not taking into account cumulative effects of new development
- Severe lack of pedestrian crossings especially north of the town
- Saffron Walden cannot sustain the level of development without serious infrastructure improvements
- Redundant apostrophe on word authorities

## Sustainability Appraisal June 2017

No policies to appraise.

### Officer Response

### Proposed changes to plan

## **Pollutants**

### **Paragraphs 10.48 – 10.51 and Policy EN15**

This policy and supporting text was responded to by 8 people/organisations.

Support	5
Object	1
Comment	2

### Overarching Summary

- Recommendation to reconsider some of the policy provisions as well as Essex SuDs Design Guide and successor documents
- Attention to be paid to schools and hospitals in proximity airport due to additional air and road traffic generated by Stansted Airport
- Compensation to listed buildings of significant heritage importance to facilitate repairs caused by increased pollution and air traffic vibration
- Noise assessments should be undertaken on a 24-hr basis so as to assess cumulative impacts on directly affected towns and villages
- Suggestion to add 'Any pollutants used or stored on site during construction of the development must be removed following completion of the development. Any such storage area must subsequently be verified as fit for public use and be accompanied by a test and inspection report to that effect.'
- Mitigation maybe required for individual properties e.g. occupants of Church St., Museum St. and George St. receiving grant payments for cleaning or maintenance

### Statutory consultees and other bodies

**Essex County Council Environment, Sustainability and Highways** recommends UDC to reconsider some EN15 policy provisions as well as consider the Essex SuDs Design Guide and successor documents that may assist in developing the emerging policy. Further discussion sought to clarify policy wording and ensure robustness and effectiveness.

**Thaxted Parish Council** notes that special attention should be paid to schools and hospitals close to the airport due to additional air and road traffic generated by Stansted Airport. Listed

buildings of significant heritage importance should be granted compensation to facilitate repairs from increased pollution and air traffic vibration. Noise assessments should be undertaken on a 24-hr basis so as to assess cumulative impacts in built up areas where towns and villages are directly affected.

**Saffron Walden Town Council** suggests addition of 'Any pollutants used or stored on site during construction of the development must be removed following completion of the development. Any such storage area must subsequently be verified as fit for public use and be accompanied by a test and inspection report to that effect.'

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over 'buildings at risk.'

**Stansted Neighbourhood Plan Steering Group** supports and considers that the policy is important in helping to protect ancient buildings. Clarification is required on whether 'occupants' refers to existing or future residents in the proposed development.

**Saffron Walden Neighbourhood Plan Steering Group** supports the policy but believes that mitigation maybe required for individual properties e.g. occupants of Church St., Museum St. and George St. receiving grant payments for cleaning or maintenance.

**Thaxted Society** supports the policy.

#### Developers/landowners/site promoters

No comments received.

#### Individuals

No comments received.

#### Sustainability Appraisal June 2017

### **Significant, Temporal and Secondary Effects**

This policy seeks to control pollution and minimise instances where pollution negatively impacts on sensitive receptors. The policy stipulates that the impact on the natural and historic environment will be protected from development proposals that cause material disturbance or nuisance to them. This promotes a secondary positive impact for biodiversity and elements of the historic environment. Where development need is greater the policy requires mitigation measures to minimise the level of disturbance and nuisance caused by new development. This would improve the health and wellbeing of those affected by the development and promotes positive solutions.

### **Alternatives Considered**

The Policy is borne from national requirements. Paragraph 109 of the NPPF requires planning to 'contribute to and enhance the natural and local environment by [...] preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability'. As such, it is considered that any deviation from the Policy approach

could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA. Specific pollution issues are included within thematic policies elsewhere within the Plan as appropriate.

### **Proposed Mitigation Measures / Recommendations**

No mitigation measures or recommendations are proposed.

### Officer Response

### Proposed changes to plan

## **Air Quality**

### **Paragraphs 10.52-10.53 and Policy EN16**

This policy and supporting text was responded to by 22 people/organisations.

Support	3
Object	6
Comment	13

### Overarching Summary

- How can it be pollution attributed to new development be measured and mitigated?
- Objection to policy as it does not include provision for measurement or mitigation as well as not mentioning the impact of new development
- Objective of plan should be minimisation of traffic movements and development of non-fossil fuel transport
- M11 and A120 should both have 100-metre width zones
- Urgent need to tackle poor air quality in Saffron Walden town centre
- Construction of a partial or full relief road would remove HGVs and other traffic from the town centre
- Query on how, when and by whom will air quality be assessed and also will monitoring be ongoing?
- Need to recognise importance and role in removal of certain pollutants when planted in the right locations
- Query of existence of past emission reports
- UDC Air Quality Action Plan does not contain any measurable mitigation actions nor does it set a target date for lifting the Air Quality Management Area
- No account being taken of cumulative effect on air quality despite explicit instructions from DEFRA
- “Phrases such as ‘reasonable and proportionate’ render policy utterly ineffective”
- All allocated sites except two will generate traffic through town thereby exacerbating the problem

### Statutory consultees and other bodies

**Saffron Walden Town Council** notes ‘..... there is a risk that levels do not meet.....’ – is this not fact rather than speculation? Query on measuring and mitigating and proving that development has contributed to worsening pollution. Objection to policy as drafted and should be amended to include provision for measurement or mitigation as well as making reference to the impact of new development.

**Thaxted Parish Council** recommends amendment of policy to include provision for measuring or mitigation and also make a reference to impact of new development.

**Littlebury Parish Council** believes that minimising traffic movements and developing non-fossil fuel transport should be explicit objectives within the plan accompanied by detailed proposals of how this can be achieved. High quality planting on the NUGV site to ensure that buildings merge into the landscape is recommended. The plan should include an objective to maximise use of the local countryside for exercise and recreation alongside food production, nature conservation and the retention of traditional vernacular buildings and rural features.

**Saffron Walden Neighbourhood Plan Steering Group and Stansted Neighbourhood Plan Steering Group** note that the M11 and A120 have similar traffic speeds but different zone widths and this should be 100-metre zones for both roads.

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over ‘buildings at risk.’

**Sustainable Uttlesford** urges that there is an urgent need to tackle poor air quality in Saffron Walden Town centre. Also suggested is the necessity of the construction of a partial or full relief road to remove HGVs and other traffic from the town centre. The suggested road links are between Little Walden Road and Windmill Hill and Radwinter/Thaxted Roads to Newport Road may be facilitated by additional housing in future local plans.

**Stansted Neighbourhood Plan Steering Group** query how, when and by whom will air quality be assessed? Will monitoring be ongoing? Congestion hotspots cited in village at Grove Hill/ Lower Street /Chapel Hill and Chapel Hill/Cambridge Road . Air quality in Stansted Mountfitchet needs assessment and if necessary an AQMA established.

**Woodland Trust** object to policy due to its failure to recognise the important role of trees which when planted at right locations can contribute to removal of certain pollutants from the air.

**The Thaxted Society** supports the policy.

### Developers/landowners/site promoters

No comments received.



## Individuals

- Concern about emission pollution in Saffron Walden and effect on residents' health
- Additional 85 homes on Little Walden Road and Plan for NUGV
- Query on whether there are any plans to ease traffic flow through Saffron Walden
- Query on past emission reports if any
- Air quality improvement depends on a measurable plan of action that includes rewards for good activity and penalty for detrimental activity
- UDC Air Quality Action Plan does not contain any measurable mitigation actions nor does it set a target date for lifting the Air Quality Management Area
- Continued approval of development without taking into account cumulative effect on air quality despite explicit instructions from DEFRA
- Proposed NUGV's 5,000 homes located adjacent to A11, north of junction with M11
- 2017 Air Quality Annual Status indicates that no air quality monitoring has taken place on the site
- No evidence of air quality assessment in relation to NUGV which is located adjacent to A11 and Crematorium
- Air quality impact assessments required to demonstrate a constraint along the western boundary and around the Crematorium
- Phrases such as 'reasonable and proportionate' render policy utterly ineffective
- Need for a requirement to submit evidence both positive and negative or neutral on the cumulative impact of any development
- Policy considered overall fair but lack of definition of 'reasonable and proportionate' provided developers with reason to argue that small increases in pollution levels are acceptable
- Despite UDC's acknowledgement of air quality problem all allocated sites except two will generate traffic through town thereby exacerbating the problem

## Sustainability Appraisal June 2017

### **Significant, Temporal and Secondary Effects**

There is one Air Quality Management Area (AQMA) designated within the District. It covers a large area within Saffron Walden and has been designated in response to high levels of nitrogen dioxide at particular road junctions. Air quality issues can be seen as possible alongside the M11 and in line with the level of growth in the broad area also the A120. The policy seeks to address air quality issues by proposing that new developments which are likely to impact designated air quality management areas (AQMAs) assist in reducing the level of air pollution. Where cumulative impacts of developments in a local area are to be considered and mitigated against, there would be a significant positive impact on reduction in pollution and also health. A zone of 100 metres on either side of the central reservation of the M11 and a zone 35 metres either side of the centre of the A120 have been identified as particular areas to which this policy applies and this is deemed appropriate in line with the strategic road network as a focus of sustainable growth in the District.

### **Alternatives Considered**

The Policy is borne from national requirements. Paragraph 124 of the NPPF states that 'Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local

areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan'. As such, it is considered that any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

### **Proposed Mitigation Measures / Recommendations**

No mitigation measures or recommendations are proposed.

### Officer Response

### Proposed changes to plan

## **Contaminated Land**

### **Paragraph 10.54 and Policy EN17**

This policy and supporting text was responded to by 6 people/organisations.

Support	5
Object	1
Comment	0

### Overarching Summary

- Stronger policies and enforcement required from UDC

### Statutory consultees and other bodies

**Saffron Walden Town Council, Thaxted Parish Council, Saffron Walden Neighbourhood Plan Steering Group, Stansted Neighbourhood Plan Steering Group and The Thaxted Society** all support the policy.

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over 'buildings at risk.'

### Developers/landowners/site promoters

No comments received.

### Individuals

No comments received.

### Sustainability Appraisal June 2017

### **Significant, Temporal and Secondary Effects**

Proposals on contaminated land need to take proper account of the contamination and remediation works should adopt mitigation measures to protect the environment. In addition, the NPPF directs planning policy to support the re-use of brownfield land. The policy will have a positive impact on the sustainable use of land. In seeking to prevent pollution of water bodies the policy would also assist the conservation and improvement of the water environment. The remediation of contaminated land would also have a positive impact on protecting species and potentially improve habitats, whilst also having positive impacts on health and reducing pollution.

### **Alternatives Considered**

The Policy is borne from national requirements. Paragraph 109 of the NPPF states that ‘the planning system should contribute to and enhance the natural and local environment by [...] remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate’. As such, it is considered that any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

### **Proposed Mitigation Measures / Recommendations**

No mitigation measures or recommendations are proposed.

#### Officer Response

#### Proposed changes to plan

### **Noise**

#### **Paragraphs 10.55 – 10.57 and Policy EN18**

This policy and supporting text was responded to by 12 people/organisations.

Support	4
Object	5
Comment	3

#### Overarching Summary

- Policy EN18 in conflict with SP6 due Easton Park being affected by noise pollution from nearby Stansted Airport
- Proposed Stansted Airport expansion to 44.5mppa will worsen the pollution
- Recommended addition to policy “All activity should comply with BS5228:2009 Code of Practice for noise and vibration control on construction and open sites.”
- EN18 not in accordance with NPPF paragraph 109 which refers to unacceptable adverse noise and not adverse levels of noise as stated in UDC policy
- West Of Braintree Garden Community will be subjected to maximum noise and air pollution due being located under the eastbound flight path of aircraft departing Stansted Airport

### Statutory consultees and other bodies

**Dunmow Town Council** believes that Policy EN18 is in conflict with Policy SP6 because of Easton Park will be affected by noise and pollution due its proximity to Stansted Airport. The proposed airport expansion to 44.5mmpa would exacerbate the pollution.

**Stansted Neighbourhood Plan Steering Group and Saffron Walden Neighbourhood Plan Steering Group** both note that Stansted residents are considerably affected by noise from helicopters and testing of aircraft engines during maintenance. Possible mitigation could be by ensuring that developments are completed in no more than 5 years.

**Thaxted Parish Council** recommends addition policy text to read 'All activity should comply with BS5228:2009 Code of Practice for noise and vibration control on construction and open sites.'

**Wendens Ambo Parish Council** is looking for stronger policies and action by UDC. UDC has not been very active in preservation of the countryside e.g. in preservation of hedgerows, little action on overcutting, and 42 protected hedges have been damaged by cutting at the wrong time. Also UDC has been slow to act over 'buildings at risk.'

**The Thaxted Society** supports the policy.

### Developers/landowners/site promoters

- Policy EN18 does not reflect NPPF paragraph 109 because the policy refers to adverse levels of noise whilst NPPF Paragraph 109 refers to unacceptable adverse noise

### Individuals

- West of Braintree development will be located in an area of maximum noise and air pollution since it is under the eastbound flight path of aircraft departing Stansted Airport
- Query on location of the London Airport Noise Strategy and Action Plan 2013-2018 (Building on a Sound Foundation)
- Policy fails to mention how the London Stansted Noise Strategy and Action Plan may be breached by the proposed airport expansion and impact on the Garden Community located adjacent to the airport
- Query on location of UDC's Noise Impact Technical Guidance and UDC's Noise Assessment Technical Guidance

### Sustainability Appraisal June 2017

#### **Significant, Temporal and Secondary Effects**

There will be no positive impacts resulting from this policy on the relevant SA objectives relating to reducing pollution and improving health through reducing the likelihood of noise to be experienced by new sensitive receptors. It is recognised that locating noise sensitive development away from sources of noise and mitigate impacts where appropriate would be beneficial. New development should not expect to experience noise disturbance, and new residents would not experience the associated negative health impacts this can cause.

### **Alternatives Considered**

There can be considered no reasonable alternatives to the preferred policy approach in line with Paragraph 109 of the NPPF. This states that ‘the planning system should contribute to and enhance the natural and local environment by [...] preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution’. Any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

### **Proposed Mitigation Measures / Recommendations**

No mitigation measures or recommendations are proposed.

### Officer Response

### Proposed changes to plan

## **Light Pollution**

### **Paragraph 10.58 -10.59 and Policy EN19**

This policy and supporting text was responded to by 13 people/organisations.

Support	4
Object	5
Comment	4

### Overarching Summary

- Requirement to specify criteria on design
- Street lamp design an important element of street furniture
- Concern over urbanisation effect of light pollution on villages
- Policy is in conflict with SP6 due to proximity of Easton Park to High Wood SSSI
- Bosted Wood “one of the darkest areas in the district” will be destroyed by the local plan
- NUGV proposal does not address adverse impact on the landscape and surrounding communities of light pollution from a highly visible development

### Statutory consultees and other bodies

**The Thaxted Society** supports the plan subject to clarification on criteria and design. Street furniture in Thaxted such as street lamps has an impact on both the conservation area and community cohesion. The Society’s policy is resistance to creeping urbanisation and street lamp design is as important as function.

**Saffron Walden Neighbourhood Plan Steering Group and Stansted Neighbourhood Plan Steering Group** recommend additional wording to the policy effect that lights should be a heritage design in Conservation areas.

**Takeley Parish Council** raises concern over light pollution causing urbanisation of villages. UDC should ensure that lights operate or match operating hours of commercial premises.

**Great Dunmow Town Council** considers that the Policy is in conflict with SP6 due to Easton Park being adjacent to High Wood SSSI.

**Thaxted Parish Council** and **Saffron Walden Town Council** support the policy.

#### Developers/landowners/site promoters

No comments received.

#### Individuals

- Light pollution from the proposed development at Easton Park would be difficult to mitigate unless substantial and immediate mature planting is designed into the plan
- Boxted Wood, one of the darkest areas in the District, will be destroyed by the Local Plan
- NUGV proposal does not address adverse impact on the landscape and surrounding communities of light pollution from a highly visible development.
- NUGV is located in a prominent landscape position and has high sensitivity to change/development and the Uttlesford Landscape Character Assessment recommended that new development should be small scale on valley sides and should respond to the historic settlement pattern, form and building materials
- NUGV site will be unable to follow historic settlement pattern due to topography and strong possibility of coalescence with Great Chesterford. Difficulty in seeing how adverse visual impact can be avoided. Any mitigation measures would constrain development.

#### Sustainability Appraisal June 2017

##### **Significant, Temporal and Secondary Effects**

There will be no positive impacts resulting from this policy on the relevant SA objectives relating to reducing pollution and improving health through reducing the likelihood of light pollution to be experienced by existing sensitive receptors. Particularly there will be significant positive impacts on reducing the impact of light pollution, however minor positive impacts can be expected through protection based criteria that recognise the impacts that can be forthcoming on environmental factors and heritage assets.

##### **Alternatives Considered**

There can be considered no reasonable alternatives to the preferred policy approach in line with Paragraph 125 of the NPPF. This states that 'by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.. Any deviation from the Policy approach could be considered unsustainable or otherwise not distinctly different to warrant assessment within this SA.

**Proposed Mitigation Measures / Recommendations**

No mitigation measures or recommendations are proposed.

Officer Response

Proposed changes to plan

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