

10. Environment

Introduction

- 10.1** This section of the Local Plan sets out policies for the historic environment, the natural environment, flood risk, natural resources and environmental protection.

The Historic Environment

- 10.2** In Uttlesford the historic environment is a rich, complex and irreplaceable resource. It has developed through a history of human activity spanning many thousands of years. Some of the resource is hidden in the form of archaeological deposits. Other elements such as the historic landscape are the highly visible result of many years of agricultural, industrial and commercial activity and are referenced in Policy C1; Protection of Landscape Character. The “built” part of the historic environment is equally rich with towns, villages and hamlets set in the gently rolling countryside. There is a wealth of fine buildings, many of them ancient and listed and these buildings with their varied styles and methods of construction span many centuries.

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

- 10.3** The Council will continue to work in partnership with archaeology, design and other specialists to make sure that only development which protects and enhances the historic environment is approved.
- 10.4** The Council has carried out a series of Conservation Area Appraisals leading to management plans and some communities have produced their own design advice through Town and Village Design Statements. New development will be expected to comply with such advice where this has been approved by the Council.

Policy EN1 - Protecting the Historic Environment

Development will be supported where it preserves or enhances the significance of the historic environment.

Development proposals for the re-use of heritage assets will be favourably considered where the proposals represent the optimum viable re-use and are consistent with their conservation. In determining applications, the council will require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Relevant historic environment records should be consulted, and the heritage assets assessed using appropriate expertise where necessary. Proposals will be considered against the wider social, cultural, economic and environmental benefits that the historic environment can bring.

Where a site on which development is proposed includes or has the potential to include heritage assets with which archaeological interest, the council requires developers to submit an appropriate desk-based assessment and a field evaluation.

Proposals to introduce energy efficiency and renewable energy measures affecting heritage assets will be weighed against harm to the significance of the heritage asset and the wider historic environment.

The Council will work proactively to safeguard heritage assets identified on the Local Buildings at Risk Register and the national Heritage at Risk Register by using statutory powers to secure urgent works and repairs as necessary, where there is identified harm, immediate threat or serious risk to its preservation.

The Council will continue to work alongside owners and relevant partners including, Essex County Council, Historic England and other heritage bodies to secure their restoration and optimum viable re-use.

Design of Development within Conservation Areas

- 105** There are 37 individual Conservation Areas in the District distributed across 31 parishes. It is important that the development pressures on the District are managed in ways that protect and enhance the built environment and avoid inappropriate development. The Council has produced and published Conservation Area Appraisals for all the conservation areas and applied Article 4 directions in a number of settlements as appropriate to limit certain permitted development rights within these areas.
- 106** Within a Conservation Area, most renewable energy equipment can be installed on or within the curtilage of a non-listed building without planning permission. Where planning permission is required the policy identifies the criteria which need to be met to make sure there is no loss of the special interest or significance of the Conservation

Area.

- 10.7** Development adjacent or even some distance from a conservation area may impact on the setting of that conservation area and subsequently the significance of the heritage asset. Applications for development outside of the conservation area which would impact upon its character and setting need to refer to the Conservation Area Appraisal, and justify how the proposed development would conserve or enhance the character of the Conservation Area as identified in the appraisal.

Policy EN2 - Design of Development within Conservation Areas

Development will be permitted where it conserves or enhances the character and appearance of the features of a Conservation Area including plan form, the relationship between buildings, the arrangement of open areas and their enclosure, the grain or significant natural or heritage features.

Outline applications will not be considered. Development involving the demolition of a structure which positively contributes to the character and appearance of the area will not be permitted.

Development will be permitted if the following criteria are met:

There is no detrimental visual impact and no substantial pollution of any type (air, water and ground, noise);

It does not damage key views in, out or within the Conservation Area, including very visible secondary elevations;

There is no loss of character or historic significance of the Conservation Area;

There is no detrimental impact on the sustainability of communities and economic vitality; and

It makes a positive contribution to local character and distinctiveness.

Policy EN3 - Protecting the Significance of Conservation Areas

Development outside of the conservation area which might otherwise affect its setting will only be permitted where it is not detrimental to the character, appearance or significance of the Conservation Area and does not adversely affect listed buildings or non-designated heritage assets, either within or outside the Conservation Area.

Development Affecting Listed Buildings

- 10.8** There are over 3,700 Listed Buildings or structures in the District. This represents about one quarter of the number of listed buildings in Essex which is itself one of the most richly endowed of all English counties. In addition, any building or structure within the curtilage, which belonged with the main building when it was

listed, and which was built before 1 July 1948, is also viewed as a Listed Building. Features listed in this way are referred to as 'Curtilage Listed'.

- 10.9** The Listed Buildings in the District vary widely both in age, character and their vernacular materials. Clay tile, slate and long straw thatch are used for roof materials. The stock of buildings with long straw thatch is big enough to be a cluster of regional architectural importance which it is important to retain and repair with long straw when needed. Although timber framed buildings predominate, some historic buildings are constructed of brick and stone. External finishes include many excellent examples of pargetting, flintwork and weatherboarding. Every period from before the Norman Conquest is represented, but over 40% of all Listed Buildings date from the 17th century.
- 10.10** When considering the special architectural or historic interests of a Listed Building the following are broad examples of what will be taken into account: - the structural frame or fabric; the plan form; roofing material; external cladding; the proportion, detail and arrangement of doors and windows, interior floor plans; interior finishes and features of special interest to the building. Proposals to remove later additions which detract from the significance of the building with a view to replacing these with features which better reveal the significance of the heritage asset e.g. the replacement of non-original windows will normally be treated sympathetically provided the design and quality of the materials, etc respects the historic nature of the building.
- 10.11** Proposals for the conversion of a Listed Building may result in a form of development which would not normally be allowed e.g. conversion to a dwelling outside development limits. Such a proposal may be approved if the applicant can demonstrate that the conversion scheme is the most appropriate way to secure the future of the listed building and the conversion can be carried out in a sympathetic manner without damage to the fabric, setting or architectural and historic interest of the building.
- 10.12** Whilst some minor measures to improve the energy efficiency of a Listed Building can be undertaken without the need for consent any works which would affect the special architectural or historic interest of a listed building would require Listed Building consent. ~~Applicants If you are considering undertaking any works to a Listed Building you~~ are advised to have early discussions with the Council's Conservation Officer.
- 10.13** Applications for development affecting a Listed Building need to describe the significance of the Listed Building or structure affected including any contribution made by their setting and should explain how the proposal would preserve its special character and significance. This should be proportionate to the asset's significance.

Policy EN4 - Development affecting Listed Buildings

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

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

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

Locations other than on a Listed Building have been considered and dismissed as being impracticable;

There is no irreversible damage to significant parts of the historic fabric; and

The location of the equipment on the Listed Building would not cause harm to its character or appearance.

Scheduled Monuments and Sites of Archaeological Importance

- 10.14** There are 79 Scheduled Monuments in the District, shown on the policies map. Any work which might affect a scheduled monument either above or below ground level will require consent from Historic England. Within the District, over 4000 sites of archaeological interest are recorded on the Historic Environment Record (HER) maintained by Essex County Council. These sites are not shown on the policies map and enquiries should be made to the County Archaeologist. The Historic Environment Record represents only a fraction of the total. Many potentially important sites remain undiscovered and unrecorded. Archaeological sites are a finite and non-renewable resource. As a result it is important to make sure that they are not needlessly or thoughtlessly destroyed.
- 10.15** The desirability of preserving an ancient monument and its setting is a material consideration in determining planning applications whether the monument is scheduled or unscheduled. There is a presumption in favour of the preservation of nationally important sites and their settings. The need for development affecting archaeological remains of lesser significance will be weighed against the relative significance of the archaeology.
- 10.16** Applicants proposing development affecting a scheduled monument or site of archaeological significance need to consult Historic England's National List for England (NHLE) and explain how the significance of the heritage asset will be affected. The developer will be expected to fund the pre-application survey work and any agreed preservation or recording work.

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Policy EN5: Scheduled Monuments and Sites of Archaeological Importance

Where nationally important archaeological assets, whether scheduled or not, and their settings, are affected by proposed development there will be a presumption in favour of their physical preservation in situ for example through modification of design, layout, drainage, landscaping or the siting and location of foundations. The Council will seek the preservation in situ of archaeological assets unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the site itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

In situations where there is evidence to suggest that historic assets or their settings would be affected, an archaeological field assessment should be submitted as part of any planning application. The assessment must define the significance of the assets and the impact of the proposed development thus allowing an informed and reasonable planning decision to be made.

In the circumstances where preservation in situ is not possible or feasible, then development will not be permitted until a programme for excavation, investigation and recording has been submitted and agreed by way of a pre-commencement condition.

Historic Parks and Gardens

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

10.18 Applications for development affecting a designated historic park or garden need to refer to the Historic England Register and explain how the proposed development preserves and where appropriate enhances the design, character, appearance and historic significance of the District's registered parks and gardens and how the proposed development impacts on the significance of the registered parks and gardens.

Policy EN6 - Historic Parks and Gardens

Development will be permitted provided it sustains and enhances the significance of Historic Parks and Gardens such as their principal or associated buildings and structures, formal and informal open spaces, ornamental gardens, kitchen gardens, plantations and water features.

Non-Designated Heritage Assets of Local Importance

- 10.19** The District benefits from a wealth of non-designated or listed buildings that are considered to be locally significant and make a positive contribution to the character and distinctiveness of Uttlesford. This may be due to their historic, aesthetic, evidential or communal value, or a combination of these factors. This may include houses, shops, schools, village halls, churches and even important walls, railings or fingerposts.
- 10.20** The Council's Local List of Heritage Assets identifies assets which although not statutorily listed make an important architectural or historical contribution to the local area and merit protection from development which adversely affects them. Non-designated assets of archaeological interest and parks and gardens are considered under policy EN7.
- 10.21** The Council may identify new heritage assets at any stage of the planning process and their identification would be a material consideration in any planning decision.

Policy EN7 – Non-Designated Heritage Assets of Local Importance

The planning authority will seek to ensure the retention enhancement, and viable use of heritage assets of local interest. Whilst not enjoying the full protection of statutory listing, the design and the materials used in proposals affecting these assets should be of a high standard and in keeping with their character and local significance.

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

Protecting and Enhancing the Natural Environment

- 10.22** The strategy is to protect and enhance biodiversity within the District working with partners including the Essex Biodiversity Project and the Essex Wildlife Trust and through controls on development to reduce potential impacts on sites which may have importance for biodiversity.
- 10.23** Uttlesford has a range of important sites and habitats for biodiversity, recognised through designations, from national to local importance. Sites of Biodiversity or

Geological Importance are identified on the Policies Map and these represent a tiered network for the conservation of biodiversity and geodiversity within the district. There are no European or international wildlife sites in Uttlesford, but there are sites in neighbouring districts and the Council has taken account of the impact of development in Uttlesford on these sites through its Habitats Regulations Assessment. Sites within Uttlesford ~~These sites~~ include the statutorily protected national designations (Sites of Special Scientific Interest (SSSIs) and the non-statutorily protected Local Nature Reserves and County Wildlife Sites. Sites with protected species, important habitats and sites which are important for their historic landscape interest will be protected and where possible enhanced.

- 1024** There are ~~no internationally protected sites in Uttlesford but there are~~ 14 nationally designated sites made up of 12 Sites of Special Scientific Interest (SSSI) and 2 National Nature Reserves (NNR).
- 1025** There are 280 locally important nature conservation areas which are designated as Local Wildlife Sites (LoWS). Many of these are ancient woodlands but there are also good examples of grassland habitats. There are 42 special road side verges which are protected for their flora. There are 18 proposed Local Geological Sites (LoGS) which range in size from single erratic boulders to quarries. All these sites are identified on the Policies Map.
- 1026** SSSIs and NNRs have the maximum degree of protection from development because the type and/ or quality of habitat means it is unlikely that it can be replaced elsewhere or its loss compensated for. Locally designated sites also make a significant contribution to the biodiversity, geodiversity and green infrastructure of the District. Because there are a large number of them and they are distributed across the District they act as a network of sites allowing the movement of wildlife between sites as well as creating the distinctive landscape character of Uttlesford of woodland, verges and greens and water bodies. Developments that can make a positive contribution to the network of sites by habitat creation linking sites will be positively considered, especially if it contributes to the Essex Wildlife Trust Living Landscape initiative. Advice on incorporating biodiversity in developments can be found on the Essex Biodiversity Project website ¹
- 1027** Development proposals with water edge frontages including rivers, streams, lakes, and ponds should make provision for ecological buffer strips with a view to protecting and where appropriate enhancing water dependant habitats and species.
- 1028** Where development proposals will be carried out on land with a watercourse currently culverted, opportunities for de-culverting and restoration to an open watercourse should be sought as a means of creating blue infrastructure and enhancing development site.
- 1029** Hatfield Forest at 403ha is the District's largest SSSI and it is also a National Nature Reserve. Hatfield Forest is a medieval hunting forest of mixed deciduous woodland and parkland and extends beyond the SSSI designation. The forest provides an important recreation resource to the residents of Uttlesford and is a strategic area of green infrastructure which is important to protect. Hatfield Forest faces existing pressure from visitors, particularly in the winter months when paths in the forest can be damaged and habitat loss has occurred. Any increase in visitor numbers needs to

¹ Essex Biodiversity Project. Available: <http://www.essexbiodiversity.org.uk>

be carefully managed so as to minimise impact on the forest.

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

10.31 An ecological survey and impact assessment will be required for any development affecting or with the potential to affect:

- A national or locally designated site;
- Protected species;
- Species on the Red Data List of threatened species; and
- Habitats suitable for protected species or species on the Red Data List.

10.32 Ecological surveys and impact assessments must be carried out by a suitably qualified person. Field surveys must be conducted at the optimum time for the species. Further information can be obtained from the Natural England Standing Advice for Protected Species.

Policy EN8 - Protecting and Enhancing the Natural Environment

The Council will seek to optimise conditions for wildlife and habitats to improve biodiversity and tackle habitat loss and fragmentation.

Development proposals will be supported where they protect and enhance sites internationally, nationally and locally designated for their importance to nature conservation, ecological or geological value as well as non-designated sites of ecological or geological value. An ecological survey will be required to be submitted with the application if the development site affects or has the potential to affect any of the following:

- An internationally designated site; for example Sepcial Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site
- A nationally designated site; for example: SSSI's & National Nature Reserves.
- Locally Designated Sites; for example: Local Wildlife Sites.
- Protected species;
- Species on the Red Data List of threatened species; and
- Habitats suitable for protected species or species on the Red Data List.

Where a site of International designation for nature conservation importance is adversely affected by the proposals, permission will be refused unless the District Council is satisfied that: there are imperative reasons of overriding public interest, which could be of a social or economic nature, sufficient to override the harm to the site; there are imperative reasons of overriding public interest relating to human health, public safety or benefits of primary importance to the environment.

A biosecurity protocol method statement will be required for all development proposals where there is potential to impact sites protected for biodiversity importance to ensure the introduction of invasive non-native species of both flora and fauna is prevented.

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

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

If significant harm to biodiversity or geodiversity cannot be adequately mitigated against, or compensated for, permission will be refused. The design of development should incorporate measures to improve the biodiversity or geodiversity value of the development site.

Such measures should include making a contribution to the network of biodiversity sites, including open spaces and green infrastructure and water bodies which make links between habitats and support wildlife. Measures should also attempt to link wildlife habitats together, improving access to, between and across them.

These measures will be secured by condition or planning obligations upon any approval that may be granted and may need to include a biodiversity management plan and financial support for continued maintenance.

Measures to enhance biodiversity should be designed so as not to increase the risk from bird strike to the operation of aircraft at London Stansted Airport; where appropriate the implementation of a bird hazard management plan will be secured by condition or planning obligation

Open Spaces and Trees

- 10.33** There are open spaces of high environmental quality in many of the towns and villages. Such spaces may include village greens, commons, or large mature gardens. Locally important open spaces may also be identified in Neighbourhood Plans, other community led plans or Conservation Area Appraisals. Some of these open spaces maybe registered as Assets of Community Value. Sometimes, the land may have been left in a state of untidiness but, nevertheless, the existence of the space may be important to the character of the area, to biodiversity and as an area of natural greenspace. Retention of the space would also enable its full environmental potential to be realised through an enhancement project. Such areas are generally protected by excluding them

from defined development limits. The need to protect similar areas within settlements is equally important and significant areas of open space are shown on the Policies Map. Other smaller spaces of importance will also be protected where development would be inappropriate, but it is not practical to identify all of them. Sometimes community facilities may be proposed on open space. If a successful design can be achieved, a limited loss of open space may be permitted.

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

Policy EN9– Open Spaces Policy

Development proposals will not be permitted which will harm the character of, or lead to the partial, cumulative or total loss of protected traditional and non-traditional open spaces including village greens, commons and other visually important spaces as defined unless:

- a. The open space uses can be satisfactorily replaced in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost; and**
- b. The re-provision is located within a short walk (400m) of the original site.**

In the case of school and college grounds, development may be permitted where it meets a demonstrable educational need and does not adversely affect playing fields or other formal sports provision on the site in accordance with Sport England Policy.

Where replacement open space is to be provided in an alternative location, the replacement site/facility must be fully available for use before the area of open space to be lost can be redeveloped.

- 10.35** The NPPF encourages local authorities to protect ancient woodlands and veteran or aged trees. Ancient woodland is defined as an area that has been continuously wooded since at least 1600AD and such areas exist within Uttlesford. Veteran trees are particularly valuable for biodiversity due to the large amount of deadwood that they may contain. These trees are defined by Natural England to be, ‘A tree which because of its great age, size or condition is of exceptional value culturally, in the landscape or for wildlife.’

- 10.36** Ancient woodlands and veteran trees represent an important constituent of green corridors across the district since they have a high inherent biodiversity value.

Policy EN10 – Ancient Woodland and Protected Trees

Development resulting in the partial, cumulative or total loss or deterioration of ancient woodland (as shown on the Policies Map) or veteran trees found outside ancient woodland or visually important groups of trees and fine individual specimens, will only be permitted unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Development proposals affecting ancient woodland or veteran trees will be expected to mitigate any adverse impacts, and to contribute to the woodland’s or veteran tree’s management and further enhancement via

planning conditions or planning obligations.**Flood Risk**

- 10.37** 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 flooding. The scale of development required in the Local Plan period can be provided on land which is at the lowest risk of fluvial 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).
- 10.38** 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 and 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.
- 10.39** The Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)² and the Environment Agency's Risk of Surface Water Flooding Maps³ show the flood risk across the District. Essex County Council Environment, Sustainability and Highways as Lead Local Flood Authority for Essex under the Flood and Water Management Act 2010⁴ and, along with the district councils, must contribute to the achievement of sustainable development when carrying out flood risk management functions, in accordance with the Essex Local Flood Risk Management Strategy (2013)⁵.
- 10.40** Policy EN11 seeks to avoid flood risk to people and property where possible, and manage residual risk through location, layout and design, taking account of the impacts of climate change on changing flood risk. This includes making space for water by directing development to areas at lowest flood risk first, protecting sites required for flood risk management and the use of sustainable drainage systems as appropriate - as set out in Policy EN12.

² Uttlesford Strategic Flood Risk Assessment (JBA consulting, 2016). Available:

<http://www.uttlesford.gov.uk/CHttpHandler.ashx?id=5545&p=0>

³ Long-term Flood Risk Maps (Environment Agency, 2018). Available: <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>

⁴ Flood and Water Management Act (2010). Available: <https://www.legislation.gov.uk/ukpga/2010/29/contents>

⁵ Essex local Flood Risk Management Strategy (2013) by Capita Symonds. Available:

https://www.essex.gov.uk/Publications/Documents/Local_Flood_Risk_Management_strategy.pdf

Policy EN11 – Minimising Flood Risk

Development proposals will comply with flood risk assessment and management requirements set out in the National Planning Policy Framework and Planning Practice Guidance and the Uttlesford Strategic Flood Risk Assessment to address current and future flood risks with appropriate climate change allowances.

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 on the Environment Agency's Risk of Water Flooding Map in order to avoid flood risk to people and property, unless the proposal has met the requirements of the sequential test and the exception test.

All new development will need to demonstrate that there is no increased risk of flooding to existing properties, and proposed development is (or can be) safe and shall seek to improve existing flood risk management.

All proposals for development of 1 hectare or above in Flood Zone 1 and for development in Flood Zones 2 (or 3a) must be accompanied by a flood risk assessment that sets out the mitigation measures for the site and agreed with the relevant authority. Development in Flood Zone (3a or) 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.

A flood risk assessment must also accompany proposals where it may be subject to other sources, and forms, of flooding or where other bodies have indicated that there may be drainage problems and a drainage strategy should be submitted in accordance with the Essex SuDS Design Guide,

Surface Water Flooding

- 1041** Sustainable drainage systems (SuDS)⁶ are designed to reduce the potential impact of surface water drainage discharges from both new and existing developments. SuDS aim to replicate natural systems of surface water run-off through collection, storage, and cleaning before releasing water slowly and reducing the possible risk of flooding. This is in contrast to previous conventional drainage systems that bring about rapid run-off which may result in flooding, associated pollution and potential contamination of groundwater sources. Examples of the type of system that can be provided for large-scale developments are reed beds and other wetland habitats that collect, store, and improve water quality along with providing a habitat for wildlife. For smaller developments SuDS could comprise a green roof or rainwater harvesting techniques.
- 1042** The benefits of SuDS are such that it is important that they form an integral part of development proposals wherever relevant. The optimal level of runoff is that which would occur if the site had not been developed (i.e. a greenfield site). The achievement of this level is important to all sites regardless of which flood zone they are located in. Applicants should take account of Essex SuDS Design Guide

⁶ Sustainable Drainage Systems: Design Guide (ECC, 2016). Available: http://flood.essex.gov.uk/media/1277/suds-guide_april-2016.pdf

produced by Essex County Council in accordance with the Flood and Water Management Act 2010 or other relevant guidance.

Policy EN12 – Surface Water Flooding

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

SuDS may not be appropriate if there are known contamination issues on site, or if the soil drains poorly and would inhibit the use of infiltration SuDS, but not the use of attenuation SuDS. Only where there are inappropriate soil or geological conditions and/ or engineering difficulties, should alternative methods of drainage be considered. If alternative methods are to be considered adequate assessment and justification should be provided and consideration should still be given to pre and post development runoff rates. If this is not possible it will be necessary to demonstrate why it is not achievable.

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

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

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

SUDs systems should be designed to avoid harm to nationally important archaeological assets, whether scheduled or not.

Protection of Water Resources

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

Plan/WRMP 19 in summer 2018.

- 10.44** The Affinity Water Final Water Resource Management Plan 2015-2020 ⁷notes that in agreement with the Environment Agency water abstraction will be reduced by 5% by 2020, leakages cut, to take of growth of 6% over its operating area. Between 2015 and 2020 investment in infrastructure will increase by more than £500 million to ensure high quality water to customers. Water use in Uttlesford is high. The current average per capita consumption for the Affinity Water Central Region is 161.27 litres per person per day (l/p/d) for existing customers, compared to a national average of 147 l/p/d and 121.92 and 126.19 in the East and South East Affinity Regions where higher levels of metering have been achieved. Changes to Building Regulations in 2010 require that the potential consumption of someone occupying a new home must not exceed 125 l/p/d.
- 10.45** The detailed Water Cycle Study (April 2018)⁸ show an overall increase in residential water demand of some 3042m³/day to 2033 based the preferred option for change in water demand. Affinity Water have identified a number of feasible options to balance supply and demand including schemes to reduce leakage, install more customer meters and encourage better use of water with minimal wastage. Affinity Water have also identified possible schemes to provide additional water resources from groundwater, surface water and transfers from neighbouring water companies.
- 10.46** The Council is unlikely to be able to have much influence on the consumption rates in existing properties but it can influence consumption in new homes through planning policy so in order to reduce consumption it is considered that all new homes should meet a target of 110 l/p/d. This can be achieved through the specification and installation of water efficient fixtures such as dual flush toilets, spray taps and showerhead flow regulators. The Council can also influence consumption rates in its own housing stock. For non-residential uses the Council is not intending to specify a standard across all uses as there maybe variations in requirements between uses. However, all applicants will be expected to demonstrate how water efficiency will be achieved in their development.
- 10.47** The Environment Agency prepares Catchment Management Abstraction Strategies that monitor existing abstractions to understand water balance/availability – to ensure enough water for people and the environment. The 4 strategies covered in the detailed Water Cycle Strategy are;
- Cam and Ely Oose
 - Combined Essex
 - Roding Beam and Ingrebourne
 - Upper Lee
- 10.48** Ground water provides a third of the drinking water in England and Wales, and it also maintains the flow in many of the rivers. Affinity Water Central Region abstracts 60% of the water supply from groundwater sources. It is therefore crucial that these sources are looked after to make sure that the water is completely safe to drink. The Environment Agency publishes information on the areas where contamination of ground water is a critical issue because they are near abstraction sites where water is drawn

⁷ Uttlesford Water Cycle Study Phase 1 Update-30.04.18

⁸ Final Water Resource Management Plan 2015-2020 (Affinity Water, 2014, P. 105).

off for potable supply.

- 10.49** There are a number of ground water protection zones in Uttlesford, under the reaches of the Cam, in the Pant Valley, the Chelmer Valley, and in the Stort Valley as shown on the Policies Map. A major aquifer lies under most of the northern half of the District.
- 10.50** Development must minimise its impact on the environment by adopting environmental best practice and necessary measures to limit pollution to acceptable limits. The ability of wastewater infrastructure to deal with the increased load arising from development is an important issue in protecting water resources, particularly the increase in the discharge rate from the sewage treatment works into rivers. It is therefore important to make sure that sufficient infrastructure exists or will be made available.

Policy EN13 – Protection of Water Resources

Development will be supported where it is designed to minimise consumption of water, protect and enhance water quality and protect water resources.

All new residential development should achieve a water efficiency target of 110 litres per person per day and development should also make adequate and appropriate provision for water recycling. The extent to which water consumption is reduced will be monitored against the current national or local targets. Major development applications will need to demonstrate the relevant measures that the scheme incorporates and the anticipated levels of water consumption. The proposed measures will need to result in the current targets being met in order to be acceptable.

Development will be permitted where it will not cause contamination of groundwater, particularly in the protection zones shown on the Policies Map, or contamination of surface water. Where there is the potential for contamination effective safeguards must be in place to prevent deterioration in current water standards.

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

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

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

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

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

Minerals Safeguarding

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

Policy EN14 – Minerals Safeguarding

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

1. 5 hectares for Sand and Gravel
2. 3 hectares for Chalk
3. ~~Greater than~~ 1 dwelling ~~of for~~ brickearth ~~or~~ and brick clay

~~Within these mineral safeguarding areas identified, planning permission will not be supported for any form of development that is incompatible by reason of scale proximity and permanence with working the minerals, unless the applicant can demonstrate to the satisfaction of the Minerals Planning Authority that:~~

- ~~4. The mineral concerned is no longer of any value or has been fully extracted.~~
- ~~5. The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.~~
- ~~6. The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.~~
- ~~7. There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource.~~
- ~~8. That prior extraction of minerals is not feasible due to the depth of the deposit.~~
- ~~9. Extraction would lead to land stability problems.~~

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

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

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

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

Environmental Protection

10.52 New development can have a negative impact on the environment and property through its potential to pollute. Furthermore, opportunities for new development, particularly on previously developed land, can be constrained by existing pollution issues. The overall aim of environmental protection policies is to ensure the sustainable and beneficial use of land. Within this aim, polluting activities that are necessary for society and the economy should be minimised and subject to appropriate controls in order to reduce their adverse effects and contain them within acceptable limits. There is already legislation and policy in place to help control pollution, including the Environment Act 1995 (x), which gives local authorities' powers to control pollution and address contaminated land including ways to deal with cumulative impacts of development.

Pollution

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

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

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

10.56 Developments sensitive to pollution such as homes and schools will not be permitted in areas where they would be adversely affected.

Policy EN15 - Pollutants

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

Planning permission will not be granted where the development and uses would cause adverse impact to occupiers of surrounding land uses or the historic and natural environment, unless the need for development is judged to outweigh the effects caused and the development includes mitigation measures to minimise the adverse effects.

Developments sensitive to pollutants will be permitted where the occupants would not experience adverse impact, or the impact can be overcome by mitigation measures.

Air Quality

- 1057** Saffron Walden has an AQMA that contains some road junctions where there is a risk that levels of nitrogen dioxide do not meet the national air quality objective. The Council will promote measures to improve air quality and will only support development if it would not prejudice achievement of the national air quality objectives. Where possible development should contribute to improvements in air quality. The Council will bring forward proposals to address poor air quality in the AQMA through the UDC Air Quality Action Plan 2017-2022⁹
- 1058** Poor air quality is also experienced alongside the M11 and the A120. A zone 100 metres on either side of the central reservation of the M11 and a zone 25 metres either side of the centre of the A120 have been identified to which Policy EN16 applies. Since both zones run through the countryside where there is strict control on new buildings it is unlikely there will be many proposed developments close to either road.
- 1059** When determining whether adverse effects are significant, reference will be made to the requirements set out within current UDC Air Quality Technical Planning Guidance.

Policy EN16 - Air Quality

Development will be permitted where:

- 1. It can be demonstrated that it does not lead to significant adverse effects on health, the environment or amenity from emissions to air; or**
- 2. Where a development is a sensitive end-use, that there will not be any significant adverse effects on health, the environment or amenity arising**

⁹ Air Quality Action Plan 2017-2022 (UDC, 2017). Available:
<https://www.uttlesford.gov.uk/CHttpHandler.ashx?id=7346&p=0>

from existing poor air quality.

Applicants must also demonstrate that:

3. There is no **significant** adverse effect on air quality in an Air Quality Management Area (AQMA) from the development;
4. Pollution levels within the AQMA will not have a significant adverse effect on the proposed use /users;
5. Development has regard to relevant UDC Air Quality Technical Guidance.
6. Development within or affecting an Air Quality Management Area (AQMA) will also be expected to contribute to a reduction in levels of air pollutants within the AQMA.
7. The development will not lead to an increase in emissions, degradation of air quality or increase in exposure to pollutants at or above the health based air quality objective;
8. Any impacts on the proposed use from existing poor air quality, , are appropriately mitigated;
9. The development promotes sustainable transport measures and use of low emission vehicles in order to reduce air quality impacts of vehicles;

Applicants shall, where appropriate prepare and submit with their application, a relevant assessment, taking into account guidance current at the time of application.

Where development proposals would be subject to unacceptable air quality standards or would have an **un**acceptable impact on air quality standards they will be refused.

Where emissions from the proposed development ~~are prescribed~~ **by approach** EU Limit values or national objectives the applicant will need to assess the impact on local air quality by undertaking an appropriate air quality assessment, ~~and detailed modelling exercise~~ **The assessment shall have having** regard to guidance current at the time of the application to show that the national objectives will still be achieved.

Larger development proposals that require a Travel Plan and Transport Assessments/Statements as set out in Policy TA1 will be required to produce a site based Low Emission Strategy. This will be a condition on any planning permission given for any proposed development which may result in the deterioration of local air quality and will be required to ensure the implementation of suitable mitigation measures.

Contaminated Land

- 10.60** The principle of sustainable development means that, where possible previously developed land (also known as brownfield sites) including those affected by contamination should be brought back into use. Any proposal on previously developed land needs to take proper account of potential contamination. Mitigation measures, appropriate to the nature and scale of the proposed development and which protect the water environment during remediation will need to be agreed.

Policy EN17 - Contaminated Land

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

Specifically, applicants must demonstrate that the risk assessment, site investigation and remedial works have regard to and are in compliance with current UDC Contaminated Land Technical Guidance¹¹.

Noise

- 10.61** This policy aims to make sure that wherever practicable, noise sensitive developments are separated from major sources of noise such as road, rail and air transport and certain types of industrial development.
- 10.62** The Civil Aviation Authority annually produces Noise Exposure Contours ¹⁰for London Stansted Airport which are available on their website. Calculation of exposure to aircraft noise takes into account the level of use of each departure route and glide path, the number of aircraft movements on each path and aircraft type. Noise contours are calculated for each year, and can be provided for future scenarios using assumptions when required. Monitoring of air noise will help to make sure that the policy continues to be applied to the most appropriate area. Noise sensitive developments include residential uses.
- 10.63** Aircraft movements are a particular major source of noise in Uttlesford. London Stansted Airport Noise Strategy and Action Plan 2013-2018 (Building on a Sound Foundation)¹² sets out what controls there are on noise generated by departing and arriving aircraft (Sections 5.1 and 5.2). The Strategy also sets out what controls there are on aircraft noise generated by ground operations (Section 5.3) and what the night noise restrictions are (Section 5.4). The Action Plan will be reviewed and, if necessary, revised at least every five years and whenever a major development occurs affecting the noise situation.

¹¹Land Affected By Contamination: Technical Guidance for Applicants & Developers (Essex Contaminated Land Consortium, 2014). Available: <https://www.uttlesford.gov.uk/CHttpHandler.ashx?id=1915&p=0>

¹² Stansted Aiport Noise Strategy & Action Plan 2013-2018 (Building on a Sound Foundation). Available: <http://mag-umbraco-media-live.s3.amazonaws.com/5346603/2016-noise-contour-stansted.pdf>

Policy EN18 - Noise Sensitive Development

Development will be permitted unless:

The occupiers of surrounding land or the historic and natural environment is exposed to unacceptable adverse levels of noise and/or vibration (as defined within Uttlesford District Council's Noise Impact Technical Guidance) ¹¹ Potentially noisy developments will be located in areas where noise will not be of significant consideration or where its impact can be minimised by mitigation.

The future occupants of noise sensitive development would experience adverse levels of noise and/ or vibration disturbance (as defined by Uttlesford District Council's Noise Impact Technical Guidance) (x)

Specifically applicants, where reasonable and proportionate, according to the end-use and nature of the area and application, must demonstrate that:

Development has regard to the current Uttlesford District Council's Noise Assessment Technical Guidance and is assessed to the satisfaction of the Local Planning Authority

Any sources of noise and vibration generated by the development are adequately mitigated to prevent loss of amenity for existing and future occupants and land uses.

Light Pollution

- 10.64** There is a potential conflict between keeping lighting to a minimum in order to safeguard the amenity of neighbouring properties, protect the character of the countryside, reduce harm to wildlife and maintain the visibility of the night sky whilst ensuring adequate lighting to meet safety, security and operational objectives. Lighting can also extend the opportunity for outdoor sport activities in the winter months when there is limited daylight.
- 10.65** Lighting schemes must therefore be designed carefully to prevent light spillage and glare and to represent the minimum necessary for operational and security purposes. Schemes will be considered against the latest national guidance and lighting standards including the Guidance Notes for the Reduction of Obtrusive Light (2011)¹²

¹¹ Noise Assessment Technical Guidance (UDC, 2017). Available: <http://www.uttlesford.gov.uk/CHttpHandler.ashx?id=6973&p=0>

¹² Guidance Notes for the Reduction of Obtrusive Light (Institute of Lighting Professionals, 2011) can be accessed on the website of the Institute of Lighting Professionals here: www.theilp.org.uk/documents/obtrusive-light

Policy EN19 - Light Pollution

Proposals for external lighting will be permitted where all the following criteria are met:

It does not have an unacceptable adverse impact on neighbouring uses or the wider landscape;

The level of lighting and its period of use is the minimum necessary for security and operational purposes;

Low energy lighting is used in conjunction with features such as movement sensors, daylight sensors and time controls;

The alignment of lamps and provision of shielding minimises spillage, glare and glow, including into the night sky;

There is no loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users; and

There is no harm to local ecology, intrinsically dark landscapes and/ or heritage assets.

The Council will seek to control the times of illumination including limiting the hours of use for external lighting of all the development.