

## Polices

### Policy S7 – The Countryside

**The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.**

### Policy S8 – The Countryside Protection Zone

**The area and boundaries of the Countryside Protection Zone around Stansted Airport are defined on the Proposals Map. In the Countryside Protection Zone planning permission will only be granted for development that is required to be there, or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following apply:**

- a) **New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside;**
- b) **It would adversely affect the open characteristics of the zone.**

### Implementation

- 2.2. Development will be largely implemented with private sector resources. Investment is anticipated by the house building industry, commercial developers and BAA. This is realistic in the context of the area's relative prosperity. The new A120 was a significant public sector investment scheme. Completion of the new road from Stansted to Dunmow west was achieved by the end of 2003 and from Dunmow west to Braintree bypass in mid 2004. Private sector investment in new bus and coach services is anticipated.

### Access

- 3.5 The key issues of the Council's Transport Strategy are set out in detail in Chapter 9. The objectives in this Plan are to locate high trip generating activity in areas well served by public transport; to increase the proportion of journeys made by rail and bus, on foot and by cycle; to reduce the number and length of motor vehicle trips by the location of development; and to minimise the adverse

effects of traffic on residential and shopping areas by traffic management measures.

- 3.6 The Council will work with highway authorities to ensure that, whenever possible, transport investment and the resultant transport network will support the Plan's development strategy and policies.
- 3.7 The impact of development on the road network will be assessed and Traffic Impact Assessments may be required as part of applications for planning permissions. Improvements to the transport infrastructure will be sought where appropriate. The environmental impact of traffic arising from a development will similarly be assessed and Environmental Assessments may also be required. The cumulative impact of developments will also be taken into account.
- 3.8 Development proposals for any building that the public may use will be required to provide safe, easy and inclusive access for all people regardless of disability, age or gender. This should include access to, into and within the building and its facilities, as well as appropriate car parking and access to public transport provision.
- 3.9 The needs of walkers, cyclists and horse riders will be taken into account whenever development would affect routes used by riders or where the potential for the creation of new paths along strategic routes would be jeopardised. Suitable replacement paths will be required when routes used by walkers and riders will no longer be suitable for continued use as a result of other changes to the road network or new development.

#### Policy GEN1 – Access

**Development will only be permitted if it meets all of the following criteria:**

- a) **Access to the main road network must be capable of carrying the traffic generated by the development safely.**
- b) **The traffic generated by the development must be capable of being accommodated on the surrounding transport network.**
- c) **The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.**
- d) **It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.**
- e) **The development encourages movement by means other than driving a car.**

#### Design

- 3.10 Further Supplementary Planning Documents will be prepared on design issues. This will encourage development to be designed so that it meets the needs of those with physical and sensory impairment. The SPD will also encourage Lifetime Homes, promote compliance with the Association of Chief Police Officers "Secured by Design" Award criteria or any successor initiative and

ensure appropriate open space provision and play equipment is provided. Development in accordance with the SPD will be expected to minimise waste generation and enable recycling and also to incorporate design measures to minimise water consumption and to encourage sustainable drainage systems, retention and re-use of grey water. Other aspects of sustainable development design including use of renewable energy, reduction of energy use and planting to enhance new development will also be covered. The Essex Design Guide for Residential and Mixed Use Areas has been adopted as supplementary planning guidance.

#### Policy GEN2 – Design

**Development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.**

- a) **It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;**
- b) **It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;**
- c) **It provides an environment, which meets the reasonable needs of all potential users.**
- d) **It helps to reduce the potential for crime;**
- e) **It helps to minimise water and energy consumption;**
- f) **It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.**
- g) **It helps to reduce waste production and encourages recycling and reuse.**
- h) **It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.**
- i) **It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.**

#### **Flood Protection**

- 3.11 With climate change, assessments of areas with a high potential risk of flooding need to take into account new information and be kept up to date. Areas at high potential risk of flooding from rivers are defined as those where the annual probability of flooding is greater than 1.0%. They will be identified in supplementary planning documents
- 3.12 All the urban extensions and settlement expansions proposed in this Plan are on land above flood plains. The arrangements for surface water run off disposal will need to take the implications for flood risk elsewhere fully into account.
- 3.13 Surface water disposal from new developments, is the responsibility of the developer, and must, where practicable, take place on site using appropriate and acceptable methods, including soakaways. New connections to the public sewerage system must not pose an unacceptable threat of surcharge, flooding

or pollution. Surface water must not be allowed to drain to the foul sewer as this is the major contributor to sewer flooding.

- 3.14 The Environment Agency is in general opposed to the culverting of watercourses because of the adverse ecological and flood defence effects likely to arise

#### Policy GEN3 – Flood Protection

**Within the functional floodplain, buildings will not be permitted unless there is an exceptional need. Developments that exceptionally need to be located there will be permitted, subject to the outcome of flood risk assessment. Where existing sites are to be redeveloped, all opportunities to restore the natural flood flow areas should be sought.**

**Within areas of flood risk, within the development limit, development will normally be permitted where the conclusions of a flood risk assessment demonstrate an adequate standard of flood protection and there is no increased risk of flooding elsewhere.**

**Within areas of the floodplain beyond the settlement boundary, commercial industrial and new residential development will generally not be permitted. Other developments that exceptionally need to be located there will be permitted subject the outcome of a flood risk assessment.**

**Outside flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment will be required to demonstrate this. Sustainable Drainage Systems should also be considered as an appropriate flood mitigation measure in the first instance.**

**For all areas where development will be exposed to or may lead to an increase in the risk of flooding applications will be accompanied by a full Flood Risk Assessment (FRA) which sets out the level of risk associated with the proposed development. The FRA will show that the proposed development can be provided with the appropriate minimum standard of protection throughout its lifetime and will demonstrate the effectiveness of flood mitigation measures proposed.**

#### **Good Neighbourliness**

#### Policy GEN4 - Good neighbourliness

**Development and uses, whether they involve the installation of plant or machinery or not, will not be permitted where:**

- a) noise or vibrations generated, or**
  - b) smell, dust, light, fumes, electro magnetic radiation, exposure to other pollutants;**
- would cause material disturbance or nuisance to occupiers of surrounding properties**

## Nature Conservation

- 3.15 Nature conservation interest is not confined to the National Nature Reserves, Sites of Special Scientific Interest, county wildlife sites and special verges, which are specifically covered in the Environment section of this Plan.

### Policy GEN7 – Nature Conservation

**Development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Where the site includes protected species or habitats suitable for protected species, a nature conservation survey will be required. Measures to mitigate and/or compensate for the potential impacts of development, secured by planning obligation or condition, will be required. The enhancement of biodiversity through the creation of appropriate new habitats will be sought.**

## Businesses in the Countryside

- 4.1. Farming continues to be important as an economic activity in the countryside locally. The land is highly productive for crops. However, farm businesses increasingly need to find ways of diversifying so that they develop new sources of income to offset the long term trend of falling prices for crops. These will include non-agricultural activities. The scale and character of these activities needs to be sensitive to the character of their setting and protect or enhance it.
- 4.2. Alternative uses of farmland might include farm-based attractions, field sports areas and camping and touring caravan sites, equestrian centres, garden centres, golf courses, stud farms and livery stables and water based activities. Policy S7 says there will be strict control on new building. Existing buildings should be re-used, where possible, to provide any accommodation needed in association with alternative uses.

### Policy E4 - Farm Diversification: Alternative use of Farmland

**Alternative uses for agricultural land will be permitted if all the following criteria are met:**

- a) **The development includes proposals for landscape and nature conservation enhancement;**
  - b) **The development would not result in a significant increase in noise levels or other adverse impacts beyond the holding;**
  - c) **The continued viability and function of the agricultural holding would not be harmed;**
  - d) **The development would not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety countryside character and amenity).**
- 4.3. Another possibility is to look at the potential for re-use of rural buildings, including non-agricultural buildings. Animals protected under the Wildlife and

Countryside Act 1981 and its amendments may well actively occupy barns and other structures.

#### Policy ENV2- Development affecting Listed Buildings

**Development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted. In cases where planning permission might not normally be granted for the conversion of listed buildings to alternative uses, favourable consideration may be accorded to schemes which incorporate works that represent the most practical way of preserving the building and its architectural and historic characteristics and its setting**

#### Open Spaces and Trees

- 5.1. There are open spaces of high environmental quality in many of the towns and villages. Such spaces may include village greens, commons or narrow tongues of agricultural land or woodland or large mature gardens. 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 locality. Retention of the space would also enable its full environmental potential to be realised through an enhancement project. Normally it has been possible to protect such areas by ensuring that they lie beyond defined development limits. The need to protect similar areas within settlements is equally important and the most significant of these have been shown on individual inset maps. Other smaller spaces of importance will also be protected where development would be inappropriate, but it is not practicable to identify all of these.
- 5.2. Where the principle of development is acceptable it should avoid taking away features that are prominent elements and enhance the local environment, such as for example, healthy mature trees. However, as a specific example, it may not be possible to accommodate a residential development on a tight space without removing a clump of sycamore saplings or similar. This may be considered acceptable. Sometimes public facilities may be proposed on open space. Again, if a successful design can be achieved, a limited loss of open space may be permitted.

#### Policy ENV3- Open Spaces and Trees

**The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.**

#### Ancient Monuments and Sites of Archaeological Importance

- 5.3. Within Uttlesford District, approximately 3000 sites of archaeological interest are recorded on the Heritage Conservation Record (EHCR) maintained by Essex County Council. These sites are not shown on the proposals map and inquiries should be made to the County Archaeologist. Scheduled Ancient Monuments of which there are 73 in the District (December 2001) are shown on the proposals map. The EHCR records represent only a fraction of the total. Many important sites remain undiscovered and unrecorded. Archaeological sites are a finite and non-renewable resource. As a result it is important to ensure that they are not needlessly or thoughtlessly destroyed.
- 5.4. 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 importance will be weighed against the relative importance of the archaeology.

Policy ENV4 Ancient Monuments and Sites of Archaeological Importance.

**Where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there will be a presumption in favour of their physical preservation in situ. The preservation in situ of locally important archaeological remains will be sought unless the need for the development outweighs the importance of the archaeology. In situations where there are grounds for believing that sites, monuments or their settings would be affected developers will be required to arrange for an archaeological field assessment to be carried out before the planning application can be determined thus enabling an informed and reasonable planning decision to be made. In circumstances where preservation is not possible or feasible, then development will not be permitted until satisfactory provision has been made for a programme of archaeological investigation and recording prior to commencement of the development.**

### **The Quality of the Countryside**

- 5.5. Uttlesford is a highly productive arable farming area. There is no Grade land but over 80% of the District is classified Grade 2 by the Ministry of Agriculture, Fisheries and Food. There is some Grade 3a land. This represents the best and most versatile farmland. Such land should be avoided for development unless sustainability considerations suggest otherwise.
- 5.6. Pastureland is not extensive but it does exist in the river valleys where drainage problems, in part, have resulted in Grade 3b designation. Although not the best and most versatile farmland, pasture land is important to the character and biodiversity of the district
- 5.7. Proposals to change agricultural land to domestic garden which are not likely to materially change the character or appearance of the surrounding countryside are those which for instance use unworkable corners of fields and do not create

wedges of domestic garden intruding into an agricultural landscape. They should include appropriate boundary treatment such as hedgerows of indigenous species or fencing appropriate to a rural location such as post and rail fencing which do not have the effect of urbanising the area or of compromising the openness of the countryside. In the new garden conditions removing permitted development rights may be imposed where structures would compromise the open character.

- 5.8. The District's landscape includes important historic elements. There are twelve historic parklands identified on the Proposals Map and Inset Maps whose character remains relatively intact. Four of these parklands are included in the English Heritage Register of Historic Parks and Gardens. Development proposals will need to be sensitive to the way open space, plantation and water features create their particular landscape characteristics. There are ancient landscapes in two areas where there are notable complexes of surviving ancient semi natural woodland with coppice and standards, and medieval boundary banks: Hatfield Forest and the southern part of Debden Parish. In the latter case there is also clear evidence of very early piecemeal enclosure. Modest proposals such as agricultural development or farm diversification schemes complying with Policy E4 may be acceptable in historic landscapes if handled sensitively and where harm is compensated by landscape enhancement and biodiversity proposals.
- 5.9. Woodland and hedgerows are important components in the local landscape. Many field boundary hedgerows have been lost in recent years and woodlands in the landscape have often acquired particular prominence because of this. Hedgerow legislation introduced in 1997 means that the Council must be notified when an owner wishes to remove a hedgerow. If the hedge is of historic or ecological importance the Council can serve a Hedgerow Retention notice. While development should retain features listed in policy ENV8 wherever possible, it might be necessary, for example, to remove a length of hedging to provide adequate access to a barn conversion. This may be permitted provided there is an agreed scheme of compensating new planting. All of the visually important woodlands in the District are shown on the Proposals Map and Inset Maps. Broad byways and narrow enclosed high-banked lanes are also important elements in the character of the countryside. The best of these have been designated Protected Lanes.
- 5.10. Some of the woodlands are very old and of ecological importance. The best habitats are designated as Sites of Special Scientific Interest. Hales Wood and Hatfield Forest are National Nature Reserves. Sites of Special Scientific Interest are identified by English Nature as being of special interest by reason of flora, fauna, geological or physiographic features. Most of the sites in Uttlesford are ancient woodlands, but there are good examples of specific grassland/ streamside habitats. Halls Quarry is a site of geological interest. Where the Council has statutory discretion to require an environmental assessment, because a relevant project is likely to have significant effects on the special character of an SSSI, it will normally require one.

- 5.11. Sites of Special Scientific Interest and National Nature Reserves have the maximum degree of protection from development. Examples of exceptions, though, might be a minor development such as a new access or visitor facilities with limited effects, or a nearby development that might also have limited effects on nature conservation value of the protected site. Other nature conservation sites will still be given a high degree of protection, but a use with limited and temporary effects on biodiversity might be acceptably accommodated if there are landscape considerations that weigh against other technically feasible sites. Also there may be operational reasons why development needs should sometimes override biodiversity objectives. Appropriate mitigation measures will be sought to compensate for biodiversity losses.
- 5.12. Roadside verges also represent uncultivated areas in an intensively farmed landscape where rare plants may still be found, and Special Verges are shown on the Proposals Map and Inset Maps as areas to which Policy ENV8 applies. Special Verges may often be associated with lanes following historic alignments. Other sites of local ecological value exist and further sites worthy of protection may be identified in the Plan period, which might include Local Nature Reserves. The Council will work with English Nature, Town and Parish Councils and landowners to secure the declaration of new Local Nature Reserves in and around the District's main settlements.
- 5.13. Part 1 of the Wildlife and Countryside Act 1981 sets out the protection which is afforded to wild animals and plants. The presence of a protected species such as bats, barn owls, badgers, great crested newts or water voles on a site will be taken into account when considering a proposal for development. Particular care needs to be given to proposals for the redevelopment of derelict sites. Such sites with derelict buildings and areas of hard standing provide suitable habitats for amphibians and reptiles. Development will either be refused or be subject to a requirement that reasonable precautions be taken. This is not an issue restricted to the countryside, as bats, for example, may roost in the roof spaces of buildings in towns and villages.

#### Policy ENV5 - Protection of Agricultural Land

**Development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.**

#### Policy ENV7 - The Protection of the Natural Environment - Designated Sites

**Development proposals that adversely affect areas of nationally important nature conservation concern, such as Sites of Special Scientific Interest and National Nature Reserves, will not be permitted unless the need for the development outweighs the particular importance**

of the nature conservation value of site or reserve. Development proposals likely to affect local areas of nature conservation significance, such as County Wildlife sites, ancient woodlands, wildlife habitats, sites of ecological interest and Regionally Important Geological/ Geomorphological Sites, will not be permitted unless the need for the development outweighs the local significance of the site to the biodiversity of the District. Where development is permitted the authority will consider the use of conditions or planning obligations to ensure the protection and enhancement of the site's conservation interest.

#### Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation

##### **Development that may adversely affect these landscape elements**

<b>Hedgerows</b>	<b>Plantations</b>
<b>Linear tree belts</b>	<b>Ponds</b>
<b>Larger semi natural or ancient woodlands</b>	<b>reservoirs</b>
<b>Semi-natural grasslands</b>	<b>River corridors</b>
<b>Green lanes and special verges</b>	<b>Linear wetland features</b>
<b>Orchards</b>	<b>Networks or patterns of other locally important habitats.</b>

will only be permitted if the following criteria apply:

- a) The need for the development outweighs the need to retain the elements for their importance to wild fauna and flora;
- b) Mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality.

Appropriate management of these elements will be encouraged through the use of conditions and planning obligations.

#### **Contaminated Land**

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

#### Policy ENV14 – Contaminated Land

**Before development, where a site is known or strongly suspected to be contaminated, and this is causing or may cause significant harm, or pollution of controlled waters (including groundwater) a site investigation, risk assessment, proposals and timetable for remediation will be required.**

#### **Renewable Energy**

- 5.15. Forms of renewable energy include wind power, solar power and biomass (plant materials either grown specifically for energy production or generated as a by product of another industry such as forestry wastes). In Uttlesford it is expected that acceptable schemes in the District would be relatively small scale e.g. solar panels, single wind turbines serving single or small groups of dwellings and/or businesses. Schemes should be sited close to settlements or groups of buildings in rural areas and close to the origin of the energy resource. Development will only be permitted in locations where the local road network is capable of handling any additional traffic generated by the proposal.

#### Policy ENV15 - Renewable Energy

Small scale renewable energy development schemes to meet local needs will be permitted if they do not adversely affect the character of sensitive landscapes, nature conservation interests or residential and recreational amenity

## 11. STANSTED AIRPORT INSET

- 16.1. Planning permission for the expansion of Stansted Airport was granted in 1985. The first phase of this development was completed in 1991 when the new terminal building opened. Construction of the second phase commenced in 2000. In May 2003 planning permission was granted for the further expansion of the airport to handle up to 25 million passengers per annum. This included an extension to the terminal and other associated developments.
- 16.2. The Airport occupies a relatively elevated site on a ridge between the valleys of the Stansted Brook and River Roding. The land within the Airport boundaries as defined on the Inset Map is owned by BAA plc and is approximately 950 hectares in extent. There are six separate development zones accommodating various land uses identified below. The uses identified in policies AIR1 to AIR5 are not intended to be definitive or exclusive.
- 16.3. The zones ensure that all airport direct and associated uses can be accommodated within the airport boundary.
- 16.4. Within all of the development zones, individual buildings should be of high quality design, whilst at the same time reflecting their employment function. The large variety of uses within the southern ancillary area, particularly, means that a comprehensive approach to design, layout and landscaping will be necessary to avoid piece-meal development. Throughout the Airport, permanent outdoor storage, including container areas, should be confined to specific sites and provided with suitable screening. Landscape planting will be an essential element of development to provide a context to new buildings, roads and planting areas.

### Terminal Support Area

- 16.5. Any development in the terminal support area must respect the integrity of the design of the terminal building.

Policy AIR1 - Development in the Terminal Support Area

**Land adjoining the terminal, as shown on the Inset Map, is principally reserved for landside road and rail infrastructure and a telecommunications building, airside roads, the apron, passenger vehicle station rapid transport system and other airside operational uses; terminal support offices; an hotel and associated parking; a bus and coach station and short term and staff car parks.**

**Cargo Handling and Maintenance Area**

- 16.6. There is scope for some flexibility as to the uses within the zone identified for a cargo handling and aircraft maintenance area, which adjoins the terminal and its support area.

Policy AIR2 - Cargo Handling/Aircraft Maintenance Area

**The area shown on the Inset Map as the cargo handling/aircraft maintenance area is principally reserved for the repair, overhaul, maintenance and refurbishment of aircraft, and facilities associated with the transfer of freight between road vehicles and aircraft or between aircraft.**

**Ancillary Areas**

- 16.7. A site of approximately 70 hectares is identified as an ancillary facilities zone in the southern part of the Airport for mid term car parking, employment associated with the Airport, such as offices for various support functions and freight forwarders, flight catering and car hire activities. It is important that each phase of development takes place in accordance with a comprehensive scheme and that the entire development is cohesive in its architectural and overall landscape treatment.

Policy AIR3 - Development in the Southern Ancillary Area

**The area of land identified on the Inset Map as the southern ancillary area will be principally reserved for activities directly related to, or associated with the Airport, such as car hire, parking, maintenance and valeting operations; flight catering units; offices for various support functions, freight forwarders and agents; support functions for aircraft maintenance which can be carried out remote from an aircraft being serviced; airline training centres; airline computer centres and equipment storage facilities for airlines. Development will take place in phases based on a broad design brief agreed with the Council**

