
Planning Statement

Land to the South of Henham Road
& East of Hall Road, Elsenham

Residential development comprising 130 dwellings, together with a new vehicular access from Henham Road, public open space, landscaping and associated highways, drainage and other infrastructure works (all matters reserved for subsequent approval apart from the primary means of access)

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Appendices

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Appendix 2: 5YHLS Statement, December 2021

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Executive Summary

1. Given the delays to the process of preparing a new Local Plan to replace the 2005 Plan, and the substantial and significant shortage in the availability of housing land in Uttlesford (the latest 5YHLS calculation showing just 3.52 years), the Applicants have decided to progress an application for planning permission, with a view to delivering much needed new housing, as soon as possible, on a sustainable site in a sustainable location.
2. The Application Site is located on the south-eastern edge of Elsenham, south of Henham Road and east of Hall Road. It comprises approximately 5.3 ha of agricultural land currently used as pasture. In addition, ecological enhancement measures will be provided on an additional area, approximately 100 – 200 m to the east.
3. Application and appeal decisions on other sites in Elsenham in recent years have demonstrated that: settlement / CPZ boundaries are not inviolable; development on greenfield sites beyond these boundaries is required to address the 5YHLS shortfall, the resulting harm to the character and appearance of the countryside can be afforded only limited weight, and such proposals are capable of complying with Policy GEN2; a (partial) conflict with either Policy S7 or S8 can be afforded only limited weight, and can be outweighed by the lack of a 5YHLS.
4. The description of the Proposed Development is: *“Residential development comprising 130 dwellings, together with a new vehicular access from Henham Road, public open space, landscaping and associated highways, drainage and other infrastructure works (all matters reserved for subsequent approval apart from the primary means of access).”* It has been concluded that the Proposed Development does not constitute EIA development, and it is considered that it is unequivocally evident that it represents sustainable development.
5. The pertinent parts of the Development Plan comprise saved policies from Uttlesford Local Plan, adopted 2005, and the Essex Minerals Local Plan, adopted 2014. The policies that are the ‘most important’ for determining the application are considered to be policies S3, S7, S8, ENV2, ENV7, ENV8 and H1.
6. The application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. One material consideration is the NPPF, which explains that, in certain circumstances, a ‘tilted planning balance’ is engaged. As the policies that are most important for determining the application are out-of-date and as UDC cannot demonstrate a 5YHLS, the tilted planning balance is (on both grounds) engaged, and as the level of harm that would be caused to nearby heritage assets and SSSIs is clearly outweighed by the locational and public benefits of the Proposed Development, it remains engaged.
7. Overall, it is considered that the many evident and varied locational and public benefits of the Proposed Development clearly outweigh any harm resulting from the Proposed Development. Taking into account that the tilted balance is engaged, it is even more patently evidence that there resultant harm comes nowhere near significantly and demonstrably outweighing the benefits.
8. **In conclusion:** when the Development Plan is considered as a whole, and all other material considerations are taken into account, the many evident public benefits of the Proposed Development clearly outweigh any resultant harm, including harm to the nearby heritage assets, there is no breach of the general development aspirations of the Plan, and there are no other reasons why planning permission should be refused. There are no significant and demonstrable adverse impacts that would outweigh the benefits of granting planning permission and boosting the supply of housing.

1. Introduction

1.1. Preamble

This Planning Statement has been prepared by Savills (UK) Ltd on behalf of Countryside Partnerships PLC and the landowners ('the Applicants') in respect to a proposed development of 130 homes, open space, landscaping and other associated works ('the Proposed Development') on land south of Henham Road and east of Hall Road, Elsenham in the District of Uttlesford ('the Application Site').

The Application Site is located within the District of Uttlesford, within the County of Essex. It thus lies within the administrative boundaries of Uttlesford District Council ('the Council' or 'UDC') and Essex County Council.

1.2. The Applicants

One of the joint Applicants – Countryside Partnerships PLC, is the UK's leading mixed-tenure housing developer, bringing together modern and efficient delivery methods to create sustainable communities where people love to live. The other joint Applicants are the owners of the Application Site.

Countryside's placemaking approach, not only builds high quality homes, but also thinks critically about the social and digital infrastructure, transport and green spaces needed to nurture a vibrant, connected and healthy community. Engaging with and listening to local communities and partners are key to this work.

Countryside's approach incorporates design for life principles, notably creating a place, which connects into the existing community. Its commitment to delivering sustainable communities, ensuring a better quality of life for everyone, now and for generations to come, is further supported by its social and economic programme of training, and local and wider employment opportunities.

1.3. Format of this Statement

This Statement is formatted as follows:

- Section 1 provides an introduction;
- Section 2 sets out the background and context to the application;
- Section 3 describes the Application Site and its' surroundings;
- Section 4 discusses the planning history of the Application Site and other sites in Elsenham;
- Section 5 describes the Proposed Development;
- Section 6 sets out the planning policy context;
- Section 7 provides a topic-based assessment of the Proposed Development; and
- Section 8 sets out a summary and overall conclusion.

1.4. Application Documentation

A full schedule of all application and supporting documentation is attached to the covering letter to the application.

2. Background & Context

2.1. Local Plan Promotion

Countryside has a long-term interest in the site and is promoting it for development through the emerging Local Plan.

UDC has had two previous attempts to prepare a new Local Plan, with both being withdrawn when at Examination stage, with the Inspectors commenting on the most recent Plan that (see **Appendix 1** hereto):

“In order to arrive at a sound strategy, we consider that as a primary consideration, the Council would need to allocate more small and medium sized sites that could deliver homes in the short to medium term and help to bolster the 5 year HLS ... This would have the benefit of providing flexibility and choice in the market and the earlier provision of more affordable housing. ...”

The Inspectors made this statement over 2 ½ years ago.

The process of preparing a new Local Plan has taken and continues to take far longer than expected – with the last Plan having been adopted in 2005, it is now likely that a new, replacement, Plan will not be adopted until at least 2025 (see Section 6 of this Statement for further detail).

2.2. 5 Year Housing Land Supply

UDC’s latest assessment of the five year housing land supply (‘5YHLS’) position is contained in its document ‘5-Year Housing Land Supply Statement and Housing Trajectory Status at 1 April 2021’, dated 17th December 2021 (see **Appendix 2** hereto).

This clearly shows that UDC is unable to demonstrate the minimum requirement of a deliverable 5YHLS as required by the Government (NPPF¹ para. 67(a)), with the Statement setting out (Table 4) a 5YHLS of 3.52 years. This level of deficit is not de minimis.²

In addition, as is also evident from the Statement (see Chart 1), the projected supply decreases in future years and there is no likely prospect of UDC being able to demonstrate a 5YHLS until a new Local Plan is adopted.

2.3. Housing Delivery

Further, whilst the 2021 Housing Delivery Test measurement for Uttlesford was 99%, this was significantly less than the 2019 and 2020 measurements of 153% and 129% respectively.

¹ National Planning Policy Framework, 2021

² The Applicants do not agree with UDC’s assertion that it can demonstrate a supply of 3.52 years, and consider that the correct figure is lower than this. However, the Applicants consider that given the shortfall that a best-case supply of 3.52 years represents, there is no need to commit time and expenditure to a detailed analysis and discussion of UDC’s claimed supply. Notwithstanding this, if it is considered that such an analysis is necessary in the context of the determination of the application, then the Applicants are agreeable to undertaking such an analysis.

The measurement of 99% is largely the result of a high level of housing delivery in 2018/19; delivery since then during 2019/20 and 2020/21 having been only 75.3% of that required³.

UDC's own projections (see Chart 1 of the Supply Statement) are such that it is distinctly possible that the 2022 Housing Delivery Test measurement for Uttlesford will be close to or below the threshold of 75%.

2.4. Affordable Housing Delivery

The delivery of affordable housing in Uttlesford has been somewhat variable, being as low as 10.8% (2017/18). Overall, between 2011/12 and 2020/21, approximately 29%⁴ of all homes delivered were affordable, at an average of just less than 177 dwellings per annum ('dpa').

2.5. Reason for the Application

Given the delays to the process of preparing the emerging Local Plan, and the substantial and significant shortage in the availability of housing land (see above), Countryside has decided to progress an application for planning permission, with a view to delivering much needed new housing, as soon as possible, on a sustainable site in a sustainable location.

³ Even when taking into account the Government's reduction of the requirement to reflect the impact of the pandemic.

⁴ See UDC's Authority Monitoring Report 2020/21, Table 20 (not included as an Appendix hereto).

3. The Application Site & Surroundings

3.1. Uttlesford

Uttlesford is a large rural district served by two market towns (Saffron Walden and Great Dunmow). Elsenham is identified as one of 5 key rural settlements within the District, which provide varying degrees of services to their surrounding areas.

3.2. Elsenham

Elsenham is located approximately 9 km south of Saffron Walden, 6 km north-east of Bishop's Stortford, and 25 km south of Cambridge. Stansted Airport is located 2 km to the south of the Application Site.

The village is situated on the West Anglian main line railway. Elsenham Railway Station is just over 1 km northwest of the site and provides two hourly (peak hour) and one hourly (off peak) services to London Liverpool Street and Cambridge North.

Elsenham is situated on the B1051 (Stansted Road / High Street / Henham Road), which connects to the B1383 at Stansted Mountfitchet, approximately 2 km to the west. The B1383 connects to the A120 and M11 to the south-west around Bishop's Stortford, and to Newport and Saffron Walden to the north. Hall Road extends to the south from the B1051, to the east of Stansted airport, connecting to the A120 to the south, having the same status (Priority 2) as the B1051.

The village is served by local buses with regular services to Bishop's Stortford and Saffron Walden. It has a range of local services and facilities. A local convenience store, local primary school, GP surgery and community facilities are all within walking distance of the Application Site. Bishop's Stortford, which is linked by a direct bus route to the village, has a wide range and variety of retail, employment and leisure opportunities.

3.3. The Application Site

3.3.1. Location

The Application Site is located on the south-eastern edge of Elsenham, south of Henham Road and east of Hall Road.

In addition to the Application Site, which is edged in red on the submitted Site Location Plan, it is proposed that ecological enhancement measures will be provided on an additional area of land, edged green on the Site Location Plan, within the ownership of the applicants, approximately 100 – 200 m to the north-east. Further detail on this area of land is included in the submitted Ecological Assessment and appended Biodiversity Net Gain Design Stage Report – the following relates to only the Application Site.

3.3.2. Context

The Application Site has a frontage comprising of a post and wire fence to Henham Road, beyond which is a narrow grass verge and pavement. The frontage to Hall Road comprises a post and wire fence and low hedgerow for most of its length, with a number of trees at the southern end and a narrow grass verge.

To the north, opposite the Application Site, Henham Road is lined by six detached houses in substantial plots. To the east of the Site is Elsenham Place, a timber framed house with a range of brick barns that is listed Grade II. Adjoining the Site to the north west, where Henham Road meets High Street and Hall Road at a point known as Elsenham Cross, is a two-storey dwelling, which is also listed Grade II, and detached double garage. To the west, opposite the Site, Hall Road is lined by a loosely arrangement of four houses. Just to the south of the Site, Stansted Brook runs east-west in a shallow valley that has substantial tree cover. The land rises beyond this to the south towards the Grade I listed Church of St Mary and Grade II listed Elsenham Hall.

3.3.3. Use

The Application Site comprises approximately 5.3 hectares ('ha') of agricultural land currently used as pasture.

3.3.4. Landscape, Visibility and Trees

The landscape, townscape and visual characteristics of the Application Site and surrounding area are described in the submitted Landscape, Townscape & Visual Impact Assessment ('LTVIA'), with tress considered in the Arboricultural Survey. That Assessment identifies (paras. 3.70 and 3.71) that value of the landscape of the Site and surroundings is considered to be low to medium, and that the landscape of the Application Site does not have any demonstrably special qualities and is not of high landscape value.

3.3.5. Agricultural Land

Maps published by Natural England show the Application Site as being Grade 3 agricultural land, whereas much of the area surrounding Elsenham is shown as Grade 2, as is much of the land across Uttlesford.

3.3.6. Natural Habitat & Ecology

The natural habitat and ecology present on the Application Site and in the surrounding area is described in the submitted Ecological Assessment. Overall, this concludes that the habitats on site are considered to be of up to local ecological value only.

3.3.7. Historic Environment

The heritage value of the Application Site and surrounding area is described in the submitted Built Heritage Assessment and Archaeological Desk Based Assessment, with some aspects described in the submitted LTVIA (see also above). The Site is not within or adjoining a Conservation Area and there are no historic assets are present on the Site itself. The Built Heritage Assessment identifies fifteen Listed Buildings that have the potential to be impacted in some way by the Proposed Development (all of which are Grade II except the Church of St Mary the Virgin located several hundred metres to the south of the site on the

opposite side of Stansted Brook, which is Grade I), principally due to their proximity to the Site and changes within their wider settings that affect visual and historical functional connections.

3.3.8. Flood Risk & Drainage

The Application Site is located primarily in Environment Agency Flood Zone 1, where there is a 'low' probability of flooding. A small area of Flood Zone 2 lies along the southern boundary alongside Stansted Brook. There is no other means of flooding that has been identified as posing a risk to the Site.

3.3.9. Access, Transport & Traffic

Access, transport and traffic considerations in the area surrounding the Application Site are described in the submitted Transport Statement.

3.3.10. Air Quality

The air quality environment in the area surrounding the Application Site is described in the submitted Air Quality Assessment.

3.3.11. Noise

The noise environment in the area surrounding the Application Site is described in the submitted Noise Assessment.

4. Planning History

4.1. The Application Site

There have been no recent pertinent planning applications on the Application Site.

Part of the Site was included (in order to deliver infrastructure) within a far larger proposal to the east of Elsenham (application refs. 13/0808/OP and 14/3463/OP), which were, respectively, refused and withdrawn; however other elements of that proposal have now been permitted (see 'Land North of Henham Road, Elsenham' below).

4.2. Other Sites in Elsenham

A number of other applications and appeals on sites in Elsenham set the context for, address matters also pertinent to, and/or are otherwise relevant to the consideration of this application.

These include:

4.2.1. Land West of Hall Road, Elsenham

Application Ref. UTT/13/ 0177/OP – Granted 19/12/13, & Application Ref. UTT/19/0462/FUL – Granted 30/12/19

This site is located directly adjacent to the Application Site, on the opposite (west) side of Hall Road.

The principle of development on this site, outside the defined Settlement Envelope and within the CPZ, was established by a grant of planning permission (LPA ref. UTT/13/ 0177/OP) in 2013. In 2019 the District Council again resolved to grant planning permission (LPA ref. UTT/19/0462/FUL), and planning permission was eventually issued on 27th July 2022.

The 2019 Committee Report for the application, which does not appear to have been updated or superseded includes:

“11.1 The application site is located outside the development limits of Elsenham within open countryside and is therefore located within the Countryside where ULP policy S7 applies. ... A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy.

11.2 In addition to the above, the site is located within the Countryside Protection Zone and is subject to policy S8 ... The introduction of 130 dwellings would be harmful to the rural characteristics of the area. It would erode the openness of the area and promote the coalescence between Elsenham and Stansted Airport. Therefore the proposal would be contrary to ULP policy S8. Notwithstanding this, there is a presumption in favour of sustainable development as set out in the NPPF.”

It continues (emphasis added):

“11.5 The NPPF emphasises that sustainability has three dimensions (Paragraph 8); an economic role (contributing to building a strong economy), a social role (providing housing and accessible local services) and an environmental role (contributing to protecting and enhancing our natural, built and historic environment. Due to the Council not having a 5 year land supply then the tilted balance of the NPPF would apply and as a consequence, sites that are located in the countryside are being considered for residential development by the council to address this shortfall.”

and (emphasis added):

“11.10 ... It is considered that the weight to be given to the requirement to provide a 5 year land supply and that the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraints set out in ULP policies S7 and S8. The site is relatively sustainable and, in balancing planning merits, taking into account the many benefits of the proposal it is considered that the principle of the development is acceptable.”

4.2.2. Land South of Rush Lane, Elsenham

Appeal Ref. APP/C1570/W/19/3242550 – Allowed 04/09/20

With regard to the location of the site beyond the defined Development Envelope, the impact of the proposal on the CPZ, and the relationship to Policies S7 and S8, the Inspector concluded (emphasis added):

“19. The first point to make in assessing what weight should be given to Policy S7 is that in seeking to protect all countryside, the policy patently goes some way beyond the advice in paragraph 170(b) of the Framework, which, inter alia, seeks recognition of the intrinsic character and beauty of the countryside. Other than ‘valued landscapes’ the Framework does not seek to protect the countryside outside defined settlements. Instead it advocates a more cost/benefit approach where the merits of the proposal are weighed in the balance. The balancing of harm against benefit is a defining characteristic of the Framework’s overall approach embodied in the presumption in favour of sustainable development. This more positive approach was acknowledged in the Council’s 2012 Compatibility Assessment which found S7 to be partially consistent with the Framework. In light of the above, where Policy S7 is used to restrict housing, it cannot be seen to be consistent with the language of the Framework.

20. The Framework does not contain specific policies relating to CPZs. However, many of the points made above are relevant to Policy S8. Whilst the overall landscape aims of the policy could be seen as being partially consistent with advice in paragraph 170(b), the policy is couched in the same protectionist language as Policy S7 which is at odds with the more positive approach adopted in the Framework.

21. From the evidence before me, most notably the Council’s Committee Reports pertaining to the appeal scheme and land west of Hall Road [LPA Ref: UTT/19/0462/FUL], it is evident that the Council has, in some cases, adopted the positive approach advocated by the Framework rather than the strict

application of Policies S7 and S8. As numerous large developments have been consented or built within the CPZ in recent years, it is also the case that existing settlement and CPZ boundaries bear little resemblance to the situation on the ground. This is particularly apparent in Elsenham.

22. At the Hearing, the Council accepted that its housing land supply situation would be significantly worse if the Council had applied Policies S7 and S8 in the same manner as it has done in this case. In other words, applying the restraints of Policies S7 and S8 will continue to compromise the Council's ability to meet its future housing requirements. Overall, these matters lead me to conclude that settlement/CPZ boundaries in Uttlesford are not inviolable. ...

24. [The Council's] ... witness accepted that development of greenfield sites in the Countryside and CPZ will be necessary if the Council are to meet its housing targets over the next few years before a new local plan can be prepared and adopted. Whilst I appreciate the Council has met its housing targets in each of the last 3 years, there is little before me to demonstrate whether this represents a fundamental shift or an ephemeral eddy of appeal-based delivery. Given that the Council's witness accepted it does not have a credible short or medium-term strategy for addressing its 5YHLS deficit, I suspect the latter."

In summary, the Inspector concluded that Policy S8 could be regarded in a similar manner to Policy S7, and has been on multiple occasions. Overall, he concluded that settlement/CPZ boundaries in Uttlesford are not inviolable, and that development on greenfield sites beyond these boundaries would be required to address the 5YHLS shortfall.

4.2.3. Land North of Henham Road, Elsenham

Appeal Ref. APP/C1570/W/19/3243744 – Allowed 03/11/20

With regard to the location of the site beyond the defined Development Envelope, and the relationship to Policy S7, the Inspector concluded:

"62. ... the appeal proposal would be at odds with saved ULP Policy S7, and that there would also be a modest conflict with saved ULP Policy GEN2. ..."

and then:

"144. Much discussion took place at the inquiry over the weight to be given to conflict with this policy and the weight to be accorded to the policy itself, with a wide range of views being expressed. Put simply, Mr Freer for the appellant argued that it should only be given very limited weight; Mrs Hutchinson for the Council argued for moderate weight; while Mr Gardner for the JPC [Joint Parish Councils] maintained that significant weight should be given to the conflict with this policy in terms of the harm to the landscape and the impacts on the character and appearance of the area.

145. In support of his position, Mr Freer submitted summary details of 13 previous appeal decisions covering the period June 2015 to October 2020, most of which were dismissed, although a couple were allowed, in which various Inspectors and the SoS gave differing amounts of weight to Policy S7.

In attributing weight the Inspectors and SoS used such descriptors as 'considerable', 'significant', 'reduced', 'moderate', 'limited', and 'substantial'.

146. Undertaking a similar exercise Mr Gardner produced a table summarising some 18 appeal decisions (allowing for duplicates), including 9 decisions not referred to by Mr Freer. Again, these covered a mix of allowed and dismissed appeals (5 allowed and 13 dismissed), with Inspectors using broadly the same descriptors of weight as detailed above, with the addition of 'some', 'very limited', and 'not full'.

147. As a general point I consider that 2 broad themes can be discerned from these previous decisions. Firstly, in the 5 allowed appeals, Inspectors gave no more than 'limited' weight to Policy S7; and overall, there appears to be a trend of less weight being given to this policy as the Council's HLS position has worsened.

148. However, I do not consider it particularly helpful to compare or assess these previous decisions in detail, not least because they all relate to different proposals to the current appeal, at different times, for different sites, and with many also being assessed against a different planning policy background and a different HLS situation. Even the previous SoS decision relating to the earlier proposal from the current appellant was for a larger and different mix of development on a larger site, albeit covering most of the current appeal site, which was part of a housing allocation in the then emerging Local Plan, and when the Council could demonstrate a 5 year HLS.

149. But notwithstanding all the above points, I do consider that some useful pointers can be gleaned from the approach of the Inspectors in some of these previous appeal decisions. In particular I share the view of my colleague Inspector who determined the 'North of Wicken Road, Newport' appeal for 74 dwellings at an inquiry in December 2019, and who characterised Policy S7 as having 3 main elements. The first of these, in effect, identifies settlement boundaries as 'development limits', beyond which land is considered to be countryside; the second element seeks to protect the countryside 'for its own sake', with strict control on new building in such areas; and the third element makes it plain that development will only be permitted if its appearance protects or enhances the particular character of the countryside within which it is set, or if there are special reasons why such development needs to be in that location.

150. As a whole, the wording of this policy goes beyond that set out in paragraphs 127 and 170 of the Framework which do not, explicitly, seek to protect countryside for its own sake. Moreover, as the settlement boundaries in the adopted ULP were aimed at accommodating housing numbers in the Essex Structure Plan 2001, for the period up to 2011, they are patently well out of date, restraining development and causing Policy S7 to be in clear tension with the Framework's objective of significantly boosting the supply of homes, set out in its paragraph 59.

151. Nevertheless, the SoS made it clear, in his 2016 decision relating to the previous application on this site, that that the policy aim of S7, 'to protect the countryside', was consistent with the Framework's principle, at that time, of 'recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'. Although the 2019 version of the Framework has now replaced the original 2012 version, current at the time of this previous appeal,

the same broad objective of 'recognising the intrinsic character and beauty of the countryside' still features, such that the SoS's view still stands.

152. Drawing these points together, the only reasonable conclusion is that Policy S7 can only be considered as being partially consistent with the Framework, and cannot therefore be given full weight. The first 2 elements of the policy can attract very limited weight in the context of this appeal. Settlement boundaries are clearly not inviolable as a matter of principle, nor is it reasonable to consider a blanket prohibition on new development in the countryside, particularly in a district where there is a very acute HLS deficit and – in the absence of an up-to-date Local Plan - no short or medium term strategy for alleviating this situation.

153. Insofar as the final part of Policy S7 is concerned, the SoS gave this significant weight in 2016, but this was at a time when the Council could demonstrate a 5 year HLS, meaning that the pressure to find additional sites for housing would have been less than is currently the case. It seems self-evident to me that the very acute HLS shortfall which now exists can only serve to increase the need for the Council to urgently find additional, suitable housing land and, as a corollary, the weight to be attached to this final element of Policy S7 should be reduced.

154. In terms of what that weight should be, I place little store by the JPC's view that it should still carry significant weight, for the reasons just set out. Moreover, the appellant's assertion that the sheer scale of the shortfall in the 5 year HLS only serves to underline the very limited weight that can be attributed to Policy S7, seems to me to underplay the important safeguarding role that this policy can still play, in line with the SoS's comments set out above. These points lead me to favour the Council's position that when its different roles and functions are considered the policy should, overall, attract moderate weight. I share that view."

but overall, in relation to the planning balance, that:

"201. ... As such, there would be conflict with saved ULP Policies S7 and GEN2, but for reasons already given, I consider that these policies can only carry moderate weight in this appeal. This leads me, overall to conclude that the harm to the character and appearance of the countryside should only be given limited weight."

In summary, the Inspector explained that the policy comprised three elements: the first element identifies settlement boundaries beyond which is the countryside; the second element seeks to protect the countryside 'for its own sake', with strict control on new building; and the third element makes it plain that development will only be permitted if its appearance protects or enhances the particular character of the countryside within which it is set, or if there are special reasons why such development needs to be in that location. Having done so, the Inspector concluded that no more than limited weight could be given to the first two elements of Policy S7 – in part because it is not consistent with the approach to such policies advocated in the NPPF, and that the third element should be afforded no more than moderate weight due to the sizeable shortfall in the 5YHLS, which remains.

Overall, the Inspector concluded that the (partial) conflict with Policies S7 and GEN2, and the harm to the character and appearance of the countryside, should only be afforded only limited weight.

4.2.4. Land off Isabel Drive and Stansted Road, Elsenham

Appeal Ref. APP/C1570/W/20/3256109 – Allowed 31/12/20.

With regard to the location of the site beyond the defined Development Envelope, and the relationship to Policy S7, the Inspector concluded:

“8. Saved policy S7 of the LP is the relevant locational policy in the only remaining putative reason for refusal, and is one of the most important policies for determining the application. The policy can be separated into three main sections. The first two state that the countryside will be protected for its own sake, with strict control on new building that is not within settlement boundaries. The third section, dealing with character and appearance, is broadly consistent with the National Planning Policy Framework (the Framework), which I return to later.

9. It is common ground that the first two sections are not consistent with the requirements of the Framework, which instead takes a less protectionist position requiring that the intrinsic character and beauty of the countryside be recognised, with development in the countryside to be determined on the basis of objectively assessed need. Therefore the locational aspects of saved policy S7 are out of date. Consequently, there is also no dispute that the proposal is in conflict with these first two sections of the policy, as a result of the proposal being outside the settlement boundary. The Council accept that the settlement boundaries must be flexible and that saved policy S7 must be breached in order for a sufficient supply of houses to be provided.

10. The dispute focuses on the weight to be given to saved policy S7 and the breach of it, with the Council attributing moderate weight and the appellant very limited weight. This matter was examined in detail at the inquiry, with reference to a number of appeal decisions. I have carefully considered these, although it has not been suggested that any one decision is directly comparable to the circumstances in this appeal. The Council refer primarily to the 2016 Secretary of State decision at land north east of Elsenham [Appeal decision APP/C1570/A/14/2219018], which attributed significant weight to saved policy S7, as did the transferred appeal decision for Braintree Road [Appeal decision APP/C1570/W/16/3156864] in 2017. However, both those decisions were taken when the Council could demonstrate a five year supply of housing and, accordingly, the Council accepts that its current lack of supply reduces the weight attributable from significant to moderate. The Flitch Green³ decision taken in August 2019, when the Council had a 3.29 year housing supply, also found moderate weight.

11. However, in September 2020, the Rush Lane⁴ appeal decision found a general pattern of diminishing weight being accorded to conflict with policy as the Council’s level of supply reduced. This trend is acknowledged by the Council, and the appellant therefore considers the moderate weight afforded by the Council to be inflated.

12. Indeed, since Flitch Green, the housing supply position has materially worsened, to 2.68 years supply, and the dLP withdrawn with no new local plan in place until 2024 at earliest. The Council also confirmed at the inquiry that all the 2005 housing allocations have been built out, with just 1 or 2 ongoing. Taken together, this suggests that the Council will continue to rely heavily upon breach of saved policy S7 to deliver the required number of new homes. Furthermore, whilst the Council can demonstrate substantial recent over-delivery under its Housing Delivery Test, given the

circumstances on the ground that the Council currently finds itself in, this cannot be taken as a reliable indication of future delivery. Instead of plan-led housing delivery provided by a framework for addressing housing need, the Council relies on an incremental supply of sites coming forward. I return to the harm caused by the overall conflict with policy S7 later in this decision.

31. I conclude that the location of the proposed development would have a limited adverse effect on the character and appearance of the surrounding area, with particular regard to size, scale and siting in relation to Elsenham and Alsa Wood. The proposal complies with saved policy GEN2, which I find is relevant to this outline proposal. Even so, the proposal would result in what I conclude to be limited conflict with saved policy S7. I return to this matter in the planning balance.”

In summary, in relation to the planning balance, whilst the Inspector concluded that there would be harm as a result of the conflict with Policy S7, he afforded this harm only limited weight. The Inspector also concluded that development proposals beyond the settlement boundary were capable of complying with Policy GEN2.

4.2.5. Land North of Bedwell Road, Elsenham, CM22 6HG

Appeal Ref. APP/C1570/W/21/3274573 – Dismissed 25/10/21

Whilst dismissing the appeal, with regard to the location of the site beyond the defined Development Envelope, and the relationship to Policy S7, the Inspector concluded:

“98. Much discussion took place on the consistency of Policy S7 with the Framework. Policy S7 is relevant to the principle of the proposal, and it essentially splits into 3 parts; the first 2 parts are restrictive and lack consistency with the Framework. The location of the development outside the development limits, is of limited weight given the out-of-date nature of the spatial strategy and the lack of a 5 year housing land supply. The latter part is concerned with protecting or enhancing the character of the countryside. This is consistent with the Framework, such that overall, the policy is of moderate weight.”

and:

“105. The site is outside the development limits, and there is fundamental conflict with Policy S7 on the matter of the location of development. However, this is of limited weight given the housing supply context.”

In summary, the Inspector concluded in line with previous Inspectors.

4.3. **Summary**

There have been no recent pertinent planning applications on the Application Site.

Decisions on other sites in Elsenham have demonstrated that:

- Settlement/CPZ boundaries in Uttlesford are not inviolable, and development on greenfield sites beyond these boundaries is required to address the 5YHLS shortfall.

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- Whilst there might be harm as a result of a (partial) conflict with Policy S7 (to which no more than limited to moderate weight should be afforded), this conflict should be afforded only limited weight.
- Policy S8 should be regarded in a similar manner to Policy S7.
- Development proposals beyond the settlement boundary are capable of resulting in harm to the character and appearance of the countryside, that should only be afforded only limited weight.
- Given the absence of a 5YHLS, the provision of housing can outweigh the harm identified in relation to the conflict with Policies S7 and S8.
- Development proposals beyond the settlement boundary are capable of complying with Policy GEN2.

Most recently planning permission was granted for 350 homes on the opposite (north) side of Henham Road in November 2020, and for 130 homes on the opposite (west) side of Hall Road in July 2022. The Application Site is located between these two sites.

5. The Proposed Development

5.1. Description of the Proposed Development

The description of the Proposed Development is:

“Residential development comprising 130 dwellings, together with a new vehicular access from Henham Road, public open space, landscaping and associated highways, drainage and other infrastructure works (all matters reserved for subsequent approval apart from the primary means of access).”

5.2. Access

Approval is only sought for the primary point of access to the Application Site from Henham Road, as shown on the submitted ‘Henham Road – Proposed Access Arrangements’ drawing (ref. 2008170-001).

The details and design of all other means of access to and / or within the Application Site are reserved for future approval.

The submitted Transport Statement and Framework Residential Travel Plan demonstrate that safe and convenient access to the Application Site can be achieved. It also highlights the opportunities for active travel, including walking, cycling and access to public transport (both bus and train services) nearby.

5.3. Layout & Design

The submitted Design and Access Statement (‘DAS’) explains the design process that has led to the submitted Illustrative Masterplan and Illustrative Layout Plan, and the various elements of the Proposed Development.

However, it should be noted that the application seeks Outline Planning Permission, with all matters reserved apart from the primary means of access. Notwithstanding this, it is intended that if considered appropriate, a condition can be imposed on a grant of planning permission requiring the Reserved Matters to be broadly in accordance with the Illustrative Masterplan and Illustrative Layout Plan. Section 3 of the DAS also contains additional ‘Development Parameters’ that can be conditioned if considered appropriate.

5.3.1. Aspects of the Proposal

The potential for impacts on heritage assets, the landscape and views, and on biodiversity, has been minimised through design, with the Applicants’ consultant team being involved throughout the masterplanning process.

The following design principles and objectives were identified during the course of the design process and have helped to shape the illustrative design proposals:

- To provide a main access from Henham Road.

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- To be sympathetic and responsive to the nearby heritage assets such as the Church of St Marys Church, the barns at Elsenham Place and the important grouping around Elsenham Cross.
- To appreciate the Application Site's landscape setting, reinforced by new green infrastructure, and respond positively to its' topography.
- To incorporate areas of open space with built frontage set back to reflect the existing built form and respect natural features.
- To integrate the on-site public right-of-way and create new routes that connect with the wider footpath network.
- To specify vernacular building materials and naturalistic hard landscaping appropriate to a rural location.
- To deliver ecological enhancements and achieve biodiversity net gain.
- To facilitate the implementation of a SuDS strategy to manage surface water.
- To deliver an appropriate mix of housing in a sustainable location.

Heritage

As the submitted Built Heritage Statement notes (see Section 4 thereof), the Application Site presents an opportunity to create a genuinely unique and contextually relevant addition to the village of Elsenham. As such, the Proposed Development focuses on the Site's historical context, and respects nearby heritage assets providing the setting to everyday life. Situated within a historic landscape setting with access to countryside walks and nearby amenity, the Proposed Development has placemaking at the centre of the design process.

As noted in the submitted Statement, the illustrative design proposals have been carefully considered in relation to the existing historic environment and the constraints therein, as well as opportunities to enhance and reveal aspects of place and heritage that are not currently appreciable. The process has included consideration of the proposed layout, positioning of building mass and the establishment of new locations that provide opportunity to experience and appreciate historic assets.

As a result of the design process the Proposed Development will result in the following direct heritage benefits:

- Provision of a Heritage Trail through the Site with new opportunities to appreciate designated heritage assets;
- Creation of an open space buffer along the northern and eastern edges of the Site which avoid harm to significance caused by changes within the setting of the identified heritage assets;

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- Careful massing of single storey buildings adjacent to historic group at Elsenham Cross to minimise the degree of change within the setting of those heritage assets, and to maintain a deferential spatial hierarchy;
- Retention of Public Right-of-Way through the Site with views to Elsenham Place and Elsenham Cross, including its enhancement by way of connection to the new Heritage Trail.

Overall, the inclusion of this new Heritage Trail, and other direct heritage benefits, is considered to represent a **significant** public benefit, which has the potential to enhance and reveal previously unappreciated aspects of the historic environment, including the historic and functional relationship of the Application Site to various heritage assets in the local area.

Landscaping & Visual Impact

As with heritage considerations as discussed above, the illustrative design proposals have been carefully considered in relation to the existing landscape and townscape character of the site and surrounding area.

The illustrative proposed layout has been formulated to respond to site-specific landscape, townscape and visual opportunities and constraints and adhere to best practice urban design principles. A strategy has been adopted to place development blocks and building frontage behind a series of green buffers to achieve the following:

- Address Henham Road and Hall Road;
- Respect the setting of the Church of St Marys, Elsenham Cross and the barns at Elsenham Place and create key vistas towards these heritage assets;
- Create a welcoming entrance green;
- Define and overlook the existing Public Right-of-Way;
- Positively address the existing water pipe easement along Hall Road;
- Allow space for existing vegetation and watercourses;
- Provide new public open space, planting (including a new Orchard within the setting of Elsenham Place) and SuDS features;
- Ensure surveillance over the proposed Heritage Trail and other pedestrian routes and spaces.

Overall, it is considered that the direct landscape benefits of the Proposed Development, which will serve to increase public access to natural space, represent a **material** public benefit.

Natural Habitat & Ecological Enhancement

The Proposed Development incorporates a wide variety of positive ecological enhancement measures (as detailed in the submitted Ecological Assessment) such as:

- The provision of semi-natural public open spaces;
- Additional tree, hedgerow and orchard planting;
- The creation of various habitats such as species-rich grassland, hedgerows, ponds and scrub;
- The provision of bat boxes and bird boxes; and
- Provision of reptile and hedgehog habitat including log piles, etc.

As noted in Section 3 of this Statement, in addition to the Application Site itself, it is proposed that ecological enhancement measures will be provided on an additional area of land, approximately 100 – 200 m to the north-east. Countryside has worked closely with the landowners and its' consultant team to identify and design this biodiversity enhancement scheme that will deliver, quantitatively, at least a 20% net gain in biodiversity, and qualitatively a combination of a variety of natural habitats alongside a significant increase in public access to quality open space.

Overall, it is considered that many positive residual impacts and substantial net gain in biodiversity represent a **significant and substantial** public benefit.

5.4. Drainage

The submitted Flood Risk Assessment includes an indicative Drainage Strategy, based on Sustainable Drainage Systems (SuDS).

Given that ground conditions are not suitable for infiltration of surface water run-off due to the low permeability of the subsoil, the indicative Strategy considers that the most viable SuDS options for the Site are cascading attenuation basins and swales in order to provide appropriate water quality treatment prior to discharge into Stansted Brook.

Overall, it concludes that the Proposed Development would not be at risk of flooding, or likely to increase the flood risk to others.

5.5. Indicative Housing Mix

The submitted Illustrative Layout Plan and Illustrative Masterplan have been prepared based on an indicative housing mix (see the submitted DAS).

With regard to tenure, the Proposed Development includes the provision of 40% affordable housing. Countryside anticipate that, in accordance with the preferred position of UDC, this will comprise 70% intermediate rent, 25% First Homes, and 5% shared ownership.

5.6. Other Benefits of the Proposed Development

In addition to those specifically discussed above, there are numerous and significant other benefits that would result from the Proposed Development, many of which relate to more than one dimension of sustainable development.

Economic Benefits

The Proposed Development would result in a range of positive economic benefits, including:

- An enlarged labour force of economically active residents;
- Additional household spending in the local area;
- Additional demand for services and facilities;
- Investment in construction and support for construction jobs; and
- New Homes Bonus for investment in local infrastructure and facilities.

Social Benefits

The Proposed Development would result in a range of positive social benefits, including:

- Provision of a mix of high quality additional market and affordable housing in a sustainable location with good public transport provision, thereby helping support local family connections and maintain a balanced community;
- Additional household spending and demand for services and facilities that would support their ongoing viability and community vitality; and
- Additional public open space for play and recreation.

Environmental Benefits

As discussed above, the Proposed Development would result in a range of positive environmental benefits, including new native species planting, provision of additional public open space; and the enhancement of biodiversity.

Collectively, it is considered that these many positive residual impacts represent a further **significant and substantial** public benefit.

Public Engagement

5.7. Pre-application public engagement has been carried by the Applicants – see the submitted Statement of Community Engagement for further details. This engagement has raised a number of matters that have been considered and where possible taken into account by the Applicants and their consultant team. These include:

- Sustainability and environmentally friendly design

This was considered to be important by the majority of respondents, with comments including:

- A desire for more woodland and nature;
- Concern regarding the impact of the Proposed Development on wildlife; and
- A suggestion that the Application Site to turn the site into a nature reserve.

Noting these comments, as noted above, Countryside has worked closely with the landowners and its' consultant team to identify and design a biodiversity enhancement scheme that will deliver at least a 20% net gain in biodiversity.

- Landscape and visual impact

Suggestions were made regarding the inclusion of a play area and the need to 'push back' houses to maintain views of the Church, both of which have been incorporated into the illustrative design proposals.

- Impact on the capacity of the highway network

This was raised in many comments. As discussed in the submitted Transport Statement and Section 7 of this Statement, the Proposed Development includes the provision of highway mitigation to alleviate the impact on the local highway network.

- Flood risk and drainage

There were several comments relating to the risk of flooding. The Proposed Development has carefully considered this risk, and the need to deliver a robust but environmentally-friendly and sustainable drainage scheme. As noted above, the indicative Drainage Strategy proposes the provision of large green open spaces and two basins, with associated planting, to attenuate and accommodate surface water prior to controlled run-off.

5.8. Environmental Impact Assessment

Consideration of the Proposed Development by RPS (see the submitted 'screening' letter) has concluded that the nature of the Proposed Development aligns with the adjoining land uses and is not one that is likely to give rise to significant environmental effects.

As a result, RPS conclude that the Proposed Development does not constitute Environmental Impact Assessment ('EIA') development, and that any negative effects that may arise from the Proposed Development can be adequately mitigated controlled through mitigation required by planning conditions and obligations.

5.9. Community Infrastructure Levy, Planning Obligations & Conditions

5.9.1. Community Infrastructure Levy.

UDC is not a CIL charging authority.

5.9.2. Conditions

The Applicants expect that a collection of planning conditions will be applied to any grant of planning permission. The Applicants are agreeable to assisting in the preparation and agreement of these.

5.9.3. Planning Obligations

The Applicants expect that a S106 Planning Obligations Agreement will be required in connection with the Proposed Development. It is anticipated that scope of the S106 Agreement will be informed by comments

received on the application, however it is expected that the Agreement will need to address the following, and other, matters:

- The delivery of the proposed off-site ecological enhancement area.
- The provision of on-site affordable housing;
- A financial contribution to primary healthcare provision; and
- A financial contribution to education (early years, primary and secondary) provision.

5.10. Summary

On the basis of the above, it is considered unequivocally evident that overall the Proposed Development represents sustainable development.

6. Planning Policy Context

6.1. Basis for Determining Planning Applications

S70(2) of the Town and Country Planning Act 1990 and S38(6) of the Planning and Compulsory Purchase Act 2004 together require that applications for planning permission be determined in accordance with the Development Plan, read as a whole, unless material considerations indicate otherwise.

6.2. The Development Plan

The pertinent parts of the Development Plan comprise:

- Saved policies from Uttlesford Local Plan, adopted 2005
- Essex Minerals Local Plan, adopted 2014
- Essex and Southend-on-Sea Waste Local Plan 2017

In relation to the Application Site and the Proposed Development, the most pertinent part of the Development Plan is the saved policies from the Uttlesford Local Plan ('ULP').

Also pertinent is the adopted Essex Minerals Local Plan ('MLP').

There is no Neighbourhood Plan that has been 'made' in relation to the Application Site, or surrounding area, nor is any such Plan being prepared.

UDC is preparing a new 'emerging' Local Plan ('eLP'), which will replace the ULP. The eLP is discussed under 'material considerations' below.

6.2.1. Uttlesford Local Plan 2005

Status of the Plan

The ULP was adopted in January 2005, over 17 years ago. Other than UDC's two previous attempts at preparing a replacement Local Plan, both of which were withdrawn at Examination stage, the ULP has not been 'reviewed'.

Following the publication of the first iteration of the NPPF in 2012, UDC published the 'Uttlesford NPPF Compatibility Assessment' (July 2012). The conclusions reached in this Assessment are pertinent to the status of the saved policies from the ULP, and the application of those in the determination of applications for planning permission.

Despite the continued evolution of the NPPF, UDC has not undertaken any subsequent compatibility assessment and thus the conclusions reached in the 2012 Assessment are not necessarily still correct.

Saved Policies

The Application Site is shown on the 2005 ULP Proposals Map as being subject to a single designation:

- Countryside Protection Zone (Saved Policy S8)

Many saved policies from the ULP are potentially relevant to the Application Site and/or the Proposed Development. An analysis of the provisions of each of these policies, UDC's analysis of the compatibility of each with the 2012 NPPF, Savills' opinion as to the compatibility of each with the latest (2021) NPPF, and the compliance of the Proposed Development with each, is included at **Appendix 3** to this Statement.

The conclusion of this analysis is that the saved policies listed below are the 'most important' for determining the application. In each case, the conclusion of UDC's 2012 and Savills' 2021 compatibility assessments are also set out below:

- Locational and landscape policies: S3 (Other Development Limits), S7 (The Countryside) and S8 (Countryside Protection Zone).

UDC's 2012 Compatibility Assessment concluded that there were no implications of the NPPF for Policy S3, and that Policies S7 and S8 were 'partly consistent'.

Savills considers that Policy S3 is consistent, but there are implications inasmuch as this policy is the basis for the 'development limits' (i.e. settlement boundaries) drawn on the 2005 Proposals Map, which are part of what defines the extent of 'the countryside' (Policy S7) and the CPZ (Policy S8).

With regard to Policies S7 and S8, Savills considers that the aim of the policies is consistent with the NPPF (i.e. they are 'partly consistent'), but that the NPPF and PPG are more nuanced and should be used for development management purposes.

- Heritage policy: ENV2 (Development affecting Listed Buildings)

UDC's 2012 Compatibility Assessment concluded that the policy was consistent with the NPPF.

However, in Savills' opinion, whilst the aim of the policy is consistent with the NPPF, the NPPF and PPG are more up-to-date and nuanced, and should be used instead for development management purposes.

- Biodiversity policies: ENV7 (The Protection of the Natural Environment - Designated Sites), and ENV8 (Other Landscape Elements of Importance for Nature Conservation)

UDC's 2012 Compatibility Assessment concluded that the NPPF should be used instead for development management purposes.

- Housing policy: H1 (Housing Development)

UDC's 2012 Compatibility Assessment concluded that the policy was not consistent with the NPPF.

These detailed provisions of the above policies, and other associated national or other policy and/or guidance, and the compliance of the Proposed Development with these provisions, are discussed further in Section 7 of this Statement.

6.3. Minerals Local Plan 2014

Status of the Plan

The MLP was adopted in July 2014, over 8 years ago. Essex County Council ('ECC') have noted the requirement that Local Plans should be reviewed at least every five years and have commenced such a review. Consultations have been carried out through 2021 and 2022 and at present ECC are anticipating a further (Regulation 18) consultation in early 2023. This would likely result in a new MLP being adopted in 2025.

Adopted Policies

The Application Site is shown on the 2014 MLP Proposals Map as being subject to the following designations:

- Minerals Safeguarding Area (Sand and Gravel)

The following policy from the MLP is thus pertinent as the Application Site being (slightly) over 5.00 ha:

- S8 (Safeguarding Mineral Resources and Mineral Reserves)

As set out at **Appendix 3** to this Statement, the submitted Minerals Resource Assessment explains that once buffer zones have been taken into account, the residual site is less than 5 ha, and, as a result, no further assessment of potential mineral resource is required. It notes that ECC has confirmed this. As such, no further discussion regarding this policy is considered necessary.

6.4. **Other Material Considerations**

6.4.1. National Policy and Guidance

The National Planning Policy Framework ('NPPF') is a material consideration, as is Planning Practice Guidance ('PPG').

6.4.2. Emerging Local Plan

UDC is preparing a new 'emerging' Local Plan ('eLP'), which will replace the ULP. However, the process of preparing the eLP is only at a very early stage and a 'Preferred Options' draft of the eLP is not expected until November 2022, and adopted not until 2025. As such, it is considered that the eLP is not yet pertinent to the consideration of the application.

Should the eLP become pertinent, the Applicants will prepare an analysis of any new policies and/or proposals, and provide a commentary on how these might impact the consideration of the application.

6.4.3. Supplementary Planning Guidance / Documents

Potentially relevant Supplementary Planning Guidance ('SPG') / Documents (SPDs) include:

- Accessible Homes and Playspace, 2005
- Essex Design Guide Urban Place Supplement, 2007
- Energy Efficiency and Renewable Energy, 2007

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Other potentially relevant planning guidance includes:

- Parking Standards – Design and Good Practice, 2009 / 2013
- Essex Design Guide (live online resource)
- Interim Climate Change Planning Policy, 2021
- Building for a Healthy Life, 2021
- First Homes Planning Advisory Note, 2022
- Draft Developers' Contributions Supplementary Planning Guidance 2022.

Each of these is also considered in **Appendix 3** hereto and, as a result, no further discussion regarding them is considered necessary.

7. Assessment

7.1. The Planning Balance & the Presumption in Favour of Sustainable Development

As noted in Section 6 of this Statement, planning law requires that applications for planning permission be determined in accordance with the Development Plan, read as a whole, unless material considerations indicate otherwise. The decision-taker thus needs to take into account all relevant matters in arriving at a decision that weighs up the pros and cons (there are usually both) stemming from the proposed development. This is colloquially known as the ‘normal planning balance’, to which para. 11(c) of the NPPF relates.

One of the material considerations that needs to be considered is the NPPF, which explains at para. 11(d) that, in certain circumstances (our emphasis):

“... where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date ...”

a ‘tilted planning balance’ is engaged whereby planning permission should be granted unless:

- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

7.1.1. Implications of the Status of the ‘Most Important’ Development Plan Policies

As discussed in Section 6 of this Statement, it is patently clear that many saved Development Plan policies are out-of-date, and other are partly out-of-date.

With regard to the ‘most important’ policies identified in Section 6 of this Statement, these are all at least partly out-of-date, if not entirely out-of-date and/or inconsistent with the NPPF.

Overall, taken as a whole, it is considered that, in the context of para. 11(d) of the NPPF, the policies which are the most important for determining the application should be viewed as being out-of-date.

In effect, this means that, as a consequence, these policies should be afforded less weight in determining whether or not to grant planning permission, and that the tilted planning balance set out in para. 11(d) is engaged.

7.1.2. Implications of the Lack of a Five Year Housing Land Supply

In addition, footnote 8 to para. 11 explains that the policies that are most important for determining the application can be considered to be ‘out-of-date’ when:

“... for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

In effect, the above means that as UDC cannot demonstrate a 5YHLS (see Section 2 of this Statement), the policies that are most important for determining the application should be viewed as being out-of-date and as a consequence should be afforded less weight in determining whether or not to grant planning permission, and that the tilted planning balance set out in para. 11(d) is engaged.

7.1.3. Implications of Nearby Heritage Assets

However, there are heritage assets (Listed Buildings) in close proximity to the Application Site, and paras. 200 and 202 of the NPPF state (our emphasis):

“Any harm to ... the significance of a designated heritage asset ([including] ... from development within its setting), should require clear and convincing justification. ...”

and:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

If it were to be concluded that the harm resulting from the Proposed Development on the nearby heritage assets was ‘less than substantial’ and not outweighed by ‘public benefits’ then the NPPF is clear that permission should be refused.

The effect of para. 11(d)(i), which refers to ‘assets of particular importance’ is that in such circumstances the tilted planning balance is not engaged.

Below, under ‘consideration of impacts’ we have considered the impact of the Proposed Development on the nearby heritage assets, the level of harm resulting, and whether this harm is outweighed by the public benefits identified in Section 5.

As concluded below, it is patently clear that the public benefits of the Proposed Development substantially outweigh the low level of harm to some of the nearby heritage assets, and thus the tilted planning balance remains engaged.

7.1.4. Implications of Nearby Biodiversity Designations

In addition, Elsenham Woods Site of Special Scientific Interest (‘SSSI’), which is also an area of ‘ancient woodland’ lies approximately 2 km to the south-east of the Application Site, and Hatfield Forest SSSI and National Nature Reserve (‘NNR’) is located approximately 5 km to the south of the Site. Para. 180 of the NPPF includes (our emphasis):

“When determining planning applications, local planning authorities should apply the following principles: ...

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

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused ...”

Similarly to the potential implications of harm to heritage assets, as discussed above, if it were to be concluded that the harm resulting from the Proposed Development on the features of either of the nearby SSSIs that make them of special scientific interest, was not outweighed by the benefits of the Proposed Development in the location proposed, or that it would result in the loss or deterioration of the ancient woodland, then the NPPF is clear that permission should be refused and as a result the tilted planning balance would not be engaged.

As with the potential impact on heritage assets, we have below, under ‘consideration of impacts’ considered the impact of the Proposed Development on both the Elsenham Woods and Hatfield Forest SSSIs, the level of harm resulting, and whether this harm is outweighed by the benefits of the Proposed Development in the location proposed. We have also considered whether the Proposed Development would result in any loss or deterioration of the ancient woodland.

As concluded below, it is patently clear that, taking into account mitigation, the benefits of the Proposed Development in the location proposed will substantially outweigh the ‘neutral’ residual harm to the features of the SSSIs that make them of special scientific interest, and thus the tilted planning balance remains engaged. We also conclude that the Proposed Development would not result in any loss or deterioration of the ancient woodland, and thus the tilted planning balance remains engaged.

7.1.5. Summary

In summary, planning law requires that the application should be determined in accordance with the Development Plan, read as a whole, unless material considerations indicate otherwise. One of the material considerations that needs to be considered is the NPPF, which explains that, in certain circumstances, a ‘tilted planning balance’ is engaged.

As, overall, the policies which are most important for determining the application are out-of-date, and as UDC cannot demonstrate a 5YHLS, the tilted planning balance is (on both grounds) engaged, and the level of harm that would be caused to nearby heritage assets and SSSIs is clearly outweighed by the benefits of the Proposed Development, the tilted balance remains engaged.

7.2. Policy Compliance

The saved policies from the adopted the ULP and Policy S8 from the MLP (as the pertinent elements of the Development Plan) provide the starting point for the consideration of the application. The compliance of the Proposed Development with most of these saved policies is considered in **Appendix 3** hereto. Below, the compliance with the most important policies, as identified in Section 6 of this Statement, is considered in more detail.

7.2.1. Compliance with Saved Policy H1

The ULP was prepared in relation to a plan period of 2000-2011. It sought to provide for the needs of the District for that period, and no more. It is thus in a very simple sense, 'time-expired'. Its settlement boundaries were therefore established to meet needs that are now out-of-date and are, geographically, in need of review.

Saved ULP Policy H1 was derived from a housing requirement in the former Essex and Southend-on-Sea Structure Plan that was approved in 2001 (paras. 6.1-6.2 of the ULP), which was then replaced by the East of England Regional (Spatial) Strategy ('R(S)S'), which was then revoked in 2013. The housing requirement⁵ set out in the Structure Plan and then the ULP was only intended to cover the period to 2011. Policy H1 is thus 'time-expired' and out-of-date on this basis. In addition to being time-expired and out-of-date, the NPPF requires that, as a minimum, provide for objectively assessed needs for housing. The housing requirement provided for by saved Policy H1 was not based on an objective assessment of housing needs and was not consistent with the NPPF in this respect and is thus also out-of-date on this basis. For both these reasons, saved Policy H1 must be afforded reduced weight, as must any policies or provisions that stem from or are predicated on the quantum of housing for which it provided.

In respect of saved ULP Policy H1, the District Council's NPPF Compatibility Assessment' concluded that the policy was "not consistent", with the commentary explaining that: "The policy only relates to the period 2000-2011 and therefore is out of date." As noted in Section 6 / **Appendix 3** hereto, Savills concurs.

In fact, Policy H1 sought to ensure that identified housing needs were met. At present, due in large part to the absence of an up-to-date Local Plan including housing allocations, identified needs are not being met (see Section 2 of this Statement).

In summary, it is considered that the Proposed Development does not conflict with Policy H1 and thus there is no resultant harm.

7.2.2. Compliance with Saved Policies S3, S7 and S8

Saved ULP Policies S3 and S7 were predicated on the housing requirement provided for by saved ULP Policy H1 (see above). Saved Policy H1 set the quantum of housing required, saved Policy S3 referred to the settlement boundary / development limits around villages including Elsenham, and saved Policy S7

⁵ 5,052 dwellings between 2000 and 2011 – an average of 459 dpa; stemming from a Structure Plan requirement for 5,600 dwellings between 1996 and 2011 – 980 had been built between 1996 and 2000.

defined the 'countryside' and set out what forms of development would be acceptable therein. Saved Policy S7 was thus a counterpart to saved Policy S3.

The settlement boundaries / development limits⁶ as defined on the ULP Proposals Map were drawn to accommodate the quantum of development identified as being required for the period to 2011. If additional development had been required (e.g. double that for which saved ULP Policy H1 provided), then the development limits around allocated sites and settlements would have been drawn differently; those limits as defined by saved Policy S3 are therefore, necessarily, out-of-date.

Saved Policy S7 defined the 'countryside' as being:

"... all those parts of the Plan area [aka District] beyond the Green Belt that are not within the settlement or other site boundaries ..."

The 'countryside' was thus defined in the ULP in the loosest possible sense as a default designation; it was not even afforded a colour on the ULP Proposals Map and is no longer even included on the key on the online interactive version of the Map. Hence it is clear that the ULP only sought to protect the 'countryside' in the loosest, and widest, sense, rather than for some locational, visual, or other specific reason.

The requirement to 'protect' the countryside for its own sake is reflective of now outdated guidance that was previously contained in national planning policy in the form of Planning Policy Guidance Note (PPG) 7 – The Countryside, and Planning Policy Statement (PPS) 7 – Sustainable Development in Rural Areas. In contrast, the NPPF (as did its 2012 predecessor) now advises that planning policies and decisions should (para. 174(b)) "*recognise the intrinsic character and beauty of the countryside*" but also that they should (para. 174(a)) go further, "*protecting and enhancing*" 'valued' landscapes. The choice of wording is conscious and deliberate – higher order valued landscapes should be 'protected' whilst the character and beauty of the wider countryside should be 'recognised'. Hence, unless it is a 'valued' landscape or it is subject to another pertinent designation (which the Application Site is not), there is no planning policy basis to afford any special 'protection' to the wider countryside within Uttlesford, or to the Application Site, or in comparative terms to afford any more protection to the Application Site than to any other part of the District outside the defined settlement boundaries / development limits, that is not the subject of another designation.

The drawing of the settlement boundaries to accommodate a specific quantum of growth therefore defined (by default) the extent of 'the countryside' in Uttlesford. The geographical extent of the settlement boundary around Elsenham is currently under review in the preparation of the eLP, since it was established to meet the now outdated needs provided for by the ULP. It is thus clearly evident that the primary justification for the definition of the settlement boundary / development limits around Elsenham was the need to control growth (to 2011), rather than to seek to protect, for some locational, visual, or other specific reason, the land just the other side of the line (noting the 'Countryside Protection Zone', which we discuss below).

It is also expected that, as is common practice, when additional land is required for additional housing development, the District Council consider the justified and reasonable approach to be to identify sites that

⁶ The ULP interchanged the term 'settlement boundaries' with 'development limits' – the latter was also used to reference allocated sites.

are currently part of 'the countryside' (i.e. outside the previous defined development limits), and allocate those for development in the eLP. This view is that taken by UDC itself in relation to the site to the west of Hall Road, immediately opposite the Application Site (ref. UTT/19/0462/FUL) in relation to which it concluded (para. 11.5) that:

“Due to the Council not having a 5 year land supply then the tilted balance of the NPPF would apply and as a consequence, sites that are located in the countryside are being considered for residential development by the council to address this shortfall.”

Hence the protection afforded to the 'countryside' by saved ULP Policy S7 was predicated solely on the existence of the settlement boundary / development limits around Elsenham drawn as a consequence of the housing requirement provided for by saved Policy H1 (and other development-related policies). Saved policies S3 and S7 are thus policies directly related to the supply of housing – or in the phraseology of the revised NPPF (para. 11(d)), are *“policies which are the most important for determining the application”*. As reflected in the 2017 Suffolk Coastal v Hopkins Judgement ([2017] UKSC 37) (para. 63), the weight that should be afforded to restrictive counterpart policies should be reduced to reflect the reduced weight to be afforded to the policies from which they derive.

The NPPF (para. 174, criterion (b)) does require that the intrinsic character and beauty of the countryside be recognised. The supporting text to saved ULP Policy S7 (para. 2.2.8) referred to the varying character of the countryside within Uttlesford. Saved Policy S7 itself only permits development if it 'protects or enhances' the particular character of that part of the countryside within which it is located; this is a direct conflict between the phraseology of saved Policy S7 and what is now current national planning policy. In short, saved Policy S7 is, in this regard, phrased as if all of 'the countryside' was a 'valued' landscape. It is for this reason that the District Council, in its 'Uttlesford Local Plan 2005 – National Planning Policy Framework Compatibility Assessment' (see **Appendix 3** hereto), concluded that saved Policy S7 was only *“partly consistent”* with the NPPF.

The approach that needs to be taken to saved Policy S8 is similar to that which needs to be taken to Policy S7. As noted by the Inspector in relation to the land south of Rush Lane, Elsenham (paras. 22 and 24):

“... the Council accepted that ... applying the restraints of Policies S7 and S8 will continue to compromise the [its'] ability to meet its future housing requirements. Overall, these matters lead me to conclude that settlement / CPZ boundaries in Uttlesford are not inviolable. ...”

and:

“[The Council's] ... witness accepted that development of greenfield sites in the Countryside and CPZ will be necessary if the Council are to meet its housing targets over the next few years before a new local plan can be prepared and adopted. ...”

All of this suggests, that substantially reduced, and no more than limited to moderate weight can continue to be afforded to the restrictive nature of saved Policy S7 insofar as it relates to the Application Site, other than to the extent that the policy requires that the intrinsic character and beauty of the countryside be recognised (i.e. as per NPPF para. 174(b)). A similar conclusion must also be reached in respect to Policy S8.

This appears to be the conclusion reached by Inspectors that have allowed recent appeals on sites in Uttlesford.

As was noted by the Inspector considering the site to the north of Henham Road, immediately opposite the Application Site (ref. APP/C1570/W/19/3243744) when he found that (paras. 152 and 153):

“... the only reasonable conclusion is that Policy S7 can only be considered as being partially consistent with the Framework, and cannot therefore be given full weight. The first 2 elements of the policy can attract very limited weight in the context of this appeal. Settlement boundaries are clearly not inviolable as a matter of principle, nor is it reasonable to consider a blanket prohibition on new development in the countryside, particularly in a district where there is a very acute HLS deficit ...”

and:

“Insofar as the final part of Policy S7 is concerned ... It seems self-evident ... that the very acute HLS shortfall which now exists can only serve to increase the need for the Council to urgently find additional, suitable housing land and, as a corollary, the weight to be attached to this final element of Policy S7 should be reduced.”

This particular Inspector concluded that moderate weight should be afforded to saved Policy S7, whilst other Inspectors have afforded it only limited weight – he himself noting (para. 147) that in five allowed appeals:

“... Inspectors gave no more than ‘limited’ weight to Policy S7; and overall, there appears to be a trend of less weight being given to this policy ...”

Further, notwithstanding that the Henham Road Inspector concluded that saved Policy S7 should be afforded moderate weight, he then went on to conclude that the partial conflict with the policy and the consequential harm to the character and appearance of the countryside should only be afforded only limited weight.

In summary, whilst there would be a partial conflict with saved policies S7 and S8, these are saved policies to which no more than limited to moderate weight should be afforded, and noting the 5YHLS shortfall, it is thus considered that it is a partial conflict that should be afforded no more than **limited weight** in the planning balance.

7.2.3. Compliance with Saved Policy ENV2

Saved ULP Policy ENV2 is incredibly bland, the pertinent part simply stating:

“Development affecting a listed building should be in keeping with its scale, character and surroundings. ...”

As noted in Section 6 / **Appendix 3** to this Statement, whilst UDC’s 2012 Compatibility Assessment concluded that the policy was consistent with the NPPF, in Savills’ opinion, whilst the aim of the policy is consistent with the NPPF, the NPPF and PPG are more up-to-date and nuanced, and should be used instead for development management purposes.

A consideration of the impact on heritage assets, in the context of national policy and guidance in the NPPF and PPG, is set out below, which concludes that there would be a 'negligible' to 'low to moderate' degree of 'less than substantial' harm to the significance of some heritage assets. In the context of saved Policy ENV2, it is incredibly difficult to determine how this can be related to the policy requirement that the Proposed Development be "*in keeping*" with the "scale, character and surroundings" of the respective listed buildings. It is also notable that saved Policy ENV2 does not facilitate the consideration of a balance of any harm against the 'public benefits' that might stem from a proposed development.

In summary, it is considered that a 'negligible' to 'low to moderate' degree of 'less than substantial' harm is of such a degree that there would not be a material conflict with Policy ENV2.

7.2.4. Compliance with Saved Policies ENV7 and ENV8

Saved policies ENV7 and ENV8 both relate to the protection of the 'natural environment'. Policy ENV7 relates to the protection of 'designated sites', whilst Policy ENV8 relates to the protection of 'other landscape elements of importance for nature conservation'. (At the time the ULP was written, the term 'biodiversity' was a much-less used term.)

As noted in Section 6 / **Appendix 3** to this Statement, UDC's 2012 Compatibility Assessment concluded that whilst both policies were considered to be 'partly consistent', "*... the NPPF should be used as the basis for development management purposes*".

A consideration of the impact on biodiversity, including 'designated sites' and 'other landscape elements of importance for nature conservation', in the context of national policy and guidance in the NPPF and PPG, is set out below, which concludes that any adverse effects of the Proposed Development will be fully mitigated by means of the measures detailed in the submitted Ecological Assessment. Further, it notes that, with suitable enhancement of the habitats on site, there would be scope to deliver a biodiversity net gain of at least 20%, far exceeding any current or proposed policy requirement.

In summary, it is considered that any adverse effects of the Proposed Development will be fully mitigated such that there would not be a material conflict with either Policy ENV7 or ENV8.

Consideration of Impacts

7.2.5. Heritage

The submitted Heritage Statement concludes that, given separation distances and their individual settings, the harm resulting from the Proposed Development to just some of the heritage assets near to the Application Site is 'less than substantial' and that varies between "*negligible*" and "*low to moderate*" degree of less than substantial harm.

As set out above, it is then necessary to weigh this level of less than substantial harm against the public benefits of the Proposed Development. Planning Practice Guidance (ID: 18a-020-20190723) explains:

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework

(paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.”

When the ‘negligible’ to ‘low to moderate’ less than substantial harm to just some of the heritage assets near to the Application Site is weighed against the significant weight that should be afforded to the many benefits set out in Section 5 of this Statement, it is patently clear that, whilst the Proposed Development would introduce a change in the experience of the setting of those heritage assets, the public benefits of the Proposed Development substantially outweigh the harm.

In summary, it is considered that the resulting low level of harm to some heritage assets should be afforded **limited weight** in the planning balance.

7.3. Landscape, Townscape & Visual Impact

The Application Site is located within the area defined as the ‘countryside’ by saved ULP Policy S7, and is not considered to be a ‘valued’ landscape in the context of para. 174 of the NPPF..

The impact of the Proposed Development on both the landscape and in visual terms is discussed in detail in the LTVIA. This concludes (see Section 7 thereof) that, taking into account an appropriate landscape strategy and mitigation:

- The Proposed Development would function well and add to the overall character and quality of the area with Moderate to Negligible adverse effects on landscape character;
- At night the effect of lighting on the site and within houses on the surrounding area is Moderate to Negligible adverse;
- The greatest change in views would be experienced by walkers using the public right-of-way which passes through the site and from neighbouring properties on Henham Road and Hall Road, with the level of effect initially being Moderate adverse, which is not significant; and
- Visual effects at other viewpoints on the edge of Elsenham and from the local agricultural landscape would not be significant and would range from Minor to Negligible adverse.

Overall, the LTVIA concludes that the quality and character of the landscape and townscape would be maintained in the long term, and the Proposed Development would not result in significant effects to visual amenity within the study area.

In summary, it is considered that the resulting impact on the landscape should be afforded **moderate weight** in the planning balance.

7.3.1. Biodiversity

The submitted Ecological Assessment concludes (para. 6) that:

“Overall, the habitats on site are considered to be of up to local ecological value only.”

and (para. 7):

“Through the ... mitigation [set out in the Assessment] including sensitive layout design (retaining boundary habitats where possible), a wildlife friendly landscaping scheme, sensitive practices / management during construction and occupation and precautionary methods as suggested, it is considered that all significant impacts on biodiversity, including any potential adverse impacts upon specific protected species and habitats will likely be able to be wholly mitigated in line with relevant wildlife legislation, Chapter 15 of the NPPF ... and adopted ... local plan policies with regard to biodiversity.”

In a little more detail, the Ecological Assessment (see Section 4 thereof) concludes that, taking into account mitigation, the following impacts will result from the Proposed Development:

- Hatfield Forest SSSI: **Neutral** residual impact.
- Elsenham Woods SSSI / Ancient Woodland: **Neutral** residual impact.
- Habitats: **Positive** residual impact at site level.
- Protected / Notable Species – Flora: **Positive** residual impact at site level.
- Protected / Notable Species – Badgers: **Positive** residual impact at site level.
- Protected / Notable Species – Bats: **Positive** residual impact at site level.
- Protected / Notable Species – Birds: **Positive** residual impact at site level.
- Protected / Notable Species – Reptiles: **Positive** residual impact at site level.
- Protected / Notable Species – Invertebrates: **Positive** residual impact at site level.
- Protected / Notable Species – Hedgehogs / Toads: **Positive** residual impact at site level.

As noted in the Ecological Assessment, the Biodiversity Net Gain Design Stage Report demonstrates that, via a collection of measures, the Proposed Development will achieve at least a 20% net gain in biodiversity.

Paragraph 180 of the NPPF sets out four principles that should be applied to the determination of planning applications. Taking each of these in turn, with reference to the submitted Ecological Assessment and other application and supporting documentation:

- a) The Proposed Development will not result in any significant harm to biodiversity.
- b) The Application Site is not within a Site of Special Scientific Interest (SSSI), and that taking into account mitigation, will the Proposed Development have any adverse impact on any SSSI.
- c) The Proposed Development will not result in the loss of any irreplaceable habitats such as ancient woodland or ancient / veteran trees.
- d) The Proposed Development will result in a substantial net gain in biodiversity of at least 20% when measured using the latest Natural England ‘metric’.

In summary, it is considered that many positive residual impacts and substantial net gain in biodiversity should be afforded **significant weight** in the planning balance.

7.3.2. Highways

The submitted Transport Assessment models the impacts of the Proposed Development on the surrounding highway network and shows that both the local and wider network is able to accommodate the forecast increase in traffic movements.

Transport and traffic considerations in the area surrounding the Application Site are described in the submitted Transport Statement which demonstrates that safe and convenient vehicular access can be achieved. The Statement also highlights the opportunities for active travel, including walking and access to public transport, bus and train services nearby and explains (para. 7.4) that:

“...a package of improvements to transport infrastructure are proposed. These include a new bus stop sign installed on an existing lamp column, informal crossing points to existing infrastructure at Hall Road, pedestrian improvements to the nearby Hall Road / Henham Road/High Street junction (concept design), and contributions to new cycle stands located at the local shops and there is expected to be bus service contributions towards higher frequency services locally that will benefit residents of both the site and the vicinity of the routes.”

With regard to the impact on traffic, it notes (para. 7.12) that:

“Mitigation from the development traffic (despite the modest impacts being defined) includes Travel Plan measures to reduce traffic on the network by encouraging a shift to sustainable travel and contributions to sustainable travel modes such as cycle parking, bus services and bus stops.”

And concludes (para. 7.13):

“It is considered that the proposed development accords with local and national policy, and the impacts of the development are not considered to be severe with reference to the NPPF. ...”

In summary, it is considered that the resulting positive impact on public transport and other sustainable modes of travel should be afforded **some weight** in the planning balance, whilst the impact on traffic should be afforded **limited to moderate weight** in the planning balance.

7.3.3. Other

The submitted Flood Risk Assessment & Drainage Strategy concludes that the Proposed Development would not be at risk of flooding, or likely to increase the flood risk to others.

The submitted Air Quality Assessment concludes that the overall effect of construction emissions is likely to be ‘not significant’, and that the overall effect from operational traffic emissions is likely to be ‘not significant’. The Assessment also includes a separate Note (Appendix E to the Assessment) that concludes (see para. 8.5) that the potential impact on the identified local ecological receptors will be ‘not significant’, but that there is a potential for non-significant impacts to occur at a small proportion of the Elsenham Woods SSSI. The Assessment further concludes that residents of the proposed development will experience good air quality and that the Site is suitable for its proposed end-use without mitigation.

It is considered that the overall impact in terms of drainage air quality is neutral.

As detailed in the various application and supporting documentation, there are no other impacts of the Proposed Development that cannot be fully mitigated.

7.4. Overall Planning Balance

The most important policies for determining the application are largely out-of-date and UDC is not able to demonstrate a 5YHLS. As such the 'tilted planning balance' is engaged, and neither the low level of harm to some of the nearby heritage assets or the nearby SSSIs disengages that.

In favour of the Proposed Development are all of the many and varied locational and public benefits of the Proposed Development as set out in Section 5 and discussed above in this Section of this Statement, including:

- The provision of much-needed market housing, which given the shortfall in supply, should be afforded **significant weight**.
- The provision of much-needed affordable housing, which should likewise be afforded **significant weight**.
- The inclusion of a new Heritage Trail, and other direct heritage benefits, are a significant and substantial public benefit, which should be afforded **moderate weight**.
- The direct landscape benefits, which will serve to increase public access to natural space, represent a material public benefit, which should be afforded **some weight**.
- The many positive residual ecological impacts, and the delivery of a net gain in biodiversity of at least 20%, are a significant and substantial public benefit, which should be afforded **significant weight**.
- Collectively, the many additional residual positive economic, social and environmental impacts represent a further significant and substantial public benefit, which should be afforded at least **moderate weight**.
- The resulting positive impact on public transport and other sustainable modes of travel should be afforded **some weight**.

Against this need to be balanced the following:

- The harm resulting from the conflict with Policies S7 and S8, which should be afforded no more than **limited weight**.
- A low level of harm to some of the nearby heritage assets, which should be afforded **limited weight**.
- The resulting impact on the landscape, which should be afforded **moderate weight**.
- The impact on traffic should be afforded **limited to moderate weight**.

Overall, it is considered that the many evident and varied locational and public benefits of the Proposed Development clearly outweigh any harm resulting from the Proposed Development. Taking into account that the tilted balance is engaged, it is even more patently evidence that there resultant harm comes nowhere near significantly and demonstrably outweighing the benefits.

7.5. Conclusion

When the Development Plan is considered as a whole, and all other material considerations are taken into account, the many evident and varied locational and public benefits of the Proposed Development clearly outweigh any resultant harm, including harm to the nearby heritage assets, there is no breach of the general development aspirations of the Plan, and there are no other reasons why planning permission should be refused. There are no significant and demonstrable adverse impacts that would outweigh the benefits of granting planning permission and boosting the supply of housing.

8. Summary & Conclusion

8.1. Summary

8.1.1. Introduction

This Planning Statement has been prepared on behalf of Countryside Partnerships PLC and the landowners in respect to a proposed development of 130 homes, open space, landscaping and other associated works on land south of Henham Road and east of Hall Road, Elsenham.

8.1.2. Background and Context

The last Uttlesford Local Plan was adopted in 2005, and sought to address the plan period 2000 to 2011. The process of preparing a new Local Plan has taken and continues to take far longer than expected, and it is now likely that a new, replacement, Plan will not be adopted until at least 2025.

Uttlesford District Council's latest assessment of the 5YHLS position shows that it is only able to demonstrate a supply of 3.52 years, a level of deficit is not de minimis. In addition, it is evident that the projected supply will decrease in future years and there is no likely prospect of UDC being able to demonstrate a 5YHLS until a new Local Plan is adopted.

Given the delays to the process of preparing the emerging Local Plan, and the substantial and significant shortage in the availability of housing land, Countryside has decided to progress an application for planning permission, with a view to delivering much needed new housing, as soon as possible, on a sustainable site in a sustainable location.

8.1.3. The Application Site & Surroundings

The Application Site is located on the south-eastern edge of Elsenham, south of Henham Road and east of Hall Road. It comprises approximately 5.3 ha of agricultural land currently used as pasture. In addition to the Application Site, it is proposed that ecological enhancement measures will be provided on an additional area of land, approximately 100 – 200 m to the east. Other aspects of the Application Site and surrounding area are described in the various application and supporting documentation.

8.1.4. Planning History

Application and appeal decisions on other sites in Elsenham in recent years have demonstrated that:

- Settlement/ CPZ boundaries in Uttlesford are not inviolable, and development on greenfield sites beyond these boundaries is required to address the 5YHLS shortfall.
- Whilst there might be harm as a result of a (partial) conflict with Policy S7 (to which no more than limited to moderate weight should be afforded), this conflict should be afforded only limited weight.
- Policy S8 should be regarded in a similar manner to Policy S7.
- Development proposals beyond the settlement boundary are capable of resulting in harm to the character and appearance of the countryside, that should only be afforded only limited weight.

- Given the absence of a 5YHLS, the provision of housing can outweigh the harm identified in relation to the conflict with Policies S7 and S8.
- Development proposals beyond the settlement boundary are capable of complying with Policy GEN2.

Most recently planning permission was granted for 350 homes on the opposite (north) side of Henham Road in November 2020, and for 130 homes on the opposite (west) side of Hall Road in July 2022. The Application Site is located between these two sites.

8.1.5. The Proposed Development

The description of the Proposed Development is:

“Residential development comprising 130 dwellings, together with a new vehicular access from Henham Road, public open space, landscaping and associated highways, drainage and other infrastructure works (all matters reserved for subsequent approval apart from the primary means of access).”

Whilst the application seeks Outline Planning Permission, it is intended that if appropriate, a condition can be imposed requiring the Reserved Matters to be broadly in accordance with the Illustrative Masterplan and Illustrative Layout Plan, or any of the additional ‘Development Parameters’ set out in S. 3 of the DAS.

Pre-application public engagement has been carried, which has raised a number of matters that have been considered and where possible taken into account.

It has been concluded that the Proposed Development does not constitute EIA development, and that any negative effects that may arise from the Proposed Development can be adequately mitigated controlled through mitigation required by planning conditions and obligations.

It is considered unequivocally evident that overall the Proposed Development represents sustainable development

8.1.6. Planning Policy Context

The pertinent parts of the Development Plan comprise:

- Saved policies from Uttlesford Local Plan, adopted 2005
- Essex Minerals Local Plan, adopted 2014

The ULP was adopted in January 2005, over 17 years ago. Other than UDC’s two previous attempts at preparing a replacement Local Plan, the ULP has not been ‘reviewed’. Following the publication of the first iteration of the NPPF in 2012, UDC published a ‘Compatibility Assessment’. Despite the continued evolution of the NPPF, UDC has not undertaken any subsequent compatibility assessment.

Many saved policies from the ULP are potentially relevant to the Application Site and/or the Proposed Development. An analysis of the provisions of each of these policies, UDC’s analysis of the compatibility of each with the 2012 NPPF, Savills’ opinion as to the compatibility of each with the latest (2021) NPPF, and the compliance of the Proposed Development with each, is included at **Appendix 3** to this Statement.

The conclusion of this analysis is that the saved policies listed below are the ‘most important’ for determining the application:

- Locational and landscape policies: S3 (Other Development Limits), S7 (The Countryside) and S8 (Countryside Protection Zone).
- Heritage policy: ENV2 (Development affecting Listed Buildings)
- Biodiversity policies: ENV7 (The Protection of the Natural Environment - Designated Sites), and ENV8 (Other Landscape Elements of Importance for Nature Conservation)
- Housing policy: H1 (Housing Development)

UDC is preparing a new ‘emerging’ Local Plan (‘eLP’), which will replace the ULP. However, the process of preparing the eLP is only at a very early stage and a ‘Preferred Options’ draft of the eLP is not expected until November 2022, and adopted not until 2025. As such, it is considered that the eLP is not yet pertinent to the consideration of the application.

8.1.7. Assessment

Planning law requires that the application should be determined in accordance with the Development Plan, read as a whole, unless material considerations indicate otherwise. One of the material considerations that needs to be considered is the NPPF, which explains that, in certain circumstances, a ‘tilted planning balance’ is engaged. As, overall, the policies which are most important for determining the application are out-of-date, and as UDC cannot demonstrate a 5YHLS, the tilted planning balance is (on both grounds) engaged, and as the level of harm that would be caused to nearby heritage assets and SSSIs is clearly outweighed by the locational and public benefits of the Proposed Development, the tilted balance remains engaged.

The saved policies from the adopted the ULP and Policy S8 from the MLP provide the starting point for the consideration of the application. The compliance of the Proposed Development with most of these saved policies is considered in **Appendix 3** hereto. Compliance with the most important policies can be summarised as follows.

- It is considered that the Proposed Development does not conflict with Policy H1 and thus there is no resultant harm
- Whilst there would be a partial conflict with saved policies S7 and S8, these are saved policies to which no more than limited to moderate weight should be afforded, and noting the 5YHLS shortfall, it is considered that it is a partial conflict that should be afforded no more than limited weight.
- It is considered that a ‘negligible’ to ‘low to moderate’ degree of ‘less than substantial’ harm is of such a degree that there would not be a material conflict with Policy ENV2.
- It is considered that any adverse effects of the Proposed Development will be fully mitigated such that there would not be a material conflict with either Policy ENV7 or ENV8.

With regard to consideration of the main impacts:

- It is considered that the resulting low level of harm to some heritage assets should be afforded limited weight.
- It is considered that the resulting impact on the landscape should be afforded moderate weight.
- It is considered that many positive residual impacts and substantial net gain in biodiversity should be afforded significant weight.

- It is considered that the resulting positive impact on public transport and other sustainable modes of travel should be afforded some weight, whilst the impact on traffic should be afforded limited to moderate weight.

8.1.8. Overall Planning Balance

In favour of the Proposed Development are all of the many and varied locational and public benefits of the Proposed Development, including:

- Market housing: **significant weight**
- Affordable housing: **significant weight**
- Heritage Trail and other direct heritage benefits: **moderate weight**
- Direct landscape benefits: **some weight**
- Many positive residual ecological impacts and net gain in biodiversity: **significant weight**
- Many additional residual economic, social and environmental impacts: **moderate weight**
- Impact on public transport and other sustainable modes of travel: **some weight**

Against this need to be balanced the following:

- Conflict with Policies S7 and S8: **limited weight**
- Low level of harm to some nearby heritage assets: **limited weight**
- Impact on the landscape: **moderate weight**
- Impact on traffic: **limited to moderate weight**

Overall, it is considered that the many evident and varied locational and public benefits of the Proposed Development clearly outweigh any harm resulting from the Proposed Development. Taking into account that the tilted balance is engaged, it is even more patently evidence that there resultant harm comes nowhere near significantly and demonstrably outweighing the benefits.

8.2. **Conclusion**

When the Development Plan is considered as a whole, and all other material considerations are taken into account, the many evident public benefits of the Proposed Development clearly outweigh any resultant harm, including harm to the nearby heritage assets, there is no breach of the general development aspirations of the Plan, and there are no other reasons why planning permission should be refused. There are no significant and demonstrable adverse impacts that would outweigh the benefits of granting planning permission and boosting the supply of housing.

Planning Statement

Land to the South of Henham Road & East of Hall Road, Elsenham



Appendices

Planning Statement

Land to the South of Henham Road & East of Hall Road, Elsenham



Appendix 1: Local Plan Inspectors Letter, January 2020

Planning Statement

Land to the South of Henham Road & East of Hall Road, Elsenham



Appendix 2: 5YHLS Statement, December 2021

Planning Statement

Land to the South of Henham Road & East of Hall Road, Elsenham



Appendix 3: Summary Planning Policy Assessment

Appendix 3 – Summary Planning Policy Assessment

Policy Ref. & Title	Policy Requirement	UDC Compatibility Assessment v. 2012 NPPF Plus Commentary	Savills Compatibility Assessment v. 2021 NPPF	Assessment of Proposed Development
ULP 2005 – Saved Policies				
S3 (Other Development Limits)	Elsenham, Great Chesterford, Newport, Takeley and Thaxted are identified as Key Rural Settlements. Their boundaries, including village extensions at Takeley and Thaxted, and the boundaries of other settlements are defined on the Proposals Map. ...	No implications.	Consistent, but there are implications inasmuch as this policy is the basis for the 'development limits' (i.e. settlement boundaries) drawn on the 2005 Proposals Map, which are part of what defines the extent of 'the countryside' (Policy S7) and the CPZ (Policy S8).	See Sections 6 & 7 of this Statement.
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	Partly consistent.	Aim consistent (i.e. partly consistent), but NPPF and PPG more nuanced and should be used for	See Sections 6 & 7 of this Statement.

Planning Statement

Land to the South of Henham Road & East of Hall Road, Elsenham



	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.		development management purposes.	
S8 (Countryside Protection Zone)	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.	No implications.	Aim consistent (i.e. partly consistent), but NPPF and PPG more nuanced and should be used for development management purposes.	See Sections 6 & 7 of this Statement.
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.	Generally consistent.	Generally consistent.	Complies – see submitted DAS and Transport Statement. It is anticipated that a condition will require the submission of a Residential Travel Plan. Will also be applicable at Reserved Matters stage.

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<p>GEN2 (Design)</p>	<p>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.</p>	<p>Generally consistent.</p>	<p>Generally consistent with the NPPF, PPG, and other more recent guidance.</p>	<p>Complies – see submitted DAS and other application and supporting documentation. Will also be applicable at Reserved Matters stage.</p>
<p>GEN3 (Flood Protection)</p>	<p>... 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</p>	<p>Partly consistent. For development management purposes the up to date advice in the NPPF and the associated technical guidance should 'trump' this policy.</p>	<p>Generally consistent, but agreed that NPPF (e.g. para. 167) and PPG should be used as the basis for development management purposes.</p>	<p>Complies – see submitted Flood Risk Assessment & Drainage Strategy.</p>

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	protection throughout its lifetime and will demonstrate the effectiveness of flood mitigation measures proposed.			
GEN4 (Good Neighbourliness)	Need to take account of 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.	Consistent.	Generally consistent.	Complies – see submitted application and supporting documentation. It is anticipated that a condition will require the submission of a Construction Environmental Management Plan ('CEMP').
GEN5 (Light)	Development that includes a lighting scheme will not be permitted unless: a) The level of lighting and its period of use is the minimum necessary to achieve its purpose, and b) Glare and light spillage from the site is minimised.	Consistent.	Generally consistent.	Complies – submitted Lighting Strategy (supporting not application document) demonstrates lighting possible in context of existing ecology; it is anticipated that a condition will require the submission of a detailed Lighting Design. Will be applicable at Reserved Matters stage.
GEN6 (Infrastructure Provision to Support Development)	Proposals should make provision at the appropriate time for community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of developments necessitates such provision, developers may be required to contribute to the costs of such provision by the relevant statutory authority.	Generally consistent, but need to recognise the emphasis on viability of development and more recent guidance on legal agreements and CIL.	Generally consistent with NPPF, PPG and CIL Regulations.	Complies – it is anticipated that any provision required will be informed by comments received on the application and subject to S106 planning obligations.
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	Partly consistent in that the policy seeks to conserve wildlife and geological features and to enhance biodiversity. However the NPPF is	Generally consistent, but agreed that NPPF and PPG should be used as the basis for development	Complies – see submitted Ecological Assessment.

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	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.	more detailed and outlines in what circumstances the need, and benefits of, development would clearly outweigh the deterioration or loss of an irreplaceable habitat. For development management purposes, the NPPF should 'trump' this policy.	management purposes.	
GEN8 (Parking)	Development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location, as set out in Supplementary Planning Guidance "Vehicle Parking Standards", a summary extract of which is reproduced in Appendix 1 to [the 2005] Plan.	The aim of this policy is consistent, but the standards themselves may be dated and take limited account of accessibility. The standards should be applied with the advice in the NPPF in mind and justified locally.	Aim consistent, but no further review, or justification for standards stated.	Complies – indicative layout is based on making appropriate provision. Will be more applicable at Reserved Matters stage.
ENV2 (Listed Buildings)	Development affecting a listed building should be in keeping with its scale, character and surroundings. ...	Consistent. But see commentary on Policy ENV1.	Aim consistent, but NPPF and PPG more nuanced and should be used for development	Complies – see submitted Heritage Statement.

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			management purposes.	
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.	Consistent.	Partly consistent.	Complies – see submitted DAS, Built Heritage Statement and Landscape, Townscape & Visual Impact Assessment.
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.	Consistent. But see commentary on Policy ENV1.	Aim consistent, but NPPF and PPG more nuanced and should be used for development management purposes.	See submitted Built Heritage Statement – no ancient monuments or sites of archaeological importance have been identified either on, adjoining, or in close proximity to the Application Site.
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	Consistent.	Partly consistent – NPPF (e.g. footnote 58) and PPG should be used for development	Complies – as noted in Section 3 of this Statement, maps published by Natural England show the Application Site as being Grade 3 agricultural land, whereas much of the area surrounding Elsenham is shown as

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	poorer quality except where other sustainability considerations suggest otherwise.		management purposes.	Grade 2, as is much of the land across Uttlesford.
ENV7 (The Protection of the Natural Environment - Designated Sites t)	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.	Partly consistent. In relation to SSSIs, the NPPF differs from the policy in that the benefits (rather than the need) for the development should clearly outweigh the impact on the SSSI and any broader impacts on the national network. With regard to other sites in the policy the test in the NPPF is again to clearly outweigh. The NPPF should be used as the basis for development management purposes.	Generally consistent, but agreed that NPPF (e.g. para. 180) and PPG should be used as the basis for development management purposes.	Complies (with NPPF) – see submitted DAS, Landscape and Visual Assessment, and Ecological Assessment.
ENV8 (Other Landscape Elements of Importance for Nature Conservation)	Development that may adversely affect these landscape elements: Hedgerows; Linear tree belts; Larger semi natural or ancient; woodlands; Semi-natural grasslands; Green lanes and special verges; Orchards; Plantations; Ponds; reservoirs; River corridors; Linear wetland features; Networks or patterns of other locally important habitats. will only be permitted if the following criteria apply: a) The need for the development outweighs the need to retain the elements for their	Partly consistent as the NPPF refers to the benefits of the development (rather than the need) clearly outweighing the loss or deterioration. The NPPF should be used as the	Generally consistent, but agreed that NPPF (e.g. para. 180) and PPG should be used as the basis for development management purposes.	Complies (with NPPF) – see submitted DAS, Landscape and Visual Assessment, and Ecological Assessment.

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	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.	basis for development management purposes.		
ENV9 (Historic Landscapes)	Development proposals likely to harm significant local historic landscapes, historic parks and gardens and protected lanes as defined on the proposals map will not be permitted unless the need for the development outweighs the historic significance of the site.	<p>Consistent. Decision making should assess the significance the asset makes and its contribution.</p> <p>See Policy ENV1 above. Up to date evidence about the historic environment is required to assess the significance of heritage assets and the contribution they make as well as helping to predict those yet undiscovered. Assessment of historic landscapes should be integrated with landscape character assessments.</p>	Aim consistent, but NPPF (e.g. paras. 170, 200 and 202) and PPG should be used for development management purposes.	Not applicable – the submitted Landscape and Visual Assessment confirms that the Application Site is not in or adjacent to any specific landscape-related statutory or non-statutory designation, and that the development would not result in significant harm to visual amenity within the wider study area.

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ENV10 (Noise)	Housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance. This will be assessed by using the appropriate noise contour for the type of development and will take into account mitigation by design and sound proofing features.	Consistent.	Consistent.	Not applicable – the submitted Noise Assessment confirms that the Site is suitable for residential development subject to the recommendations included in the Assessment.
ENV12 (Protection of Water Resources)	Development that would be liable to cause contamination of groundwater particularly in the protection zones shown on the proposals map, or contamination of surface water, will not be permitted unless effective safeguards are provided.	Consistent.	Consistent.	Complies – see submitted Flood Risk Assessment & Drainage Strategy.
ENV13 (Exposure to Poor Air Quality)	Development that would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground level will not be permitted. ...	Generally consistent.	Extract included here is generally consistent.	Not applicable / complies – the submitted Air Quality Assessment concludes that residents of the proposed development will experience good air quality and that the Site is suitable for its proposed end-use without mitigation. See also Section 7 of this Statement for further detail.
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.	Consistent.	Consistent.	Complies – see Phase One Desk Study Report; it is anticipated that further investigations will be required by condition.
H1 (Housing Development)	The local plan proposes the development of 5052 dwellings for the period 2000 to 2011 ...	Not consistent. The NPPF requires an additional 5% or 20% beyond an identified five-year supply.	Not consistent.	Significantly out-of-date – see Sections 6 & 7 of this Statement.

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<p>H9 (Affordable Housing)</p>	<p>The Council will seek to negotiate on a site to site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfall sites, having regard to the up to date Housing Needs Survey, market and site considerations.</p>	<p>Consistent with plan making requirements in the NPPF, but care should be exercised in using this policy and any target should be justified in the light of robust evidence.</p> <p>Review should be undertaken at an appropriate time ... Evidence base for housing provision needs to be based on an up to date, objectively assessed needs.</p>	<p>Consistent in requiring affordable housing but no evidence of needs and no further review.</p>	<p>Complies – the Proposed Development is based on the provision of 40% affordable housing. It is anticipated that the exact requirement and means of provision will be informed by comments received on the application and subject to a S106 planning obligation.</p>
<p>H10 (Housing Mix)</p>	<p>All developments on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties.</p>	<p>Consistent if this mix is still required based on local needs.</p> <p>Review should be undertaken at an appropriate time to ensure that the mix sought is still required.</p>	<p>Consistent in requiring a mix of housing but no local evidence of needs and no further review.</p>	<p>Complies – indicative layout is based on carefully-considered mix. Will also be applicable at Reserved Matters stage.</p>
<p>MLP 2014</p>				

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S8 (Safeguarding Mineral Resources and Mineral Reserves)	The Mineral Planning Authority shall be consulted on: a) all planning applications for development on a site located within an MSA that is 5ha or more for sand and gravel ... Non-mineral proposals that exceed these thresholds shall be supported by a minerals resource assessment to establish the existence or otherwise of a mineral resource of economic importance. If, in the opinion of the Local Planning Authority, surface development should be permitted, consideration shall be given to the prior extraction of existing minerals.	-	Consistent.	Complies / not applicable – the submitted Minerals Resource Assessment explains that once buffer zones have been taken into account, the residual site is less than 5 ha, and, as a result, no further assessment of potential mineral resource is required.
Supplementary Planning Guidance				
Accessible Homes and Playspace, 2005	This guidance seeks to provide additional guidance on how to fulfil the objective of ULP 2005 Policy GEN2 design criterion (c) – to meet the reasonable needs of all potential users, and Policy LC2 – access to leisure and cultural facilities. It refers to Lifetime Homes, Wheelchair Accessible Housing, design for access to play spaces and other more detailed matters.	-	Aim consistent but much of the guidance is now out-of-date and has been superseded by the Nationally Described Space Standards and Building Regulations.	Complies (inasmuch as is relevant). Will be more relevant at Reserved Matters stage.
Essex Design Guide Urban Place Supplement, 2007	This document was intended to supplement the Essex Design Guide and be particularly helpful in relation to intensive development in urban areas. Its approach of considering urban context, influences on quality and influences on sustainability is relevant to all new residential development.	-	Generally consistent but much of the guidance has been superseded by revisions to the Essex Design Guide itself, and other guidance.	Complies (inasmuch as is relevant). Will be more relevant at Reserved Matters stage.

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Energy Efficiency and Renewable Energy, 2007	This guidance was prepared in support of 2005 Local Plan policies GEN2 and ENV15 to provide additional information to applicants on the measures to include in new development to reduce energy use and minimise water and energy consumption.	-	Aim consistent but much of the guidance is now out-of-date and has been superseded by other guidance including UDC's own interim climate change planning policy (see below).	Complies (inasmuch as is relevant). Will be more relevant at Reserved Matters stage.
Other Planning Guidance				
Parking Standards – Design and Good Practice, 2009 / 2013	The document explains that the guidance has been adopted in addition to that in the Essex Design Guide (see below) and the 2005 Local Plan.	-	It is unclear what status should be afforded to the guidance.	Complies (inasmuch as is relevant). Will be more relevant at Reserved Matters stage.
Essex Design Guide (live online resource)	UDC explains that the Essex Design Guide (EDG) has been digitally revamped to provide contemporary socio economic, environmental, and best practice guidance to planners and those interested in the provision of new housing developments.	-	It is unclear what status should be afforded to the EDG.	Complies (inasmuch as it is considered applicable) – see submitted DAS and other submitted application and supporting documentation. Will also be relevant at Reserved Matters stage.
Interim Climate Change Planning Policy, 2021	This document aims to ensure that development contributes to climate change mitigation and adaptation	-	UDC refer to the document as non-statutory development management guidance. It further notes that it is not a formal planning policy 'in its own right', but	Complies (inasmuch as it is considered applicable) – see submitted application and supporting documentation. Will also be relevant at Reserved Matters stage.

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			draws upon a range of established policies, guidance and good practice.	
Building for a Healthy Life, 2021	The guidance is based on 'Building for a Healthy Life', a government-endorsed industry standard.	-	It is unclear what status should be afforded to this document, or how it will be applied to planning applications, as it appears to have only been 'endorsed by the Local Plan Leadership Group'.	Complies (inasmuch as it is considered applicable) – see submitted application and supporting documentation. Will also be relevant at Reserved Matters stage.
First Homes Planning Advisory Note, 2022	The Note requires 40% of new housing to be affordable. Within that 40%; 70% should be affordable housing for rent; 25% should be First Homes (subject to 30% discount against market value and national price cap of £25,000); and 5% should be Shared Ownership Housing.	-	Consistent.	Complies. It is anticipated that the exact requirement and means of provision will be informed by comments received on the application and subject to a S106 planning obligation.
Draft Developers' Contributions Supplementary Planning Guidance 2022	This document considers: affordable housing; biodiversity; community facilities; education and school transport; flood and water management; healthcare; landscaping and open space; 'moving around' and sports facilities.	-	Generally consistent. It was approved for public consultation in March 2022 but has yet to be consulted upon. At present it remains based on policies in the adopted	Complies (inasmuch as it is applicable, relevant, and up-to-date). It is anticipated that the exact requirement and means of provision will be informed by comments received on the application and subject to a S106 planning obligation.

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			2005 Uttlesford Local Plan.	
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Jonathan Dixon
Director

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