

7<sup>th</sup> December 2022

Updated from version issued on 13<sup>th</sup> Oct, 11<sup>th</sup> and 30<sup>th</sup> Nov 2022.  
479095/A3/JD/JK



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Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 62A APPLICATIONS)  
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, ON LAND TO THE  
SOUTH OF HENHAM ROAD, ELSENHAM)  
LAND TO THE SOUTH OF HENHAM ROAD, ELSENHAM, ESSEX  
APPLICATION REFERENCE: S62A/22/0007**

Following up with our response strategy and timeline letter, dated 13<sup>th</sup> October 2022, and our responses provided on 11<sup>th</sup> and 30<sup>th</sup> November 2022, please find below updated responses to the Inspector's interim comment letter, dated 6<sup>th</sup> October 2022. For completeness and legibility of the Applicant's response we have included your comment / observation / query in full, followed by our updated response.

*We have been monitoring all other consultation responses and representations received. To confirm, it is the Applicant's intention that the 'Addendum Report' referred to in relation to your Question 8 will address not only the question as set out but also all other consultee comments in relation to highways / transport, including comments received since your letter of 6<sup>th</sup> October 2022, and any consultation response issued by ECC Highways. Otherwise, except for the matters addressed below, the Applicant does not, at present, consider it necessary to comment on any other consultation response, unless you so request.*

#### Uttlesford District Council

We have noted the response from UDC, however as the Local Planning Authority the Applicant is somewhat disappointed that UDC has not provided any comment to assist the Inspector in relation to any aspect of, or saved policy from, the adopted Local Plan, no update on its' emerging Local Plan, and no reference to the sizeable shortfall in its 5-Year Housing Land Supply.

With regard to the points on which UDC objects to the proposal:

- The first and second bullets regarding heritage reflect the commentary as contained in the consultation comments from Place Services' Historic Environment Team
- The third and fourth bullets regarding traffic are supposition only.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East..

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Highway and Transport Matters

5. *The Transport Assessment (TA) uses VISSIM, a microsimulation traffic model, to assess the effect of the development at the Grove Hill/Lower Street junction and the interaction between junctions in Stansted Mountfitchet. Essex County Council, (ECC) as highway authority (HA) has requested further information, including a copy of the model. The information required is, details of the application of the committed development traffic flows; raw traffic survey data, including the queue lengths collected; and further details of how traffic demand has been treated in the junction models.*

**Please can the applicant confirm the date when this further information will be submitted to the HA.**

Applicant response:

The additional information requested by ECC has been prepared and was issued direct to ECC by the Applicant's highways consultant on 29/09/22.

6. *The TA identifies the potential for traffic to travel south via Hall Road, Coopers End Roundabout, and routes adjacent to Stansted Airport. Consultees and interested person have highlighted that Stansted Airport has, in the past, closed this route and could do so again.*

**Can the applicant address this matter, providing further information on (a) the potential for road closures adjacent to the airport and if necessary (b) assess the effect of a road closure on junction capacity and queuing from traffic routing onto alternative routes.**

Applicant response:

The Applicant's highways consultant has considered this matter and the Applicant has been in contact with MAG direct. On 29<sup>th</sup> November the Applicant received the following from MAG:

Dear Carl

At the minute there is no intention to close the route and as a matter of course it isn't closed at any point of the year. There isn't an agreement with Essex Highways or National Highways however to keep the route open.

Kind regards

**Alice Carr**  
**Senior Planner**  
MAG

[Redacted signature block]

The Applicant also wishes to highlight that other Transport Assessments for sites in Elsenham have also assumed that the route will remain open. Therefore, the Applicant considers that it is reasonable to maintain the traffic distribution as per the submitted Transport Assessment. As such no further traffic modelling is considered as a result of this matter.

7. *The Planning Statement and Framework Residential Travel Plan refer to opportunities to promote the use of non-car modes of transport. The measures include the promotion of public transport services including financial contributions towards the existing bus service.*

**The applicant is requested to indicate whether the relevant transport providers have identified what provision can be made and what the mechanisms are to implement that provision.**

Applicant response:

The Applicant has not made any approach direct to public transport operators as such approaches are usually made by ECC and not the Applicant. ECC prefer that a financial contribution should be paid to it rather than a particular bus operator with it then deciding how best to spend the contribution.

Since the interim response issued on 15<sup>th</sup> September 2022, no further comments have been received from ECC Highways which the Applicant anticipate will include clarity on the contribution requirements.

Following a meeting with ECC Highways on 30<sup>th</sup> November 2022, the Applicant understands that ECC will issue a consultation response setting out the infrastructure and service contributions required. In summary, we understand these include the following:

- New pair of bus stops on Hall Road. Further design is to be undertaken by Ardent to agree the form and location of the bus stops with ECC
- Contribution of £2,670 per dwelling in line with requests from other sites in the area to provide an increased frequency of the local bus service to half hourly and an extension to the evening service alongside introduction of Sunday services

In principle, the Applicant is agreeable to these.

To further set out Essex County Council's approach on bus contributions, the following statements taken from the ECC Bus Service Improvement Plan 2021 to 2026 are noted:

265. The County Council usually only seeks contributions from larger developments for the provision of bus services. Smaller developments may only be required to upgrade the nearest bus stops to current ECC specifications. Where contributions have been sought for services, it has been generally left to the developer to liaise with a local bus operator to provide a service to the development. In some instances, this has led to poor outcomes for both taxpayers and residents. For example, where the agreed services have diverted existing local services away from established routes. Services provided this way have proved difficult to sustain, with only a minority achieving long term commercial viability within the period of financial support, resulting in their withdrawal once funding is expended.

266. In the light of these risks ECC has taken a more strategic approach to responding to planning applications, with the aim of developing outcomes that are financially and operationally sustainable in the longer term.

267. The new approach will look to levy a 'per house' contribution from the developer, that is scalable to smaller developments. This funding will be used by the County Council to provide an agreed level of service to the site by contracts with bus operators. The funding can be pooled with contributions from other local developments to help meet the areas transportation needs. Funding from a particular development must be used to alleviate that development's impact. Pooling allows, for example, the creation of a new bus route that serves several development sites across an area, with each site contributing to it. This allows an individual development's service to be integrated into the wider network.

268. As ECC hold the contribution and as agreements are often secured several years in advance of the funding becoming payable, during which time network or key service/amenity location changes can occur, this approach retains the flexibility to meet the needs of the development as it grows and its connectivity changes.

269. The 'per house' levy will vary according to the size and location of the development, its impact, and its connectivity to the rest of the public transport network. The County Council has reached agreements varying between £2k and £2.6k per home. This approach can be applied to smaller developments than would previously have been required to contribute.

270. Where a development already has good public transport provision, contributions may be used towards the provision of bus-benefitting infrastructure.

*8. Elsenham Parish Council (EPC) express concern that the traffic modelling takes no account of proposed, but not permitted, developments in the Elsenham and Stansted Mountfitchet areas. As such, the predicted traffic impacts are unrealistic.*

*9. EPC disputes the applicant's walking distances to various. These errors result in an overstatement of the ability of prospective residents to access various facilities other than use of the private car.*

*10. EPC submits that the submitted Travel Plan is unlikely to bring about material changes in travel patterns and would have no material impact on reducing traffic impacts.*

***The applicant is requested to consider EPC's comments and to indicate whether further information needs to be submitted and whether a further Transport Assessment is required.***

Applicant response:

With regard to Question 8:

The Applicant wishes to highlight that, notwithstanding its consultation response of 15<sup>th</sup> September 2022, it has not received anything further in writing from ECC Highways. However, its' highways consultant proactively secured a meeting with ECC highways on Wednesday 30<sup>th</sup> November 2022.

It was agreed with ECC Highways at the meeting that alternative traffic surveys (the data for which the Applicant already has) should be used for the Stansted Mountfitchet VISSIM modelling, and that all traffic modelling – both the VISSIM and standalone junction modelling – will address the matters raised by EPC and also include the latest planning application submitted to PINS for development on Station Road (ref. S62A/2022/0012).

Whilst base modelling has been agreed with Jacobs acting on behalf of ECC, it is clear that ECC have concerns about the differences between the VISSIM models submitted by Countryside and the Station Road applicant. As soon as the differences have been confirmed by Jacobs / ECC the Applicant will undertake the revised modelling - a further update on timescales will be provided as soon as the Applicant has any information on this from ECC.

The timescale for any remodelling is being discussed with ECC Highways but will extend into 2023 and necessitate a postponement of the Hearing. The Applicant is willing to speculate on a possible revised Hearing date but notes that ECC's work, which it is doing at present and in reassessing any revised modelling will represent a sizeable proportion of the delay.

With regard to Questions 9 and 10:

To confirm, the Applicant will address the matters raised in a revised an Addendum Report – see response to Question 8, which will result from the work requested by ECC.

*11. At the time of writing a full response from the HA has not been received (anticipated 12 October 2022). Therefore, the above should be read as interim comments and it may be necessary to seek further clarification once the response of the HA has been considered.*

Applicant response:

Noted.

## MAG – London Stansted Airport

12. The airport Safeguarding Authority has submitted a holding objection relating to the potential for an increased risk of bird strike. MAG refer to the SuDS drainage strategy, which includes 2 attenuation basins, swales, permeable paving, and an underground storage tank. MAG suggests that all drainage should be underground to prevent the swales attracting hazardous waterfowl or that appropriate mitigation is provided.

13. MAG seeks further information on (1) confirmation of drain down times for the attenuation basins, (2) a management and maintenance programme for the SuDS, confirming that regular maintenance will be in place to ensure the drainage outlets on the swales and basins continue to drain down correctly, (3) mitigation measures on the basins to deter hazardous waterfowl, and (4) confirmation that no islands or peninsulas will be introduced on any waterbody. Should the above concerns be satisfied and planning permission granted, MAG suggest conditions relating to, dust/smoke control, landscaping, and lighting.

**The applicant should consider this request and provide further information on how the threat of potential bird strikes can be mitigated.**

Applicant response:

The drainage design has been developed using the ECC SuDS Guidance and other national guidance to inform the appropriate design. The use of below ground attenuation features only, without the use of above ground SuDS, would not be acceptable to the ECC SuDS Team as their role as the LLFA. The use of dry attenuation basins has been proposed to treat and attenuate surface water on-site prior to discharge to the existing river to the south of the site. The basins are designed to be dry throughout the majority of the year and only wet during the extreme storm events. The swales around the site are only for treatment and conveyance, and as such will not store any surface water. As mentioned, there is also an existing river on the southern edge of the site, which will attract waterfowl and/or birds, and thus it is deemed that the addition of dry attenuation features will not increase the risk of bird strike.

The half drain times have been confirmed for each of the basins within the submitted Flood Risk Assessment ('FRA'). The half drain times currently meet the ECC requirements of half draining within 24 hours during the 1 in 30 year plus 40% climate change event, or if this does not half drain within 24 hours, an additional 10 year storm can be accommodated within the basin. At Reserved Matters / condition discharge stage it will be reviewed and an increase of the rates out of these basins will be implemented where possible and reduce the half drain times.

The maintenance of the attenuation basins and SuDS features across the site will be managed by a management company. A management and maintenance programme, detailing the requirements for each SuDS component, was included within the submitted FRA and it is anticipated that this / further details relating to this will be required by condition. The basins and swales will be dry for the majority of the time, reducing the maintenance requirements on the features.

There are currently no islands, peninsulas or permanent water features proposed within any of the SuDS features.

The landscape proposals will be reviewed at Reserved Matters / condition discharge stage to further minimise the risk of birds and potential hazardous waterfowl. By way of example: i) the specified planting will avoid the provision of species of plants that produce large amounts of fruit, thereby reducing the attraction of flocks of birds (see below); ii) a continuous barrier of emergent and marginal vegetation will be included to make it difficult for geese to walk out of a waterbody onto surrounding grassland in the unlikely event that it holds water; and iii) the grassland within the attenuation basins will be managed at a tall sward height throughout which will restrict birds' view and hence 'feelings' of safety.

## Biodiversity

14. The application proposes ecological enhancement measures on an additional area of land, edged green on the Site Location Plan and within the ownership of the applicants, approximately 100–200 m to the north-east. The Biodiversity Net Gain Design Stage Report indicates that to ensure the delivery of these ecological features there is a requirement for an appropriate Construction Environmental Management Plan and Landscape and Ecology Management Plan to be in place from design to the operational phase of the development. The report goes on to indicate that a Management Plan would be required for the off-site proposals.

**The applicant is requested to confirm that the area identified for off-site ecological enhancement forms part of the planning application and is identified on an appropriate plan as “land edged blue”.**

**The applicant is requested to indicate what measures are being proposed and how they will be implemented to ensure the ongoing provision and management of the off-site ecological area.**

Applicant response:

With regard to the first query, the Applicant can confirm that the land for the off-site ecological enhancement that it is intended be delivered by way of the application is that shown on the Site Location Plan (ref. 001.02) edged in green, within the land edged in blue.

With regard to the second query, please see High-level BNG Strategy attached as Appendix 1 to this letter.

It is anticipated that conditions would require the submission of the Construction Environmental Management Plan (‘CEMP’) and Landscape and Ecology Management Plan (‘LEMP’) (or possibly within the S106 Agreement given that some measures proposed would be off-site).

The Applicant is progressing a S106 Agreement and is liaising with UDC and other parties in this regard. UDC’s availability will determine the timescale for agreeing a S106 Obligation. A first draft S106 has been provided to PINS r.

15. The site is located some 1.7km, 2.4km and 4.7km from Elsenham Woods, Hall’s Quarry and Quendon Woods, 3 Sites of Special Scientific Interest (SSSI). In addition, the site is some 4.8km from the Hatfield Forest SSSI and National Nature Reserve (NNR). The application is accompanied by ecological assessment<sup>1</sup> (EA) and a biodiversity net gain (BNG) report<sup>2</sup>. The EA recognises the potential for impacts on the Elsenham SSSI and Hatfield Forest SSSI/NNR and identifies that on-site mitigation, links to public rights of way and financial contributions towards the management and mitigation of the effects on the SSSIs and NNR may be required.

16. ECC Places Services – Ecology has submitted a holding objection indicating that there is insufficient information to assess the potential effect on Priority Species – Skylark.

**The applicant should consider this request and provide further information to address any omission.**

Applicant response:

The Applicant can confirm that the reference to ‘skylarks’ was a typographical error – no skylarks were recorded on the site. A corrected Ecological Assessment was submitted to PINS on 13<sup>th</sup> October 2022.

17. ECC and the National Trust (NT) identify that the site is located within Zone of Influence of the Hatfield Forest Site SSSI and NNR and the Impact Risk Zone for the Elsenham Woods SSSI. Residential development within these zones requires on-site and off-site mitigation measures agreed with Natural England (NE) to put in place. The NT refer to the Strategic Access Management Measures (SAMMS) document (Hatfield Forest Mitigation Strategy – May 2021 which contains a costed package of mitigation measures.

18. NE has no objection to the proposal subject to securing appropriate mitigation to offset the harm the proposals may have upon the Hatfield Forest SSSI and NNR. NE advises that permission should not be granted until such time as the on and off-site mitigation measures have been assessed and secured through the appropriate means.

19. Suggested on-site mitigation includes informal semi-natural areas, circular dog walking routes of more than 2.7km and/or links to surrounding public rights of way (PROW), dedicated dog off-lead areas, signage/leaflets to householders to promote these areas for recreation and dog waste bins.

20. Off-site mitigation would take the form of a financial contribution of some £19,500 to the NT for use towards visitor and botanical monitoring and mitigation works.

**The applicant is requested to assess the on and off-site mitigation measures referred to by NE and the NT and indicate how and what progress have been made to address these requests.**

Applicant response:

Comments received from Natural England ('NE') and the National Trust have been reviewed. It is noted that Natural England has no objection to the Proposed Development, provided mitigation measures are secured.

It should be noted that early engagement was attempted with NE in August 2022 via their Discretionary Advice Service (DAS). However, NE subsequently declined the DAS request. Subsequently NE's response received as part of the application (NE Response Reference 406173, 29 September 2022) raised no objections to the proposals provided mitigation measures are secured.

The National Trust (email response dated 14 September 2022 from Nina Cribb, Regional Planning Adviser) requests both onsite and offsite mitigation measures to help relieve the recreational pressure on Hatfield Forest SSSI, including informal open space (with dog walking routes / off lead areas) and a £19,500 financial contribution. The response also acknowledges that the Ecology Assessment (SES, July 2022) includes reference to the requested mitigation measures and that "these measures are secured through appropriately worded conditions or legal agreement".

It is therefore considered that the Ecology Assessment (SES, July 2022) addresses NE and the National Trust's concerns and outlines how the proposed development will accord with Policy ENV7 of the Local Plan. For clarity, an outline 'open space' strategy has been provided at Appendix 2 to this letter to show how onsite mitigation measures will be delivered as part the proposed scheme. With the financial contribution secured through the S106 agreement.

21. NE offers additional advice in relation to landscape, the use of best and most versatile agricultural land and soils, impact on protected species, the impact on local sites and priority habitats and species, woodland and trees, environmental and biodiversity gains and access and recreation.

**The applicant should indicate how the proposal would address the above matters.**

Applicant response:

### **Landscape**

In relation to landscape features the existing trees and remnant hedgerow that are within the application site would be retained and enhanced and would be protected as part of the proposed scheme in accordance with BS 5837 Trees in Relation to Construction. The riverbank tree belt along Stansted Brook would be retained along the southern site boundary. No existing trees or woodland are proposed to be removed as part of the development. Instead, new areas of wildflower grassland, individual trees, native shrubs and an orchard are proposed.

The proposed use of native trees and shrubs will reinforce existing features, help provide a link with the existing perimeter woodland areas and hedgerows to maintain a buffer between adjacent land uses and reflect existing landscape character.

There is one public right of way across the northwest corner of the site linking Hall Road to Henham Road. The route of this PRow is retained as part of the proposal, enabling continued access and recreational opportunity for the local community that would be extended by the introduction of the proposed heritage trail that links with the existing PRow. The heritage trail is designed to provide a circular route encompassing visual amenity of views out to local landmarks and over surrounding farmland.

### **Best and Most Versatile Agricultural Land**

The matter of agricultural land is addressed in Appendix 3 to the Planning Statement.

### **Ecology**

Section 4 of the Ecology Assessment (SES, July 2022) predicts the potential impact on local sites, priority habitats and species, woodland and trees, and biodiversity and outlines the proposed mitigation and compensation measures to address any predicted impacts.

With regard to the advice provided by NE, further information is provided below for each measure proposed:

- NE notes *“... that the Ecological Assessment submitted with the application acknowledges the need for a financial contribution to fund such off-site mitigation measures (reference 4.6 – 4.11). However, the submitted Planning Statement does not include any reference to such a financial contribution in the list of anticipated planning obligations as set out at paragraph 5.9.3 of the Statement. This matter should be clarified.”*
  - The S106 Heads of Terms summarised in the submitted Planning Statement is not exhaustive and will be developed in liaison with UDC and other parties. We can confirm that it is intended that all the necessary requirements to ensure the delivery and management / maintenance of the off-site measures will be included in either planning conditions or S106 obligations.
- NE states *“... due to the ‘outline’ nature of the application, [it] would anticipate that an assessment is made as to the capacity of the site to provide adequate mitigation and that confirmation of these details is sought through the appropriate method, such as an appropriately worded planning condition or obligation.”*
  - NE “generally advise” that areas of green infrastructure identified as providing mitigation should include elements such as high quality, informal, semi-natural areas; circular dog walking routes of >2.7km and/or with links to surrounding Public Rights of Way (‘PROWs’); dedicated ‘dogs off lead’ areas; signage/leaflets to householders to promote these areas for recreation; dog waste bins. An outline strategy is provided as **Appendix 2** to this letter to show how such on and off-site mitigation can be delivered as part the proposal. It is expected that planning conditions and/or S106 obligations will be applied to ensure the delivery and appropriate ongoing management of this mitigation.
- NE also request that *“... a suitably worded planning condition or obligation is attached to any planning permission”* to address offsite mitigation measures. NE *“recommend discussion in correspondence with the National Trust as site managers to determine appropriate and proportionate mitigation for this application.”*
  - As outlined in SES response to PINS comments 17 to 20, the National Trust have been consulted and requested a £19,500 financial contribution towards offsite mitigation and that this should be “secured through appropriately worded conditions or legal agreement”.



With regard to local sites, priority habitats and species, NE advises that their standing advice is referred to. This standing advice has been taken into account where applicable and mitigation / compensation measures to address impacts on priority habitats and species have been provided in Section 4 of the Ecology Assessment (SES, July 2022), outlining how the proposals accord with Policy ENV7 of the Local Plan.

With regard to woodland and trees, there are no areas of ancient and semi-natural woodland on or adjacent to the site. Mitigation measures to protect the woodland (part of which is listed on the Priority Habitats Inventory as 'Deciduous Woodland') are included in Section 4.19 to 4.26 of the Ecology Assessment (SES, July 2022), outlining how the proposals accord with Policy ENV3 and ENV8 of the Local Plan.

With regard to biodiversity gains, a BNG report was submitted with the application (SES, August 2022) which showed that the proposed development will deliver over 20% net gain for biodiversity. Further information has been provided above in response to PINS comment 14 with regard to the delivery of the predicted gain.

*22. Based on the information available to date, the Inspector considers that it might be necessary for the competent authority i.e., the Secretary of State, to undertake an Appropriate Assessment in this case. Article 6 of the Habitats Directive, transposed into UK law through the Conservation of Habitats and Species Regulations 2017, requires that where a project is likely to result in a significant effect on a European site either alone or in combination with other plans or projects, and where the project is not directly connected with or necessary to the management of the European site, a competent authority is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of the site's conservation objectives.*

***The applicant is requested to consider the need for an Appropriate Assessment and, if necessary, to submit a shadow assessment to assist the Inspector in determining this application.***

Applicant response:

As outlined in Section 3.1 of the Ecology Assessment (SES, July 2022), the site does not fall within the Zone of Influence (ZOI) of any European designated sites (i.e. there are none within 10km of the site), the closest being the Lee Valley Special Protection Area (SPA) at over 20km south-west. As such, the Applicant's Ecological Consultant's conclusion is that the proposal will not result in any significant effects either alone or in combination with other plans or projects. In addition, it should be noted that Natural England ('NE') raised no concerns regarding European designated sites in its response (NE Response Reference 406173, 29 September 2022).

The site also lies outside the ZOI of any area strategy such as the Essex Coast Recreation disturbance Avoidance Mitigation Strategy (RAMS). Therefore, it is considered that an Appropriate Assessment is not required.

#### Heritage Assets

*23. ECC Place Services Historic Environment Team identify adverse impacts on the setting of the following 8 Grade 2 Listed Buildings and how are they experienced and appreciated. These are:*

- *The Lodge;*
- *The Stores and House;*
- *The Crown Inn;*
- *1 and 2, the Cross;*
- *Village Hall Cottage;*
- *5, The Cross;*
- *Tinkers Cottage;*
- *The Old Vicarage.*

*ECC assess the level of harm to their significance to be low to middle in the spectrum of less than substantial harm.*

24. ECC identifies considerable harmful urbanising effects on the following 6 Grade 2 Listed Buildings:
- Gardener's Cottage;
  - Range of thatched, timber framed outbuildings, and barn to west of Gardeners Cottage;
  - Elsenham Place;
  - Barns to west of Elsenham Place;
  - Dovecote to south-west of Elsenham Place.
  - ECC assess the level of harm to their significance to be middle in the spectrum of less than substantial harm.

25. ECC assess that there would be no harm to the significance of the Grade 1 Listed Church of St Mary the Virgin.

26. Of the 153 Grade 1 and 2 Listed Buildings assessed by the applicant, 3 are identified as experiencing a low level of less than substantial harm to their significance. These are: barns to the west of Elsenham Place, Dovecote to the south-west of Elsenham Place and Nos. 1 and 2 The Cross. The applicant submits that the less than substantial harm to the heritage assets would be outweighed by public benefits, which includes a site wide biodiversity net gain of 20%.

**The applicant to consider whether and to indicate if further assessment of the effect on the settings of the Listed Buildings identified by ECC as being adversely affected is necessary.**

**The applicant to explain how the proposed biodiversity net gains would outweigh the less than substantial harm to heritage significance and to explain why this is a relevant consideration in relation to the heritage balancing exercise required by paragraph 202 of the Framework.**

Applicant response:

With regard to the first query, your letter of 6<sup>th</sup> October 2022 slightly miscounts the Applicant's Heritage Consultant's (RPS Heritage) assessments, most likely as they were grouped in a different fashion to UDC's assessment. However, we can confirm that RPS assessed the potential impact on the same heritage assets as ECC Place Services, plus one further building that ECC Place Services did not consider necessary, namely Elsenham Hall.

Below is a table showing the comparison of assessments between RPS and ECC Place Services. As can be seen, the conclusions broadly align. In relation to the settings of buildings that ECC Place Services did not assess and where it concluded the impact to be 'middle', excepting terminology differences, its' conclusions are identical to those of RPS. In addition, in relation to one building where ECC Place Services concluded 'low to middle', RPS concluded 'low-moderate'. In relation to the remaining seven buildings where ECC Place Services concluded 'low to middle', RPS concluded 'negligible'.

RPS' negligible assessment is partly based on the fact that the settings of these buildings have already been modified and that each building can be fully appreciated from more than one aspect wherein the proposal will be imperceptible (in most cases, it would be located behind the viewer/user).

Continued.../

Land south of Henham Road	Less Than Substantial Harm Spectrum	
ASSET	ECC	RPS
The Lodge;	low to middle	negligible
The Stores and House;	low to middle	negligible
The Crown Inn;	low to middle	negligible
1 and 2, the Cross;	low to middle	low-moderate
Village Hall Cottage;	low to middle	negligible
5, The Cross;	low to middle	negligible
Tinkers Cottage;	low to middle	negligible
The Old Vicarage	low to middle	negligible
Gardener's Cottage;	middle	moderate
Range of thatched, timber framed outbuildings, and barn to west of Gardeners Cottage;	middle	moderate
Elsenham Place:	middle	moderate
Barns to west of Elsenham Place;	middle	moderate
Dovecote to south-west of Elsenham Place.	middle	moderate
Church of St Mary the Virgin	no harm	negligible
Elsenham Hall	not assessed	negligible

With regard to the second query, the Applicant has not sought to assert that the proposed biodiversity net gains alone would outweigh the less than substantial harm to heritage significance – as is expounded on below, it is the collective public benefits of the proposal that would result that are considered to do so in the context of para. 202 of the Framework.

The many and varied locational and public benefits of the Proposed Development are set out in Section 5 and discussed in Section 7 of the Planning Statement and include:

- 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**.

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

### Housing Mix & Tenure

27. Policies H9 and H10 of the Uttlesford Local Plan 2005 (LP) refer to Affordable Housing (AH) and Housing Mix. Also referred to is the Housing Strategy 2021–2026 (HS).

28. LP Policy H9 indicates that on windfall sites, the lpa will seek to negotiate, on a site by site basis, AH of up to 40% of the total provision. On tenure, the Planning Statement proposes the provision of 40% (52 units) AH. Of these, the applicant anticipates that 70% would be for intermediate rent, 25% would be First Homes, and 5% shared ownership.

29. UDC's Housing Strategy section has indicated, (1) a policy requirement for 40% AH, (2) AH to be delivered by a preferred Registered Provider, (3) that 5% of all units are delivered as fully wheelchair accessible and (4) mix and tenure split to be determined at the reserved matter stage.

**The applicant is requested to indicate how the proposed AH is intended to be delivered, by who and outline what discussions, if any, have occurred regarding tenure split.**

Applicant response:

The application proposed the provision of 40% affordable housing as required.

The Applicant (Countryside) will deliver the affordable housing and subsequently transfer these at a reduced rate to a relevant Registered Provider ('RP').

The Applicant has commenced discussions with three RPs that it has worked with in the recent past to deliver affordable housing on sites within Essex. Due to the ongoing nature of these discussions, the Applicant would prefer not to name these RPs at this stage but can provide PINS with this information if it is considered necessary.

No discussions have yet taken place with UDC in relation to tenure split. Countryside anticipate that, in accordance with the preferred position of UDC (but subject to discussions with UDC and other parties at Reserved Matters stage), this will comprise 70% intermediate rent, 25% First Homes, and 5% shared ownership. As indicated by the Council's Housing Strategy Officer in their consultation response on the application, the mix and tenure split of the affordable housing can be agreed later at Reserved Matters stage.

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

It is also UDC's policy to require 5% of all housing to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Applicant intends to comply with this in relation to both the market and affordable housing.

30. LP Policy H10 requires developments of 3 or more dwellings to include a significant proportion of market housing comprising small properties. The Illustrative Masterplan shows 2 bungalows. The HS, page 15, highlights a shortage of bungalows within the district for both market purchase and affordable rent and a requirement for 5% of properties on new housing developments to be bungalows. This requirement applies to both the affordable and market housing on a site.

**The applicant is requested to indicate whether any discussions have taken place with the lpa in relation to dwelling mix by type and how the requirements of the Housing Strategy 2021-2026 could be achieved by this proposal.**

Applicant response:

The application as submitted is for outline planning permission, and it is expected that further discussions will need to take place with the LPA to finalise the appropriate mix for the final scheme design.

The submitted Illustrative Layout Plan and Illustrative Masterplan has been produced to show how a policy compliant design can easily be achieved on site, identifying those parts of the site suitable for single storey bungalows, key building locations, open space, heritage trail, play area etc.

The Applicant will continue to endeavour to discuss this matter with UDC's housing officer.

### Noise

*31. The Environmental Health Team indicate that external sound levels are expected to exceed the upper guideline value of BS8233 at a several properties close to Henham Road and Hall Road. Thus, there is the potential for some residents to be adversely affected by unacceptable levels of noise pollution.*

#### **Can the applicant address this concern?**

Applicant response:

The Applicant's noise consultant (Ardent) has agreed with the Environmental Health Officer that this can be addressed at Reserved Matters and by of the application of a planning condition that will require the accompanying submission of detailed noise mitigation measures. Ardent will continue to work with the EHO to agree the appropriate wording of a condition and an update on this matter will be provided .

### S106 Agreements/Undertakings

32. *Both the applicant and UDC identify a need for planning obligations in relation to:*

- *Applicant and UDC*
  1. *the delivery of the proposed off-site ecological enhancement area;*
  2. *the provision of on-site affordable housing;*
  3. *a financial contribution to primary healthcare provision;*
  4. *a financial contribution to education provision;*
  5. *a financial contribution towards the mitigation of impacts identified by the National Trust and Natural England.*
- *UDC*
  6. *a financial contribution for libraries;*
  7. *provision and long-term maintenance of public open spaces;*
  8. *highways obligations and associated financial contributions;*
  9. *community facilities;*
  10. *provision of a community meeting room;*
  11. *a contribution for a community hall;*

***The applicant is requested to identify, having regard to the provisions of the Framework and R21 of the Community Infrastructure Regulations, the scale of financial contributions considered necessary and the mechanism for ensuring their implementation.***

Applicant response:

The Inspector will note that the Applicant is seeking to progress an agreement with the Councils rather than a unilateral undertaking.

A working draft of the S106 agreement was issued to PINS on 17<sup>th</sup> November 2022.

The Applicant wishes to make the Inspector aware that UDC are currently consulting on a revised draft Developer Contributions SPD, pursuant to saved Policy GEN6 of the 2005 Local Plan. The Applicant has reviewed this and is seeking to engage with other parties including UDC and ECC to confirm what resulting amendments might be required to the current working draft of the S106.

With regard to a timetable for progressing the S106, given that it is an agreement, this will in part depend on the responsiveness of and input received from other parties. However, noting the provisional hearing date of 17<sup>th</sup> January 2023, the Applicant is aiming to issue a final version of the S106 prior to Christmas – i.e. no later than **Friday 23<sup>rd</sup> December 2022**.

Other Matters

We note your various other comments on the final page of your letter.


The Applicant is agreeable in principle to an extension to the determination period, in part to facilitate any re-consultation, and looks forward to a mutually agreed extension.

Yours faithfully,



**Jonathan Dixon**  
**BA (Hons) MA MRTPI FRSA**  
**Director**

- Enc. Issued 13/10/22:
- Updated Ecological Assessment (Rev C), prepared by SES, dated July 2022
- Issued 11/11/22:
- Appendix 1 – High Level Biodiversity Net Gain Strategy
  - Appendix 2 – Indicative Circular Walking Routes & Other Features
- Issued 17/11/22:
- First Working Draft S106 Planning Obligations Agreement

cc: , Countryside Properties 