



# The Planning Inspectorate

Inquiries and Major Casework  
Team

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Mr James Cann  
Planning Direct  
The Furnace, The Maltings  
Princes Street  
Ipswich  
IP1 1SB

Your Ref:

Our Ref: S62A/22/0005

Attachments:

Date: 9 December 2022

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Dear Mr Cann

**Town and Country Planning Act 1990 (Section 62A Applications)**  
**Full planning application proposing the erection of 15 new dwellings**  
**at**  
**Canfield Moat, High Cross Lane West, Little Canfield, Dunmow, Essex, CM6**  
**1TD**

I have reviewed the planning application and the representations received as of 6 December 2022 the end of the formal consultation period (with Uttlesford District Council's response being due by 16 December 2022).

Representations received can be viewed here <https://www.gov.uk/guidance/section-62a-planning-application-s62a220005-canfield-moat-high-cross-lane-west-little-canfield-dunmow-essex-cm6-1td>

I have the following comments:

1. **Highways** – Please refer to the Essex County Council (ECC) Highways and Transportation consultation response dated 1 December 2022. This sets out the need for a range of further details, including alterations to access, visibility splays and a swept path analysis.

The red line site boundary plan may need to be altered to show connection to the adopted highway.

2. **Public Rights of Way** – Please refer to the ECC Highways and Transportation consultation response dated 1 December 2022. Public Rights of Way no's 14 and 16 may be affected by the development, and an assessment of the impact on these routes is required.  
Alterations to access may be required following such an assessment.

3. **Protected Species** – Please refer to the ECC Place Services Ecology response dated 30 November 2022. Insufficient ecology information is available in relation to the removal of trees (specifically T60) and their potential to support roosting bats.

Information regarding proposed lighting and its effect on bats is also required.

4. **Flood Risk and Drainage** – Please refer to the response from the LLFA dated 1 December 2022, which seeks further information in terms of sustainable drainage systems (SuDS). Please also refer to third party comments in relation to drainage issues in the local area.
5. **Archaeology** – The Archaeological Desk-Based Assessment indicates that the site has a moderate to high (significant) potential of encountering archaeological features and deposits associated with the medieval moated enclosure. A low to moderate potential for encountering prehistoric and Romano-British remains has also been identified. Given the potential archaeological significance of the site, further pre-determination field evaluation is required to assist in decision-making. This is so that the significance of any non-designated heritage assets of archaeological interest can be better understood. Consequently any features of significance may affect development and layout of buildings.

The Assessment refers to previous investigations in 2009-10. If available, the reports should be submitted and the areas of finds shown on a layout plan where possible.

If pre-determination surveys are not possible, justification should be provided. It is noted that the Planning Statement does not refer to any potential non-designated heritage assets and as such an addendum/ summary should be provided in this respect.

Note that the above request is notwithstanding the response from ECC Place Services' Historic Environment Consultant (9 November 2022) which recommends a condition.

6. **Planning Obligations** – Please refer to the response from Uttlesford District Council's (UDC) Housing Strategy, Enabling and Development Officer dated 9 November 2022. This sets out that a commuted sum should be provided in lieu of 40% on-site affordable housing. Please therefore submit a legal agreement to secure such commuted sums, the sum of which should be confirmed in advance by UDC. The planning obligation can be secured either by way of a Section 106 agreement to be agreed with UDC, or a Unilateral Undertaking.

There may be other planning obligations that are required by UDC (and/or ECC). Clarification on this matter should be provided.

The applicant is invited to refer to Appendix 4 of Section 62A procedural guidance (<https://www.gov.uk/government/publications/planning-applications-process-section-62a-authorities-in-special-measures/procedural-guidance-for-section-62a-authorities-in-special-measures>) which requires a completed agreement to be in place so it can be taken into account in reaching a decision. Applicants are strongly encouraged to have any obligations at an advanced stage prior to submission of an application.

7. **Third Party Comments** – A response to the numerous third party comments which raise matters in addition to those listed above would be helpful.

Please be aware that these are interim comments and I have yet to fully consider the application or to review Uttlesford District Council's response. Alerting you to these matters at this early stage allows you to respond to and consider issues that have been raised, to seek to resolve them.

The provisional hearing date of 10 January 2023 will now need to be postponed. However, I am keen to maintain momentum on the application and it is important that we establish a timetable moving forward as soon as possible, so that a revised date for the hearing can be confirmed. To help this process, please can you confirm by **16 December 2022** how you wish to seek to address the above and the likely timescales for the submission of any additional information.

Please note that, when new information is taken into account, the Planning Inspectorate may be required to carry out additional notification and consultation. New information will therefore only be accepted where there is an agreement to extend the time period for deciding the application. In response to this letter, please can you confirm your agreement in principle to this, and we will then seek to mutually agreed an extension to take account of the time required for you to prepare the information, the additional notification period, and the effect of this on the future hearing date.

Yours sincerely,

Susan Hunt BA (Hons) MA MRTPI

Inspector