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25 May 2023

Dear Sirs,

**Application ref.: S62A/2023/0017 Land at Tilekiln Green, Start Hill, Great Hallingbury**

My name is Cllr Neil Reeve. I am Portfolio Holder for Environment and Climate Change at Uttlesford District Council. I am on the Local Plan Leadership Group, and one of the two Ward Councillors.

At the time of the Planning Committee Meeting on 8 February 2023 which discussed application UTT/22/0267/FUL which is substantially the same application to which I am now responding, I was Portfolio Holder for Economic Development, Investment and the Corporate Plan. I spoke to this application.

**I write to strongly oppose this application.**

Application UTT/22/0267/FUL was rejected by the Planning Committee on 8 February 2023. This application had been rejected at least twice before. ECC Highways have accepted a new entrance design. All the other main material reasons for objection remain unchanged.

I have 2 main points:

(I include some notes on the evidence at the end of my statement).

1. My first point concerns the **economic development benefit**. In the overall planning balance this site is not needed for employment. I have checked with our Economic Development officer. The jobs that are claimed to be provided are small in number; predominantly not for local Uttlesford residents; and tiny in comparison with the nearby welcome major 62Ha development 'Northside'. Application UTT/22/0434/FUL Land North of Stansted Airport was approved by the UDC Planning Committee on 25 January 2023. There is ample land for covered/uncovered logistics at Northside. The statement that the applicant cannot use Northside is commercial, and not a material planning consideration. It is **not** required for the upcoming Local Plan need.  
It appears that the applicant wishes to use this 5.13Ha Tilekiln Green site because they made a speculative purchase, assuming that they could not continue to use the Airport site. There is no longer a planning need for this.

2. My second point is one of **omission of material fact. Priority Habitat – Deciduous Woodland:**

- a. ECC Place Services' Ecology Report dated 10 May 2023, states that the applicant's reports for Ecological assessment etc have been reviewed; and appropriate mitigation identified; and recommended as conditions. **Good.**
- b. However, Place Services have not made their **own** independent assessment. In particular, DEFRA's MAGIC geographical national natural environment database has not been consulted. DEFRA is the Government's Department for Food, Agriculture and Rural Services. This tool is the standard 'go to' as the starting point for professionals for ecological assessments.
- c. This particular site is identified as a **Priority Habitat – Deciduous Woodland**. Please refer to the two screenshots dated 25 May 2023 attached below.
- d. It is now no longer visually obvious that this site has a Priority Habitat status, because much of it was destroyed one bank holiday weekend in August 2019, prior to a series of planning applications.
- e. The Natural England Report dated 4 May 2023 stated **that the applicant should check for such Priority Habitats** (top of their page 2 of 2). They state: '*Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most **priority habitats** will be mapped either as Sites of Special Scientific Interest, on the **Magic** website or as Local Wildlife Sites. A list of priority habitats and species can be found on Gov.uk*'. Natural England themselves did not check, even though they stated 'No Objection, based on the plans submitted'. However in their Annex A, they state that 'Biodiversity Duty: Your authority has a duty to have regard to biodiversity as part of your decision making'. Natural England make reference to how to comply in the context of the Environment Act 2021. **The applicant does not appear to have made these checks.**
- f. A **Freedom of Information (FOI) Request to the Forestry Commission** was requested on 24 April 2023, and the information was received on 15 May 2023. This regarded a Felling Licence application from the applicant to the Forestry Commission regarding land at this site. The reason for the FOI was because there had been verbal reference to an 'approved Felling Licence' for this site (during the UTT/22/0267/FUL hearing), but no evidence in any of the papers from the applicant, nor UDC Planning. Redacted emails, application requests, drawings, lists, negotiations, and the licence, and it's conditions are all included in the FOI response. From the information a number of conclusions can be drawn.
- g. The Forestry Commission appears indeed to have **granted a Felling Licence** (Application Ref: 017/45385/2018) dated 5 Aug 2019. However this came with conditions. From my analysis of this it appears that a number of these conditions have not been complied with, notably: 1) Firstly the land area of felling. Substantially more trees (by felled area) appear to have been felled than applied for; 2) Substantially fewer trees appear to have been replanted than agreed. But .....
- h. The Licence specifically states (page 2 of 10): '*The enclosed felling licence only gives you permission to fell trees. **It does not give you the additional consents that you require in order to conduct works (including felling) within Sites of Special Scientific Interest or Scheduled Monuments. These may be enclosed with this felling licence, but if they are not, you should not fell trees on protected sites without the formal***



**Evidence notes:**

These are included since I note that a number of the Statutory Consultees appear to have relied on the data provided by the applicant rather than making their own data check.

**AYE): Handwritten Application dated 5 April 2023:**

3. Has change of use already started?: Stated 'No', but actually 'Yes' since 'Priority Habitat – Deciduous Woodland' site has been cleared.

5. Pre-application been sought?: 'No', but actually 'Yes' since an effectively identical application was rejected by UDC Planning Committee.

8. Neighbourhood and Community Consultation?: 'No', but actually 'Yes' since an effectively identical application was rejected by UDC Planning Committee.

14.b. Biodiversity and Geological Conservation: Designated sites, important habitats and other biodiversity features?. 'No' but actually 'Yes' since Priority Habitat – Deciduous Trees

15. Correct use of site?: 'Vacant', but previous use was presumably a combination of Woods and agricultural.

17. Trade effluent or waste?: 'No', but surely there will be some, from vehicles and also packaging?

20. Employment: Stated growth 'from zero to 130 (FT and parttime)', but actually this is largely offset from the current staff at Northside.

**BEE): Planning Statement – Lichfields 5 May 2023**

2.2. Existing site (Northside) has a lease agreement with 12 months notice. At the time of the UTT/22/0434/FUL hearing in January, it was stated that use of the site must cease. This implies that there is an opportunity to negotiate a longer (effectively permanent) lease. I acknowledge that this is a commercial and not planning issue.

5.2 CPZ: Various recent planning decisions and appeals have upheld the CPZ principle, with weight.

5.7 In employment terms, this application is insignificant in terms of employment (whilst acknowledging that all employment sites are useful and carry weight), compared with the recently approved (January 2023) commercial site, mostly for covered/uncovered logistics as required by the applicant). This Northside site is the largest commercial development site in the region. This is the site where the applicant is currently operating their business. Northside will provide thousands of jobs, compared with the 10's of this application.

5.10 Also the refusal was because the adverse impacts significantly outweighed the benefits, when assessed against the policies in the framework taken as a whole.

5.13 Wren can continue to stay on this 'Northside' site, with a one year notice. There is nothing stopping them negotiating a longer lease relationship. Planning permission has been granted for Northside.

5.42 Noise: It is inconceivable that a 24/7 operation involving huge lorries, arriving/leaving, parking, reversing, forklifts (?) adjacent to existing private housing, can be acceptable! This is sheer nonsense.

5.47 to 5.56 Landscape and ecology: no mention is made of the fact that the site was totally cleared in Aug 2019 (possibly illegally – see above). See also Magic database.

6.11 There is an alternative site: at the existing Northside site. In the analysis of other available sites this Northside site is totally ignored.

6.21: Benefits according to applicant: Stated that 'Enable local business to remain in District'. This is not a local business. The main workforce is largely out of District. The large annual amounts include Business Rates (I believe). These go largely to Central rather than Local government. Ditto the employment leveraged amounts are most likely overstated as a result of the residence of the workforce.

6.26: Noise: Untrue that transportation noise would be below background noise, day and night. During day possibly true, because of existing road traffic and low overhead departure flights from the Airport. However at night there are extended periods of no noise, which would be destroyed by this application's 24/7 usage. The time periods used in the noise calculations are not appropriate.

**CEE): Design/Access Statement dated March 2023**

- Acoustic fence (timber board): will provide no effective noise mitigation. Further there is NO mitigation for arriving/departing vehicles.
- Further trees to be removed (not mentioned)

**DEE): Proposed Layout Dwg 11008-PL-1001K**

- No SUDS or the agreed alternative (cellular drain system) shown on the drawing.
- Further trees to be removed?

**EEE): Essex Biodiversity Validation Checklist June 2015, (completed March 2023?)**

Table 2.1 (iii) Yes there is Habitat of Ancient Woodland within 250m of the site (and on the site) Therefore proceed to Table 2.2: **Priority Habitats**. The applicant correctly states that there are areas of Deciduous Woodland within the site, but they will be retained and mitigated. **However, the applicant omits to state that the site was substantially cleared in August 2019.** No reference is made to the disbenefits of this.

To the question Ancient Woodland within 250m of the site: The applicant states there are none. This is incorrect. See the Screenshot from Magic below. There are 3 areas of Ancient Woodland within 250m of the site.

In Step 3: The Protected and priority species report: This is totally misleading since the site was substantially cleared in August 2019.

Also in Step 3 – nationally protected species: **This report is also totally misleading.** The referenced Ecological Assessment was made AFTER Aug 2019 when the site was cleared. There had been many more of the nationally protected species, before the site trashing, which also destroyed a pond, where there was a high probability of Great Crested Newts.

Step 5: In light of the above (Yes ticks in Step 2, and omissions in Step 3), **Step 5 should have been completed. It has not been. The Biodiversity Statement and Mitigation Plan, has been incorrectly omitted.**

**It is regretted that ECC Ecology have not identified these errors.**

**FFF): Coke Gearing Commercial Report, 23 January 2023**

- This report is of little value since it makes no reference to the availability of granted planning permission, for the purposes of this application at their existing site at 'Northside'. {See earlier comments}
- It has also not looked at other sites outside the District.

**GGG): Ecology Assessment, by Ecology Solutions, January 2023**

This report was commissioned in Jan 2020. This was after the site had been trashed in August 2019. i.e. **the whole conclusions in relation to this application are worthless.**

Appendix 1. There is a screenshot of the Magic map. **However they have not included the Priority Habitat layer.** It therefore omits the Tilekiln Green site. **This is a misleading omission.**

**HHH): Update of Ecology Assessment, by Ecology Solutions, March 2023**

No change. The above issues were raised at the earlier hearings by UDC (25 January 2023). Ecology Solutions could have changed their report.

**III): Economic Report, Lichfields, January 2021**

**This report is largely of little value, since it is now totally out of date.** The most important change is the Approval by UDC Planning Committee of the region's largest commercial site, Northside, in January 2023, as a commercial logistics site (plus other uses). This makes the Tilekiln Green site redundant. The main thrust of the report is to argue the economic benefits of the Tilekiln Green site. However, the base data is now wrong. See comments above. Also the general economic data is out of date by 2 years. More recent reports are available. Also the jobs increase does not take into account the reduction of jobs at the existing site at Northside.

**JJJ): Fence Specification, undated, by Jacksons Fencing**

Of limited value since it does not include fence height.

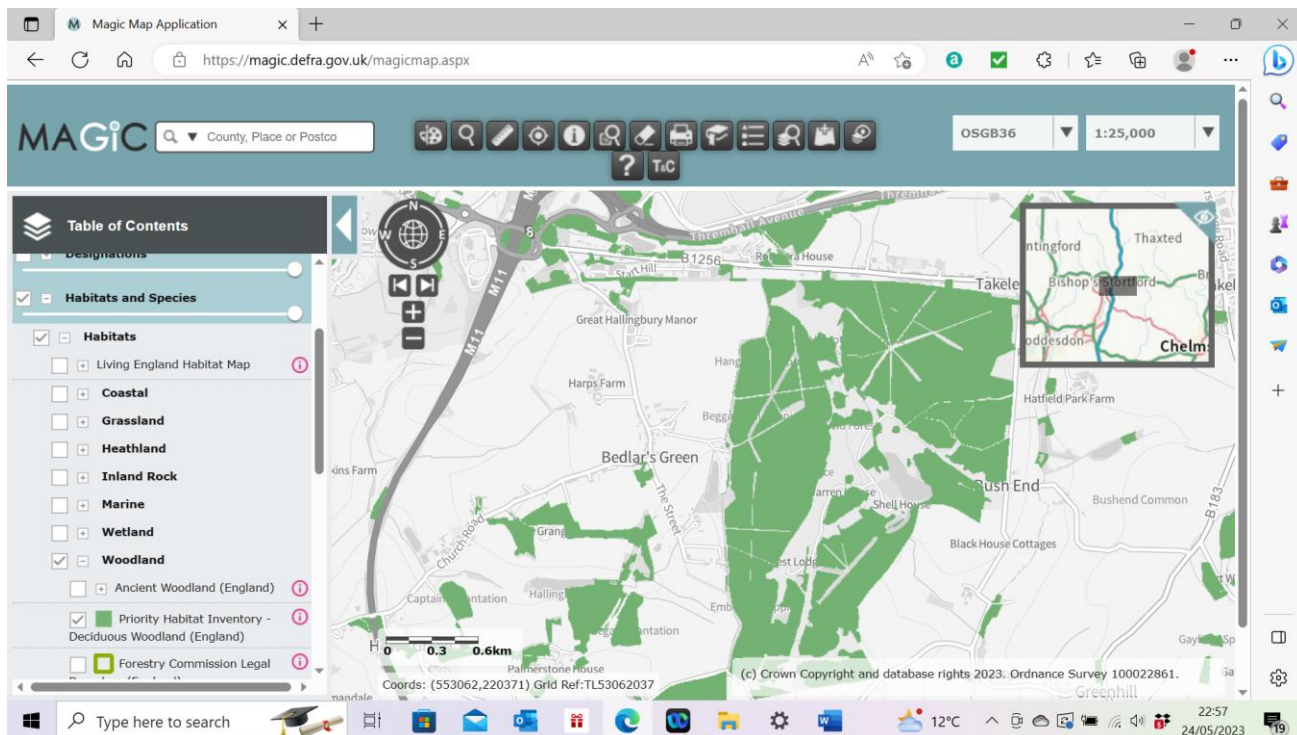
**KKK): Flood Risk Assessment, Intermodal Transportation, January 2022**

- How will surface oil spills etc. be collected before being discharged into the stream?
- At peak storm levels there will be direct discharge into the stream. This is unacceptable. The cellular structure needs to be bigger, and have some effluent extraction system.

**LLL): Place Services, Ecology Report, 10 May 2023**

This report is unfortunate, since it seems based only on information provided by the applicant. It misses the fact that the site is a Priority Habitat – Deciduous Woodland (on Magic). It also misses the fact that the site was significantly cleared, by felling and levelling in August 2019, prior to the start of the planning applications. **This means that the whole premise is at fault. Consequently the conditions, recommendations and mitigations are not addressing the real situation. See also EEE above.**

Screenshot from MAGIC Maps - 25 May 2023 - Showing the FKY site is a designated 'Priority Habitat Inventory - Deciduous Woodland (England)'



Close-up Screenshot from MAGIC Maps - 25 May 2023 - Showing the FKY site is a designated 'Priority Habitat Inventory - Deciduous Woodland (England)'

