

S62A Planning Application Number: S62A/2023/0017

Address: Land At Tilekiln Green Start Hill Great Hallingbury CM22 7TA. Creation of an open logistics facility with associated new access and ancillary office with amenity facilities

Case Officer: Major Casework Team

Customer Details Name: Great Hallingbury Neighbours Association

Contact : [REDACTED]

Address: [REDACTED]

Date : 22<sup>nd</sup> May 2023

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To provide some background to this application, on 4<sup>th</sup> May 2016 an exploratory pre-application meeting reference number (UTT/16/0956/PA) took place with UDC and the then senior planning officer to consider the future use of the land for commercial/employment use. It was decided that the principal of changing the use of the site for commercial would be contrary to local and national planning policies due to its countryside location and as such any proposal would have to demonstrate how the need for the proposed use would outweigh the harm to the countryside.

In February 2021, an application (UTT/21/0332/FUL) was made to UDC by the Applicant FKY Ltd, over 400 objections from members of the public (in addition various Parish Councils and local interest groups also objected) were lodged and in May 2021 the then Planning Officer, Clive Theobald refused the application on 9 grounds, some of which were addressed in the second application detailed below. The Applicants appealed but by late September the appeal was withdrawn.

In March of 2022 the Applicants made a further planning application (UTT/22/0267/FUL), this time over 200 public comments were made (some people believing that their comments from the first application would stand) and once again various Parish Councils and local groups also commented. A planning hearing took place on 8<sup>th</sup> February and although the Planning Officer, Madeleine Jones, had recommended the application be accepted, the planning committee unanimously rejected it on four grounds, including the fact that the proposed site was situated within the CPZ and the harm that was likely to be caused to a listed building situated opposite the site (The Old Elm).

In April 2023, FKY Ltd made an application pursuant to S62a direct to the Planning Inspectorate.

#### **PREVIOUS REFUSALS**

By the Applicants own admission, the refusal for the application made in 2021 can be summarised as follows: -

- 1 Principle of development within an area designated as Countryside Protection Zone (CPZ)
- 2 Highway Safety
- 3 Heritage impact on the Grade II listed building known as The Old Elm
- 4 Omission of a Lighting Scheme and Glint and Glare Assessment
- 5 Omission of an Air Quality Assessment
- 6 Further noise modelling required to be included as part of the noise assessment

Equally, by their own acceptance the reasons for refusal of the Applicant heard in February 2023 are as follows: -

- 1 The proposed development would have an adverse impact on the existing open character and appearance of the site within the CPZ
- 2 The proposed development would cause less than substantial harm to the setting and significance of the Old Elm
- 3 The development would result in unacceptable material disturbance to occupiers of surrounding properties to the detriment of their residential amenity
- 4 A Section 106 agreement had not been secured.

Great Hallingbury Neighbours Association strongly objects to this application for several reasons.

#### **COUNTRYSIDE PROTECTION ZONE/LOCAL PLAN VALIDITY**

Start Hill is part of Great Hallingbury village and is within the countryside protection zone – which obviously aims to maintain a belt of open green countryside around the airport, which "will not be eroded by coalescing development", and meaning there is a STRICT CONTROL ON NEW DEVELOPMENT. The land is also green belt land. In accordance with Annex 1: Implementation of the NPPF provides that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework.

Furthermore, in an email dated July 2020 (see below), from Joanna Hill (who was then part of the UDC Planning Policy Team) to a local resident she confirms the following: -

I can confirm that Policy S8 - The Countryside Protection Zone, in the Uttlesford Local Plan 2005 is still valid.

The Uttlesford Countryside Protection Zone Study 2016 (LUC report) you mention was a background study to inform Policy S10 in the emerging Local Plan (2019), which was withdrawn on 30 April 2020. Work has started on the new local plan and timetable and development scheme or work plan will be published here in due course:

<https://www.uttlesford.gov.uk/article/4915/The-new-Local-Plan>

In the absence of a new plan the adopted Local Plan 2005, remains valid.

Regarding the status of the 2016 CPZ report, this remains the most up to date evidence that there is on this policy. However, it is something the Council may have to look at again in developing a new Local Plan.

The Applicant contends that (Planning Statement – Principle of Development – S5.2-5.11 – annotated pages 10 & 11) that the local plan is out of date, as such the Application should be considered under para 11 d) of the Framework which states that ‘where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

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

However, where there is no Local Plan, LPAs will often become liable to the “presumption in favour of sustainable development” Sustainable development is broadly defined as: ‘development which meets the needs of the present without compromising the ability of future generations to meet their own needs’

We would contend that although the existing Local Plan may be out of date, there are nevertheless, parts of the plan that still have credibility and relevance; the Protection of the Countryside is one of those parts. The District Council’s last iteration of a new Local Plan (2018/19) that was ultimately withdrawn, did nevertheless, continue the principle – as a part of its Spatial Strategy – by including Policy SP10 – Protection of the Countryside. This proposed policy again gave protection to the areas falling within the CPZ. It should also be noted that the new Local Plan currently being prepared by the District Council, also contains within its evidence informing the new Local Plan background studies, one of which is a Countryside Protection Zone Study (LUC, June 2016). As a preface to the study document, the District Council states that: This study was commissioned to examine whether the Countryside Protection Zone (CPZ) still meets its defined purposes of retaining an airport in the countryside and protecting the surrounding areas from encroachment and consolidation of development.

The CPZ helps to maintain the openness of the countryside and protects its rural character and restrict the spread of development from the airport. For some parcels, particularly to the south of the airport, the CPZ plays an essential role in protecting the separate identity of individual settlements. In summary, therefore, the CPZ is helping to maintain the vision of the ‘airport in the countryside’. Unless other planning policy considerations suggest otherwise, we recommend that the CPZ is carried forward into the new Local Plan.

Throughout the planning statement submitted by the applicant dated 5th April 2023 several planning applications are referred to that were refused at first instance but were then allowed on appeal, and in each case the Appeal refers to the local plan being out of date. All those allowed appertain to **RESIDENTIAL DWELLINGS**. The only appeal dismissed related inter alia to light industrial/flexible employment units.

Planning Policy Considerations 4.3 (annotated page 7) **APP/C1570/W/19/3242550** – refers to outline planning for 40 residential dwellings

Reasons For Refusal 6.2 (annotated page 20) **EWCA Civ 1175** – refers to two applications for 600 and 165 homes respectively

Reasons For Refusal 6.2 (annotated page 20) **APP/C1570/W/19/324550** – refers to an outline application for the erection of up to 40 dwellings

Reason for Refusal 1: Countryside Protection Zone 6.7 Policy S8 – The Countryside Protection Zone (annotated page 21) **APP/C1570/W/19/3243727** – refers to an application for 8 no. residential units

Reason for Refusal 1: Countryside Protection Zone 6.7 Policy S8 – The Countryside Protection Zone (annotated page 21) **APP/C1570/W/22/3291524** - The development proposed is “Mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to; **light industrial/flexible employment units** (c.3568sqm) including health care medical facility/flexible employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood; 26 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north

of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes". **APPEAL DISMISSED**

Reason for Refusal 1: Countryside Protection Zone 6.8 Policy S8 – The Countryside Protection Zone **APP/C1570/W/19/3234530 & APP/C1570/W/19/3234532** – an application for 119 dwellings and a care home

Reason for Refusal 1: Countryside Protection Zone 6.14 Policy S7 – The Countryside (annotated page 22) – **APP/C1570/W/19/3243744** an application for up to 350 dwellings

## PLANNING USE APPLIED FOR

Within the handwritten Application dated 5<sup>th</sup> April 2023 the Applicant states that the proposal site is sui generis, and yet in the introduction of the Planning Statement at 1.1 (annotated page 1) it states "This Planning Statement has been prepared by Lichfields on behalf of the applicant FKY Limited to accompany a S62A application for the proposed development of land at Tilekiln Green, off Dunmow Road, Great Hallingbury, CM22 7TA for a new open **logistics** facility. Also within the Planning Statement under Proposed Development: Scheme Proposal 3.1 (annotated page 6) the applicant states "The scheme proposes a new open logistics facility where storage containers are decanted from larger vehicles onto smaller ones through 'demountable operations'. Through detailed consideration of traffic movement data produced at the existing Wren facility, it is considered that such an operation does not reflect the movements of a standard B8 logistics use. As such, it is considered that these operations are best associated with a bespoke Sui Generis use."

Within the commercial report from Coke Gearing dated January 2023, they make specific reference to sites they have looked in terms of their suitability (or not) for B8 use. Perhaps the applicant seeks Sui Generis use because of the issues associated with B8 use class (storage and distribution) units often relate to hours of operation with many distribution businesses, for example, a business requiring 24/7 access which can place pressure on the highways network and have impacts on neighbouring properties, including noise and disturbance and therefore the location of such buildings thereby is critical in allowing planning permission to be granted. Interestingly, in an article published by Lichfields [redacted] (see below) the very helpful guide suggests that the type of establishment that would change to sui generis would be pubs, drinking establishments, take aways, cinemas etc, whilst storage and distribution remain at B8.

LICHFIELDS

## Guide to the Use Classes Order in England (from 1 August 2021)

## Comparison with use classes prior to 1 September 2020

Use Class (see adjacent Comparison with use classes prior to 1 September 2020)	Permitted permanent change (Class of Schedule 2, Part 3)
<b>Sui generis</b> Uses which do not fall within the specified use classes above, including those specifically identified in Article 3(10) of The Town and Country Planning (Use Classes) Order 1987. (a) theatre, (b) amusement arcade or centre, or a funfair, (c) laundrette, (d) petrol filling station, (e) sale or display for sale of motor vehicles, (f) taxi business or business for the hire of motor vehicles, (g) as a scrapyard, or a yard for the storage or distribution of minerals or the breaking of motor vehicles (h) for any work registrable under the Health, Safety and Environment Act 1988, (i) hostel, (j) waste disposal installation, (k) retail warehouse club, (l) nightclub, (m) casino, (n) betting office, (o) pay day loan shop, (p) public house, wine bar, or drinking establishment, (q) drinking establishment with expanded food provision, (r) hot food takeaway, (s) live music performance venue, (t) cinema, (u) concert hall, (v) bingo hall, (x) dance hall	Casino, betting office, pay day loan shop or hot food takeaway to Class E, subject to prior notification (PD Class A) Public house, wine bar, or drinking establishment to drinking establishment with expanded food provision – and vice versa (PD Class AA) Betting office, pay day loan shop to a mixed use betting office or pay day loan shop and as up to 2 flats, subject to prior approval (PD Class G) Betting office or pay day loan shop to a mixed use betting office or pay day loan shop and as up to 2 flats, subject to prior approval (PD Class G) Mixed use betting office or pay day loan shop and as up to 2 flats, to use for any purpose within Class E (PD Class H) Mixed use as a betting office or pay day loan shop and as up to 2 flats to a use as a betting office or pay day loan shop (PD Class H) Laundrette, betting office, pay day loan shop, hot food takeaway or one of these uses in a mixed use with a dwellinghouse to dwellinghouse, subject to prior approval (PD Class M) Amusement centre or casino to C3, subject to prior approval (PD Class N)

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020	Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Shop not more than 280sqm mostly selling essential goods, including food and at least 1 item from another similar shop	A1	F2	Hotels, boarding and guest houses	C1	C1
Shop	A1	E	Residential institutions	C2	C2
Financial and professional services (not medical)	A2	E	Secure residential institutions	C2a	C2a
Cafe or restaurant	A3	E	Dwelling houses	C3	C3
Pub or drinking establishment	A4	Sui generis	Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation'	C4	C4
Take away	A5	Sui generis	Clinics, health centres, creches, day nurseries, day centre	D1	E
Office other than a use within Class A2	B1a	E	Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F.1
Research and development of products or processes	B1b	E	Cinemas, concert halls, bingo halls and dance halls	D2	Sui generis
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E	Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Industrial	B2	B2	Hall or meeting place for the principal use of the local community	D2	F.2
Storage or distribution	B8	B8	Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

Additional changes of use	
<b>Agriculture buildings</b>	To C3 (dwelling houses), subject to prior approval (Part 3, Class Q) Flexible changes to B8, C1, E, subject to prior approval; new use is sui generis (Part 3, Class R) To a state-funded school, subject to prior approval (Part 3, Class S)
<b>Temporary change of use</b>	Any building in any Use Class and any land within its curtilage, except use Class F2, can be used as a state-funded school for up to 3 academic years (with limitations and conditions), (Part 4, Class C) Vacant use class C1, C2, C2A, or E land (with all buildings demolished) may be developed to provide temporary school buildings, and the land used as a state-funded school for up to 3 academic years, subject to prior approval, and with limitations and conditions, including that the building must be removed at the end of the third academic year, (Part 4, Class CA) Betting office, pay day loan shop, hot food takeaway or Class E to a flexible use falling within Class E, Class F2(n) (day/night), Class F2(c) museum, Class F2(d) (public library or public reading room); or Class F2(e) (public hall or exhibition hall), for up to three years continuous (Part 4, Class D) Restaurants and cafes, drinking establishments and drinking establishments with expanded food provision to temporarily provide takeaway food (Part 4, Class DA)
Where planning application made after 5 December 1998, permitted development rights allow the use to be changed to another use granted permission at the same time for a period of ten years from the date of planning permission, unless consisting of a change of use to a betting office or pay day loan shop: (2004, (2005), Schedule 2, Part 2, Class V	

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## ADDITIONAL TRAFFIC THROUGH THE VILLAGE

In the Noise Assessment including Addendum dated 7<sup>th</sup> March 2023 within the introduction of the Environmental Noise Assessment dated 21<sup>st</sup> Jan 2021 at 1.5 (page 8 of 60 of the PDF document) it states "In respect of likely noise emissions from the development site, the proposal would include areas of car parking for staff and large open storage yards, with very little built form. The proposed operation of the site involves the delivery of containerised kitchens from the factory (on large vehicles, or "road trains", carrying 2 or 3 containers each) to the site and subsequent delivery from site to customers of individual **containers by smaller vehicles**. The containers have legs which are lowered to the ground for drop-off, with the vehicle then lowering suspension and driving out from underneath, with the same process in reverse for subsequent pick-up. Principal noise sources, therefore, are the HGV movements around site and the physical drop-off and pick-up process."

This seems to fly in the face of the suggestion that states "**The operation at the site would primarily involve Heavy Goods Vehicles (HGVs) delivering pre-packed kitchens to the site from the company's warehouses in the north of England, which would then be loaded on to other HGVs for distribution to customers.**" IT 1896\_TA Addendum (dated 28 March 2023) Appendix A (Transport Assessment 28<sup>th</sup> Jan 2022) (page 20)

The Applicant suggest that "**ITL would highlight that the bridge with a height restriction of approximately 3.88m to the south of the site would prevent larger covered HGVs from travelling south towards Great Hallingbury. Furthermore, based on the distribution information contained in the TA from the existing operation at Stansted Airport, ITL do not consider that there would be a natural demand for HGVs to look to travel south on Tilekiln Green from the site.**" IT 1896\_TA Addendum (dated 28 March 2023) Appendix A (Transport Assessment 28<sup>th</sup> Jan 2022) 3.19 (page 24).

Our understanding is, having spoken to Wheelbase net, who manufacture on behalf of Wren Kitchens, that the type of vehicle in use is a demountable system whereby, at least some of the fleet comprise 3 x boxes which are collected by a lorry cab and taken to a logistics site after which cabs collect one box each. Each of those vehicles is now 7.5tonnes/8 tonnes. Now, if that is the case, then those at 7.5 tonnes can get under the railway bridge at Fritch Way referred to above, it is all well and good putting a no right turn sign up, but will that be policed 24/7. It does also mean that they can return via the village on their way back as they are 7.5 tonne. What will happen if the M11 roundabout is closed (which is quite frequent) or the motorway is at a standstill (again quite frequent), the smaller vehicles, will as likely as not come through the village (which is already a rat run) adding additional traffic on who knows how regular a basis, to roads that are simply not intended for bulk traffic. There is little in the way of pavement (only just over half a mile within a road which is almost 3 miles), roads which are not wide enough to take anything much wider than family sized vehicles and which are already awash with potholes, some reaching over 60 inches in length and 6" in depth, as well as sunken drains. Various photos are available to view on the link below under misc. photos.

## HOURS OF OPERATION

In the hand written application form submitted on 5 April 2023 (s21 page 5) states "hours of operation would be 0:00-0:00 Mon-Sunday", which looks like 24/7. With houses so close – surely 24/7 operation cannot be acceptable. At the very least operating restrictions of say 7am-7pm Mon-Fri, 7am-1pm Saturday and nothing on Sundays and Bank Holidays would be more appropriate.

Interestingly other local businesses including the building works being carried out almost opposite the proposed site entrance have restrictions: -

UTT/20/1098/FUL schedule of conditions number 30. " Demolition or construction works shall only take place on weekdays between 08:00 - 18:00 hours and Saturday's 0800-13.30 hours and shall not take place at any time on Sunday's or on Bank or Public Holidays.

UTT/1641/02/FUL Great Hallingbury states at point 14 No construction works shall be undertaken outside the hours of 07:30-18:00 Monday- Friday and 08:00-13:00 on a Saturday except in an emergency. There shall be no construction works on a Sunday or on a Public/Bank Holiday. The reason specified is "to protect the amenity of adjacent residents.

## EMPLOYMENT

At the hearing on 8th February 2023, within the Planning Officers Report (Appendix 1 of planning statement item 6 on the agenda 6.1 page 21) states: -

Wren kitchens are an existing employer in Uttlesford and if approved this application would result in a major employer staying in the district. They have actively been looking for a suitable site in the district for the last three years. There is a shortage of suitable commercial employment land in the district.

This could conceivably be construed by this, that the Applicant employs a lot of people living in the Uttlesford postcodes. However, within IT 1896\_TA Addendum which incorporates the Transport Assessment dated January 2022 the Applicant under TRAFFIC ATTRACTION 5.3 (annotated page 16) refers to the 112 members of staff at the Stansted depot at the time of the survey, this is to support their contention that there would be no major influx of traffic within the area. They also refer to Appendix E which provides the postcode of those members of staff, which total 112, of these just 20% are Uttlesford residents. Postcodes in the Uttlesford Area are CB10 CB11 CB21 CM1 CM17 CM22 CM23 CM24 CM3 CM6 CM7 CM77 SG8. Below is the content of an email sent to the Planning Officer just before the hearing in February, which 84% live within a 30-mile radius of the Stansted operation

**From:** Richard Norman <>  
**Sent:** 03 February 2023 17:14  
**To:** Madeleine Jones >  
**Cc: Subject:** [External] RE: utt 22 0267 ful [LICH-DMS.FID182791]

Hi Madeleine,

Please see below stats regarding staff number and location. To confirm, 84% live within a 30 mileage radius of site.

Mileage from Depot	Number of Staff	%
0 - 30	123	84.25%
31 - 60	21	14.38%
61 - 100	2	1.37%
<b>Grand Total</b>	<b>146</b>	<b>100.00%</b>

Duty Time from Depot	Number of Staff	%
Under 30 Minutes	83	56.85%
30 Minutes - 1 Hour	55	37.67%
1 Hour - 2 Hour	8	5.48%
<b>Grand Total</b>	<b>146</b>	<b>100.00%</b>

In the economic report dated January 2020 which the Applicant has submitted and thus we must assume they are placing reliance on it states at Executive Summary: Economic Benefits (pages 5-6 of 59) they state:

“There are economic benefits associated with the proposed development during both the construction and operation phases. In particular, a total of 116 gross direct FTE construction jobs and 129 gross indirect/induced FTE jobs will be created during the construction that will enhance temporary construction employment across the District. In addition, £11.4 million direct GVA and £13.6 million indirect GVA will be generated in Uttlesford and regionally.

Once the facility is operational, a total of 196 FTE jobs will be sustained, **comprising the safeguarding of 130 jobs from the current facility that would otherwise be lost**, plus 66 extra jobs from the expansion of operations. In addition, there will be 86 indirect and induced FTE jobs across the region, of which 57 FTE jobs will be based in Uttlesford. These should be counted as net additional jobs for the purpose of assessing the benefits of the proposed development because if permission is refused, the existing Wren operations in the area will cease due to expiry of its existing lease at North Side from 2023. All these new jobs will contribute to the district’s economic activity and could possibly reduce the JSA claimants in relation to transport and storage sectors by 29%. In addition, the economic output that will be generated is estimated at £12.4 million per annum in Uttlesford and £13.8 million per annum across the East of England. This will enhance further the local economy. It is also estimated that a total of £3.1 million per annum will be generated for National Insurance and PAYE tax purposes.”

Here they seem to imply that the 130 jobs at the current location in Stansted will be safeguarded. Likewise within the Economic report dated January 2021 under Economic Benefits Assessment 5.0: 5.2 (annotated page 40) states “For the purposes of this assessment it has been assumed that if the development will not commence in the proposed site, the occupier would cease operations, through relocation to somewhere outside the District which would not meet its business needs, and resulting in a loss of the current employment on-site of 130 jobs.”

Indeed, in the economic report Operators Requirements & Market: Operators Nature & Service 3.5 (annotated page 13) it is confirmed that “Wren operates a unique distribution system, which is expanding at a fast rate. The company owns the entire vehicle fleet, and all drivers and porters are directly employed by Wren.” If that is the case and given that the applicant states ““**Only a small number of permanent staff would be based at the site**” ( IT 1896\_TA Addendum (dated 28<sup>th</sup> March 2023) 3.3 (page 7)), it is a fair assumption that the majority of the remaining numbers of staff are likely to be drivers.

If indeed that is the case, then the statement under the economic report Operational Impacts Direct Employment 5.35 (annotated page 43) which reads “Given that the existing site at the North Side will no longer be available to Wren Kitchens after the current lease expires in 2023, all the existing 130 full-time jobs at this site are due to be lost. Hence, for the purposes of assessing the economic benefits of the proposed development, all of the c.196 FTE jobs at the new depot are assessed as net employment benefit. This will include the 130 jobs safeguarded together with the extra 66 FTE jobs. The generation of the additional 66 jobs reflects the ability to expand on the proposed site and increase the scale of the facility’s operations” then the net gain is not strictly speaking 196 because if the application is allowed then those 130 will simply transfer to the new location. The net gain is simply the difference i.e., 66 jobs.

## **ECOLOGY REPORT**

During the August Bank Holiday Weekend 2019 workers came in to bulldoze down the area of the proposed site, albeit with a felling licence granted by the Forestry Commission, the folder [REDACTED] entitled Wren flattening the woodland over a Bank Holiday weekend gives just a small indication as to what happened.

As a direct result of the deforestation (which included a pond being bulldozed over much of the wildlife that had enjoyed the habitat were forced to move location. The folder titled Wildlife Pre-Deforestation [REDACTED] shows various species which could frequently be seen prior to that Bank Holiday weekend. Interestingly the ecology report that was commissioned by the applicant was done so in January 2020, so not surprisingly nowhere near the volume of wildlife was recorded once their habitats had been destroyed. The folder, on the same drive, of photos entitled wildlife returning shows the volume of different genres returning as the habitat starts to show signs of its former glory.

Within the report there is mention made of a rather rare bat (barbastelle) which we understand are light averse, on the basis that 24/7 access is required and by virtue of the fact that there is a lighting report, has due regard been given to what if any adverse effects there may be on the bats? Our understanding is that there is specific guidance for such matters issued by the Bat Conservation Trust ([REDACTED]). Within the ecology report it is confirmed that was a single registration, but of course it is impossible to say – given their sensitivity to light – whether there were more on site prior to the deforestation as the ecology report is post that time.

Is there any provision being made for a badger survey to be carried out post construction?

In terms of the biodiversity enhancement strategy that has been recommended is there any provision for this to be facilitated through the use of a Biodiversity Metric (or calculator) (such as DEFRA Metric 2.0 Calculator) which essentially shows measurable net gains for biodiversity (this looks at what you have and what you are getting – because if you don’t measure both – then how do you know that there is any enhancement - the tools to do this are freely available so there would be no logical reason not to use them this is all about habitat so bat& bird boxes etc do not count – it is all about the grasses , wild flowers meadow creation etc .... ideally it should be measuring what was there before the land was cleared as against what you end up with! Obviously that cannot now be empirically done now as so much has been cleared already but one assumes that there would be enough anecdotal evidence to say 'there was a pond' etc.

### Defra Biodiversity Metric - Introduction to the Proposed Updated Metric - BD2020-10 (naturalengland.org.uk)

With regards to the landscape strategy there has been made mention of a SEMP (Sustainable Environmental Management Plan) but what about the use of a LEMP (Land Ecology Management Plan) being brought into play – this would ensure recording of not only what was being planted but also how it is going to be managed. It is no good planting all these woodlands. Shrubs, flowers etc unless they are going to be properly managed because if that doesn’t happen, then things will die and be useless to the wildlife etc. We have already seen the demise of a number of saplings etc., which had been planted and is well documented above.

According to the NatureSpace Partnership CM22 7TA is in an Amber Zone which means that Great Crested Newts are likely to be present in the area, as it is a suitable habitat for them to thrive. Great crested newts are a European protected species. The animals and their eggs, breeding sites and resting places are protected by law.

**You may be able to get a licence from Natural England if you’re planning an activity and can’t avoid disturbing them or damaging their habitats (ponds and the land around ponds).**

## **NOISE**

The Noise Assessment including Addendum dated 7<sup>th</sup> March 2023 3. Conclusion 3.1 (page 4 of 60 of the PDF document) states “With the new site layout and the proposed mitigation in place, the predicted levels would marginally above UDC’s target levels for 2-3 hours of the night but below these target levels at all other times. However, noise levels at all nearby noise sensitive premises (including the two new receptors) would be below the LOAEL at all times and so there would be no observed adverse effects”

This is effectively saying that the noise levels would be above the target levels for 2-3 hours each, night. How can this be acceptable when it is exactly the time residents should be getting a restful sleep – when there is least background noise as no aircraft fly, less traffic. Are the residents most affected expected to have a disturbed night every night during the very period (4am onwards)?

The WHO guidelines say that to protect against sleep disturbance the critical values for night noise measured outdoors for bedrooms are an averaged value over 8 hours of 45dB LAeq and a maximum value of 60dB LAFmax for each noisy event. Additionally, the WHO recommends that a lower figure of 40dB Lnight should be “the target of the night noise guideline to protect the public, including the most vulnerable groups such as children, the chronically ill and the elderly”.

4. Whilst BS 4142 is the method for rating industrial noise affecting mixed residential and industrial areas to assess whether the industrial noise is likely to give rise to complaints from people living nearby, the Government and WHO thresholds given in paragraph 2 above should also be used.

4. The measured LAeq average noise levels and the LAFmax maximum noise levels at the location sites of The Old Elm, Brookside and Gerald Villa given in Appendix A of the 2021 SAL noise assessment can be clearly seen to exceed these thresholds on many occasions.

## **LANDSCAPING & LOSS OF PRIVACY**

Within the Landscape proposals and accompanying documents, there is a paragraph which refers to the properties immediately at the side of the proposed site which states “The current view into the site is of open undeveloped land with wooded surrounds. The development would change this with hardstanding parking areas and enclosing boundary fencing being visible in the wooded surrounds. This would be a notable change, although there is young woodland belt planting (Felling Licence restocking scheme) along the intervening edge of The Site, and this should soften and then screen the development components after a few years.” What happens to the loss of privacy specifically from the property immediately at the side (Brookside) during the “few years” it will take for the screening to be of any significant density? We believe that it likely to take somewhere in the region of 20 years for the screening to have any positive effect on those living next door. If you look at the folder of photos entitled misc you will see a photo “rude worker”. This was taken in the last couple of weeks, when the driver of the vehicle he was driving made gestures to one of the occupants of a house. The fact that he could see her looking at him gives a clear indication as to the loss of privacy.

Below is a summary of the planting etc. by the applicant.

### **Summary of planting on land owned by The Applicant.**

As we understand it planting was taken place as a condition by the forestry commission to Wren Kitchens as part of an application to the forestry commission to take down trees on the land in 2018.

Standard practice in large landscaping schemes is to plant small plants (whips), which should be of benefit to the plant and its surroundings as the plant matures.

Treeguards/shelters are used with stakes to protect the tree from rabbit and deer.

Preparation of the ground is key to ensure the young seeding matures without needing to compete with other native/invasive species.

### **Summary of planting carried out**

**As a condition of the felling license from the forestry commission to Wren it was stated that Wren would have to plant 2917 trees/shrubs. As you can see below a fraction of these were planted.**

In total there are approx. 487 tree shelters/guards that can be seen.

Of these only 84 are showing whips that have started to grow as summarised below.

North boundary nearest to m11 roundabout.

Total 323 plastic guards

Showing 40 plants

South boundary across from the area above

Total 54 plastic guards

Showing 14 plants

South boundary running next to Brookside and pumping station

Total 110 plastic guards

Showing 29 plants

The whips planted or that can be seen consist of the following:

Quercus robur L (Common Oak)

Acer Campestre L ( Field Maple)

Sorbus Aucuparia (Rowan)

Prunus Avium ( Wild Cherry)

## Summary

The planting was not carried out professionally and the soil was not prepared sufficiently before planting, therefore letting invasive native plants take over and not allow the whips to grow. In particular the wild blackberry has taken over in many areas. A severe lack of considered maintenance has also contributed to lack of growth of anything that was planted. The trees planted would take at least 30 years to get to a size that would be considered as screening particularly on the southern side of the plot where domestic dwellings can clearly see over the whole area.

## POSSIBLE CONTAMINATION OF CLOSE LAND

The land is on a significant gradient and a stream runs close to the perimeter at the bottom of the proposed site with a stream at the bottom. Given the gradient is it not the case that the proposed site would require an adequate control of surface water and that pollutants (oil, fuel and all other pollutants associated with vehicles) MAY enter the watercourse without some form of adequate system being installed. Indeed, we have already seen evidence of pollution in the stream (see photos in the file marked misc.)

This site has streams to the south and the west and as well as natural springs. In the event that pollutants as described above were to enter those streams/natural springs, then there is more than some risk that they will end up in the River Stort, which is a chalk stream, that ultimately runs into the River Lea.

We are given to understand that as a main waterway, the wellbeing of the Stort, and therefore by definition anything that runs into the Stort, is the responsibility of the Environment Agency and yet, to date, there appears to be nothing from the agency.

Looking at UTT/19/1096/FUL the garage on the B1256 opposite the Tile Kiln Green entrance to Great Hallingbury, applied for planning permission to erect a jet wash. Planning officer Madeleine Jones decided in favour of this application but with restrictions. **“The jet wash hereby permitted shall not open between the hours of 11pm and 7am – the reason given for the hours was: The use of the jet wash outside these hours would be likely to cause nuisance and disturbance to adjacent residents contrary to Uttlesford Local Plan (adopted 2005) policies GEN2 and GEN4.”**

It is interesting to note that the garage is, if anything further away from the properties that would be most affected here, as in this case, they are either next door or opposite. Additionally, the jet wash would have been located at the back of the “garage shop” so would not only have been situated further away, but would also have had the shop area as a further barrier against noise.

The Applicant states that on their behalf Messrs Coke Gearing have looked at several sites. However, they already rent on an industrial area in Stansted, not a stone's throw from this proposed site. They say that their lease runs out in 2023, and they cannot stay. However, The North side [REDACTED] (where Wren Kitchens are currently based state on their website under “The Vision” (see below). We would contend that there seems to be no reason for them not to stay, given the nature of the sectors that accommodated for on the North side and that with all due respect, their reasons for wanting to move are commercial rather than planning.



**E-commerce, life sciences, technology and logistics are the fastest growing sectors in the UK and the real estate required to support this growth is critically undersupplied.**

Columbia Threadneedle Investments assess a significant opportunity for Uttlesford to become a hub of prime commercial development, capitalising on major logistics warehouse and business park supply shortages in the South East, generating significant economic and social benefit for the area.

The Land to the North of Stansted is a significant strategic investment by Columbia Threadneedle Investments, to be promoted through planning and ultimately developed to maximise the potential of this underutilised and predominantly brownfield land. The Site is surplus to airport requirements and is currently in suboptimal use, with low employment and generating minimal enterprise value.

Historically, Uttlesford District Council has been a net exporter of employees, meaning that residents travel out of the district for work. Uttlesford is presently experiencing its highest period of unemployment. High-quality development is needed, therefore, to provide employment opportunities for local residents.

This development will be the largest new employment scheme in Uttlesford and the wider region. It has the potential to generate employment for c.5,000 people from inception to completion, across a broad range of skills in cutting edge growth industries.

The redevelopment of the site does not affect any current plans outlined for Stansted Airport. Though, the development will reduce the size of Stansted Airport's operational vicinity and bring new employment opportunities to Uttlesford. Through Columbia Threadneedle Investments' redevelopment plans, the scheme will diversify the local economy and decrease the area's economic reliance on Stansted Airport.

The site presents an excellent opportunity to deliver the majority of the land that Uttlesford needs for future employment and economic growth, which would otherwise need to be identified elsewhere in the district.

We would respectfully ask the Planning Inspectorate to refuse planning for the reasons set out above.