

**From:** Crabb, Nina [REDACTED]  
**Sent:** 15 November 2022 12:49  
**To:** Section 62A Applications <section62a@planninginspectorate.gov.uk>  
**Subject:** S62A/2022/0012; Comments from National Trust

**Ref:**  
**S62A/2022/0012**  
**Land East of Station Road, Elsenham**  
**Outline Planning Application with all matters Reserved except for the Primary means of access for the development of up to 200 residential dwellings along with landscaping, public open space and associated infrastructure works.**

Dear Sir/Madam

The proposed development is approximately 5.5km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. Of greatest significance is that Hatfield Forest is the finest surviving example of a small Medieval Royal Hunting Forest. The Forest's ecological and historic importance is reflected in its designations - for its considerable ecological significance and especially for its veteran trees and old growth woodland on undisturbed soils.

The forest is experiencing rapid and unsustainable growth in visitor numbers which is putting it under considerable pressure and there are signs that the SSSI, NNR and other designated/protected features there are being damaged. In order to advance its understanding of these issues as well as an understanding of visitor numbers, origin and behaviour when visiting the Forest, the Trust, with support from Natural England (NE), commissioned consultants Footprint Ecology to undertake visitor surveys and prepare an impact management report to help build a practical strategy for the Forest going forward. This established a 'Zone of Influence' (ZOI), within which this site falls. The Footprint Ecology report describes the issues arising from recreational pressure on the SSSI/NNR in more detail and recommends the development of a strategy to mitigate these impacts. A copy of this report (the Hatfield Forest 'Visitor Survey and Impact Management Report 2018') has been sent to Uttlesford District Council. Natural England also wrote to Uttlesford District Council in April and September 2019 and June 2021 to alert them to this evidence and advise that where relevant, planning decisions are informed by this. This application site falls within the Impact Risk Zone for Hatfield Forest and it is therefore presumed that Natural England have been consulted on this proposal.

The National Trust supports a plan led approach to new development. Where a Local Plan is out of date and/or the local planning authority is unable to demonstrate a 5-year supply of housing land then we acknowledge that decisions should apply a presumption in favour of sustainable development as set out in Para.11 of the NPPF. However, Para.11 is clear that where there is not an up-to-date development plan or relevant policies are out of date then the application of policies in the NPPF that protect areas or assets of particular importance may provide a clear reason for refusal. These policies are listed in Footnote 7 and relate to, inter alia, habitats sites and/or designated Sites of Special Scientific Interest and irreplaceable habitats.

The view of the National Trust is that without mitigation the proposal would fail to accord with the NPPF, most notably para's 174 and 180 which seek to conserve and enhance the natural environment.

Having regard to the evidence and in accordance with the above requirements and the advice of Natural England, it is considered that the impacts of the development on Hatfield Forest should be mitigated. New housing development within the ZOI will contribute further (both individually and cumulatively) towards recreational pressure on the Forest. Whilst it is acknowledged that this was not an issue when the current Local Plan was adopted, there is nonetheless evidence now available which identifies an issue at a SSSI which Natural England has identified as warranting mitigation. This evidence formed part of discussions with the LPA, Natural England and the Planning Inspectorate in respect of the previously withdrawn Local Plan. The Post Stage 1 Hearings letter from PINS to the LPA (dated 10<sup>th</sup> January 2020) acknowledged that the Inspector's shared the concerns raised by NE about a lack of mitigation measures to address recreational impacts of new housing development on Hatfield Forest and stated that the matter needed resolving. Although the submission Local Plan was withdrawn, the issue remains and on the advice of Natural England a bespoke solution should be sought on a case-by-case basis in the absence of an up-to-date Plan.

Based on recommendations set out in the 'Visitor Survey and Impact Management Report', and as referred to in Natural England's letter, the National Trust, in consultation with Natural England and Uttlesford, Harlow East Herts and Epping Forest Councils, has prepared a Strategic Access Management Measures (SAMMs) document (Hatfield Forest Mitigation Strategy, May 2021). This includes a costed package of mitigation measures.

For the proposed development we consider the following mitigation would be appropriate:

#### On-Site Mitigation

On-site measures which would help relieve the pressure on Hatfield Forest should be provided. These should take the form of:

- High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings (including a dog walking circuit and dogs off lead area);
- Any other on-site mitigation as advised by Natural England.

However, this alone would not mitigate the impacts of increased recreational pressure on Hatfield Forest arising from the development. Hatfield Forest offers other visitor experiences which could not be replicated on a new site. It is used for a range of recreational activities including jogging, cycling, wildlife watching, family outings and photography. It also includes visitor infrastructure such as a café, toilet, shop and education building. This makes it vulnerable to current and future demand. Even if on-site mitigation is proposed, it is considered that there will still be a residual recreational impact on Hatfield Forest which needs to be mitigated.

#### Off-Site Mitigation

- A financial contribution to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works.

The Hatfield Forest Mitigation Strategy is being used by the property team to address recreational impacts at Hatfield Forest. A copy of this can be provided if required. The Strategy seeks a proportion of costs to be met through developer contributions, the rest would met by the National Trust.

As an indication of some costs, the Mitigation Strategy sets out that independent Visitor Surveys will take place every 5 years at a cost of £30,900, annual Impact Surveys will take place at a cost of £2522 and soil compaction analysis will take place annually at a cost of £3090.

On the basis of contributions secured for other developments (including at appeal), a contribution of £30,000 is requested.

The issues outlined above are acknowledged in the applicant's submitted Ecological Assessment dated October 2022 (para's 4.2-4.5).

It is therefore respectfully requested that these measures are secured through appropriately worded conditions or legal agreement.

Should you require copies of any of the documents referred to above I would be happy to provide these. I haven't attached them to this email as some of them are large documents.

Kind regards



National  
Trust

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