

## UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER  
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Mark Boulton  
Operations Manager – Plans, Inquiries and Costs  
The Planning Inspectorate  
Room 3/J Kite Wing, Temple Quay House  
2 The Square, Temple Quay  
Bristol  
BS1 6PN

30<sup>th</sup> March 2023

Your ref: S62A/2022/0014

Our ref: UTT/22/3258/PINS

Please ask for Lindsay Trevillian on [REDACTED]  
email: [REDACTED]

Dear Sir,

**LOCATION: Land West of Thaxted Road, Saffron Walden.**

**PROPOSAL: Consultation on S62A/2022/0014 Outline application with all matters reserved except for access for up to 170 dwellings, associated landscaping and open space with access from Thaxted Road**

Thank you for your letter of 8<sup>th</sup> March 2023 confirming that the Planning Inspectorate has received additional revised documentation from the Applicant relating to the above mentioned planning application.

The Council has now had the opportunity to review all the revised documentation that was submitted by the Applicant in respect to the proposals and wishes to make representations in respect of this application, incorporating comments from internal/external non-statutory consultees and including observations in respect of the manner in which the application is to be determined.

It is advised that this letter be read in conjunction with the Council's initial letter sent to the Inspector acting on behalf of the Secretary of State on 17<sup>th</sup> January 2023.

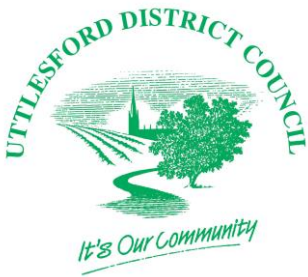
### Proposed Revisions

The Council acknowledges that the main revision to the proposed application is in relation to the position of the proposed vehicle access following concerns raised by Essex County Council who are the Lead Local Highway Authority.

It is recognised that the revised access arrangement is now located in the far northern extent of the Application Site, adjacent to the boundary with the adjoining skate park, forming a crossroads junction with the B184 Thaxted Road and Cardamon Road opposite.

The Council accepts that because of the revised access arrangement, consequential changes have been made to the north-west sector of the Site, in which details are shown on the Illustrative Masterplan.

It is identified as the Applicant has confirmed that there has not been a change to the number of dwellings and/or the application description.



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### **Urban Design**

The Councils Urban Design officer has confirmed that they have reviewed the revised documentation and although concludes that there have been some positive changes, the proposals still raise several concerns.

The Council acknowledges that a Design Code has now been submitted which is positive, however, it is suggested that this document be conditioned to form part of the approve documentation to ensure that the specification within is upheld in the assessment of any future reserve matters applications.

It is also advised that a financial contribution to the maintenance of existing adjacent public open space known as 'Green Mile' and that the development should provide a car club space which is additional to visitor parking.

Finally, the 'potential location for additional 3 storey buildings' point shown within area of 2 storey housing is objectionable due to this being a higher area of the site and 2 storeys should be maintained in this point location.

Full comments of the Urban Designer comments are provided at Appendix 1 of this letter.

### **Biodiversity**

For completeness, Essex County Council Place Services Ecologist, have advised in their formal response attached as Appendix 2 that they have no objection subject to securing biodiversity mitigation and enhancement measures.

The Council advisers that the suggested conditions provided by the ecologist be imposed on the decision if the Inspector is mindful of granting planning permission.

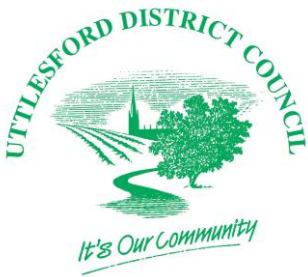
### **Environmental Health**

For completeness, the Councils Environmental Health Officer has confirmed that since the last submission for this development there is an updated noise assessment submitted. There only appear to be minor changes, none of which alter any of the requirements relating to Environmental Protection made in the letter dated 28th December 2022. Full comments are attached at Appendix 3.

Once again, the Council advises that the suggested conditions as provided by the Council's Environmental Health Officer within their letter 28<sup>th</sup> December 2022 be imposed on the decision notice if the Inspector is mindful of granting permission.

### **Planning Obligations**

The Applicant within their supporting letter (3<sup>rd</sup> March) confirms in paragraph 3.28 clarity of the off-site works package to form mitigation as part of traffic and sustainable transport to be secured by means of a S106 Legal Agreement. Obligations put forward by the Applicant



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include a financial package to facilitate walking and cycling to key locations, the enhancement of bus services within Saffron Walden, for the upgrade of existing bus stop infrastructure, and other obligations including improved connectivity to the Public Rights of Way network, controlled crossing facilities, provide new bus stops, and to provide formal lit, surfaced active travel links extending from the boundary of the Site into the neighbouring residential areas.

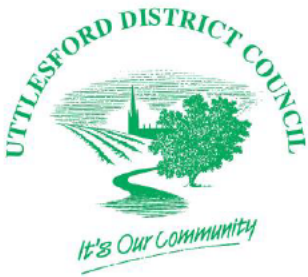
Furthermore, the Applicant continues to confirm in Paragraph 3.29 In addition to the offsite works, the on-site works that are to be secured by means of the S106 Legal Agreement. This includes the provision of a Cycle Hire Hub, the provision of 1 x electric car club vehicle and 2 x car club spaces, and Travel Information Packs.

The Council requests that these obligations along with other obligations set out by statutory consultees be secured by means of a Sections 106 Legal Agreement.

Finally, the Council would like to remind the Inspector that no formal consultation response has been received by the NHS by way of potential mitigation to the surrounding health services as a result of increase population from the development. Prior to any decision being made, it is respectfully requested that the Inspector seeks comments from the NHS as generally they seek a financial sum as per their standard matrix to offset the harm in which the money is spent on local doctor and dental surgeries.

Yours sincerely

**Mr Lindsay Trevillian**  
**Principal Planning Officer**



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### Appendix 1 – Council's Urban Design Officers Consultation Response.

**From:** [Planning](#)  
**To:** ["Section 62A Applications": Development Support](#)  
**Subject:** FW: Section 62A Planning Application: S62A/2022/0014 Land west of Thaxted Road, Saffron Walden  
**Date:** 16 March 2023 11:13:11

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**From:** Jack Bennett [REDACTED]  
**Sent:** 16 March 2023 11:06  
**To:** Planning <[planning@uttlesford.gov.uk](mailto:planning@uttlesford.gov.uk)>  
**Subject:** Section 62A Planning Application: S62A/2022/0014 Land west of Thaxted Road, Saffron Walden

Hello,

**Section 62A Planning Application: S62A/2022/0014 Land west of Thaxted Road, Saffron Walden**

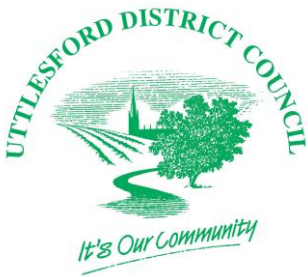
Principal Urban Design Officer, Uttlesford District Council

Please find my representation ([updated following receipt of revised drawings](#)) as follows:

**Objection raised** subject to inclusion of points below:

1. The design code is a positive addition, with positive changes noted. Applicant willing for document to be conditioned and remains vital that this document is conditioned to form part of the approved information to ensure the specifications within are mandatory and not only advisory.
2. A contribution to the maintenance of the adjacent existing POS known as the 'green mile' should be obtained, given the increased pressure the development would place on this existing facility.
3. The development should provide for a car club space, which is additional to visitor parking, and future-proofed (ductwork included) for electric charging, or provided with a charging point (applicant willing to include).
4. The 'potential location for additional 3 storey buildings' point shown within area of 2 storey housing is objectionable due to this being a higher area of the site and 2 storeys should be maintained in this point location.

**Jack Bennett ARB**



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### Appendix 2 – ECC Place Service Ecologist Consultation Response.



23<sup>rd</sup> March 2023

Chris Tyler  
Uttlesford District Council  
London Road  
Saffron Walden  
CB11 4ER

By email only

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*Thank you for requesting advice on this outline application from Place Services' ecological advice service. This service provides advice to planning officers to inform Uttlesford District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.*

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**Application: UTT/22/3258/PINS**  
**PINS Reference: S62A/2022/0014**  
**Location: Land To The West Of Thaxted Road Saffron Walden**  
**Proposal: Consultation on S62A/2022/0014 – Outline application with all matters reserved except for access for up to 170 dwellings, associated landscaping and open space with access from Thaxted Road**

Dear Chris,

Thank you for re-consulting Place Services on the above outline application.

#### **No objection subject to securing biodiversity mitigation and enhancement measures**

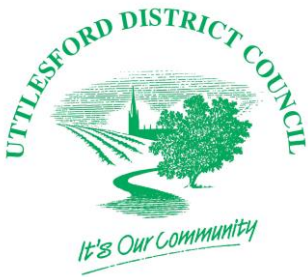
##### **Summary**

We have reviewed the Ecological Assessment (Tyler Grange, December 2022), Arboricultural Impact Assessment (Tyler Grange, November 2022) and Skylark Technical Note (Tyler Grange, January 2023) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We have also reviewed the latest Illustrative Masterplan, drawing no. 3118-C-1005-PL Rev D (Omega Architects) and Ecology Technical Note (Tyler Grange, February 2023) relating to minor changes in the access and pedestrian routes throughout the site.

We are satisfied that there is sufficient ecological information available for determination of this application.





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This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecological Assessment (Tyler Grange, December 2022) and Ecology Technical Note (Tyler Grange, February 2023) should be secured by a condition of any consent concurrent with reserved matters and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly Badger, bats, reptiles, Great Crested Newt and nesting birds.

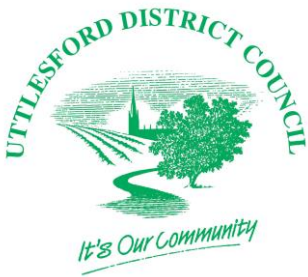
In line with the Ecological Assessment (Tyler Grange, December 2022) and Ecology Technical Note (Tyler Grange, February 2023) we recommend a Construction Management Plan for Biodiversity (CEMP: Biodiversity) is secured by a condition of any consent concurrent with reserved matters, outlining the protection measures and method statements required to avoid impacts to protected species including bats, Great Crested Newt, reptiles, Badger and other Priority species such as Hedgehog and Common Toad, during the construction period.

Also in line with the Ecological Assessment (Tyler Grange, December 2022) and Ecology Technical Note (Tyler Grange, February 2023) we recommend a Wildlife Sensitive Lighting Strategy should be delivered for this scheme and secured by a condition of any consent concurrent with reserved matters to avoid impacts to foraging and commuting bats, especially on the vegetated boundaries. This must follow the [Guidance Note 8 Bats and artificial lighting](#) (The Institute of Lighting Professionals & Bat Conservation Trust, 2018). In summary, it is highlighted that the following measures should be implemented for the lighting design, which could be informed by a professional ecologist:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm-White lights should be used preferably at 2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- If light columns are required, they should be as short as possible as light at a low level reduces the likelihood of any ecological impact. However, the use of cowls, hoods, reflector skirts or shields could also be used to prevent horizontal spill.
- Movement sensors and timers could be used to minimise the 'lit time'.

A finalised Farmland Bird Mitigation Strategy should be produced outlining the location and extent of the mitigation measures for ground nesting birds such as Skylark. This should be secured by a condition of any consent, concurrent with reserved matters. The mitigation measures should be secured by a legal agreement, for example through the scheme with Whirledge & Nott.

We support the proposed reasonable biodiversity enhancements including the creation of areas of wildflower grassland, hedgerow and shrub, as well as the installation of bat boxes throughout the site which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). In line with the latest British Standards Institution guidance (BS42021:2022), which recommends a ratio of 1:1 for the number of integrated bird boxes and new residential dwellings (or proportionate to the size of larger buildings), we would expect proposed enhancements to include provision of integrated bird boxes on site. Integrated Swift boxes



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should be considered where possible. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent concurrent with reserved matters.

We recommend that a finalised Biodiversity Net Gain design stage report is secured as a condition of any consent concurrent with reserved matters.

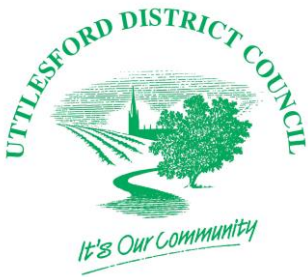
We also recommend that a Landscape and Ecological Management Plan (LEMP) is secured as a condition of any consent concurrent with reserved matters, detailing how the retained and proposed habitats will be managed in order to benefit wildlife.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.





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### Recommended conditions

#### 1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

*"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Tyler Grange, December 2022) and Ecology Technical Note (Tyler Grange, February 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.*

*This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."*

**Reason:** To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

#### 2. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

*"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.*

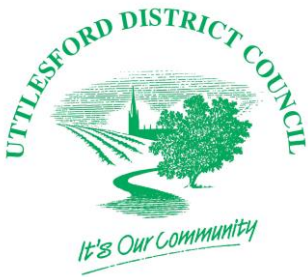
*The CEMP (Biodiversity) shall include the following.*

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*
- i) Containment, control and removal of any Invasive non-native species present on site*

*The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"*

**Reason:** To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).





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### 3. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: FARMLAND BIRD MITIGATION STRATEGY

*"A Farmland Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation measures to be secured by legal agreement, in nearby agricultural land, prior to commencement.*

*The content of the Farmland Bird Mitigation Strategy shall include the following:*

- a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;*
- b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';*
- c) locations of the compensation measures by appropriate maps and/or plans;*
- d) persons responsible for implementing the compensation measure.*

*The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years."*

**Reason:** To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species)

### 4. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: BIODIVERSITY NET GAIN DESIGN STAGE REPORT

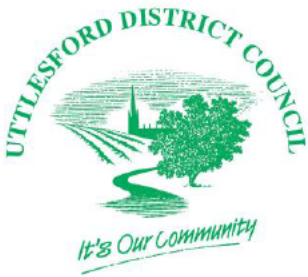
*"A Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the local planning authority which provides a measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.1 or any successor.*

*The content of the Biodiversity Net Gain report should include the following:*

- Baseline data collection and assessment of current conditions on site;*
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;*
- Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;*
- Details of the implementation measures and management of proposals;*
- Details of any off-site provision to be secured by a planning obligation;*
- Details of the monitoring and auditing measures.*

*The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter."*

**Reasons:** In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021)



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### Appendix 3 – Council’s Environmental Health Officer Consultation Response.

#### **Environmental Health Consultee Comments for Planning**

**Application Number:** UTT/22/3258/PINS - Land To The West Of Thaxted Road Saffron Walden Essex

#### **Lead Consultee**

Name: Ross Jarvis  
Title: Environmental Health Officer (Agency Support)

For further contact and correspondence:

Name: Nayna Daudia

Tel: [REDACTED]

Email: [REDACTED]

Date: 13<sup>th</sup> March 2023

**Proposal:** Consultation on S62A/2022/0014- Outline application with all matters reserved except for access for up to 170 dwellings, associated landscaping and open space with access from Thaxted Road

#### **Comments**

Thank you for consulting me on this application. Since the last submission for this development there is an updated noise assessment has been submitted. There only appear to be minor changes, none of which alter any of the requirements relating to Environmental Protection made in the memo dated 28<sup>th</sup> December 2022.