

## **LAND SOUTH OF HENHAM ROAD, ELSENHAM**

### **S62A/22/0007 - Land to the south of Henham Road, Elsenham, Essex / Conditions**

#### **SCHEDULE OF PROPOSED CONDITIONS**

##### **RESERVED MATTERS**

###### **1 Reserved Matters - Requirement**

Approval of the details of layout (including internal site layout), scale, landscaping, and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

Reason: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

###### **2 Reserved Matters - Timing**

Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

##### **IMPLEMENTATION**

###### **3 Implementation**

The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

##### **PLANS**

###### **4 Plans**

The development shall be carried out in accordance with the following approved plans:

- Site Location Plan (Drawing Ref: 001.02)
- Site Access Plan (Drawing Ref: 2008170-008 Rev A)

Reason: To ensure the development reflects and maintains the character of the surrounding locality and the street scene in accordance with Policies S7, S8, GEN2, ENV2 of the Uttlesford Local Plan 2005 and the National Planning Policy Framework 2021.

##### **LANDSCAPE**

###### **14 Landscape – Design / Species**

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include scaled plans identifying:

- Trees and hedgerows to be retained, setting out measures for their protection in accordance with BS5837: 2012 Trees in Relation to Design, Demolition and Construction; and

- All proposed planting, accompanied by written specification setting out species, size, quantity, density and cultivation details.

The proposed planting should:

- Seek to minimise the use of canopy-forming tree species such as Oak and Scots Pine in order to reduce opportunities for rookeries to be formed; and
- Limit fruit/berry-bearing species to <40% of planting species in order to deter flocks of birds from utilising the site for feeding.

All tree and shrub planting shall be carried out in a planting season from November to March in accordance with approved plant specification as well as BS8545: Trees from Nursery to Independence in the Landscape.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with approved plans.

Reason: To safeguard and enhance the character and amenity of the area, in accordance with Policies S7, GEN 2 and ENV 8 of Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021), and to protect flight safety by minimising the risk of birdstrike to aircraft using Stansted Airport.

## **ARCHAEOLOGY**

### **6 Archaeology – Approval of Written Scheme of Investigation**

No development or preliminary groundworks shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

### **7 Archaeology – Implementation of Written Scheme of Investigation**

No development or preliminary groundworks shall take place until the programme of archaeological investigation identified in the WSI, and confirmed by the Local Planning Authority has been implemented.

Reason: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

### **8 Archaeology – Mitigation Strategy**

No development shall take place until a mitigation strategy detailing the excavation / preservation strategy has been submitted to the Local Planning Authority where such measures have been identified as necessary following the completion of the archaeological evaluation.

Reason: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

### **9 Archaeology – Commencement Of Development**

No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.

Reason: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

10 Archaeology – Later Reporting

Within 6 months of the date of completion of the archaeological fieldwork (or as otherwise agreed in writing by the Local Planning Authority) a post-excavation assessment shall be submitted to the Local Planning Authority. This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

**NOISE**

11 Noise - Internal

No development shall take place until a scheme, including internal layout and ventilation measures, for protecting the proposed dwellings from noise from road traffic and other sources has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that internal and external noise environments are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014:

The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4:

07:00 to 23:00

- Resting - Living room 35 dB LAeq,16hour
- Dining - Dining room/area 40 dB LAeq,16hour
- Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour

23:00 to 07:00

- Sleeping/Night-time Bedroom 35 dB LAeq,8hour

No dwelling shall be occupied until the approved scheme has been implemented insofar as it relates to that dwelling. .

Reason: To ensure future occupiers enjoy a good acoustic environment, in accordance with Policy ENV10 of the Uttlesford Local Plan (2005) which requires appropriate noise mitigation and sound proofing to noise sensitive development, and the National Planning Policy Framework (2021).

12 Noise - External

No development shall take place until a scheme for protecting external private amenity spaces from noise from road traffic and other sources has been submitted to and approved in writing by the Local Planning Authority.

The external private amenity areas should, wherever possible, be designed and located to ensure that they are protected on all boundaries so as to not exceed 50 dB LAeq,16hr. If a threshold level relaxation to 55 dB LAeq,16hr for external private amenity areas noise should be reduced as far as practicably possible and full justification and explanation has been provided.

No dwelling shall be occupied until the approved scheme has been implemented insofar as it relates to that dwelling.

Reason: To ensure future occupiers enjoy a good acoustic environment, in accordance with Policy ENV10 of the Uttlesford Local Plan (2005) which requires appropriate noise mitigation and sound proofing to noise sensitive development, and the National Planning Policy Framework (2021).

## **WATER CONSUMPTION**

### **13 Water Consumption**

Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State (as specified in Regulation 36 of Part G of the Building Regulations 2010). No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by Regulation 37 of Part G of the Building Regulations 2010, or any successor thereto, has been submitted to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of wholesome water by occupiers as allowed by Regulation 36 of Part G of the Building Regulations 2010 and thereby increase the sustainability of the development and minimise the use of wholesome water in accordance with Uttlesford District Council's Interim Climate Change Policy document (2021) and the Uttlesford Climate Change Strategy 2021-2030.

## **ECOLOGY**

### **15 Ecology**

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment Rev C (SES, July 2022), Biodiversity Net Gain Design Stage Report (SES, August 2022) and Lighting Strategy REV P01 (MMA Lighting Consultancy, June 2022), as submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority 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).

### **16 Biodiversity Enhancement Strategy**

No development shall take place above slab level until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;

f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and timetable and shall be retained in that manner thereafter.”

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

#### 17 Landscape & Ecological Management Plan

No dwelling shall be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to and be approved in writing by the Local Planning Authority.

The LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To 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 S.40 of the NERC Act 2006 (Priority habitats & species)

#### 18 Wildlife Sensitive Lighting Design Scheme

No dwelling shall be occupied until a lighting design scheme for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances, and notwithstanding the provisions of the General Permitted Development Order, should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To 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).

## **CEMP**

### 19 Construction Environmental Management Plan: Construction

No works shall take place until a detailed Construction Environmental Management Plan: Construction (CEMP: Construction) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Construction shall include but not be limited to the following:

- a) The construction programme and phasing;
- b) Hours of operation, delivery, and storage of materials;
- c) Details of any highway works necessary to enable construction to take place. including a before and after survey to identify defects to the highway adjoining the access to the site and where necessary ensure repairs are undertaken at the developer's expense where caused by the developer;
- d) Parking arrangements, for site operatives and visitors;
- e) Arrangements for the loading, unloading and storage of plant and materials;
- f) Details of hoarding;
- g) Management of traffic to reduce congestion including the routing of construction vehicles;
- h) Control of dust and dirt on the public highway including wheel and underbody washing facilities;
- i) Details of consultation and complaint management with local businesses and neighbours;
- j) Waste minimisation and management proposals;
- k) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- l) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures; and
- m) Measures to protect any public rights of way within or adjacent to the site.

All works shall be carried out in accordance with the approved CEMP: Construction thereafter.

Reason: In the interests of highway safety and the control of environmental impacts.

### 20 Construction Environmental Management Plan: Biodiversity

Prior to the commencement of development a detailed Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP: Biodiversity shall include but not be limited to 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) Measures for the protection of Stansted Brook and Priority habitats within 50m of site.
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.
- j) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP: Biodiversity 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 Local Planning Authority 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).

## **GROUND CONTAMINATION**

### **21 Ground Contamination – Assessment & Remediation**

1. No works shall take place until a risk assessment? assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be based on findings of the Richard Jackson Engineering Consultants ref. 61207 dated March 2021 and shall assess any contamination on the site, including ground gas, whether or not it originates on the site, and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

2. If found to be necessary from the findings of the risk assessment, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to receptors shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. The remediation scheme shall be implemented in accordance with the approved timetable of works prior to the commencement of development (other than that required to carry out the remediation) unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report to demonstrate the effectiveness of the remediation carried out must be submitted to the Local Planning Authority for its written approval.

4. If, during development, contamination not previously identified is found to be present at the site, it must be reported as soon as possible and within 3 days to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination. No further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has carried out a full assessment of the extent of the contamination. Where remediation

is necessary, a remediation scheme shall be provided detailing how this unsuspected contamination shall be dealt with. The details shall be submitted to and approved in writing by the Local Planning Authority Following completion of measures identified in the approved remediation scheme, a validation report must be submitted to the Local Planning Authority for its written approval.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in the interest of human health in accordance with Policy ENV14 of the Adopted Local Plan and the NPPF.

## **DRAINAGE**

### **22**      Surface Water Drainage - Design

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, an assessment of the hydrological and hydro geological context of the development and the Ardent Consulting Engineers Flood Risk Assessment (reference 2008170-05), has been submitted to and approved in writing by the Local Planning Authority.

The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753;
- Limiting discharge rates to 6.3l/s for the 1 in 1 year storm event and 23.7l/s for storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change;
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
- Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change;
- Final modelling and calculations for all areas of the drainage system;
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753;
- Detailed engineering drawings of each component of the drainage scheme;
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy;
- Consideration should be given to source control in the north of the site; and
- A timetable for implementation including any phasing of the different elements of the scheme.

The approved scheme shall subsequently be implemented as approved, including in terms of the approved timetable for implementation, and retained thereafter.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.



- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment.
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

In accordance with the guidance in paragraphs 167 and 168 of the National Planning Policy Framework (2021).

### 23 Surface Water Drainage – Construction

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

Reason:

National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

### 24 Surface Water Drainage – Maintenance Plan

Prior to the occupation of any dwelling a Surface Water Maintenance Plan setting out the maintenance arrangements for the different elements of the surface water drainage system, including who is to be responsible for the maintenance, and the maintenance activities / frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

### 25 Surface Water Drainage – Maintenance Logs

The applicant or any successor in title must maintain yearly Maintenance Logs of the maintenance of any element of the surface water drainage scheme for which they are responsible, which should be carried out in accordance with any approved Surface Water Maintenance Plan. Such Maintenance Logs must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

## **ACCESS**

### **26     Access**

None of the dwellings shall be occupied until the access onto Henham Road as shown in principle on drawing 2008170-008 revision A has been provided, including clear to ground visibility splays with dimensions of 2.4 metres by 94 metres to the east and 2.4 by 61m to the west, as measured from and along the nearside edge of the carriageway (off set 0.5m from the kerb to the east).

The visibility splays shall thereafter be retained free of any obstruction at all times.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highways in the interest of highway safety in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

### **27     Pedestrian Improvements**

Prior to the occupation of any of the dwellings the following highway improvements as shown in principle on drawing numbers 2008170-032 Rev B shall be provided:

- a) Pedestrian access onto Hall Road as shown in principle on drawing number 2008170-032 Rev B with clear to ground visibility splays of 1.5m x 54m to the north and 1.5m by 82m to the south (to a 0.5m offset from the kerb edge) shall be provided having a minimum width of 3.5m at the pedestrian crossing point and associated drop kerb crossing, the visibility splays shall be retained free of any obstruction at all times thereafter.
- b) A footway a minimum width of 2m along the site boundary with Hall Road to connect to the proposed pedestrian access referred to in (a) above with the existing footway to the north on the eastern side of Hall Road.
- c) A scheme to improve pedestrian crossing on the junction of Hall Road with Henham Road.
- d) A footway with a minimum width of 2m along the site frontage of Henham Road to connect with the existing footways either side, and the existing footway on the northern side of Henham Road.

All necessary works including any relocation or provision of signage, lighting, associated resurfacing or works to the existing carriageway to facilitate widening and Traffic Regulation Orders to be carried out entirely at the developer's expense.

Reason: To ensure a safe access for pedestrians from the site to the site highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

### **28     Footway / Cycleway Network**

Concurrent with the submission of the first application for the approval of Reserved Matters, a scheme showing the footway and cycleway network across the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme, including the treatment of the public right of way, shall include but not be limited to details of surfacing, signing and lighting across

the site. The scheme shall also include the proposed timetable for implementing the proposed works.

## **FLIGHT SAFETY**

### **29     Upward Light Spill**

Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

### **30     Reflective Roof Materials**

Notwithstanding the provisions of Schedule 2, Part 1 Classes C, G, and H and Part 14 Classes A, E, F and H of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials other than clear or obscure glass, including where used in solar PV panels, shall be added to the building without the express consent of the Local Planning Authority.

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using Stansted Airport.

## **INFORMATIVES**

A       The layout proposed at Reserved Matters stage should be generally in broad accordance with:

- Illustrative Master Plan (Drawing Ref: 300.01)

B       Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions).

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

C       Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

The Ministerial Statement made on 18<sup>th</sup> December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

D In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.

- (i) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- (ii) Any signal equipment, real time passenger information at bus stops, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.
- (iii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (iv) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (v) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (vi) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- (vii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW 13 (Elsenham) is considered to be a breach of this legislation. The public's rights passage over shall be maintained free and unobstructed at all times to ensure the continued safe passage of the

public on the definitive right of way. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- (viii) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

E No lighting directly beneath any roof lights that will emit light upwards should be installed – only downward facing ambient lighting to spill from roof lights upwards – ideally, automatic blinds to be fitted that close at dusk.

Reason: Flight safety – to prevent distraction or confusion to pilots using STN. Given the location of this property the applicant should be aware that the airport will take action against anyone found in contravention of the Air Navigation Order (“Order”). In particular in contravention of the following provisions under that Order:

- Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.
- Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.