



**The Town and Country Planning  
(Section 62A Applications) (Hearings) Rules 2013**

**ISSUES REPORT  
and  
OUTLINE AGENDA**

**Application Reference No:** S62A/2023/0017

**Applicant:** FKY Limited

**Proposal description:** Development of the site to create an open logistics facility with associated new access and ancillary office and amenity facilities.

**Site address:** Land at Tilekiln Green, Start Hill, Great Hallingbury, CM22 7TA  
(Easting 551726, Northing 221351)

**Report by:** Mr Cullum Parker, BA(Hons) PGCert MA FRGS MRTPI IHBC

**Issue date:** 30 June 2023

**Consultation period:** 18 April to 9 June 2023

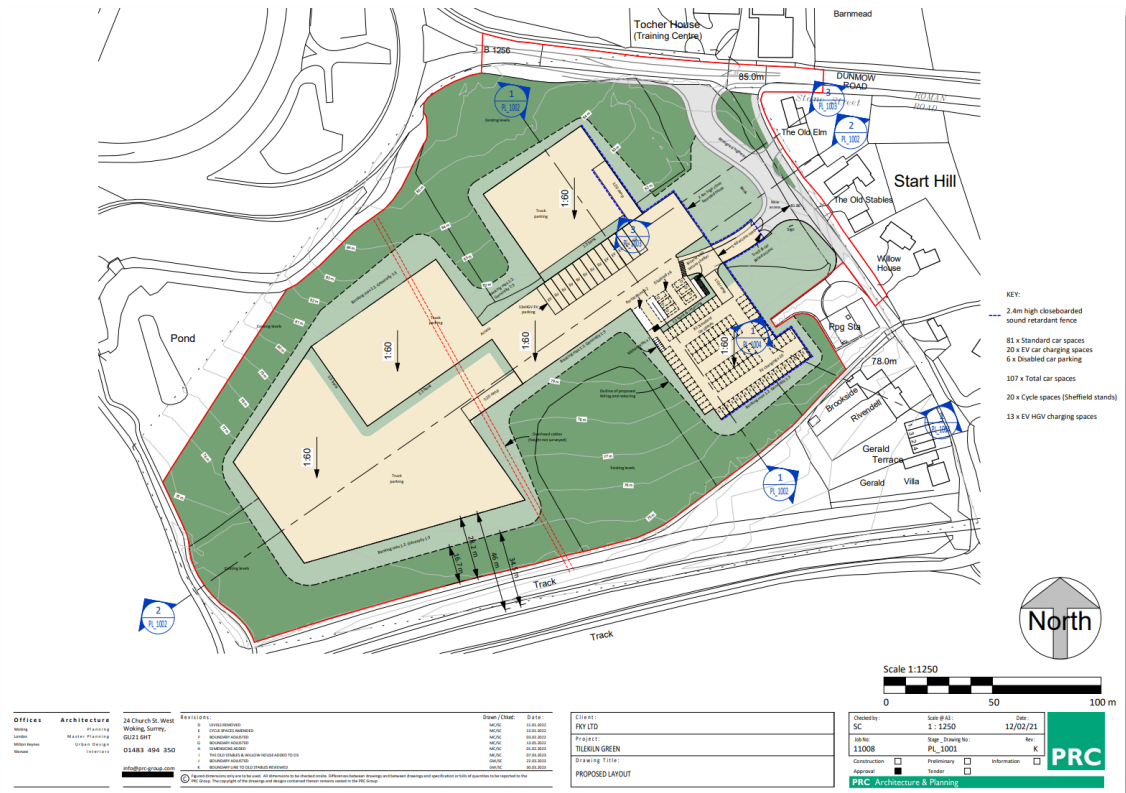
**Hearing to be held on:** Thursday 13 July 2023

**Hearing Location:** Uttlesford District Council Offices, Saffron Walden

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## Proposal and background

1. This application was made under Section 62A of the *Town and Country Planning Act 1990*, which allows for applications directly to the Planning Inspectorate where an LPA has been designated by the Secretary of State.
2. As the appointed person, I have determined that a Hearing is appropriate in this case. This is to be held on 13 July 2023 at Uttlesford Council Offices, Saffron Walden.
3. It will be conducted in accordance with *The Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013*. This Issues Report is issued in accordance with Rule 5 of these Rules.
4. The application seeks permission to create an open logistics facility with associated new access and ancillary office and amenity facilities. The application site is located on a parcel of land to the south of the B1256 (Start Hill), to the west of M11 and Birchanger Green Roundabout, and to the east of Tilekiln Green.



Indicative Site Layout Plan (Not to scale) [Source link](#)

5. On 25 April 2023, the Secretary of State considered the Application in accordance with Regulation 12(1) of the *Environmental Impact Assessment Regulations 2017 (SI 571/2017)*. They directed that this development is not Environmental Impact Assessment (EIA) development.

## **Representations**

6. The application was made on 5 April 2023 and validated on the 18 April 2023. Notifications were then made, with initial responses (including from the designated authority), by 9 June 2023. Responses were received from around 25 consultees (including Parish Councils and national bodies) and over 200 interested parties. These comments have informed the main issues.
7. All comments have been provided and published on the gov.uk website relating to this case.
8. Uttlesford District Council submitted a comprehensive Officer's Committee Report and confirmed that the Local Planning Authority objects to the development.

### **Local and national planning policies**

9. The development plan consists of the *Uttlesford Local Plan* (2005) (the Local Plan). Of particular note are Policies S7, S8, GEN4, GEN6, and ENV2.
10. National policy and guidance are contained within the *National Planning Policy Framework* (the Framework) and associated national *Planning Practice Guidance* (the Guidance). Of particular note are Chapters 2, 4, 6, 9, 11, 12, and 16.
11. Legislation in the form of s66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended, is also relevant given the proximity of a nearby listed building.

## **Main Issues**

12. The following, in my opinion, are the main issues to be considered in respect of the relevant application:
  - (i) Whether the proposed development, which would be within an area designated locally as a Countryside Protection Zone (CPZ), is required to be there, appropriate to a rural area, whether it would promote coalescence between the airport and existing development in the countryside, and whether or not it would adversely affect the open characteristics of the zone; and,
  - (ii) The effect of the proposed development on the character and appearance of the area; and,
  - (iii) The effect of the proposal on nearby heritage assets; and,
  - (iv) The effect of the proposed development on the living conditions of nearby occupiers, with specific regard to noise, disturbance and light; and,
  - (v) The benefits of the proposal, compliance with the development plan, and the overall planning balance.

## **Other Issues**

13. A number of other issues have been raised by interested parties. This includes: traffic congestion and highway safety, impact on local wildlife, pollution affecting the Latchmore Brook and the River Stort, air pollution, lack of on site amenity given only two portacabins proposed, water supply and drainage, impact on users of Flitch Way, and archaeology.

## Conditions

14. The Council and some consultees have recommended or suggested conditions if the application is to be permitted. Without prejudice, these will be discussed at the Hearing as appropriate. Any discussion of their merits does not indicate that a decision has been made on the application, but only that the conditions suggested are to be assessed as to whether they are necessary, relevant, enforceable, precise and reasonable.
15. It would aid proceedings if, without prejudice to anyone's position, the Council and Applicant provide a final draft of suggested conditions to the appointed person via the case officer before the Hearing opens. These will be published on the gov.uk website.

## Planning obligation

16. The Council indicate that they expect the submission of a legal agreement (or obligations) under s106 of the TCPA 1990. A completed unilateral undertaking has been submitted, dated 21<sup>st</sup> June 2023. The Council has also submitted a CIL compliance statement setting out the obligations sought for a Fritch Way Contribution of £40,500, Fritch Way Improvements, Travel Plan and Travel Plan Monitoring Fee are considered to comply with the CIL Regulations. Where appropriate this will be considered at the Hearing.

*C Parker*

INSPECTOR (Appointed person under S76D TCPA)



## Outline Agenda

**Application Reference No:** S62A/22/0000017

**Hearing to be held on:** Thursday 13 July 2023 @ 10:00

**Hearing Location:** Uttlesford District Council Offices, Saffron Walden

*'5.1.2. In the event that a hearing is required its purpose will be for the Inspector to allow any who wish to make oral representations and for the Inspector to put questions to address any points of fact or outstanding queries they may have. It is not a forum for parties to seek to test the evidence of others through cross-examination or direct questioning.'*<sup>1</sup>

1. **Inspector's opening** – including summarising main issues set out in this report.
2. **Oral representations** made by those who have specifically requested to speak at the representation stage.

Approximate time limits for speaking (at discretion of the Inspector):

<b>Speakers</b>	
Members of the public	3 minutes (each)
Councillors	5 minutes (each)
Statutory Consultees	10 minutes (each)
Non-statutory consultees	5 minutes (each)
The Council	15 minutes
The applicant	30 minutes

Note:- Interested parties (for example neighbouring occupiers or local interest groups) may consider that it is a more effective and efficient use of their time to co-ordinate any oral representations.

If oral representations relate to matter(s) which the Inspector considers is irrelevant or repetitious, to make best use of the time, the Inspector may stop the representation and require it to be made in writing and submitted before the Hearing closes.

3. Questions from the Inspector
4. Conditions – without prejudice
5. Hearing Closed.

<sup>1</sup> <https://www.gov.uk/government/publications/planning-applications-process-section-62a-authorities-in-special-measures/procedural-guidance-for-section-62a-authorities-in-special-measures>