

This is a vexatious application and should NOT have been accepted by PINS

The history of applications on this site:-

UTT/21/1987/FUL - Refused

Appeal APP/C1570/W/22/3291524 - Refused

S62A/2023/0016 - Refused

UTT/22/3126/FUL - Pending

I believe Weston Homes must respond as to why they keep repeating this application, is this being driven by:-

- I. Because their cash reserves are strained, by over stretching on other sites and liabilities as a result of cladding claims, and will they be able to meet their developer contributions, or
- II. Are they trying to avoid the development area NOT being included in the local plan, or
- III. Are they trying to avoid heavier Community Infrastructure Structure payments that will fall due when in whatever format it takes the new local plan progresses.

Weston Homes have resurrected this application with a huge number of new documents, do they have nothing else to do? Are they paying "experts" by the word count? They are clearly trying to obfuscate the truth. They are attempting to address concerns raised by the PINS inspector at their third failed attempt to obtain permission for this land.

In their planning statement, 483 pages long, they attempt to use the blueprint of the local plan as justification for this revival. Cherry picking sections and ignoring areas that they do not comply with. However, as UDC's own planning director, Dean Hermitage stated, at the Local Plan Leadership Group meeting on the 4th October that at reg 18 the blueprint bears NO WEIGHT and should NOT be considered with regards to this application. This statement was further confirmed by Councillor Evans at the recent UDC cabinet meeting, 16th October. Assuming that the blueprint is approved for consultation by council then following that initial consultation it is likely that a revised plan will be prepared with a further reg 18 consultation. Therefore, the plan and policies that must support decisions is the plan from 2005, including protection policies such as the Countryside Protection Zone. This site sits within the CPZ.

Weston Homes refer to the lack of a 5 year housing supply as instigating paragraph 11 of the NPPF. Weston Homes choose to ignore the housing supply figures quoted on the UDC website at 5.14 years to April 2023. For the first six months of the year a further 2.18 years supply of houses have been approved. Therefore there is NO presumption in favour of development.

The transport assessments can not be seriously considered as valid. Initial data extracted from 2018 and then amended to 2021. Since 2018 there has been significant number of properties built along Parsonage Road, as well as Weston Homes own car park for some 120 cars, industrial buildings being built behind the Weston Homes offices, industrial units bringing more HGV's to the local road network. Motion traffic assessments do NOT define the date when they collected data. Previously it has been recorded that data was collected for previous applications when tanker drivers were on strike, severely impacting on traffic levels. They have also used data collected during school holidays. Travel and car journeys in 2021 were also impacted by COVID. Significantly the TRAC reports do NOT record the dates they were prepared. The MOVA upgrades to the Four Ashes junction will improve flows along the B183, Parsonage Road. This is designed to support the new developments along Parsonage Road. This upgrade does NOT reduce vehicle numbers. Essex Highways have NOT programmed these works in the next year. Manchester Airports Group have highlighted that their access to the airport is via the A120 which includes the security point and not from Parsonage Road. MAG do not want pedestrians and cyclists with backpacks and the like entering the airport as potentially pose a security threat. Train fares from Stansted Airport carry a premium which discourages commuters. Therefore commuters will travel to alternative stations.

A discussion September 2021 in relation to the impact of development taking place in and around Takeley and the impact on junction 8 with the M11 [https://publicaccess.uttlesford.gov.uk/online-applications/files/DFED1981E9EF54E7FC4198EAF143611D/pdf/UTT\\_21\\_2488\\_OP-HIGHWAYS\\_NOTE-3737468.pdf](https://publicaccess.uttlesford.gov.uk/online-applications/files/DFED1981E9EF54E7FC4198EAF143611D/pdf/UTT_21_2488_OP-HIGHWAYS_NOTE-3737468.pdf) UTT/21/2488/OP

In attendance were:- Mark Norman National Highways Shamsul Hoque National Highways Katherine W Essex County Council Mary Young Essex County Council William Allwood Uttlesford DC

MN is concerned that a lot of separate applications are coming forward which, individually aren't likely to have much impact, but in combination are significant. There is no Local Plan to help inform the development likely to come forward and the infrastructure required to support it.

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NH and ECC would like discussions with the developers to ensure that the cumulative impact on the junction is assessed and suitable proportionate mitigation is provided. An interim scheme is being provided in the short term and it is recognised that there is a need for a long-term scheme. This will be looked at through the work of the local plan and the National RIS Programme but a shorter-term strategy is needed, as there is no guarantee when or if a major scheme will come forward”.

Traffic levels from numerous smaller developments are causing great problems accessing major routes and facilities in local towns, including education, healthcare, retail and leisure activities.

The February 2022 report, produced for the group Transport for New Homes, Building Car Dependency, which follows research from 2018, says greenfield housing “has become even more car-based” in recent years, adding hundreds of thousands of additional car journeys to our roads. Rosie Pearson, chair of the Community Planning Alliance, said: “Developers are building in the wrong place, with the wrong design and the wrong layout. This locks in car dependency from the outset, leading to persistent traffic jams, dangerous conditions for pedestrians and cyclists, and air pollution. It’s time for change.”

Smiths Green is an individual hamlet, signposted as such lying between Takeley and Little Canfield. The area around Jacks Lane byway provides a separation between the rural, historical Smiths Green hamlet and the built environment of Priors Green. Any development in this vicinity promotes coalescence between Priors Green and Smiths Green, further expanding urban sprawl around Takeley. Deleting the individuality of Smiths Green. Corrupting the historical relevance of Smiths Green and Jacks Lane. No consideration is given to the historical significance of Jacks Lane, or the byway leading towards Maggots Cottages. “Some byways that have **not** been over-modernised retain traces of the *aggers* or ditches that originally ran along each side of the lane”; source Wikipedia, byway. Jacks Lane is part of the ancient byway & footpaths that linked the, Takeley Parish Church, a Norman Church, to Little Canfield, with its 12th century church, and beyond. Records exist in the Domesday Book. Linking historical settlements, including St Valerys Priory, Warish Hall, and many more humble dwellings. Much of the route remains unchanged, retaining many of its original features, continuing as a wooded byway through the built area of Priors Green to Bambers Green Road. Enforcing the historical significance of the area.

Weston Homes latest submission concentrates on the development of the existing byway through to Priors Green. They choose to obfuscate the truth. Much movement in and out of the estate will travel along Smiths Green to the Dunmow Road (B1256). The bus services through Priors Green are limited. School Buses do NOT travel through Priors Green. I have extracted and summarised bus routes through Takeley. This summary highlights that bus travel, including school buses and principal commuting routes are centred around the Four Ashes junction with stops along the Dunmow Road, B1256, and only limited services through Priors Green. To access the primary services residents will use the most direct route, which is along Smiths Green. Smiths Green can

not be considered a safe reliable route. It is a narrow unlit lane crossing the village green with raised verges and ditches running alongside the carriage way. Pedestrians, wheelchair users, mobility scooters and cyclists share the road with cars, farm vehicles, lorries and the like without any safe footpath. The Lane frequently floods, making non-motorised journeys even more challenging. Photos attached highlighting the lane underwater. The flooding at the junction between Smiths Green and the Dunmow Road forces pedestrians into the path of oncoming traffic along B1256. Promoting reliance on car journeys. Exiting the estate and travelling north upto Bangers Green sees an even narrower lane which currently suffers from extensive verge damage. Any traffic increase will further damage the verges as vehicles try to pass each other. This part of the lane is recorded as the Hamcarlow Way.

The revisions and works to Jack Lane byway do NOT address the flooding risks. The extensive works proposed retain existing levels. These works will cause significant damage to the surrounding trees and vegetation. As the submission via Takeley Parish Council highlights, copy attached, that extensive works, including tree removal to mitigate the flooding risks to this area would be required. The impact of climate change must be considered. Drier summers, (when Weston Homes carry out surveys) with heavier and greater rainfall in winter. Therefore, the Inspector concluded that this was not a safe all weather access suitable for all users, including equestrian, cyclist and less able users with mobility aids. There has been no demand for this byway to be lit. Surrounding paths, lanes and roads are unlit. Tree and vegetation removal can only severely impact on bats and other wildlife that habitat this area. Urbanisation of this footpath with handrails and lighting is not compatible with the rural nature of the area. No other parts of this byway have become so over developed. Handrails are restrictive when a horse and dog walkers meet. Such development can only be detrimental to the area. Artificial lighting at night is a risk to nocturnal creatures, in particular insects and bats. The Institute for Lighting Professionals highlights that Soprano Pipistrelles are particularly sensitive to artificial lighting. The ecology report highlights the presence of a number of red list species. Including, but not limited to, Common and Soprano Pipestrelle Bats, grass snakes, common lizards with evidence and reports of hedgehog activity. The destruction of hedgerows to provide access, the disruption caused by construction activity can only negatively impact this important habitat. The development will introduce lightning into unlit areas. Unarguably, the best solution to protect wildlife in the area is to NOT overdevelop, NOT to install streetlights. Any lighting scheme will be invasive. Urbanisation of the wooded corridor through the byway will further isolate and promote an orphaned woodland with little wildlife connectivity to adjoining habitats.

The destruction of existing habitats, the disturbance to bats and other species comes with minimal benefits and can not be considered proportionate.

The proposed works change the byway to a footpath. Has regulatory approval been granted for such changes. Footpaths - for walking, running, mobility scooters or powered wheelchairs. Restricted byways - for any transport without a motor and mobility scooters or powered wheelchairs. The sustainability report suggests using PRoW Takeley 40 and 41 to connect through to Parsonage Road, however these routes are designated as footpaths, therefore NOT legal for the use of cyclists and the like.

The CEMP report can not be considered fit for purpose. No reference is made for the works to Jacks Lane byway, indeed it is excluded from the site boundary. No reference is made to how materials and plant will be delivered to site. Clearly Smiths Green is unsuitable for larger articulated lorries. Are they going to turn around across verges? Showing a total lack of concern or sensitivity for the environment and neighbours.

The density, layout and design of the buildings on the estate is not compatible with the vernacular. Introducing incompatible buildings into the historical setting of the Smiths Green Conservation area. The density of the buildings on the site is completely out of keeping with the area. By way of an example an alternative application has a density of 10.6 dwellings per hectare whilst this

application, in a more rural location, brings forward 19 dwellings per hectare. Lighting columns, security lights, light spills from windows, including upper floor windows will have a significant disruptive impact on nocturnal insects, birds and animals. Parking is insufficient. Whilst parking may comply with the rules, special considerations must be made for the location and sensitivity of the area. Being a rural location car ownership is going to be above average, plans should allow for at least two cars per dwelling, three for larger dwellings plus visitors parking. Unless sufficient provisions are made residents and visitors will have no alternative but to migrate onto the verges of Warish Hall Rd, with the resulting damage. Affordable housing units are grouped into one area. With the opportunity to create a shanty town. Residents of these houses are likely to suffer discrimination. They should be distributed throughout the estate. Again contrary to UDC planning policies.

Affinity water provide services to our village. They extract water from ground source supplies, including rare habitats such as chalk streams. Their supply is unreliable and frequently pressure is reduced. Further developments will put increased pressure on already stretched services. Thames Water operate Takeley Sewage Works and during the year 2021 they released untreated sewage into Pinceys Brook for a reported 1281 hours, in 2020 1062 hours. Highlighting how our infrastructure is unable to keep pace with the speed of development in our village. With new developments in Takeley Street and around Parsonage Road this figure will only increase. This is an unacceptable health risk.

Foul water is proposed to connect to existing sewer systems. What route will that take? There are NO main sewers in Smiths Green or Jacks Lane. Weston Homes own report suggests the need for a sewer pumping station, where will this be located. It does not appear on their plans. Who will be responsible for maintaining this facility.

Gear Change details the government's approach to future investment in cycling published by the DfT, it details the principles for investment in new infrastructure and the benefits which can be derived from raising the bar in terms of the quality and comprehensiveness of cycle networks.

Specifically it details how improvements will be made to the national cycle network with the aim of making the entire network either off road or traffic calmed by 2040 (59% of the network current consists of on-road routes). Beyond this core commitment, the document details key design principles for new cycle infrastructure as follows:

- Cyclists must be separated from volume traffic at both at junction and on links
- Cyclists must be separated from pedestrians
- Cyclists must be treated as vehicles, not pedestrians
- Routes must join together
- Routes must feel direct, logical and understandable
- Routes and scheme must account for how users actually behave
- Purely cosmetic alterations should be avoided
- Barriers, such as chicane barriers and dismount signs, should be avoided
- Routes should be designed only by those who have experienced the road on a bicycle

The proposed changes to Jacks Lane byway do not conform to this standard. There is no separation between cyclists and pedestrians. The proposed route through to the Burgattes Road leads to a road junction, potentially this will be classified as a footpath, therefore not intended for cyclists.

Works along this Jacks Lane Byway can only take place in close proximity to the trees and vegetation that line the path. To prevent flooding the topography of the path will require extensive remodelling. This can only result in high level damage to the trees and habitat. Further works will be required to ensure that flood waters that currently sit across the path are contained to prevent

them backing up into local roads. There is also the risk of damage to ancient features such as the moat. During winter months the drainage ditches are frequently full. Currently rainwater slowly percolates through soils, allowing natural evaporation and absorption. Rapid discharge of surface water from roofs and hard standing into natural drainage is likely to overwhelm systems causing rapid rises in water levels and potential flooding to lower properties. To discharge rainwater from roofs, gutters, down pipes, non-porous surfaces and the like onto adjoining land requires the permission of the landowner affected by the discharge. The Flood and Water Management Act 2010 refers. Essex CC require developers to reuse rainwater, or provide adequate rational as to why this is not possible possible. [REDACTED]

Drainage ditches (aggers) to the north of Jacks Lane, to the west of the byway leading to Maggotts Cottage have over recent years with recent weather pattern changes become full. By utilising surface water drainage there is a serious risk of overwhelming drainage ditches.

Uttlesford's own code, Building for a Healthy Life, based upon national guidelines, Englands key measure for design quality specifies that designs should **exclude** single point of entry for cyclists and pedestrians. Given that Smiths Green is NOT recognised as being safe for non-motorised transport this leaves only one point of entry for pedestrians. Attempts to use Smiths Green for pedestrians particularly with mobility issues would leave UDC in breach of equality legislation.

Weston Homes do NOT address the safety issues for pedestrians and cyclists using Smiths Green. They fail to recognise that school buses travel along the B1256, and NOT through Priors Green. School bus departures start from 7am, dark winter mornings will see students walking along the carriageway of an unlit lane. Buses are restricted through Priors Green due to parked cars. Weston Homes fail to recognise that services, such as the Postoffice, Yogi Pharmacy, fish and chip shop, are located within the Four Ashes Junction. Students and residents seeking these services along the Dunmow Road, will travel by the most direct and practical route via Smiths Green. Smiths Green, an unlit lane with no pavements or suitable and safe walking borders.

The surface water flood maps presented are seriously flawed. As photos provided extensive standing water occurs along Smiths Green. The surface water maps provided by Stansted Environmental Services fail to record the standing water at the B1256 and Smiths Green junction. This flooding forces pedestrians into the path of oncoming traffic along the B1256. It is not unknown for Smiths Green itself to be underwater. Stansted Environmental Services who prepared this report, cannot be considered as independent three out of four directors are also directors of Weston Homes. With the impact of global warming we can expect more frequent and severe storms. Farm vehicles, tractors with large trailers, combine harvesters, large and smaller delivery vehicles accessing Parkers Farm and the Warish Hall Industrial units have no alternative but to travel along Smiths Green. I include views of Smiths Green.

The lack of safe walking or cycling routes along Smiths Green promotes reliance on private car journeys. Increased traffic using Smiths Green will inevitably result in further damage to the verges and Smiths Green boundaries. Visit either of the Takeley Primary Schools at leaving time and record the volume of parents collecting children in their cars. Residents with mobility issues will have no alternative but to use the road, potentially placing UDC in breach of equality laws. Therefore, urbanising the Jacks Lane byway will provide limited benefit against the environmental and financial cost associated with this route.

As the LUC report submitted as evidence to inform the blueprint draft plan highlighted Takeley as part of the Broxted Farmland Plateau:

Protect and conserve

- Protect and conserve existing semi-natural habitats , including ancient and semi-natural woodlands and the intermittent hedgerows
- Conserve historic lanes, ditches and unimproved roadside verges. Avoid unsympathetic highway works, including lighting and inappropriate road upgrades
- Protect the sparsely settled, tranquil character of the north of the landscape
- Ensure that important heritage assets (including the farmsteads, moated sites, and halls) are appropriately managed to avoid their loss or degradation
- Protect the dispersed linear settlement of smaller villages, hamlets and farms
- Conserve the local distinctiveness of historic buildings and their contribution to landscape character
- Conserve the rural character of historic farmsteads as features of the historical agricultural landscape
- Conserve dark skies by limiting unnecessary lighting along narrow lanes/roads junctions and associated with new developments

In consideration of the refused third application Inspector Hunt quoted “However, I am unconvinced that wider effects of the development and the associated byway improvements on landscape and visual character and appearance during hours of darkness have been adequately considered by the applicant. This is of particular importance given the historic lack of lighting in the vicinity of Jacks Lane and Smiths Green Lane. I am not persuaded that such matters should be left to a condition, and without an acceptable agreed lighting scheme there would be harm to the character and appearance of the area in conflict with policy GEN2 of the Local Plan.

NPPF P.112. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second so far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”/

This development does NOT meet these objectives. Relying on Smiths Green to access services and frequent bus routes along the B1256.

Inspector Hunt goes onto highlight “In terms of conflict with the Framework the proposed development would be contrary to paragraph 130 c) which requires developments to be sympathetic to local character and history including its landscape setting, and paragraph 185 c) which requires development to take into account the likely effects of pollution and limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

Inspector Hunt concludes “The applicant has failed to demonstrate that there would not be harmful effects on the character and appearance of the area and setting of the protected lane as a non-designated heritage asset (specifically including its effects during hours of darkness and removal of vegetation), and there is lack of an agreed scheme to secure safe pedestrian and cycle access to

and from the site. This conflicts with The Local Plan and the Framework when taken as a whole. The application should therefore be refused for the reasons set out above”

Nothing in this new proposal alters the reasons for the previous refusals and I would urge the Inspector to support the previous decisions.

W Critchley

[REDACTED]