

Your Ref: S62A/2023/0025  
Our Ref: HT/SD/RMc/47504  
Date: 15/12/2023



**Essex County Council**

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### Consultation response

Application No.	S62A/2023/0025
Applicant	Mr David Rich-Jones, Richstone Procurement Ltd
Site Location	Land North of Eldridge Close, Stickling Green, Clavering, Essex
Proposal	Outline planning application with all matters reserved except access for up to 28 dwellings (class C3) including public open space, sustainable drainage systems, landscaping and associated infrastructure and development

The assessment of the application, including its Transport Assessment, was undertaken with reference to the National Planning Policy Framework 2023, in particular, paragraphs 110-112, the following were considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

At paragraph 4.11 of the Transport Statement, it is noted “cycle access shall be achieved via the site’s vehicular access road and PROW.” It is important to note that the highway authority do not consider the Public Right of Way footpath 19 (Clavering 10), which falls partly within the site, to be suitable for cycle access. The section of the footpath within site may be suitable for cyclists, and the landowner could choose to permissively allow cycling on the footpath on their land, however they cannot extend that beyond their ownership as they would be creating a nuisance and encouraging trespass onto third party land. The section of the footpath from the site boundary to Clatterbury Lane is particularly narrow and not at all suitable for cyclists. We feel cycle access would be better achieved via the estate road to the wider highway network.

At paragraph 2.19 of the Transport Statement, it is noted “bus routes 306 and 446 provide limited weekday services to the local area...” and at paragraph 4.14 “the proximity of the site to existing bus stops ensures that access to local services is well within acceptable walking distances” – it is important to note that the bus services available within the vicinity of the site are essentially school services – running once in the morning and once in the afternoon term-time only. As such, we consider that given the location of the site, for the majority of journeys, the only practical option will be the car as access to key facilities, public transport, employment and leisure opportunities is limited. This should be taken into consideration by the Inspector when assessing the overall sustainability and acceptability of the site.

At paragraphs 6.51-6.53 of the Planning Statement, the applicant notes the adoption status of Eldridge Close. We agree with the applicant’s appraisal of the situation – the developer of the existing development of Eldridge Close has entered a s38 agreement with the highway authority for the adoption of the road, but remedial works are outstanding before we will take over maintenance. If the existing section is adopted by the time this site commences, then we will require a pre-commencement condition survey to be undertaken. If the existing section is not adopted by such time, we welcome the obligation within the draft s106 agreement that the developer will maintain the estate road until such time as it is adopted.

**From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions/obligations:**

1. **Construction Management Plan:** no development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority, in consultation with the highway authority. The approved plan shall cover all areas of the site identifying differences in operation as necessary and shall be adhered to throughout the construction period. The Plan shall provide for:
  - a. vehicle routing,
  - b. the parking of vehicles of site operatives and visitors,
  - c. loading and unloading of plant and materials,
  - d. storage of plant and materials used in constructing the development,
  - e. wheel and underbody washing facilities,
  - f. treatment and protection of public rights of way during construction,

**Reason:** to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011.

2. **PROW surfacing:** prior to occupation of the development, public right of way footpath 19 (Clavering 10), from the application site to Clatterbury Lane, shall be upgraded to an all-weather surface. Details to be submitted to the local planning authority, in consultation with the local highway authority, and works completed prior to occupation.

**Reason:** to protect and enhance the public right of way network in accordance with policy DM11 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

3. **PROW width:** The width of public right of way footpath 19 (Clavering 10) must be retained at a minimum width of 1.5 metres at all times, and any proposed planting must be set back a minimum of 2 metres from the width of the public footpath.

**Reason:** to protect and enhance the public right of way network in accordance with policy DM11 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

4. **Access:** prior to occupation of the development, the provision of an access arrangement to connect into Eldridge Close, to include but not limited to, the continuation of the 5.5 metre wide carriageway and two x 2 metre wide footways, as shown indicatively on Arcady drawing no. 18/17/22.

**Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner 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.

5. **Highway works:** prior to occupation of the development, the provision of a pedestrian dropped kerb crossing point across the junction adjacent to nos. 8 and 17 Eldridge Close (with appropriate tactile paving as required) to be completed entirely at the developer's expense.

**Reason:** in the interests of highway safety, reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM1, DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

6. **Vehicle and Cycle Parking:** prior to implementation of the development, the Developer shall submit to the Local Planning Authority for approval, in consultation with the highway authority, details of both vehicular and cycle parking for residents and visitors in accordance with the relevant parking standards. Each vehicular parking space shall have minimum dimensions of 2.9 metres by 5.5 metres and cycle parking will be secure, convenient and covered. All single garages shall have a minimum internal measures of 7 metres by 3 metres if their intended purpose is parking. Once

approved, the development shall not be occupied until such time as the parking indicated on those approved plans has been provided and shall be retained in this form at all times.

**Reason:** to ensure appropriate cycle parking is provided, to encourage the use of off-street parking, to ensure adequate space for parking off the highway and to ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. **Residential Travel Information Packs:** prior to occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one-day travel vouchers for use with the relevant local public transport operator.

**Reason:** in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

8. **Condition survey:** prior to commencement of development, the Developer shall confirm to the Local Planning Authority the adoption status of Eldridge Close. If Eldridge Close is adopted, the Developer shall provide to the Local Planning Authority for approval, in consultation with the highway authority, a Highway Condition Survey detailing the condition of the highway. Prior to occupation of the development, a second Highway Condition Survey shall be submitted and in the event of any damage to the highway caused by construction of the development, the Developer shall undertake, entirely at their expense, the necessary highway works to restore the highway to its pre-commencement condition.

**Reason:** to prevent hazards as a result of damage caused construction vehicle traffic and to ensure the continued safe passage of the public 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

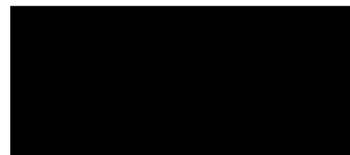
#### **Informatives:**

- (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) The applicant should be aware that, due to the length of the carriageway, the provision of traffic calming measures to facilitate a 20mph zone will be required should the extended estate road be offered for adoption to the highway authority. Furthermore, the applicant should be aware that indicative site layout submitted would likely be unacceptable for adoption by the highway authority.
- (iii) 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 is considered to be a breach of this legislation. The public's rights and ease of passage over public right of way 19/10 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.

- (iv) Any signal equipment, 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.
- (v) 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.
- (vi) 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.
- (vii) 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.
- (viii) 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.
- (ix) Under Section 23 of the Land Drainage Act 1991, prior written consent from the Environment Agency is required to build any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.



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