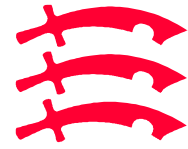


Your Ref: S62A/2023/0027  
Our Ref: HT/SD/RMc/48518  
Date: 15/12/2023



**Essex County Council**

CC (by email): Cllr Susan Barker  
Essex Highways DM  
Public Rights of Way team  
Sustainable Travel Planning team  
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### Consultation response

Application no.	S62A/2023/0027
Applicant	Weston Homes PLC
Site Location	Warish Hall Farm Smiths Green Lane Takeley Essex
Proposal	Erection of 40no. dwellings, including open space landscaping and associated infrastructure

This S62A planning application involves one of the land parcels which formed part of planning application UTT/21/1987/FUL for a wider area of land which was refused by Uttlesford District Council and subsequently dismissed by the Planning Inspectorate following an appeal.

This S62A application is very similar in form to an earlier S62A planning application, reference S62A/2023/0019, which was refused by the Planning Inspectorate. Additionally, there is also a live application submitted to Uttlesford District Council, reference UTT/22/3126/FUL, which mirrors this current S62A application.

The Highway Authority has assessed the information which has been submitted with the planning application, including Motion's Transport Assessment (dated 3<sup>rd</sup> April 2023). The assessment of the application and 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

Following the inspector's decision on S62A/2023/0019, more information has been submitted in relation to the byway improvements required to ensure safe and suitable access for pedestrians and cyclists. This information and the developer's engagement on this issue since the previous hearing is welcomed, but unfortunately, we are not in a position to fully agree the details of the works and, as such, a draft condition is proposed to ensure this matter is resolved ahead of commencement of the development. If these details are agreed between all parties ahead of the inspector's consideration/decision, the highway authority would consider re-drafting of condition 2 below to remove the requirement to submit details ahead of commencement.

Discussions are ongoing in relation the future maintenance of those byway improvements – there is a general consensus that the responsibility for funding the maintenance required to ensure it remains a safe and suitable access for pedestrians and cyclists should fall to the developer, but the legal mechanisms for securing such funding are not yet agreed. This element has been drafted as condition 3 below, but the highway authority would be satisfied that it could be secured as a s106 obligation.

The internal highway layout detailed on drawing no. WH202.WST.P1.ZZ.DR.PL.10.01 would likely not be adoptable by the highway authority, and we have compiled our response on the basis that it would remain private.

We welcome the inclusion of a Construction Environmental Management Plan with the application, however, feel it is appropriate for a requirement to submit a Construction Management Plan ahead of commencement since the CEMP submitted will be at least one year old, and it doesn't include some information we'd expect to see, for example, the number of contractor parking spaces that will be available, construction vehicle routes to and from site and confirmation that vehicles will be able to turn within site to enter and exit in forward gear (in Stage 1).

**From a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to the following conditions and 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 local highway authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
  - a. construction vehicle access
  - 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. routing strategy for construction vehicles,
  - g. protection of public rights of way within or adjacent to the site,
  - h. before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

**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. **Jacks Lane restricted byway 25 (Takeley 48) improvement works:** prior to commencement of the development, the Developer shall submit to the Local Planning Authority for approval, in consultation with the highway authority, details relating to the improvement of restricted byway 25 (Takeley 48) from Burgattes Road, to Jacks Lane and north to the proposed footway/cycle link forming part of the residential estate shown hatched purple on drawing no. WH202.WST.P1.ZZ.DR.PL.10.04. The improvement works should make the restricted byway suitable for regular, all-weather use by pedestrians, cyclists and people with mobility impairment. The scheme shall include, but not be limited to, full depth construction, surfacing, lighting, drainage, signage, ditch crossing, measures to prevent use by motor vehicles and vegetation clearance. No construction of any dwelling shall take place until the details are approved, and no occupation of any dwelling shall take place until the approved scheme is delivered entirely at the developer's expense.

**Reason:** to ensure safe and suitable access to key facilities for pedestrians and cyclists in accordance with policy DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. **Jacks Lane restricted byway 25 (Takeley 48) maintenance:** prior to occupation of the development, the Developer shall submit to the Local Planning Authority for approval, in consultation with the highway authority, details relating to the maintenance of the improvement works detailed in draft condition 2 (Jacks Lane restricted byway 25 (Takeley 48) improvement works). The maintenance requirements will likely include a commuted sum for maintenance of the improved surfacing, a commuted sum for maintenance of the new lighting scheme and an

obligation to maintain the vegetation around the lighting columns to ensure they effectively light the restricted byway.

**Reason:** to ensure safe and suitable access to key facilities for pedestrians and cyclists is maintained appropriately in accordance with policy DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. **Access:** prior to occupation of the development, the access as shown in principle on drawing no. WH202.WST.P1.ZZ.DR.PL.10.51 shall be provided entirely at the developer's expense, to include but not be limited to the following:
  - a. the provision of a suitable bell-mouth access with appropriate radii to accommodate the swept path of vehicles regularly using the site access
  - b. clear to ground visibility splays with dimensions of 2.4 metres by 43 metres to both the north and south along Smiths Green Lane. Such vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

**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 highway 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. **Walking and cycling permeability:** prior to occupation of the development, the shared use footway/cycleway link shown on drawings no. 2951-LA-04\_Rev\_P02 and no. WH202.WST.P1.ZZ.DR.PL.10.04, or other such scheme as may be agreed with the Local Planning Authority, in consultation with the highway authority, shall be provided to a width of 3.5 metres between restricted byway 25 (Takeley 48) (improved as above) and Smiths Green Lane.

**Reason:** to ensure safe and suitable access to key facilities for pedestrians and cyclists in accordance with policy DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. **Cycle Parking:** the development shall not be occupied until such time as the cycle parking provision as indicated on drawing no. WH202.WST.P1.ZZ.DR.PL.10.09 has been provided and this provision shall be retained in this form at all times.

**Reason:** to ensure appropriate cycle parking is provided 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. **Vehicular Parking:** the development shall not be occupied until such time as the vehicle parking areas as shown indicatively on drawing number WH202.WST.P1.ZZ.DR.PL.10.07 have been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

**Reason:** to ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

8. **Travel 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

9. **Bus Infrastructure:** prior to occupation of the development, the provision of the following bus infrastructure entirely at the developer's expense and the payment of commuted sum towards the future cleansing, maintenance and energy costs of £2,885.82 per bus shelter (indexed from the date of this recommendation):
- a. two bus stops on the B1256 in the vicinity of the junction with Smiths Green Lane (one westbound, one eastbound) which shall comprise (but not be limited to) the following facilities: shelters, seating, raised kerbs, bus stop markings, flags, timetable casings and including any necessary alterations to and reinstatements of existing highways and statutory undertakers equipment and the provision of or alteration to street lighting road signs drainage structures traffic signals related accommodation and any other works normally associated with the construction of a highway or required as a result of ECC's inspections

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

10. **Sustainable Transport Contribution:** prior to occupation of the development, payment of a financial contribution of £112,000 (index linked from the date of our initial recommendation on 2<sup>nd</sup> June 2023) shall be paid to fund improvements to enhance bus services between the development and local centres including Bishops Stortford , local amenities and/or Stansted Airport improving the frequency, quality and/or geographical cover of bus routes that serve the site and/or local bus infrastructure and/or the design and implementation of a cycle route between Takeley and Stansted Airport.

**Reason:** to improve the accessibility of the of the development by bus and cycle in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

**The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.**

**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) 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 applicant should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- (iii) 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. The Highway Authority cannot accept any liability for costs

associated with a developer's improvement. This includes design checks, 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.

- (iv) 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 25 (Takeley 48) 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.

- (v) Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway
- (vi) There shall be no discharge of surface water onto the Highway.
- (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) Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway
- (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.
- (x) Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees should be provided with root barriers, must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

  
pp. Director of Highways and Transportation  
Enquiries to Rachel McKeown

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