

Rachel Beale
The Planning Inspectorate
The Square Temple Quay
Bristol
Avon
BS1 6PN

Our ref: AC/2023/131898/01-L01
Your ref: S62A/2023/0026
Date: 19 December 2023

Dear Rachel

OUTLINE APPLICATION FOR THE ERECTION OF UP TO 40 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS

LAND WEST OF ROBIN HOOD ROAD, ELSENHAM

Thank you for your consultation dated 30 November 2023. We have reviewed the documents as submitted and we are raising an objection until the concerns noted below are addressed. Please find further information on overcoming our objection in the relevant sections below.

Objection

The submitted planning application and associated documents indicate that a new SuDs Pond within 10 metres of the river, and a new outfall discharging into the Stansted Brook will be required as part of the proposed development. This activity will require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016 which is unlikely to be granted for the current proposal.

We do not have enough information to know if the proposed development can meet our requirements for nature conservation, ecology and physical habitats, and flood risk management, because no assessment of the risks has been provided. We therefore object to the proposal and recommend that the planning application is refused.

Reason

It is currently unclear how close the proposed SuDs Pond and associated infrastructure will be to the Stansted Brook. This activity has the potential to remove natural riparian buffer zone habitat. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Natural river corridors can provide a filtering effect on runoff to 'clean' runoff before it enters the watercourse. Natural river corridors provide habitat for many riverine animals including fish, invertebrates and macrophytes through the provision of refuge areas and diversity of available habitat. Additionally, there are no details provided of the proposed outfall.

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For example: size, structure and materials. Physical modifications to watercourses have the potential to damage habitat quality and can cause issues with erosion and siltation.

In determining the flood risk activity permit for this development, we will assess its compliance with the Thames River Basin Management Plan (RBMP). We'll also consider how the development will affect water biodiversity and the wetland environment. The RBMP states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies. An ecological assessment is required to assess how the proposal will affect species, habitats and hydromorphology. This assessment will need to demonstrate how this will risk will be controlled. Where possible, it should identify opportunities for environmental improvements. Until this is provided the risk posed by the proposed development is unacceptable.

This objection is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.

Overcoming our Objection

To overcome our objection, the developer will need to carry out and submit a ecological assessment and WFD assessment prior to the development of any detailed plans.

The survey and ecological assessment should:

- Provide a plan for the development that indicates the proximity of the proposed works to the Stansted Brook.
- Identify the impacts to the ecological and hydromorphological WFD quality elements and determine if they may be at risk of deterioration or will be prevented from achieving good status.
- Identify any rare, declining, protected or otherwise important flora, fauna or habitats adjacent to the Stansted Brook.
- Assess the importance of the above features at a local, regional and national level.
- Identify the impacts of the scheme on those features.
- Demonstrate how the development will avoid adverse impacts.
- Propose mitigation for any adverse ecological impacts or compensation for loss.

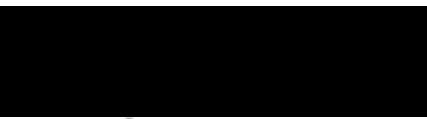
- Propose wildlife/habitat enhancement measures.

The applicant should also provide further detail as to the nature of the proposed outfall to Stansted Brook.

Please reconsult us with any surveys and assessments submitted in connection with this application and any design changes, additional mitigation, compensation, or enhancement measures that might subsequently be proposed.

We trust that this advice is useful.

Yours sincerely



Miss Lucy Fielder
Sustainable Places - Planning Advisor

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Team number 