

# Development and Regulation Committee

<b>10:30</b>	<b>Friday, 23 June 2017</b>	<b>Committee Room 1, County Hall, Chelmsford, CM1 1QH</b>
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**Quorum: 3**

**Membership:**

Councillor C Guglielmi	Chairman
Councillor J Abbott	
Councillor M Garnett	
Councillor M Hardware	
Councillor I Henderson	
Councillor J Henry	
Councillor S Hillier	
Councillor R Massey	
Councillor M Mackrory	
Councillor R Moore	
Councillor J Reeves	
Councillor A Wood	

**For information about the meeting please ask for:**

Matthew Waldie, Committee Officer

**Telephone:** 033301 34583

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Essex County Council

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## **Part 1**

(During consideration of these items the meeting is likely to be open to the press and public)

		<b>Pages</b>
<b>1</b>	<b>Apologies for Absence</b> The Committee Officer to report receipt (if any).	
<b>2</b>	<b>Declarations of Interest</b> To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
<b>3</b>	<b>Minutes</b> To approve the minutes of the meeting held on 26 May 2017.	<b>7 - 8</b>
<b>4</b>	<b>Identification of Items Involving Public Speaking</b> To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
<b>5</b>	<b>County Council Development</b>	
<b>5.1</b>	<b>New Junction 7a on the M11</b> To consider Report DR/24/17, relating to the construction of a new motorway junction (Junction 7a) on the M11 between existing junctions 7 and 8, a link road and related road improvements Location: Gilden Way and Sheering Road, public highways and land between, Sheering Road and M11 Motorway, Harlow Reference: CC/EPF/08/17	<b>9 - 102</b>
<b>5.2</b>	<b>Land to west of Cambridge Road, Harlow</b> To consider Report DR/25/17, relating to the creation of a new road junction to create a new junction between Cambridge Road and River Way including off site ancillary operations and off site mitigation. Location: Land to the west of, and adjacent to, Cambridge Road, Harlow Ref: CC/HLW/21/17	<b>103 - 122</b>

- 5.3 Evegate and 3 Thistley Green Road, Braintree** **123 - 142**  
 To consider Report DR/26/17, relating to the change of use of Evegate and 3 Thistley Green Road from Use Class C3 (Dwelling houses) to Use Class C2 (Residential Institutions) to provide bedroom flats for adults with learning difficulties, with other related building and demolition work.  
 Location: Evegate & 3 Thistley Green Road, Braintree CM7 9SE  
 Ref: CC/BTE/54/16
- 6 Minerals and Waste**
- 6.1 Great Dunmow Water Recycling Centre** **143 - 156**  
 To consider Report DR/27/17, relating to the erection of two buildings to house electrical control equipment .  
 Location: Great Dunmow Water Recycling Centre, Chelmsford Road, CM6 1LL  
 Ref: ESS/15/17/UTT
- 7 Enforcement Update**
- 7.1 Waterworks Spring Farm, Doddinghurst** **157 - 160**  
 To consider Report DR/28/17, relating to the enforcement of planning control relating to the importation, deposition, storing and spreading of waste materials on the land, substantially raising the land levels (the unauthorised development.)  
 Location: Land at Waterworks Spring Farm, Dagwood Lane, Doddinghurst, Essex CM15 0RX  
 Ref: ENF/0834
- 8 Information Items**
- 8.1 Applications, Enforcement and Appeals Statistics** **161 - 162**  
 To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.  
 Report DR/29/17
- 9 Date of Next Meeting**  
 To note that the date of the next Committee meeting is scheduled for Friday 28 July 2017.
- 10 Urgent Business**  
 To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

## **Exempt Items**

(During consideration of these items the meeting is not likely to be open to the press and public)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

### **11 Urgent Exempt Business**

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

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All letters of representation referred to in the reports attached to this agenda are available for inspection. Anyone wishing to see these documents should contact the Officer identified on the front page of the report prior to the date of the meeting.

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## Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 2 County Hall, Chelmsford, CM1 1QH on Friday, 26 May 2017

### Present:

Cllr C Guglielmi (Chairman)	Cllr I Henderson
Cllr M Garnett	Cllr S Hillier
Cllr M Hardware	Cllr M Mackrory
Cllr J Henry	Cllr R Moore
Cllr J Jowers	Cllr J Reeves

### 1 Apologies for Absence

Apologies were received from Cllr J Abbott, Cllr A Brown (substituted by Cllr J Henry), Cllr R Massey and Cllr A Wood (substituted by Cllr J Jowers).

### 2 Declarations of Interest

Cllr Guglielmi declared that he is the local member for Tendring Rural West, in which there is ongoing enforcement activity. Item 7 below refers.

Cllr Henderson declared that he is the local member for Harwich, in which there is ongoing enforcement activity. Item 7 below refers.

### 3 Appointment of Vice-Chairman

Councillor Reeves proposed and Councillor Guglielmi seconded the election of Councillor Andy Wood as Vice-Chairman of the Committee. There being no other proposals, Councillor Wood was duly appointed.

### 4 Minutes

The minutes of the meeting held on 21 April 2017 were agreed and signed by the Chairman.

### 5 Identification of Items Involving Public Speaking

There were no public speakers identified.

### Committee Protocol

### 6 Changes to Committee Protocol

The Committee considered report DR/21/17 by the Acting Head of County Planning.

The Members of the Committee noted the changes to section 3 - Member Training.

Members noted that a more comprehensive review of the Committee Protocol would be undertaken in due course but the purpose of the item was to seek the Committee's endorsement of an update to make D&R Committee Member

training mandatory.

Consequently, the Committee ENDORSED the revised Protocol, as submitted.

### **Enforcement**

#### **7 Enforcement of planning control**

The Committee considered report DR/22/17, updating members of enforcement matters for the period 1 January to 30 April 2017.

The Committee NOTED the report.

### **Information Item**

#### **8 Applications, Enforcement and Appeals Statistics**

The Committee considered report DR/23/17, applications, enforcement and appeals statistics, as at end of the previous month, by the Acting Head of County Planning.

The Committee NOTED the report.

#### **9 Date of Next Meeting**

The Committee noted that the next meeting would be held on Friday 23 June 2017 at 10:30am in Committee Room 1, County Hall.

There being no further business the meeting closed at 11:01am.

**Chairman**



**DR/24/17**

committee DEVELOPMENT & REGULATION

date 23 June 2017

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**COUNTY COUNCIL DEVELOPMENT**

Proposal: **Construction of a new motorway junction (Junction 7a) on the M11 between existing junctions 7 and 8, to be located approximately 6km north of existing Junction 7, to the north of Moor Hall Road/Matching Road crossing and to the south of Sheering Village and the proposed construction of a new link road and roundabout to link the proposed Junction 7a to Gilden Way (B183) and Sheering Lower Road, to the north-east of Harlow Town in the district of Epping Forest. Proposed widening and road improvements to Sheering Road and Gilden Way (B183) from the proposed new Sheering Road roundabout to the London Road Roundabout, located within the district of Harlow**

Location: **Gilden Way and Sheering Road, public highways and land between, Sheering Road and M11 Motorway**

Ref: **CC/EPF/08/17**

Applicant: **Essex County Council**

Report by Acting Head of County Planning

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Enquiries to: Gráinne O'Keeffe Tel: 03330 133055

The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)



## **1. BACKGROUND AND SITE**

The site of the proposed development is stated to be 41 hectares.

The site lies partly within the administrative areas of Harlow District and partly within Epping Forest District.

The site is located on to the north-east of Harlow town, mainly on the western side of the M11 motorway.

The part of the site consisting of the new motorway junction is located within the Metropolitan Green Belt in the District of Epping Forest.

The site lies within the safeguarding area for Stansted Airport.

The site is partly located in Flood Zone 2/3 as identified on the Environment Agency's online mapping.

The majority of the proposed site, including the new junction, is located in open, gently undulating countryside on land currently designated as Metropolitan Green Belt to the north-east of Harlow. The land in the area around the proposed new junction is currently in use predominantly for arable cultivation, with some housing. The Pincey Brook watercourse bounds this area to the north with The Mores Woodland to the south.

Gilden Way forms a green corridor into Harlow with mature hedgerows and trees along its length. Open countryside is replaced by an increasingly urban landscape heading along Gilden Way towards Harlow town centre.

Areas of land that are currently open fields, located to the north of Gilden Way close to the Churchgate Roundabout (known as the Harlowbury development) and to the south of the Gilden Way to the south-east of the London Road Roundabout (known as the Newhall development), have planning permission for residential development.

## **2. PROPOSAL**

It is proposed to construct an additional motorway junction on the M11 (Junction 7A) between the existing junctions 7 and 8, to the north-east of Harlow.

The scheme would also include a new link road and roundabout to join the new junction to Gilden Way and Sheering Lower Road. The scheme also proposes significant works to upgrade and improve Gilden Way.

The new M11 junction would be located approximately 6km north of the existing Junction 7, to the north of the Moor Hall Road / Matching Road crossing and to the south of Sheering Village. It is proposed to implement the proposed development in three phases as follows:

- Phase 1 – to widen and improve Gilden Way;
- Phase 2A – to construct the motorway junction (7a), the southern arm of the link road and the new Sheering Road roundabout; and,
- Phase 2B – to construct the northern arm of the link road and the new Princey Brook roundabout.

The proposed scheme is shown in detail on the Proposed Layout Plans (B3553F05-0100-DR-0500 to 0508). Please click in the hyperlinks below to view the site layout drawings via the Councils Website.

#### [Proposed Layout Key Plan - 0500](#)

The M11 Junction 7A scheme begins, to the west, at the London Road Roundabout on Gilden Way (B183) and involves widening of the existing two-lane road to three lanes. When completed, two of the lanes would take traffic in a westerly direction into Harlow Town and the third lane would take the outbound traffic towards Sheering and the M11 motorway. Proposed improvements to Gilden Way include the construction of a combined footpath/cycleway on the north side of Gilden Way. Two existing pedestrian crossings would be signalised and upgraded and three new pedestrian crossings are proposed. The Churchgate Roundabout (also known as Gilden Way Roundabout) would be upgraded to a 'hamburger' design roundabout to improve traffic flows along Gilden Way itself. The proposed changes to Gilden Way are shown on Sheets 1-3 of the Proposed Layout Plan (B3553F05-0100-DR-0501 to 0503). <http://planning.essex.gov.uk/>

Gilden Way becomes Sheering Road as it passes Marsh Lane on the left and Mayfield Farm on the right. At Mayfield Farm, a new carriageway is proposed which would realign the present route of Sheering Road to the east and link the existing Sheering Road with a new roundabout named Sheering Road Roundabout. The existing Sheering Road would be converted into a local access road for use by residents of 'The Campions' only, and would connect to the realigned Sheering Road via a new junction to the south west of the new Sheering Road Roundabout. The proposed road would consist of three lanes towards a new Princey Brook Roundabout; two lanes would be north-eastbound and one south-westbound back towards the Sheering Road Roundabout. A new access is proposed from the realigned Sheering Road to Mayfield Farm. The proposed changes to Sheering Road are shown on Sheets 4 and 5 of the Proposed Layout Plan (B3553F05-0100-DR-0504 and 0505). <http://planning.essex.gov.uk/>

Traffic would exit the Princey Brook Roundabout on one lane. The road would widen out to two lanes as it approaches the Western Dumbbell Roundabout on the western side of the M11. This stretch of road would be called the Eastbound Link. A new two-lane road, called the Westbound Link, would take traffic in the opposite direction, from the M11 to the new Sheering Road Roundabout. Both the Eastbound Link and Westbound Links have been future-proofed to allow for the potential construction of a Northern Bypass in the future, should it come forward. The proposed new roundabouts and link roads are shown on Sheets 5-7 of the Proposed Layout Plan (B3553F05-0100-DR-0505 to 0507). <http://planning.essex.gov.uk/>

The new Eastbound and Westbound Link would rise on an embankment (up to

10m high) close to the motorway to allow for the difference in elevation between Sheering Road and the M11 and to accommodate a grade separated junction over the M11.

The Eastbound and Westbound Link roads would converge at a roundabout adjacent to the M11; this would be one of two new roundabouts proposed on either side of the M11 and connected by a new four-lane bridge over the existing M11 motorway (known as the Western Dumbbell Roundabout, the Eastern Dumbbell Roundabout and the Dumbbell Link respectively, due to their Dumbbell-shaped configuration). Northbound southbound slip roads would be constructed connecting the M11 to the two new roundabouts to enable full access between the new link road and the motorway network without restricting traffic travelling in either direction on the M11 motorway.

This new infrastructure adjoining the M11 motorway is shown on Sheets 6-8 of the Proposed Layout Plan (B3553F05-0100-DR-0506 to 0508).

<http://planning.essex.gov.uk/>

The proposed scheme includes proposals for lighting, relocation of an unnamed watercourse, surface water drainage ponds, landscape planting and noise attenuation.

### Environmental Impact Assessment

The application is accompanied by an Environmental Statement comprising an assessment of the potential environmental impact of the proposal and proposed mitigation measures in relation to:

- Air Quality
- Cultural Heritage
- Landscape and Visual
- Nature Conservation
- Geology and Soils
- Materials
- Noise and Vibration
- People and Communities
- Road Drainage and the Water Environment
- Cumulative Assessment

The Environmental Statement (ES) also includes a summary of environmental commitments for pre-construction and construction management. An appraisal of the ES is set out in Appendix B of the report.

## **3. POLICIES**

The following policies of the Epping Forest District Council Local Plan and the Harlow District Local Plan provide the development plan framework for this application.

Please note that the full text of all relevant policies referenced in this report is available in Appendix A.

The following policies are of relevance to this application:

Epping Forest District Local Plan (EFDLP)

Combined Policies of Epping Forest District Local Plan (1998) and Alterations (2006), published February 2008.

<http://www.eppingforestdc.gov.uk/home/file-store/category/168-current-policy#>

Core Strategy

- CP1 Achieving Sustainable Development Objectives
- CP2 Protecting the Quality of the Rural and Built Environment
- CP6 Achieving Sustainable Urban Development Patterns
- CP7 Urban Form and Quality
- CP8 Sustainable Economic Development

Green Belt

- GB1 Green Belt Boundary
- GB2A Development in the Green Belt
- GB7A Conspicuous Development

Heritage Conservation

- HC1 Scheduled Monuments and other archaeological sites
- HC2 Ancient Landscapes
- HC3 Registered Parkland
- HC4 Protected Lanes, Commons and Village Greens
- HC5 Epping Forest
- HC6 Character, Appearance and setting of Conservation Areas
- HC12 Development affecting the setting of Listed Buildings
- HC13A Local List of Buildings

Nature Conservation

- NC1 SPAs, SACs and SSSIs
- NC2 Country Wildlife Sites
- NC3 Replacement of lost habitat
- NC4 Protection of established habitat
- NC5 Promotion of nature conservation schemes

Recycling and Pollution

- RP3 Water Quality
- RP4 Contaminated Land
- RP5A Adverse Environmental Impacts

Employment

- E5 Effect of nearby developments

Recreation Sport & Tourism

- RST2 Enhance rights of way network
- RST3 Loss or diversion of rights of way
- RST14 Playing Fields

## Utilities

U2A Development in Flood Risk Areas

U2B Flood Risk Assessment Zones

U3A Catchment Effects

U3B Sustainable Drainage Systems

## Design & the Built Environment

DBE9 Loss of amenity

## Landscape & Landscaping

LL1 Rural Landscape

LL2 Inappropriate rural development

LL3 Edge of settlement

LL7 Planting protection and care of trees

LL8 Works to preserved trees

LL9 Felling of preserved trees

LL10 Adequacy of provision for landscape retention

LL11 Landscaping schemes

LL13 Highway/ motorway schemes

## Sustainable Development

ST7 New roads and extensions or improvements to existing roads

ST9 Stansted aerodrome safeguarding

## Harlow District (HDC) Local Plan

Replacement Harlow Local Plan adopted July 2006 and saved policies 2009

<http://www.harlow.gov.uk/arhlp>

SD9 Waste reduction re-use and recovery

T6 Cycling and Walking

L1 Playing Fields

L13 Public Rights of Way

NE11 Trees and Hedgerows

NE12 Landscaping

NE13 Water Environment

NE14 Landscape Conservation

NE15 Biodiversity and Nature Conservation

NE17 Wildlife Sites

NE18 Wildlife Sites

NE19 Protected Wildlife Verges

NE20 Protected and rare species

BE2 Providing high quality, legible and successful public realm.

BE5 Crime prevention and personal safety

BE9 Conservation Areas

BE10 Conservation Areas

BE11 Historic Parks and Gardens

BE12 Archaeology

BE13 Archaeology

BE14 Archaeology

BE16 Light Pollution

BE17 Noise Pollution  
BE19 Environmental Improvements  
CP9 Public Utilities – infrastructure  
CP12 Public utilities- flooding

[National Planning Policy Framework \(NPPF\), DCLG March 2012](#)

Section 1: Building a strong, competitive economy.  
Section 3: Supporting a prosperous rural economy  
Section 4: Promoting sustainable transport  
Section 5: Supporting high quality communication infrastructure  
Section 6: Delivering a wide choice of high quality homes  
Section 7: Requiring good design  
Section 8: Promoting healthy communities  
Section 9: Protecting Green Belt land  
Section 10: Meeting the challenge of climate change, flooding and coastal change  
Section 11: Conserving and enhancing the natural environment  
Section 12: Conserving and enhancing the historic environment

The NPPF was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Both the Epping Forest District Local Plan and the Harlow District Local Plan are now out of date. The level of consistency of the policies contained within the existing Epping Forest District Local Plan and the existing Harlow District Local Plan is considered further in the report where relevant.

Paragraph 216 of the NPPF states, in summary, that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the



emerging plan to the policies in the NPPF. Both Harlow District Council and Epping Forest District Council have emerging Local Plans. Consultation on the Pre-Submission draft for Harlow is anticipated in late Summer 2017 and for Epping Forest in early 2018. Due to the early preparation stage of both emerging plans they are considered to have limited weight at this stage. (Emerging policy on the green belt is relevant to this planning application and is discussed in further detail in the appraisal at Section 6B below.)

#### **Other Guidance/Policy/Legislation**

Planning (Listed Buildings and Conservation Areas) Act 1990 (see in particular sections 16, 66 and 72)

[Planning Policy Guidance \(PPG\)](#)

## **4. CONSULTATIONS**

EPPING FOREST DISTRICT COUNCIL – Supports.

*“That the Council strongly supports the provision of a new junction 7A on the M11, as it would greatly improve the transport network and traffic management for the area, and it is necessary to support the growth of homes and jobs in the forthcoming Local Plans of EFDC and the other three West Essex/East Herts authorities; and*

*That Essex CC should consider the phasing for delivery of the “future-proofing” spur and roundabout as the need for this will be determined by the District Council’s Local Plans which are not yet available.”*

HARLOW DISTRICT COUNCIL – Supports.

*“The Council has campaigned for Harlow’s infrastructure deficits to be addressed in order to achieve economic success and support housing delivery, which are critical to the regeneration of Harlow. The need to address existing congestion and improve access into Harlow has been identified as a key requirement in Harlow’s Economic Development Strategy in order to attract new businesses. The new junction is required to enable the delivery of new housing in Harlow which is crucial to also ensuring that Harlow’s affordable housing need is met. It is also important that improving access and reducing congestion improves the air quality by reducing nitrogen dioxide and thus it is important for the health of Harlow’s residents. The support for a new junction was confirmed by Special Council on 31<sup>st</sup> August 2016, which recognised the importance of sustainable growth to support economic success of Harlow and the evolution of the town and its community. It also recognised that the provision of appropriate transport infrastructure is vital to support the growth of the town and its hinterland.”*

UTTLESFORD DISTRICT COUNCIL- Supports.

*“Uttlesford has been working in collaboration with East Herts, Epping and Harlow District Councils, together with Essex and Hertfordshire County Councils in the Co-op Board for Sustainable Development. One of the main purposes of the Board is to demonstrate that the district councils have met the Duty to Co-operate in the*



*preparation of their local plans.*

*The councils have agreed to deliver a minimum of 51,000 homes during the lifetime of the respective plans with a focus on the growth and regeneration of Harlow. Three Memoranda of Understanding (MoU) have been prepared in support of this approach, one of which relates to transportation. The Transportation MoU recognises the need for a series of strategic highways interventions to facilitate growth. One of these is the provision of a new Junction 7a which is essential for Harlow's long term transportation requirements. The MoU has been signed by the four district councils, two county councils and Highways England. As Uttlesford is a signatory to the MoU the Council is in full support of the planning application and looks forward to the early implementation of the proposals."*

EAST HERTS DISTRICT COUNCIL- Supports. Need for new junction at this location is reflected in Memorandum of Understanding which has been agreed by four District Councils and the two County Councils and Highways England. The importance of delivering this scheme in order to support growth in the Harlow area, including significant new development within the Gilston Area in East Herts District, has therefore been well established. The Council strongly supports the planning application.

HERTFORDSHIRE COUNTY COUNCIL- Supportive in principle but raise concerns regarding traffic impact on Hertfordshire road network.

NATIONAL PLANNING CASEWORK UNIT- No comment received

ENVIRONMENT AGENCY – Holding objection subject to verification of fluvial modelling. – Members will be updated at the Committee meeting.

HIGHWAYS ENGLAND – No objection

SPORT ENGLAND – No objection

*"Having assessed the application, Sport England is satisfied that the proposed development meets the following Sport England Policy exception:*

*E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site."*

*Note: the playing field is at [ ]*

NATURAL ENGLAND – No objection

HISTORIC ENGLAND – No objection - *"In summary, we consider that the Heritage Statement and Built Heritage Assessments should be revised to cover the full geographical extent of the proposed scheme. The Environmental Assessment has identified a range of impacts on the historic environment during both the construction and the operational phases of the development and proposed a number of mitigation measures to seek to address these impacts. These mitigation measures should be secured by condition or legal agreement where appropriate to ensure the implementation of the scheme in accordance with the proposals set out*

*in the application. We would suggest that further consideration be given to the section of road improvements in or near to the two conservation areas and that opportunities are sought to improve the public realm in this area. In addition, further opportunities for planting and landscaping could be explored to minimise the impact on the setting of Sheering Hall and opportunities should be sought to strengthen existing hedgerows to minimise the impact of the historic landscape. The site of the proposed compound off Gilden Way should be evaluated to establish whether it contains archaeological remains which are contemporary with the bronze age barrow and, if present, these should be excavated. The above recommendations could result in proposals which help to reduce the impact of the development on the historic environment. In line with paragraph 129 of the NPPF your authority should seek to achieve this. Once efforts have been made to minimise the harm, your authority should weigh the harm that cannot be avoided against the public benefits of the scheme, paragraph 134.*

Comment: In a submission dated 27/04/17, the applicant clarified that the study area was updated to include the full geographical extent of the proposed scheme. Figure 6 of Appendix 6.2 of the ES shows assets south-west of Churchgate roundabout).

THE GARDEN TRUST – No comments received.

STANSTED AIRPORT (Aerodrome Safeguarding Authority) – No objection subject to a condition requiring a Bird Hazard Management Plan. *“The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the condition detailed below”*

Comment: An appropriate condition is included in the recommendation below.

ESSEX WILDLIFE TRUST – No comment received.

CPRE – No comment received.

LEAD LOCAL FLOOD AUTHORITY – No objection subject to conditions relating to a detailed surface water drainage strategy.

HIGHWAY AUTHORITY – No objection.

HIGHWAY AUTHORITY (Public Rights of Way) – No objection  
Suggestions provided regarding location of pedestrian crossing points across Gilden Way.

Comment: The applicant states (response dated 27/04/2017) they will investigate this at detailed design stage.

COUNTY COUNCIL’S NOISE CONSULTANT – No objection.

COUNTY COUNCIL’S AIR QUALITY CONSULTANT – No objection

COUNTY COUNCIL’S LIGHTING CONSULTANT – No objection

PLACE SERVICES (Ecology) – No objection, subject to conditions.

PLACE SERVICES (Trees) – No objection - A number of significant trees will be lost to facilitate the development. A suitable number of replacements (suggested ratio of 2 planted for each 1 lost) should be planted as part of the final landscaping scheme.

PLACE SERVICES (Landscape) - Support subject to condition requiring a detailed landscape plan.

PLACE SERVICES (Historic Environment) - Support subject to conditions requiring archaeological evaluation. There is known archaeology along the route of the proposed development, this includes ring-ditches of probable prehistoric date as well as various undated linear features. The potential remains for further as yet unknown archaeological remains to be present.

PLACE SERVICES (Historic Buildings) - No Objection.

MATCHING PARISH COUNCIL – No comments received.

SHEERING PARISH COUNCIL – No comments received.

LOCAL MEMBER - EPPING FOREST – North Weald and Nazeing - Any comments received will be reported

LOCAL MEMBER – HARLOW- Harlow North - Any comments received will be reported

LOCAL MEMBER – HARLOW – West – Supports application *“Like many towns and cities around the country, Harlow has a traffic congestion problem. Although this is recognised and improvements have and are being made, the situation is bound to get worse. The new Enterprise Zone and Public Health England relocating to Harlow, as will the 15,000 new homes to be built in and around the town in the coming 15 or so years, will all add significantly to traffic.*

*It is important that the infrastructure is in place as these developments go ahead and, as such, I support the application for the new J7a as it will ease pressure on J7, providing an additional point of access to the town. It will not, in itself, be the solution to the town’s problems, but needs to be the start of a programme of traffic improvements. These have to include the enhancement of the existing J7 and the creation of a northern bypass, the latter happening before significant development to the north of Harlow.”*

## **5. REPRESENTATIONS**

919 properties were directly notified of the application. Public notices were published in Harlow Star newspaper and Waltham/Epping Forest Guardian newspaper and site notices were erected along the length of Gilden Way and in the vicinity of proposed development.

41 letters of representation have been received from 36 individual households/landowners/organisations, including 1 from Hatfield Heath Parish Council. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Location of junction not best option. Traffic modelling not accurate.	See appraisal
Noise & Vibration Impacts	See appraisal
Green Belt impacts	See appraisal
Air Quality and Dust Impacts	See appraisal
Visual Impacts	See appraisal
Concern regarding additional traffic through Hatfield Heath village. Concern that traffic to and from Chelmsford and surrounding towns to the North & East will prefer to use A1060 route rather than more southerly A414. Use of B183 as a cut through for traffic to Stansted Airport through Hatfield Heath, Hatfield Broad Oak and Takeley from Harlow area likely to increase.  A1060 busy through village – no traffic calming proposed.  Need for roundabout at village junction of A1060 and B183.	Traffic modelling has been carried out.
Impact on No. 49 Mulberry Green, Old Police Station (Locally Listed Building, in use as private residence)	Appendix 6.6 of the ES describes the asset value, impact and proposed mitigation. The proposed noise barrier south and in front of the former police station would have an impact on the setting of this asset. The impact has been assessed as Moderate in the ES. Proposed mitigation includes sensitive design of noise barrier.
Impact on Durrington Hall, Sheering Road Lower (Grade II* Listed Building in use as private residence)	Paragraph 6.5.2.2 of the ES concludes there is a minor adverse impact. Also see appraisal.
Impact of proposed scheme on approved Harlowbury Development, land north of Gilden Way.	The applicant's submission dated 19/5/17 responds to the concerns raised by the consortium of developers on lands at Harlowbury.

	<p>The County Planning Authority considers the permitted developments at Harlowbury have been considered in the supporting documentation submitted with the planning application. The impact on the access points has been considered and there is likely to be a requirement for the developers at Harlowbury to amend a s.106 Town and Country Planning Act agreement. The design of the proposed acoustic barriers along Gilden Way/ Harlowbury boundary will be subject to approval under a proposed planning condition.</p>
Impact on lands put forward by Miller Homes for housing allocation. (East Harlow, lands between Gilden Way and M11 motorway)	<p>The applicant's submission dated 2/6/17 responds to the concerns raised by Miller Homes.</p> <p>In summary the County Planning Authority considers that, as the proposed housing allocations are not yet adopted policy and, having regard to the early stage of preparation of the emerging Epping Forest Local Plan, this is not a material planning consideration for the proposed scheme at this stage.</p>
Health and safety issue in regards to both access and departure from 122 Sheering Road. Alternative access similar to Campions needed.	<p>An alternative access has not been proposed by the applicant as part of this planning application. A Road Safety Audit was carried out in support of the planning application. The Highway Authority is a statutory consultee and did not raise any road safety objections.</p>

## 6. APPRAISAL

The key issues for consideration are:

- A. Need for the Scheme
- B. Principle of Development in the Green Belt
- C. Traffic Modelling /Highways Impact
- D. Landscape and Visual Impact
- E. Flood Risk
- F. Impact on the Natural Environment
- G. Impact on the Historic Environment
- H. Noise and Vibration Impact
- I. Air Quality and Dust Impact
- J. Human Rights and Equality issues.

### A NEED FOR THE SCHEME

Harlow, Epping Forest district and the M11 are located within the London Stansted Cambridge Corridor (LSCC) Core Area for economic development. Harlow town centre has been identified as an area for regeneration, with Local Enterprise Zones already designated for employment growth.

Harlow is recognised in the emerging district local plans as an ideal area for growth, being close to the M11 and M25, on the West Anglia mainline railway and close to Stansted Airport. Access to central Harlow is, however, somewhat restricted with only one link to the strategic road network (via Junction 7 of the M11) and two railway stations located on the northern edge of the town. The primary means of road access to the town, the A414, also serves as an important through route from Junction 7 of the M11 to the south-east of Harlow towards the A10 in Hertfordshire to the north-west.

With high levels of traffic using this one route, congestion is common with its impacts often felt across the town's wider road network. A significant intervention is required to address the challenges of capacity, alongside road improvements.

An initial study was under taken by Highways England<sup>1</sup> and their report concludes that *'Capacity problems currently occur at M11 Junction 7 at Harlow. Significant levels of growth are planned around Harlow, including the Enterprise Zone (Enterprise Essex West) and to the north of the town, with sustained calls from local authorities for a new Junction 7A with links to development and to A414 to improve east-west linkages across Hertfordshire'*.

In order to facilitate and support the planned growth highlighted above it is essential to improve access to the M11 and improve the transport flows in and around Harlow.

The proposed scheme, to create an additional junction onto the M11 between Junctions 7 and 8, is designed to relieve some of the congestion at Junction 7 and to improve traffic flows in and around Harlow by providing an alternative route to the north-east of the town. It is important to note that this proposal is part of a wider transport improvement plan for Harlow. The planned improved capacity at Junction 7 remains essential, along with junction improvements and increased capacity along the A414 corridor.

In the absence of the M11 Junction 7A scheme, future traffic congestion on the existing M11 Junction 7 is expected to worsen. The applicant has carried out traffic modelling to predict traffic levels with and without the scheme.

Both the Harlow and East Hertfordshire Local Plan are reliant on Junction 7a as part of the necessary infrastructure to deliver their development proposals.

In the foreword to Harlow Council's 2014 'Harlow Local Development Plan: Emerging Strategy and Further Options' document, it states that Harlow *'experiences a number of complex socio-economic and environmental issues; the town centre needs to be rejuvenated, the mix of housing needs to be broadened and the town's infrastructure needs upgrading. In particular Harlow needs a new*

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<sup>1</sup> London to Leeds (East) route-based strategy evidence report, Highways Agency, April 2014, Table 4.1

*junction on the M11 to alleviate congestion and to accommodate future growth in housing and employment'. With regard to infrastructure needs, Paragraph 2.17 further states that 'evidence shows that junction 7 on the M11 is operating close to its planned capacity and that any significant growth (housing and/or employment) in the Harlow area will cause the junction to exceed this capacity. Therefore, a new junction on the M11 (Junction 7a) is required to deliver growth in and around the town'. Paragraph 2.25 highlights that 'the Council, in partnership with Essex County Council and the Local Enterprise Partnership, is promoting a new junction on the M11 (J7a). Without this part of the Enterprise Zone development and substantial additional growth (housing and commercial) to meet the needs of the community cannot be delivered'. The Plan Period is 2011 to 2031.*

The emerging plans of the surrounding districts also support the need for Junction 7A to support the growth and regeneration of Harlow. The EFDC emerging local plan contains several specific references to the need for a new junction, including Paragraph 3.90, which specifically states that *'the delivery of the strategic sites around Harlow is dependent on the construction of key infrastructure, including improvements to Junction 7 and a new motorway junction (Junction 7A) to the north of existing junction 7 of the M11'*. The emerging East Herts local plan policy DPS4 Infrastructure Requirements states *'The following strategic infrastructure will be required to support the development identified in East Herts and the wider housing market area:(a) a new Junction 7a on the M11...'*. The Plan Period is 2011 to 2033.

#### Scheme Development and Alternatives

To meet the objectives of the Proposed Scheme and to minimise any environmental impacts, the scheme development went through a series of design iterations to reach the current option for the planning application.

An Options Assessment Report (Jacobs, 2016) sets out the history of options developed and the selection of the Proposed Scheme, including details of six strategic options considered to fulfil some or all of the scheme objectives. Through option evaluation, Option 1 (M11 Junction 7A) ranked the highest (best option) and was taken forward to the next stage of design development.

In conclusion, it is considered that the need for the proposed infrastructure to support wider economic growth in the area has been demonstrated.

The issues around the need for the route to be located in the Green Belt are addressed in Section B.

## **B PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT**

The site of the proposed development is located partly within the Green Belt. The proposed new motorway junction 7a and the associated link road lie within Epping Forest District and would be within the Green Belt as defined in Policy GB1 of the Epping Forest District Local Plan and accompanying Proposals Map.

The elements of the scheme within Harlow District are not in the Green Belt.

It is a core planning principle of the NPPF to protect the Green Belt (paragraphs

79-92 reproduced at Appendix C).

As per paragraph 87 *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

However, the proposed new motorway junction and link road, is considered to fall under *‘engineering operations’* and *‘local transport infrastructure which can demonstrate a requirement for a Green Belt location’* and therefore having regard to paragraph 90 of the NPPF is *“not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.”*

The proposed development is considered to be *‘local transport infrastructure which can demonstrate a requirement for a Green Belt location’* as there is need for the proposed development in this location. This need is outlined in section A above and as all land between the town of Harlow and the existing M11 motorway is within the Green Belt, it is clear that to make any new connection to the existing motorway network would require development in a Green Belt location.

Accordingly it is necessary to consider the question, whether the proposed development *‘preserves the openness of the Green Belt’*? Having regard to the scale and height of the proposed motorway junction (slip roads extending over a distance of approximately 800m north and 600m south of the junction itself and with heights up to 10m), the screening from existing trees and the proposed landscaping scheme, the proposed structure would be an imposing visual feature in the landscape that would not preserve the openness of the Green Belt.

In considering whether the proposed development conflicts with the *‘purposes of including land in the Green Belt’*, it is necessary to consider paragraph 80 of the NPPF which lists the 5 purposes of including land in the Green Belt as follows:-

- *to check the unrestricted sprawl of large built-up areas*
- *to prevent neighbouring towns merging into one another*
- *to assist in safeguarding the countryside from encroachment*
- *to preserve the setting and special character of historic towns*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

Having regard to the nature, scale and location of the proposed motorway junction it is considered that the proposed development would conflict with the purpose of including land in Green Belt as it would not assist in *“safeguarding the countryside from encroachment”*.

The proposed development has been assessed under paragraph 90 of the NPPF and it is considered that although the development may be classed as *‘operational development’* and *‘local transport infrastructure which can demonstrate a requirement for a Green Belt location’*, it does not meet the tests to *“preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.”*

Therefore the proposed development is *“inappropriate development”* and having



regard to paragraph 87 *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

As per paragraph 88 *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”*

Therefore it is necessary to consider if ‘very special circumstances’ exist to justify a departure against Green Belt policy.

In considering ‘very special circumstances’ the applicant has put forward the need for the development which is outlined Section A above. In addition, there is a Green Belt boundary review in the emerging Epping Forest Local Plan which would result in the land being outside the green belt. It is considered that taken together, the need for the development at this location in addition to the emerging green belt review, amount to ‘very special circumstances’.

However as per paragraph 88 of the NPPF, *‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”*

Any other harm is considered in further sections of the assessment below.

## C TRAFFIC MODELLING/ HIGHWAYS IMPACT

Traffic modelling was carried out in support of the planning application. The Planning Statement submitted in support of the application states *“The core medium scenario figures have been utilised; these represent the most likely growth scenario for the area around the M11 corridor at the time that the modelling was undertaken. This encompasses projected housing and employment developments from the emerging district Local Plans, planned growth at Stansted Airport, planned infrastructure schemes in the modelled area and background growth as predicted by TEMPro5. Two future years have been assessed; 2021, representing the opening year of the M11 Junction 7A and 2036, representing the horizon year 15 years after the proposed scheme would be due to open. The model includes a variable demand component, which forecasts likely changes in travel behaviour due to congestion. Such changes include changes in numbers of car trips in the peak hour and changes in destinations of these trips. The traffic figures for the link roads at scheme opening and in the mid-long term are predicted to be as shown in Table 1.1 below.”*

Table 1.1: Predicted traffic flows (AADT24) to and from proposed M11 Junction 7A 2021 and 2036

J7a Link Road					
Visum Link ID	Direction	2021		2036	
		Flow (no. of vehicles per day)	%HDV	Flow (no. of vehicles per day)	%HDV
570412937	EB	11961	2.2%	16668	2.0%
570412936	WB	16704	2.1%	20638	2.0%
	Total	28665	2.1%	37305	2.0%

Key EB/WB – east bound/west bound HDV - ???

A Stage 1 Road Safety Audit of the proposals has been submitted as part of the planning application.

The Highway Authority comments as following on the proposed scheme;

*“The Highway Authority is satisfied that the proposal is not contrary to national/local policy and is compliant with appropriate design/safety criteria. The proposed access to the strategic road network (M11) is needed to address existing congestion issues and to support the sustainable growth of Harlow, West Essex and East Herts as set out in the adopted and emerging local plans for the area. The principal objectives of the scheme are:*

- *To improve accessibility to and from Harlow;*
- *To reduce congestion primarily for the A414 corridor;*
- *To ensure the proposed infrastructure is of the appropriate scale for the future traffic demands of the stated growth; and*
- *To facilitate future housing developments around Harlow and employment growth to the east of Harlow.*

*Consequently the Highway Authority is satisfied that this additional infrastructure is needed to support the current and planned growth in and around Harlow.*

*The Highway Authority would not wish to raise any objections to this proposal as it is not contrary to the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.”*

Highways England is a statutory consultee on this planning application and it does not object to the proposed scheme.

In conclusion, it is considered that the proposed development is in accordance with policies ST7(ii) & (iii) of the adopted EPDC Local Plan (New Roads and Extensions or Improvements to Existing Roads) and policies L13 and T6 of the adopted HDC Local Plan (Cycling and Walking; Public Rights of Way).

## D LANDSCAPE AND VISUAL IMPACT

A Landscape and Visual Impact Assessment (LVIA) has been undertaken as part of the EIA and submitted in support of the planning application.

It is a means of identifying probable changes to landscape and views resulting from the proposed development, and assessing the scale and significance of those changes. The findings are set out within the Landscape and Visual chapter of the ES.

The LVIA includes an evaluation of the effects of the construction of the M11 Junction 7A scheme and the effects of the scheme once in operation, both initially and 15 years after its opening, by when the proposed new planting will be well-established.

The LVIA includes an assessment of the effect on the townscape of the Harlow local character areas as a result of Phase 1 of the M11 Junction 7A scheme, particularly from vegetation losses and the visual severance effect of the road widening and noise barriers. Mitigation is proposed in the form of replacement hedge/tree planting, amenity planting and the addition of hedges and climbing plants to noise barriers to soften their appearance.

The LVIA also assesses the effect on the landscape character in the rural Princey Brook valley due to encroachment of urban features, particularly roads, roundabouts, lighting and traffic, into the area during Phase 2 of the scheme. Mitigation is proposed in the form of earth mounding to provide some screening, extensive screen planting with woodland, hedges, scrub, and the planting of many individual trees.

The realignment of unnamed watercourse 1 (a small stream that emerges from the north side of The Mores Wood) required as part of the M11 Junction 7A scheme would, despite the need to include culverts under the new link roads, result in a net landscape improvement for the stream. The course of the unnamed watercourse 1 would be improved from 204m of open channel to a total of 374m of open channel; there would remain 74m of culverted channel split into two sections. The landscape setting of the stream would be improved over 134 m (net). The effects on landform of the earthworks required for the M11 Junction 7A scheme are included within the LVIA. Although the landscape planting proposed as mitigation would soften and disguise the embankments and cuttings, a moderate adverse residual effect is found to result.

The LVIA finds a slight adverse residual effect on tranquillity results from the M11 Junction 7A scheme following mitigation in the form of extensive screen planting. Visual effects on assessed receptors – views from residential properties, from commercial properties, for all road users in high wheelbase cars, vans, lorries or buses on a stretch of Sheering Road north of Princey Brook (the only road categorised as scenic, which currently has attractive views of the Princey Brook valley over the roadside hedge), users of public rights of way, and users of playing fields – formed a key part of the LVIA. Mitigation is proposed in the form of the reinstatement of roadside hedges and the addition of other screen planting. Visual effects are forecast for Year 1 (at completion of construction) and for Year 15, the latter being the residual effect once the proposed planting has become more established although the full benefit of the trees will not be seen until a long time after this. A detailed assessment is shown in the Schedule of Visual Effects, which is appended to the Landscape and Visual chapter of the ES.

In addition, visual effects for many receptors are expected to be more significant during construction, as detailed in the Schedule of Visual Effects; however, construction effects are temporary in nature. Negative visual effects for the majority of receptors decreases over time as planting become more established.

The Council's Landscape Consultant and Arboricultural Consultant have assessed the proposed planning application and have no objection to the proposed scheme subject to conditions requiring replacement trees planting and a detailed landscaping plan to be conditioned.

Local EFDC and HC planning policy seeks to retain valuable trees and hedgerows, particularly trees or woodland protected by TPOs, and encourages beneficial tree and woodland planting

EFDC Policy LL7 seeks to *'(i) promote tree and woodland planting where it is considered that this will lead to significant amenity benefit; (ii) ... protect trees and woodland of amenity value; and (iii) promote good standards of tree care and woodland management'*.

EFDC Policy LL8 states that the Council will give consent for works to a tree or woodland protected by a tree preservation order *'provided it is satisfied that: (i) the health and appearance of the tree will not be impaired; and (ii) the works will not unjustifiably inhibit or prevent the full and natural development of the tree; or (iii) the works are necessary to its continued retention and consistent with good arboricultural practice; or (iv) in the case of a woodland, the proposed works are consistent with the principles of sound woodland management'*.

EFDC Policy LL9 states that *'The Council will not give consent to fell a tree or woodland protected by a tree preservation order unless it is satisfied that this is necessary and justified. Other than for woodland any such consent will be conditional upon appropriate replacement of the tree'*.

Although there are no TPO protected trees located within Harlow district that are affected by the scheme, HC Policy NE11 remains of relevance in relation to non-TPO trees and hedgerows within the district. It requires the production of a tree and hedgerow survey, and seeks to *'oppose the loss of trees and hedgerows of amenity value and wildlife importance' and 'the retention or replacement of trees and hedgerows of amenity value or wildlife importance, and their protection during construction'*.

Local and national planning policy seeks to protect visual amenity and conserve and enhance landscapes and townscapes.

Local EFDC Policy DBE9 seeks to prevent negative visual impacts, and thus a loss of amenity, to properties neighbouring new development.

EFDC Policy CP2 seeks to protect the quality of the rural and built environment by: *'...sustaining and enhancing the rural environment, including conserving countryside character, in particular its landscape, wildlife and heritage qualities, and protecting countryside for its own sake ...'*

EFDC Policy LL1, regarding the rural landscape, seeks to *‘(i) conserve and enhance the character and appearance of the countryside; and (ii) encourage the considerate use and enjoyment of the countryside by the public’*. It highlights that *‘Subject to specific circumstances, particular attention will be paid to: (a) the needs of agriculture, woodland planting and management, and other habitat and wildlife conservation; (b) the provision of facilities for public access and informal recreation and to enable quiet enjoyment; (c) the protection of historic features and their settings; and (d) the achievement and conservation of visually attractive landscapes’*.

EFDC Policy LL2 seeks to prevent inappropriate development in the countryside; it states that planning permission will not be granted for development in the countryside *‘unless it is satisfied that the proposal will:*

- (i) respect the character of the landscape; and/or*
- (ii) enhance the appearance of the landscape; and*
- (iii) where appropriate, involve the management of part or all of the remainder of the site to enhance its contribution to the landscape’*.

EFDC Policy LL10 states that *‘The Council will refuse to grant planning permission for any development which it considers makes inadequate provision for the retention of: (i) trees; or (ii) natural features, particularly wildlife habitats such as woodlands, hedgerows, ponds and watercourses; or (iii) man-made features of historical, archaeological or landscape significance’*.

EPDC Policy LL11 states that *‘The Council will: (i) refuse planning permission for any development which makes inadequate provision for landscaping; (ii) not approve landscaping schemes which: (a) are inappropriate because they fail to take account of the setting or intended use of the development; or (b) are ineffective because they would be unlikely to retain trees and other existing landscape features or to establish new long-term planting’*.

EFDC Policy LL13 is of particular relevance as it relates specifically to highway and motorway schemes. The policy states that *‘The Council will oppose any new, improved or altered highway or motorway proposal unless the associated landscaping scheme (including earth-mounding and planting) will:*

- (i) use appropriate species;*
- (ii) make effective visual screens;*
- (iii) create effective sound barriers; and*
- (iv) adequately replace trees, hedgerows and woodlands which will be lost to the development.*

*The Council will seek to ensure that, where feasible, appropriate landscaping will be undertaken prior to the commencement of construction works’*.

EFDC Policy ST7 regarding road schemes highlights that the Council such schemes to satisfy a range of criteria including: *‘minimal environmental impact on sensitive areas (including open countryside and its management, sites of wildlife and built heritage interest, and residential areas) with adequate compensatory measures in those cases where environmental losses are unavoidable’* and *‘retention of a defensible green boundary and minimal loss of Green Belt land’*.

In conclusion, it is considered the proposed development, in particular the

construction of the new motorway junction, dumbbell roundabouts, slips roads and associated link roads would be highly visible in the landscape and would result in a loss of existing trees and landscape features. The applicant is proposing extensive planting and, subject to the implementation of the landscape mitigation measures proposed, the negative effects would lessen over time as the proposed landscaping becomes established. It is considered the need for the development as outlined in section A above would outweigh the negative impacts on the landscape and visual amenity and subject to the landscape mitigation measures proposed, the development would be acceptable having regard to policies LL7, LL8, LL9, LL1, LL2, LL10, LL11, LL13, ST7, DBE9 of the EFDC Local Plan and policy NE11 of the Harlow Local Plan and the NPPF.

## E FLOOD RISK

The majority of the site is located within Flood Zone 1, low flood risk, as per the Environment Agency mapping, where the land is assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). Small areas of the site in proximity to the Princey Brook and the Harlowbury Brook are in Flood Zones 2 (medium probability) and 3 (high probability). Where the B183 crosses the Harlowbury Brook, the road at Gilden Way is shown to be within the flood plain.

Paragraph 103 of the NPPF states *“When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:*

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”*

A site specific Flood Risk Assessment (FRA) has been submitted in support of the planning application.

The site-specific FRA considers flood risk to the scheme from all sources – including the sea, fluvial (main rivers and ordinary watercourses), surface water, groundwater, and artificial drainage systems and infrastructure failure (reservoirs, canals and sewerage). The FRA also evaluates the impact of the scheme on flooding elsewhere.

The majority of the site is located within Flood Zone 1, however the parts within Flood Zone 2 and Zone 3a are subject to a sequential test.

Section 3.3 of the FRA considers the sequential test. The overall aim of the sequential test is to steer new development to areas with the lowest probability of flooding. The report states *“Several variations have been considered for the proposed route. Numerous factors, including flood risk have been taken into account in reaching a preferred location for the various elements of the scheme.*

*The development of this linear road infrastructure is almost entirely located within areas of low flood risk and could not be achieved without crossing the watercourses in the area. Therefore the Sequential Test is deemed to be passed’.*

The FRA highlights that the M11 Junction 7A road scheme would be classed as ‘essential transport infrastructure’ under the PPG Flood Risk Vulnerability Classification, which falls within the ‘Essential Infrastructure’ category. Essential Infrastructure is deemed appropriate within Flood Zones 1 and 2; however, an Exception Test is required in relation to such development within Flood Zone 3.

Paragraph 102 of the NPPF states that for the Exception Test to be passed:

- *‘it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared’; and*
- *‘a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall’.*

It is considered that the proposed scheme would provide wider sustainability benefits to the community, principally to provide an improved access to the M11 to facilitate economic development and regeneration in Harlow, able to accommodate the predicted growth in traffic resulting from the existing permitted development schemes and allocated growth in the adopted and emerging local plans for Harlow and East Hertfordshire Districts. Without appropriate infrastructure, delivery of these local development proposals would be far less assured.

A number of mitigation measures are proposed including:

- a road drainage system that restricts run-off from the scheme;
- ensuring that the new culverts through the link roads for the unnamed watercourse from The Mores will be of a sufficiently large cross-sectional area to accommodate high flows and minimise the likelihood of blockage; and
- the provision of attenuation ponds and tanks to prevent contamination of the underlying aquifers and ground water emergence and to control the level of discharge entering the watercourses.

The FRA concludes that, with the inclusion of the mitigation measures proposed, the M11 Junction 7A scheme will not be at risk from flooding from any source and will not impact on flood risk elsewhere throughout the lifetime of the scheme.

Therefore it is considered that the proposed development meets the requirements of the exception test for development in Flood Zones 2/3 in accordance with the NPPF paragraph 103.

The Local Lead Flood Authority has assessed the proposed surface water drainage strategy and has no objection to the proposed development subject to a condition requiring the detailed design to be agreed.

Subject to conditions and to verification of the fluvial modelling, the Environment Agency does not raise an objection to the proposed scheme. An update will be

provided at the Committee meeting.

In conclusion, it has been demonstrated that subject to the mitigation measures proposed, the proposed development will not be at risk from flooding from any source and will not impact on flood risk elsewhere throughout the lifetime of the scheme. The development would meet the challenge of flood risk in accordance with policies U2A, U2B, U3A and U3B of the EFDLP and policies CP12 of the HDC Local Plan and the NPPF.

## F IMPACT ON NATURAL ENVIRONMENT

It is a core planning principle of the NPPF to *“contribute to conserving and enhancing the natural environment and reducing pollution.”*

A Phase 1 Habitat Survey and breeding birds survey, bat, dormouse, riparian mammal, great crested newt, reptiles and badger surveys have been submitted in support of the planning application.

There are no SAC's designated for bats within 30km of the proposed scheme and there are no European protected sites (SAC's, SPA's or RAMSAR sites), NNR's, LNR'S or SSSI's within 2km of the proposed scheme.

There are six Local Wildlife Sites (LWSs) within 1km of the Proposed Scheme; of particular relevance are Gilden Way Meadow LWS and Gilden Way Roundabout Protected Wildlife Verge (PWV), both located within Harlow district and are discussed further below.

### Protected Habitats

Gilden Way Roundabout PWV (Local BAP Habitat – Lowland Meadow (semi-improved grassland))

Churchgate Roundabout in Harlow district is designated at a Local level as Gilden Way Roundabout Protected Wildlife Verge (PWV), listed in HDC Policy NE19 as NE19/6. The botanical survey of the Gilden Way Roundabout PWV recorded the presence of betony, a locally rare (Essex Red List) plant, in an otherwise unremarkable grassland/scrub mosaic. The report assessed the habitat against the LWS criteria (in the absence of any criteria for PWVs) and determined that it was not worthy of designation, although it was noted that to reverse the decline of betony at the local level, all populations should be protected.

It is proposed that the entire Gilden Way Roundabout PWV would be removed permanently during the construction phase of the scheme as it is unavoidable to achieve the works to upgrade the Churchgate roundabout. As mitigation, when complete, the south-facing embankments of the new link roads, located close to the M11 and within Epping Forest district, would be seeded/planted using the material collected from Gilden Way Roundabout PWV and specialist seed-mixes, to create approximately 3.5ha of species-rich grassland. As a result of the timing lag between the loss of the PWV and establishment of the new species-rich grassland, there would likely be a short term reduction in the area of semi-improved grassland and flowering betony. However, in the mid-long term, there would be a net gain for biodiversity as a larger area of more diverse grassland habitat became established and the local population and distribution of betony



would increase. The Gilden Way Roundabout PWV has been assessed as having local value and would be permanently lost and, therefore, there would be a slight negative effect. However, on balance, the M11 Junction 7A scheme would deliver an increase in the area of species-rich grassland, the benefits of which are considered to outweigh the loss of the small area of semi-improved grassland habitat within the PWV.

The Harlow Adopted Local Plan contains several policies of relevance. HC Policy SC3 seeks to prevent the loss of protected habitats. Policy NE15 seeks to prevent development *‘that would harm habitats or other features of the landscape identified as priorities in the UK, or the Local Biodiversity Action Plan, or are of significant importance for wildlife, unless it can be demonstrated that the reason for the proposal outweighs the need to protect the habitat or feature’*. Policy NE19 regarding Protected Wildlife Verges is of particular relevance; it seeks to prevent development *‘that would have an adverse effect, either directly or indirectly, on the ecology of a Protected Wildlife Verge unless it can be demonstrated that the reason for the proposal outweighs the ecological value of the verge’* and requires the provision of appropriate mitigation and/or compensatory measures if permission is granted.

The significant need for the proposed M11 Junction 7A scheme as the reason for the proposal and the changes required to the Churchgate roundabout to enable the successful implementation of the scheme could be argued to outweigh the loss of the limited ecological value of the verge, as highlighted above. In addition, the mitigation proposed would, in the mid-long term, provide greater ecological benefits than the current PWV. The proposals for the Churchgate roundabout are therefore in line with Harlow district policy.

As the proposed mitigation site is located within Epping Forest district, EFDC Policy NC5 is also of relevance. The policy encourages the creation of new habitat, which is a key part of the mitigation for the M11 Junction 7A scheme; the proposals are therefore conditioned to be in line with this policy.

#### Other Local BAP Habitat – Hedgerows and New Ponds

In addition to the locally designated sites discussed above there are other BAP habitats of relevance to the scheme.

New drainage ponds are proposed as part of the scheme. The Nature Conservation chapter of the ES highlights that the construction and planting of the attenuation ponds has the potential to enhance ecological value and would provide a net increase in pond habitat across the proposed scheme.

The hedgerows within the scheme area are considered to fall within the Essex BAP habitat description for Hedgerows. The removal of some existing hedgerow is required to enable the implementation of the scheme. The 446m of hedgerow lost would be replaced by 4411m of new hedgerow, significantly more. All new planting proposed is native species and aims to create species-rich hedgerow.

The features discussed above are located within both Epping Forest and Harlow districts, so the local planning policies of both are of relevance. HC Policies SD3 and NE15 seek to protect habitats identified as priorities in the Local BAP from harm, *‘unless it can be demonstrated that the reason for the proposal outweighs*

*the need to protect the habitat or feature'* (NE15). EFDC Policy ST7 seeks to ensure that new roads schemes have minimal environmental impact on sites of wildlife interest, with adequate compensatory measures where losses are unavoidable. EFDC Policy NC4 seeks to protect and enhance established habitats of local significance for wildlife and EFDC Policy NC5 encourages habitat creation. In addition, Paragraphs 109, 113, 114 and 118 of the NPPF seek to encourage connectivity between green spaces.

It is considered the proposed scheme is in line with relevant local and national planning policy. It seeks to minimise habitat loss to that absolutely necessary to enable the successful implementation of the M11 Junction 7A scheme; on balance the habitat loss is considered acceptable when taking account of the economic development and regeneration benefits of the proposed development. The scheme also provides enhanced mitigation to more than offset the habitat loss. In addition, the significant additional hedgerow proposed should help to enhance connectivity between green spaces.

### The Green Wedge

Within Harlow district, some areas of land are designated through policies NE1 and NE2 as Green Wedge, partly for habitat preservation and biodiversity purposes; this includes an area of land which borders and includes Gilden Way from the London Road roundabout to the rear of residential gardens bordering Mulberry Green. The proposed works to Gilden Way as part of the M11 Junction 7A scheme are proposed to be undertaken within the highway boundary and would not impact upon vegetation on surrounding land within the Green Wedge. The road widening required for the M11 Junction 7A scheme will, however, necessitate the installation of acoustic barriers in some areas and the removal of some trees and hedgerows on highway land within the Green Wedge.

Replacement planting is proposed, where space allows. Vegetation removal, fencing and new planting are shown on the Landscape Mitigation and Landscape Section drawings that accompany the ES (ES Figures 7-3 and 7-4).

The aims of the Green Wedge designation (HC Policy NE1) with regard to nature conservation are *'preserving sites of ecological value and maximising potential for biodiversity in Harlow'*. The existing Gilden Way already forms a barrier to north-south movement for some wildlife. The removal of trees and landscape features in the green wedge would not be in accordance with policy NE1 *"Green Wedges will be protected from inappropriate development. Permission will not be granted, except for small scale development proposals and the replacement of existing buildings which do not have an adverse effect on the roles of the Green Wedges which are identified below"* however the impact would be mitigated by replacement planting and, having regard to the identified need for the road widening at this location, the losses entailed in the scheme proposals are not considered to be significant and the need for the scheme is considered to outweigh the impacts.

### Protected Species

Impacts upon relevant species are evaluated within the Nature Conservation chapter of the ES, supported by a range of species-specific surveys. Potential impacts were noted upon breeding birds, bats, otters, great crested newts, badgers and reptiles; these result from a range of issues including construction activities, habitat loss or fragmentation (including in relation to foraging and commuting), increased night-time light levels, increased noise and increased traffic

collision risk. A range of mitigation measures are proposed for both the construction and operational phases to minimise such impacts upon these species, including careful timing and implementation of construction activities including vegetation removal, high quality landscaping, multi-species underpasses / culverts, hop-over fencing, acoustic fencing, a reduced speed limit and sensitively designed street lighting.

Local and national policy seeks to protect and enhance habitats utilised by protected species. EFDLP Policy NC4 seeks to protect and enhance established habitats of local significance for wildlife, particularly when protected species are likely to be affected. EFDLP Policy RP5A seeks to prevent development *‘where it could cause excessive noise, vibration, or air, ground water or light pollution for ... protected wildlife species and habitats’*. HC Policy SD3 seeks to prevent the loss of protected species. HDC Policy NE20 requires applications that are likely to affect protected or other rare species to be accompanied by surveys assessing the impact and seeks to prevent development that will have an adverse effect on protected species *‘unless it can be demonstrated that the reason for the proposal outweighs the need to safeguard the specie(s)’*. In addition, Paragraphs 109, 113, 114 and 118 of the NPPF seek to encourage connectivity between green spaces.

Natural England and the Council’s Ecologist have assessed the planning application and do not object to the proposed scheme.

In conclusion, the proposed development would result in a permanent loss of the protected wildlife verge at Gilden Way roundabout and would result in the loss of some of the designated green wedge along Gilden Way. The proposals seek to minimise habitat loss and thus effects on associated species to those absolutely necessary to enable the implementation of the scheme; on balance the limited impact upon protected species and habitats is considered acceptable when taking account of the considerable regeneration benefits of the Junction 7A proposals.

The proposal would be contrary to policy NE1, as it would adversely impact on the green wedge, however the impact would be mitigated by replacement landscaping and the need for the development is considered to outweigh the minor impacts. Subject to the proposed mitigation measures the development would be acceptable having regard to policies NC1, NC3, of the EFDLP and policies NE15, NE17, NE18 and NE19 of the HDC Local Plan and the NPPF.

## G IMPACT ON THE HISTORIC ENVIRONMENT

It is a core planning principle of the NPPF to *“conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”*

A Heritage Statement and Built Heritage Assessment are submitted in support of the Planning Application and Chapter 6 (Cultural Heritage) of the ES considers impacts on the historic environment (archaeology, historic buildings and historic landscape).

The applicant has considered the impact of the proposed development on heritage assets within a 200 metre study area of the proposed scheme. A total of 82

heritage assets have been identified within the study area, with an additional nine assets located outside the study area also considered due to potential indirect impacts from the proposed scheme.

The predicted effects during construction and operation are set out in Appendix 6.6 of the ES.

### Historic Buildings and Conservation Areas

Section 66 (1) of the Listed Buildings and Conservation Areas Act 1990 (LBA) states, inter-alia that; in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF states in paragraphs 128 to 134 that heritage assets are an irreplaceable (and therefore finite) resource and should be conserved in a manner appropriate to their significance and notes that any harm or loss should require clear and convincing justification. It requires applicants to describe the significance of heritage assets including any contribution made by their setting.

The NPPF defines the “Setting of a heritage asset” as “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

The NPPF defines “Significance (for heritage policy)” as “The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”

The NPPF states at:

- Para 129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)...
- Para 132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional...
- 133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits

that outweigh that harm or loss...

- 134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be
- weighed against the public benefits of the proposal, including securing its optimum viable use.

Case law has clarified how development affecting the setting of a listed building should be considered. The Courts have confirmed that, even where the harm to significance is found to be less than substantial, a decision maker who follows the balancing approach recommended in para 134 of the NPPF must, when performing that balance, give “*considerable importance and weight*” to any harm to the setting of a listed building and to the desirability of preserving that setting without harm and start with a “*strong presumption*” that harm to the setting of a listed building should lead to a refusal of planning permission. Whilst the Courts will look at the substance of what is decided, rather than require the decision maker to recite a particular form of words to show he has met his statutory obligations, the Courts will look critically at decisions which seem to show no signs of reflecting the statutory requirement in S.66(1) LBA 1990.

EFDLP policy HC12 provides that planning permission will not be granted for development which could adversely affect the setting of a listed building.

Historic England comment as follows “*With respect to listed buildings there will be impacts of the proposals upon the setting of Sheering Hall and associated barns. Sheering Hall itself is grade II\* listed. The listing describes it as a pair of hall houses from the late 15th Century/early 16th Century of exceptional interest, being the only Wealden House known in Essex at this date which is jettied on both sides. There also are two associated grade II listed barns, both timber framed, weather boarded and roofed with corrugated plastics at Sheering Hall.*

*We note that the magnitude of the impact of construction upon the setting of these assets has been assessed in the Environmental Statement to be minor adverse with operational effects assessed to be negligible for all three assets.*

*Historic England had previously identified the potential for impacts upon the settings of Aylmers (Farm) grade II\* listed and Barn grade II listed, and Durrington Hall, also grade II\* listed and associated buildings including Domestic Quarters, Coach House and Stable Block as well as Gate Piers, all of which are grade II listed, just to the north of the proposed junction between Sheering Road and the new arm to the proposed motorway junction. Aylmers is a lobby entrance manor house, dating from the early 17th century, and was restored and extended in the 20th century. It is timber framed and plastered with exposed studding, roofed with handmade red clay tiles. Durrington Hall is a country house, dating from the mid-18th century, extended in late 19th century. It is constructed of plastered brickwork (exposed on the North West elevation) with a slate roof.*

*The Environmental Statement concludes that both the construction and operational phases will result in no impact on the setting of Aylmers with minor adverse impacts predicted for both phases on the setting of Durrington Hall.*

*The Environmental Statement has identified that Mayfield Farm, a non-designated building, will be subject to minor adverse impacts during the construction phase of the development whilst Mulberry Green, a locally listed building will be subject to a moderate adverse impact during the operational phase of the development. In both instances, mitigation measures have been proposed."*

The Council's Historic Buildings Consultants comments *"There are no historic buildings which are physically affected by the proposals however there are four groups of listed buildings (Sheering Hall, Alymers, Housham Hall and those within Old Harlow) and an individual listed building (a pump) which will have their settings impacted by the proposed works. Three of the four groups (Sheering Hall, Alymers and Housham Hall) are considered to not be close enough or to have a strong enough existing relationship with where the proposed development is to have their setting significantly detrimentally undermined.*

*The works to upgrade the road are considered to impact the pump and buildings within Old Harlow. However due to the existing presence of the road the proposals are not considered to further significantly undermine their existing setting. The proposals are not considered to significantly detrimentally affect the setting of the surrounding listed buildings provided adequate screening is provided, especially for the raised section of the junction."*

Accordingly, the proposed development is not considered to be in conflict with S66(1) of the LBA or the NPPF.

In conclusion, no historic buildings would be physically affected by the proposed development. There would be less than significant impact on the setting of some listed buildings in the vicinity of the proposed scheme. Having regard to paragraph 134 of the NPPF *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."*. The PPG describes public benefit as follows:

*Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework ([Paragraph 7](#)). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.*

The need for the proposed scheme has been identified in Section A above and on balance the public benefit of the proposed road scheme is considered to outweigh the less than substantial harm to the 23 heritage assets listed in Appendix 6.6 of the Environment Statement.

The development would be in accordance with policies HC6, HC12, HC13A of the EFDLP and policies BE9, BE10, BE11 of the HDC Local Plan and the NPPF.

#### Archaeology

Historic England comment *"We have considered the assessment of likely impacts and mitigation strategy for buried archaeological remains which suggest that the scheme will result in harm undesignated heritage assets, but that this can be addressed by phased evaluation and the implementation of a written scheme of archaeological investigation. In addition to the need to protect the scheduled barrow (gaz. site 59), the site of the proposed compound off Gilden Way should be evaluated to establish whether it contains archaeological remains which are contemporary with the bronze age barrow and, if present, these should be excavated."*

The Councils Archaeologist states *"There is known archaeology along the route of the proposed development, this includes ring-ditches of probable prehistoric date as well as various undated linear features. The potential remains for further as yet unknown archaeological remains to be present"*.

It is considered that subject to a condition requiring archaeological excavation, the development as proposed would be in accordance with policy HC1 of the EFDLP Local Plan and policies BE6, BE12, BE13 and BE14 of the HDC Local Plan and the NPPF.

#### Historic Landscape Character

The ES concluded that there would be 'negligible' impact on HLT1 land. Historic England comment as follows *"We note from paragraph 6.4.3.3 that some consideration appears to have been given to the identification of historic landscape types. We note that the Environmental Statement concludes that there will be negligible impact upon the 20th Century Agriculture Historic Landscape Type (HLT1) through the removal of short lengths of hedgerows."*

## H NOISE AND VIBRATION IMPACT

Paragraph 109 of the NPPF states *'the planning system should contribute to and enhance the natural and local environment by ... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ... noise ... pollution'*.

Paragraph 123 of the NPPF states that planning decisions *'should aim to:*

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions...'*

The NPPF states the focus should be upon 'unacceptable' noise levels and 'adverse impacts on health and quality of life' associated with noise, in line with the Noise Policy Statement for England (Defra, 2010).

HC Policy BE17 states that *'planning permission will be granted if ... adequate*

*provision has been made to mitigate the adverse effects of noise likely to be generated or experienced by others’.*

EFDC Policy RP5A states that *‘the Council will not grant planning permission for development where it could cause excessive noise [or] vibration ... for neighbouring land uses, protected wildlife species and habitats ... except where it is possible to mitigate the adverse effects by the imposition of appropriate conditions’.* In addition, EFDC Policy DBE9 seeks to prevent loss of amenity through noise to properties neighbouring new development.

The noise and vibration implications of the M11 Junction 7A scheme, both of a temporary nature, associated with construction, and of a permanent nature, associated with the road traffic, have been assessed and the results are detailed in Chapter 11 Noise and Vibration of the Environment Statement.

### Construction

Daytime noise impacts associated with construction are inevitable; however, as a result of their temporary nature, the resultant effect is found by the ES to be adverse but not significant. Limited night-time working is required for the construction of the M11 Junction 7A scheme to minimise disruption to traffic during daytime; this applies to both the Phase 1 and Phase 2 construction works. Although the night-time works would be relatively short (the predicted worst-case noise levels are only expected to last for a limited number of hours) and very transient in nature, there is a risk of sleep disturbance at night. In this respect, a more detailed assessment will therefore be necessary at the detailed design stage to demonstrate the potential noise impact. Such an assessment is also expected to inform the need for implementing a mitigation strategy to minimise construction noise impacts and will form part of the CEMP and is proposed to be subject to a suitable condition.

Noise barriers are proposed to mitigate the operational scheme, as set out below, and are proposed to be erected at the start of the construction process to also assist with mitigating construction noise.

Although adverse, no significant impacts are expected in relation to the vibration associated with the construction of the scheme due to their temporary nature, which is only anticipated to be perceptible for a matter of hours each working day.

### Operational

Impacts from operational noise are also evaluated within the Noise and Vibration chapter of the ES, including potential noise from increased traffic volumes, changes in traffic speeds and from revised road layouts. Without mitigation, adverse noise effects were found to be likely at numerous receptors located in the vicinity of Gilden Way and/or Sheering Road during operation of the scheme post 2021. As a result, noise mitigation measures in the form of acoustic barriers have been proposed. Some landscaping features would also contribute to noise reduction in places.

With mitigation, the majority of receptors in the study area would experience



negligible changes in their noise environment in the long term. Such changes in noise level over the longer term, i.e. less than 3dB, would be imperceptible. Minor to moderate, but significant, negative effects are, however, predicted for a few properties in the short-term, when the initial change in noise levels occurs, due to their proximity to the scheme and/or their height (above two storeys) and thus reduced protection from the acoustic barriers. These impacts are predicted to reduce to negligible to minor in the long-term [date?] as residents become accustomed to the new noise level and as planting matures. The acoustic barriers are predicted to result in short-term beneficial reductions in noise levels for a few properties. With regard to the predicted impact upon the wider area, the scheme is predicted to result in an overall beneficial effect in the short term due to reductions in traffic levels in many places on the surrounding local road network, with a neutral to slightly adverse effect in the long term. When looking across the wider road network, the minor to moderate noise effect on some receptors adjoining Gilden Way is off set by the benefits to receptors created by the diversion of traffic from other less suitable roads on the network, the reduction of congestion across the wider Harlow area, and the increase in capacity on the road network to accommodate the committed and planned growth in housing and employment.

### Acoustic Barrier Proposals

The applicant has proposed mitigation in the form of acoustic barriers at locations north and south of Gilden Way. The height of barrier proposed ranges from 2m – 3m in height in the form of either an acoustic fence or brick wall. The interface with individual properties along the route will need to be considered at detailed design stage and a planning condition is recommended to agree the details prior to installation.

The Council's Noise Consultant has assessed the proposed scheme and does not raise an objection.

In conclusion, the proposed scheme would result in negative environmental noise impacts at some noise receptors, in particular along Gilden Way, during the construction and operational phase. Subject to the mitigation measures proposed during the construction phase and subject to noise mitigation in the form of acoustic barriers, it is considered that the development as proposed would be in accordance with policies BE17 of the HDC Local Plan and Policy RP5A of the EFDLP and the NPPF.

## I AIR QUALITY IMPACT

Paragraph 109 of the NPPF states *"The planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of .... air.... pollution..."*

Policy RP5A of the EFDC Local Plan states the Council will not grant planning permission for *"development where it could cause excessive ...air pollution...for neighbouring land uses, protected wildlife species and habitats.....except where it is possible to mitigate the adverse effects by the imposition of appropriate conditions"*

A detailed assessment has been undertaken by the applicant to establish the potential effects of the proposed scheme on local air quality and regional emissions. Both human and ecological receptors were considered, including the effects within the two Air Quality Management Areas (AQMAs) in East Hertfordshire that are within the study area.

The ES submitted in support of the planning application concludes *“During construction of the Proposed Scheme, 71 receptors within 20m of the construction boundary could be susceptible to dust impacts. With appropriate mitigation measures implemented it has been assessed that the construction impact of the Proposed Scheme would not be significant.*

*Once the Proposed Scheme became operational, 126 of the receptors would experience an improvement of an AQO already above objective or the removal of an existing exceedance. Eight receptors located along the M11 and A414 Edinburgh Way would experience a worsening of AQOs already above AQO with small to medium changes.*

*Predicted concentrations of PM10 have been shown to be well below AQO limits (<30 µg/m<sup>3</sup>) with and without the Proposed Scheme.*

*The compliance risk assessment has been predicted as low and the impact on designated sites predicted by ecologists as not likely to be significant.*

*The majority of modelled receptors would receive improvements in annual mean NO<sub>2</sub> concentrations and the overall direction of change would be likely to be negative (i.e. an improvement). Based on IAN 174/13 guidance, the overall impact of the Proposed Scheme would not be significant.”*

The Council's Air Quality consultant has assessed the proposal and does not raise an objection to the proposed scheme.

In conclusion, it is considered that the proposed development would not result in an unacceptable risk on air quality and subject to the mitigation measures proposed during the construction phase (Appendix 5.5 of the ES), the proposed development would be in accordance with the NPPF and Policy RP5A of the adopted EPDC Local Plan.

## 7. HUMAN RIGHTS AND EQUALITY ISSUES

### Human Rights Act 1998 Issues

The determination of this application is considered to involve the following human rights issues:-

Article 8: Right to respect for private and family life.

i) Everyone has the right to respect for his/her private and family life, his/her home and his/her correspondence.

ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of

health or morals, or for the protection of the rights and freedom of others.

And, The First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his/her possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

This report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the Convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

There is no indication that equality impact issues arise or that the proposals in this report will have a disproportionately adverse impact on any people with a particular characteristic. It is noted that the proposals include provision for retaining access to private residences, public footpaths and footways and cycle routes.

## **8. CONCLUSION**

There is a demonstrated need for the proposed scheme to alleviate current and projected traffic demand in the area and to support the future economic growth of Harlow town and surrounding area.

The proposed development is located mainly within Flood Zone 1 and partly within Flood Zone 2/3. Having regard to the sequential and exceptions tests, it is considered the proposed development has been suitably located to minimise flood risk and would not result in flood risk elsewhere.

The proposed development would result in the loss of existing trees and landscaping and significant changes in the rural landscape. Subject to landscape mitigation, including replacement planting, the visual impact would lessen over

time.

It is considered the 'less than substantial harm' to the setting of 23 listed buildings would be outweighed by the public benefit of the proposed road scheme.

The proposed development would result in negative environmental noise impacts at some noise receptors, in particular along Gilden Way. Subject to the mitigation measures proposed during the construction phase and subject to noise mitigation in the form of acoustic barriers, the proposed development is considered acceptable.

A comprehensive Environmental Impact assessment has been presented and sufficient mitigation measures are included within the proposal to address the identified environmental impacts.

Although the development of the proposed motorway junction is proposed within the metropolitan Green Belt, it is considered that 'very special circumstances' do exist such that the potential harm to the Green Belt by reason of inappropriateness, and any other harm (loss of trees, visual impact, lighting), is clearly outweighed by the need for the road scheme and wider public benefits taking account of the proposal to amend the green belt boundary in the emerging local plan. The principle of this development within the Green Belt is considered acceptable having regard to the NPPF and Policies GB1 and GM7A of the EPDC Local Plan.

In conclusion, it is considered that subject to conditions, the proposed development would be in accordance with Policies CP1, CP2, CP6, CP7, CP8, GB1, GB2A, GB7A, HC1, HC2, HC3, H4, HC5, HC6, HC12, HC13, NC1, NC2, NC3, NC4, NC5, RP3, RP4, RP5A, E5, RST2, RST3, RST14, U2A, U2B, U3A, U3B, DE9, LL1, LL2, LL3, LL7, LL8, LL9, LL10, LL11, LL13, ST7 and ST9 of the adopted Epping Forest District Council 'Combined Policies of Epping Forest District Local Plan (1998) and Alterations (2006), published February 2008.' and Policies SD9, T6, L1, L13, NE11, NE12, NE13, NE14, NE15, NE17, NE18, NE19, NE20, BE2, BE5, BE9, BE10, BE11, BE12, BE13, BE14, BE16, BE17, BE19, CP9 and CP12 of the Replacement Harlow Local Plan adopted July 2006 and saved policies 2009 and the National Planning Policy Framework (NPPF 2012)

On balance, taking into account the NPPF and the relevant policies of the Development Plan taken as a whole, S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal represents sustainable development in the context of the NPPF and therefore planning permission should be granted.

## **9. RECOMMENDED**

Subject to no intervention by the Secretary of State, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be **granted** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 26 January 2017 and validated on 13 February 2017, together with the following list of drawings and documents

### **Drawings**

B3553F05-0100-DR-0519 Rev. P0	Location Plan
B3553F05-0100-DR-0500 Rev. P0	Proposed Layout Key Plan
B3553F05-0100-DR-0501 Rev. P0	Proposed Layout Plan Sheet 1 of 8
B3553F05-0100-DR-0502 Rev. P0	Proposed Layout Plan Sheet 2 of 8
B3553F05-0100-DR-0503 Rev. P0	Proposed Layout Plan Sheet 3 of 8
B3553F05-0100-DR-0504 Rev. P0	Proposed Layout Plan Sheet 4 of 8
B3553F05-0100-DR-0505 Rev. P0	Proposed Layout Plan Sheet 5 of 8
B3553F05-0100-DR-0506 Rev. P0	Proposed Layout Plan Sheet 6 of 8
B3553F05-0100-DR-0507 Rev. P0	Proposed Layout Plan Sheet 7 of 8
B3553F05-0100-DR-0508 Rev. P0	Proposed Layout Plan Sheet 8 of 8
B3553F05-0100-DR-0509 Rev. P0	Site Location Plan
B3553F05-0100-DR-0510 Rev. P0	Existing Layout Key Plan
B3553F05-0100-DR-0511 Rev. P0	Existing Layout Sheet 1 of 8
B3553F05-0100-DR-0512 Rev. P0	Existing Layout Sheet 2 of 8
B3553F05-0100-DR-0513 Rev. P0	Existing Layout Sheet 3 of 8
B3553F05-0100-DR-0514 Rev. P0	Existing Layout Sheet 4 of 8
B3553F05-0100-DR-0515 Rev. P0	Existing Layout Sheet 5 of 8
B3553F05-0100-DR-0516 Rev. P0	Existing Layout Sheet 6 of 8
B3553F05-0100-DR-0517 Rev. P0	Existing Layout Sheet 7 of 8
B3553F05-0100-DR-0518 Rev. P0	Existing Layout Sheet 8 of 8
B3553F05-3000-DR-0201 Rev. P00.1	Landscape Sections Sheet 1 of 2
B3553F05-3000-DR-0202 Rev. P00.1	Landscape Sections Sheet 2 of 2

### **Documents**

- Planning Statement, prepared by Jacobs, dated January 2017
- Non-Technical Summary of Environmental Statement, prepared by Jacobs
- Environmental Statement - Volume A (Written Statement), Volume B (Figures), Volume C (i) (Appendices 1-7), Volume C (ii) (Appendices 8-13) prepared by Jacobs, dated January 2017
- Outline Environmental Management Plan, prepared by Jacobs , dated January 2017
- Flood Risk Assessment (B3553F05-0500-RP-0003), prepared by Ringway Jacobs, dated January 2017.
- Heritage Statement, Revision 1, prepared by Jacobs, dated January 2016.
- Built Heritage Assessment

### **Further Submissions**

- Response to external review of M11 J7a Air Quality Assessment, prepared by Jacobs, dated 09 May 2017
- Air Quality 'Addendum to the response from AQC' prepared by Jacobs, dated 25 May 2017

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority.

3. **Dust Management Plan**

No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development during the construction phase and shall include the mitigation measures outlined in Appendix 5.5 of the Environment Statement.

The development shall be implemented in accordance with the approved scheme.

4. **Archaeology – Written Scheme of Investigation**

No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the County Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

5. **Archaeology – Mitigation Strategy**

Prior to commencement of development, and following completion of archaeological work required under condition 4 above, a mitigation strategy detailing the excavation/preservation strategy shall be submitted for the prior written approval of the County Planning Authority.

No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the fieldwork as detailed in the mitigation strategy has been completed to the satisfaction of the County Planning Authority.

6. **Archaeology – Post Excavation Assessment**

Within six months of completion of the programme of archaeological investigation identified under condition 4, the applicant shall submit a post-excavation assessment. This shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

7. **Detailed Landscape Scheme**

No development shall take place until a detailed landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of (operations/construction of the development). The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement (or completion) of the development or the relevant phase of the

development hereby permitted in accordance with the approved details.

Any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

#### 8. **Tree Protection**

No development or any preliminary groundwork's shall take place until:

- a. All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction", and;
- b. Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the County Planning Authority.

#### 9. **Bird Hazard Management Plan**

Prior to commencement of development, a Bird Hazard Management Plan, to prevent the utilisation of the site by hazardous bird species, has been submitted to and approved in writing by the County Planning Authority.

The submitted plan shall include, but not limited be to:

- Details of measures to prevent the establishment of any colony of hazardous bird species and any dispersal methods to be used;
- Provision for the aerodrome to undertake visits to the site and make inspections (where necessary) and hold records of bird numbers;
- Measures to limit access to attenuation ponds through the erection of goose proof fencing.

The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force in perpetuity. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the County Planning Authority.

#### 10. **Detailed Surface Water Drainage Scheme**

No development shall take place until a detailed surface water drainage scheme

for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme should include but not be limited to:

- a) Limiting discharge rates from Gilden Way (Highway Drainage Catchment A) to at least 50% of the existing runoff rate for all storm events up to an including the 1 in 100 year rate plus up to a maximum of 30% allowance for climate change.
- b) Limiting discharge rates from Proposed Link Roads (Highway Drainage Catchment B) to the greenfield 1 in 1 year rate for all storm events up to an including the 1 in 100 year rate plus up to a maximum of 40% allowance for climate change.
- c) Limiting discharge rates from the new slip roads and ancillary works associated with Proposed Junction 7A (Highway Drainage Catchment C) to the greenfield 1 in 1 year rate for all storm events up to an including the 1 in 100 year rate plus a 20% allowance for climate change.
- d) Provide sufficient storage in line with the design return periods shown in table 2.1 of the Drainage System Summary Report
- e) Final modelling and calculations for all areas of the drainage system.
- f) The appropriate level of treatment for all runoff leaving the site in line with the CIRIA SuDS Manual C753.
- g) Detailed engineering drawings of each component of the drainage scheme.
- h) A final drainage plan which details exceedance and conveyance routes and ground levels, and location and sizing of any drainage features.
- i) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The approved scheme shall subsequently be implemented prior to commissioning and opening to traffic.

**11 Scheme to minimise risk off-site flooding caused by surface water run-off and ground water during construction.**

No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details.

Reason: To mitigate the risk flooding during construction in accordance with U2A, U2B, U3A, U3B of the EFC Local Plan and policies CP12 of the HDC Local Plan



and the NPPF.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

12. **Surface Water Drainage System – Maintenance Plan**

No development shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the County Planning Authority. The completed development shall be maintained in accordance with the approved plan.

13. **Construction Environmental Management Plan (CEMP)**

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the County Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period of the development hereby approved.

14. **Land Remediation Strategy**

Prior to each phase of development approved by this planning permission (1, 2A and 2B) no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the County Planning Authority.

The strategy shall include the following components:

a). A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

**15. Land Remediation Verification Report**

Prior to each phase of development being commissioned a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the County Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**16. Land Remediation Strategy – contamination found during development**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy shall be implemented as approved.

**17. No drainage systems for the infiltration of surface water drainage into the ground**

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the County Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through contaminated land and soakaways act as preferential pathways for contaminants to have the potential to impact on groundwater quality.

18. **Borehole Management Scheme**

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the County Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to each phase of development being brought into use.

19. **Piling Method**

Piling using penetrative methods shall not be carried out other than with the written consent of the County Planning Authority. The development shall be carried out in accordance with the approved details.

20. **Noise Mitigation Plan / Acoustic Barriers Detailed Design**

Prior to commencement of development a detailed Noise Mitigation Plan shall be submitted for the prior written approval of the County Planning Authority. This shall include detailed design of any acoustic barriers required to achieve adequate noise mitigation. The development shall be implemented in accordance with the approved scheme.

21. **Lighting Detailed Design**

No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the County Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels.

The lighting plan shall have consider the impact on light sensitive biodiversity and shall

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

## **INFORMATIVES**

### **Surface Water Discharge**

The Environment Agency advises that the surface water discharge associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies.

The applicant is advised to contact the Environment Agency on 08708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed via our main website

<https://www.gov.uk/topic/environmental-management/environmental-permits>

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## **BACKGROUND PAPERS**

Consultation replies

Representations

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## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)**

The proposed development would not be located adjacent to/within distance to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

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## **EQUALITIES IMPACT ASSESSMENT**

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

## **STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER**

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions

to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary, through engaging in a Planning Performance Agreement. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015.

**LOCAL MEMBER NOTIFICATION**

EPPING FOREST – North Weald and Nazeing

HARLOW- Harlow North

## APPENDIX A – RELEVANT LOCAL PLAN POLICIES

### **Extracts from the Adopted Epping Forest District Local Plan**

Combined Policies of Epping Forest District Local Plan (1998) and Alterations (2006), published February 2008.

[Click here - Full text of Adopted Epping Forest District Local Plan](#)

#### Core Strategy

##### CP1-Achieving Sustainable Development Objectives

*Planning powers and actions will be used to:*

- (i) avoid, or at least minimise, impacts of development upon the environment, particularly in ways likely to affect future generations. Where negative impacts cannot be avoided, compensatory measures will be required to offset such impacts, taking into account that social and economic activities depend upon the maintenance of a stable and healthy environment for their continuance;*
- (ii) secure the provision of sufficient types and amounts of housing accommodation, and different facilities, to meet the needs of the local population, and to retain and improve land resources to meet the recreational and countryside needs of the metropolitan area;*
- (iii) give effect to the Epping Forest Community Strategy (produced by the Local Strategic Partnership) which is in force at the time;*
- (iv) meet the employment needs of those who are unemployed and secure/achieve a mix of local employment and commercial activities that both meet local needs and reduce the need to travel, and reduce reliance on use of the private car;*
- (v) avoid further commuting, especially where it is dependent upon private car use;*
- (vi) help achieve prudent use of natural resources; and*
- (vii) minimise the use of non-renewable resources, including greenfield land.*

##### CP2- Protecting the Quality of the Rural and Built Environment

The quality of the rural and built environment will be maintained, conserved and improved by:

- (i) sustaining and enhancing the rural environment, including conserving countryside character, in particular its landscape, wildlife and heritage qualities, and protecting countryside for its own sake;*
- (ii) enhancing and managing, by appropriate use, land in the Metropolitan Green Belt and urban fringe;*
- (iii) retaining the best and most versatile land for agriculture;*

- (iv) safeguarding and enhancing the setting, character and townscape of the urban environment;*
- (v) preserving and enhancing the biodiversity and networks of natural habitats of the area, including river and wildlife corridors and other green chains;*
- (vi) giving priority to protecting and enhancing areas designated as having intrinsic environmental quality at international, national and strategic levels, in compliance with policy NC1 and PPS9;*
- (vii) managing the demand for water resources and sewerage infrastructure by controlling the location, scale and phasing of development so as to protect environmental and wildlife interests.*

### **CP3- New Development**

*In considering planning applications and in allocating land for development, the Council will require the following criteria to be satisfied:*

- (i) the development can be accommodated within the existing, committed or planned infrastructure capacity of the area (or that sufficient new infrastructure is provided by the new development/developer);*
- (ii) the development is accessible by existing, committed or planned sustainable means of transport;*
- (iii) sequential approaches have been used to ensure that appropriate types of development, redevelopment or intensification of use take place at suitable locations;*
- (iv) the achievement of a more sustainable balance between local jobs and workers;*
- (v) the scale and nature of development is consistent with the principles of sustainability and respects the character and environment of the locality.*

*The Council may use Planning Obligations to ensure these criteria are satisfied.*

### **CP7- Urban Form and Quality**

*In line with policies CP6 and ST1, one of the Council's primary objectives is to make the fullest use of existing urban areas for new development before locations within the Green Belt. In view of this primary objective, the environmental quality of existing urban areas will be maintained and improved as attractive places in which to live, work and visit. Where the existing urban fabric provides for high quality in design and local environment by virtue of its existing character, open land uses and buildings and areas of architectural, historic and archaeological importance, this will be strongly protected and enhanced. New development in all urban areas which results in overdevelopment, unsympathetic change or loss of amenity will not be permitted. Subject to those considerations, existing built-up areas will be used in the most efficient way to accommodate new development by the:*

- (i) recycling of vacant, derelict, degraded and under-used land to accommodate new development;*

- (ii) re-use of existing buildings by refurbishment, conversions, changes of use and extensions;*
- (iii) re-use of urban sites, which are no longer appropriate to their existing or proposed use in the foreseeable future, for alternative land uses; and*
- (iv) use of higher densities where compatible with the character of the area concerned and urban design controls.*

#### **CP8- Sustainable Economic Development**

*Provision will be made for economic, commercial and housing development and transport investment which will:*

- (i) facilitate economic regeneration in areas of relative social deprivation to reduce disparities in economic success across the district;*
- (ii) reflect capacity and result in balanced and sustainable economic and housing growth in urban areas and across the district as appropriate;*
- (iii) within the rural areas, make provision for environmentally and economically sustainable activities and adequate housing to encourage renewal and maintain vitality;*
- (iv) encourage local economic diversity;*
- (v) encourage the development of appropriate high value-added economic activities where this is economically beneficial and environmentally acceptable;*
- (vi) satisfy other plan policies.*

#### **Green Belt**

##### **GB1- Green Belt Boundary**

*The boundary of the Metropolitan Green Belt in this district is as defined on the Proposals Map.*

##### **GB2A- Development in the Green Belt**

*Planning permission will not be granted for the use of land or the construction of new buildings or the change of use or extension of existing buildings in the Green Belt unless it is appropriate in that it is:*

- (i) for the purposes of agriculture, horticulture, or forestry; or*
- (ii) for the purposes of outdoor participatory sport and recreation or associated essential small-scale buildings; or*
- (iii) for the purposes of a cemetery; or*
- (iv) for other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in the Green Belt; or*



- (v) *a dwelling for an agricultural, horticultural or forestry worker in accordance with policy GB17A; or*
- (vi) *a replacement for an existing dwelling and in accordance with policy GB15A; or*
- (vii) *a limited extension to an existing dwelling that is in accordance with policy GB14A; or*
- (viii) *in accordance with another Green Belt policy.*

#### **GB7A- Conspicuous Development**

*The Council will refuse planning permission for development conspicuous from within or beyond the Green Belt which would have an excessive adverse impact upon the openness, rural character or visual amenities of the Green Belt.*

#### **Heritage Conservation**

##### **HC1- Scheduled Monuments and Other Archaeological Sites**

*On sites of known or potential archaeological interest, planning permission will only be granted for development which would not adversely affect nationally important remains, whether scheduled or not, or their settings. The Council will also require:*

- (i) the results of an archaeological evaluation to be submitted as part of any application;*
- (ii) the preservation in situ, and provision for appropriate management, of those remains and their settings considered to be of particular importance;*
- (iii) provision for recording and/or excavation by a competent archaeological organisation prior to the commencement of development, where in situ preservation is not justified.*

##### **HC2- Ancient Landscapes**

*The Council will not grant planning permission for development which could adversely affect the nature and physical appearance of ancient landscapes (identified as such on the Proposals Map).*

##### **HC3- Registered Parkland**

*The Council will not grant planning permission for development which could adversely affect the areas of registered parkland (identified as such on the Proposals Map).*

##### **HC4- Protected Lanes, Commons and Village Greens**

*The Council will not grant planning permission for any development which would damage or be detrimental to the historic or landscape character of protected lanes (identified as such on the Proposals Map), commons or village greens.*

##### **HC5- Epping Forrest**

*The Council will not grant planning permission for any development or use which could prejudice the historic nature and wildlife value of Epping Forest (identified on the Proposals Map) or its function as open space for the purposes of public enjoyment.*

##### **HC6- Character, Appearance and Setting of Conservation Areas**

*Within or adjacent to a conservation area, the Council will not grant planning permission for any development, or give listed building consent or consent for works to trees, which could be detrimental to the character, appearance or setting of the conservation area.*

#### HC12- Development affecting the setting of Listed Buildings

*The Council will not grant planning permission for development which could adversely affect the setting of a listed building.*

#### HC13A- Local List of Buildings

*The Council will prepare a list of buildings of local architectural or historic importance (the 'Local List'). Maintenance of these buildings will be encouraged and they will receive special consideration in the exercise of the development control process.*

#### Nature Conservation

##### NC1- SPAs, SACs and SSSIs

*The Council will refuse planning permission for any development or land use change which could directly or indirectly destroy or adversely affect a Site of Special Scientific Interest. The Council will comply with the U.K.'s international obligations for those SSSIs designated or proposed as Special Protection Areas or Special Areas of Conservation.*

##### NC2- Country Wildlife Sites

*Development or land use change which could directly or indirectly destroy or have an adverse effect upon a County Wildlife Site will be refused unless it can be demonstrated that the reasons for the proposal clearly outweigh the need to safeguard the intrinsic nature conservation value of the site or feature.*

##### NC3- Replacement of Lost Habitat

*In cases where a County Wildlife Site will be harmed by, or lost to, development, the Council will expect satisfactory arrangements to be made for an alternative habitat of at least equivalent wildlife value.*

##### NC4- Protection of Established Habitat

*Development proposals will be expected to make adequate provision for the protection, enhancement and suitable management of established habitats of local significance for wildlife. Such provision may be more stringent when there are known to be protected species either on the site or likely to be affected by the development.*

##### NC5- Promotion of Nature Conservation Schemes

*The Council will encourage owners and occupiers of land to participate in schemes which promote the aims of nature conservation by:*

- (i) adopting less intensive forms of land management;*
- (ii) re-introducing traditional management techniques for existing wildlife habitats; and*
- (iii) creating new habitats.*

#### Recycling and Pollution

##### RP3- Water Quality

*The Council, after consultation with the Environment Agency, and, as appropriate, British Waterways and Thames Water, will refuse permission for developments or activities which present an undue risk to the quality and quantity of:*

- (i) groundwater; or*
- (ii) water in rivers, canals, lakes, ponds or other water courses.*

#### **RP4- Contaminated Land**

*The Council will not grant planning permission for the development or reuse of land which it considers likely to be contaminated unless:*

- (i) prior tests are carried out to establish the existence, type and degree of contamination; and*
- (ii) if contamination is found, appropriate methods of treatment and monitoring are agreed with the Council, pollution authorities and water companies; and*
- (iii) the agreed methods of treatment include measures to protect or recreate habitats of nature conservation interest.*

#### **RP5A- Adverse Environmental Impacts**

*The Council will not grant planning permission for:*

- (i) development where it could cause excessive noise, vibration, or air, ground water or light pollution for neighbouring land uses, protected wildlife species and habitats; or*
- (ii) sensitive development such as housing (or other forms of residential occupation, including mobile homes and caravans), hospitals or schools which could be subject to either excessive noise from adjoining land uses or traffic (road, rail and air), or other forms of adverse environmental conditions such as air pollution;*

*except where it is possible to mitigate the adverse effects by the imposition of appropriate conditions.*

#### **Employment**

#### **E5- Effect of Nearby Developments**

*In determining planning applications for development in the proximity of established or proposed business, general industrial and warehousing uses the Council will have regard to:*

- (i) any planning constraints that may eventually be placed on the use, or its successor, as a consequence of the development going ahead; and*
- (ii) the desirability of the established use being retained.*

#### **Recreation, Sport & Tourism**

#### **RST2- Enhance Rights of Way Network**

*In determining planning applications the Council may seek:-*

- (i) the appropriate expansion and enhancement of the rights of way network; and*

*(ii) to secure public access onto privately-owned land for informal leisure purposes*

#### **RST3- Loss or Diversion of Rights of Way**

*The Council will not grant planning permission for development proposals which entail the loss, stopping-up, or unreasonable diversion of public rights of way.*

#### **RST14- Playing Fields**

*The Council will not grant planning permission for development which involves the loss of any playing fields unless:*

- (i) adequate alternative provision of equivalent community benefit is made available in an appropriate location; or*
- (ii) there is an excess of sports pitch provision and public open space in the locality; or*
- (iii) sport and recreational facilities can best be retained and enhanced through the redevelopment of a small part of the site;*

*and the open nature of the site does not contribute significantly to its surroundings. Any development will also need to be in accordance with policy LL6.*

#### **Utilities**

#### **U2A- Development in Flood Risk Areas**

*Development proposals within the Environment Agency's currently designed Flood Risk Zones will be determined in accordance with a sequential approach as set out in PPG25.*

*This will be, in order of priority:*

- (a) areas with little or no flood risk*
- (b) areas of low to medium risk*
- (c) areas of high risk*
- (d) areas of functional flood plain.*

*In accordance with this order of priority, the Council will only permit development in areas of functional flood plain if:*

- (i) it involves use of land only, and would not increase flood risk or danger from flood risk; or*
- (ii) it is proven to be essential infrastructure which cannot be located elsewhere. No such development will be allowed if it would cause any negative impacts on any part of the flood regime of the watercourse involved.*

*Development in high risk areas will only be allowed if:*

- (i) there will be no increased risk of flooding either on site or elsewhere in the floodplain or suitable mitigation measures will be incorporated as part of the scheme; and*
- (ii) the development would not reduce the effectiveness of existing flood defence measures; and*
- (iii) there is no suitable alternative site available in the locality which is at a lower risk of flooding; and*

- (iv) there will be no significant adverse effects upon a watercourse, navigable waterway or sewer; or*
- (v) adequate and appropriate flood-prevention measures to minimise the risk of flooding are incorporated as part of the development.*

*Development in all other flood risk areas will be allowed under this policy, provided that suitable flood minimisation and/or mitigation measures are included as part of the development. All applications or proposals for development in flood risk areas will be required to be accompanied by a Flood Risk Assessment covering matters (i) to (v) above, to be carried out to the satisfaction of the Council and/or the Environment Agency.*

#### **U2B- Flood Risk Assessment Zones**

*Within the Flood Risk Assessment Zones as shown on the Alterations Proposals Map, Flood Risk Assessments will be required for any development proposals (other than house extensions) which exceed 50m<sup>2</sup>. Outside these zones, a Flood Risk Assessment will be required for any proposals which exceed 235m<sup>2</sup>.*

#### **U3A- Catchment Effects**

*The Council will not permit development which would result in either:*

- (i) increased risk of flooding or a reduction in the effectiveness of existing flood defence measures, either on site or elsewhere within the catchment; or*
- (ii) significant adverse effects upon a watercourse, navigable waterway or sewerage infrastructure,*

*unless it is satisfied that adequate and appropriate attenuation measures, such that there is no increase in the risk of flooding, are incorporated as part of the development.*

#### **U3B- Sustainable Drainage Schemes**

*In consultation with the Environment Agency and, where appropriate, sewerage undertakers, the Council may require developments to include sustainable drainage systems to control the quality or attenuate the rate of surface water run-off. Contributions in the form of commuted sums may be sought in legal agreements to ensure that the drainage systems can be adequately maintained.*

### **Design & the Built Environment**

#### **DBE3- Design in Urban Areas**

*Outside the Green Belt, new development will be required to ensure that:*

- (i) all spaces between and around buildings are deliberately created to be functional, attractive and safe for their intended users;*
- (ii) spaces are of individual identity and character and are satisfactorily enclosed;*
- (iii) public, private and semi-private spaces are clearly discernible to their intended users;*
- (iv) the informal supervision of public and semi-private spaces around buildings by their occupiers is encouraged; and*

*(v) front elevations face outwards onto public spaces and contain the main entrances.*

#### **DBE9- Loss of Amenity**

*The Council will require that a change or intensification of use, extension or new development does not result in an excessive loss of amenity for neighbouring properties. The factors which will be taken into account are:*

- (i) visual impact;*
- overlooking;*
- (ii) loss of daylight/sunlight; and*
- (iii) noise, smell or other disturbance.*

#### **Landscape and Landscaping**

##### **LL1- Rural Landscape**

*The Council will continue to act to:*

- (i) conserve and enhance the character and appearance of the countryside; and*
- (ii) encourage the considerate use and enjoyment of the countryside by the public.*

*Subject to specific circumstances, particular attention will be paid to:*

- (a) the needs of agriculture, woodland planting and management, and other habitat and wildlife conservation;*
- (b) the provision of facilities for public access and informal recreation and to enable quiet enjoyment;*
- (c) the protection of historic features and their settings; and*
- (d) the achievement and conservation of visually attractive landscapes*

##### **LL2- Inappropriate Rural Development**

*The Council will not grant planning permission for development in the countryside unless it is satisfied that the proposal will:*

- (i) respect the character of the landscape; and/or*
- (ii) enhance the appearance of the landscape; and*
- (iii) where appropriate, involve the management of part or all of the remainder of the site to enhance its contribution to the landscape.*

##### **LL3- Edge of Settlement**

*The Council will require proposals for development on the edges of settlements to show a sensitive appreciation of their effect upon the landscape by:*

- (i) extensive landscaping; and/or*
- (ii) reduced development densities; and/or*
- (iii) the use of subdued materials and colours; and/or*
- (iv) other techniques aimed at softening or improving their impact.*

#### LL7- Planting, Protection and Care of Trees

*The Council will:*

- (i) promote tree and woodland planting where it is considered that this will lead to significant amenity benefit;*
- (ii) seek to protect trees and woodland of amenity value; and*
- (iii) promote good standards of tree care and woodland management.*

#### LL8- Works to Preserved Trees

*The Council will give consent for works to a tree or woodland protected by a tree preservation order provided it is satisfied that:*

- (i) the health and appearance of the tree will not be impaired; and*
- (ii) the works will not unjustifiably inhibit or prevent the full and natural development of the tree; or*
- (iii) the works are necessary to its continued retention and consistent with good arboricultural practice; or*
- (iv) in the case of a woodland, the proposed works are consistent with the principles of sound woodland management.*

#### LL9- Felling of Preserved Trees

*The Council will not give consent to fell a tree or woodland protected by a tree preservation order unless it is satisfied that this is necessary and justified. Other than for woodland any such consent will be conditional upon appropriate replacement of the tree.*

#### LL10- Adequacy of Provision for Landscape Retention

*The Council will refuse to grant planning permission for any development which it considers makes inadequate provision for the retention of:*

- (i) trees; or*
- (ii) natural features, particularly wildlife habitats such as woodlands, hedgerows, ponds and watercourses; or*
- (iii) man-made features of historical, archaeological or landscape significance.*

#### LL11- Landscaping Schemes

*The Council will:*

- (i) refuse planning permission for any development which makes inadequate provision for landscaping;*
- (ii) not approve landscaping schemes which:*
  - (a) are inappropriate because they fail to take account of the setting or intended use of the development; or*

*(b) are ineffective because they would be unlikely to retain trees and other existing landscape features or to establish new long-term planting*

#### LL13- Highway/ Motorway Schemes

*The Council will oppose any new, improved or altered highway or motorway proposal unless the associated landscaping scheme (including earth-mounding and planting) will:*

- (i) use appropriate species;*
- (ii) make effective visual screens;*
- (iii) create effective sound barriers; and*
- (iv) adequately replace trees, hedgerows and woodlands which will be lost to the development. The Council will seek to ensure that, where feasible, appropriate landscaping will be undertaken prior to the commencement of construction works.*

#### Sustainable Transport

##### ST7- New Roads and Extensions or Improvements to Existing Roads

*The Council expects schemes for new roads or for extensions and improvements to existing roads to satisfy the following criteria:*

- (i) minimal environmental impact on sensitive areas (including open countryside and its management, sites of wildlife and built heritage interest, and residential areas) with adequate compensatory measures in those cases where environmental losses are unavoidable;*
- (ii) minimal adverse impact on road safety and traffic congestion;*
- (iii) minimal disruption to, or realignment of, the rights of way network;*
- (iv) retention of a defensible green boundary and minimal loss of Green Belt land.*

##### ST9- Stansted Aerodrome Safeguarding

*Within the Aerodrome Safeguarding Zone around Stansted Airport, development which will adversely affect the operational integrity or safety of the airport, or interfere with the operation of aeronautical navigation aids will not be permitted.*



## **Extracts from the Adopted Harlow District Local Plan**

Replacement Harlow Local Plan adopted July 2006 and saved policies 2009

### **Adopted Harlow District Local Plan**

#### **SD9- Waste Reduction Re-Use and Recovery**

*Development that results in the movement of the soil resource should:*

- 1. Employ techniques which minimise loss and/or damage to soil during handling and storage;*
- 2. Optimise the use of soil, either on the development site itself or at suitable alternative locations for “soft development”( e.g. landscaping);*
- 3. Prevent the unnecessary mixing of topsoil and subsoil. On development sites where they are to be replaced, ensure they are replaced in the correct order and depth;*
- 4. For developments where soil is to be removed, stored and replaced, a soil movement strategy should form part of the proposal.*

#### **T6- Cycling and Walking**

*New developments including redevelopments, changes of use and town centre and transport interchange improvements will be required to provide:*

- 1. Appropriate safe, direct cycleways within the development;*
- 2. Where appropriate, contributions to improve and develop cycleways serving the development;*
- 3. Where appropriate, links to the existing cycleway network;*
- 4. Safe, secure and convenient cycle storage in accordance with the “Adopted Vehicle Parking Standards”;*
- 5. Where appropriate, other facilities for cyclists such as employee showers, lockers and information and maintenance points.*

#### **L1- Playing Fields**

*Planning permission will not be granted for development which will result in the loss of all, or any part of a playing fields, unless:*

- 1. It can be demonstrated that there is an excess of playing fields in the locality; or*
- 2. A replacement playing field or fields of equivalent or better quantity and quality is to be provided in a suitable location; or*
- 3. Any proposed development for an indoor or outdoor sports facility is of sufficient benefit to the development of sport to outweigh the loss of the playing field(s); or*
- 4. The development only affects land that is incapable of forming a playing field or part of a playing field; or*
- 5. The proposed development is ancillary to the use of the playing field.*

#### **L13- Public Rights of Way**

*The existing network of definitive public rights of way within Harlow will be safeguarded.*

*New footpaths, bridleways and cycleways will be required as part of new developments, to link with existing routes outside and within the town’s boundary, and to provide better access to the surrounding countryside and areas of woodland within the town. Proposals for new or the enhancement of existing public rights of way will be required to meet the highest standards of design, accessibility and personal safety.*

#### NE11- Trees and Hedgerows

*In considering applications for development affecting trees or hedges the Council:*

- 1. May require a survey of the site and the trees and hedges concerned;*
- 2. Will oppose the loss of trees and hedgerows of amenity value and wildlife importance;*
- 3. Will serve Tree Preservation Orders to protect trees with public amenity value;*
- 4. May impose conditions on planning permissions to ensure the retention or replacement of trees and hedgerows of amenity value or wildlife importance, and their protection during construction.*

#### NE12- Landscaping

*Major development proposals shall be accompanied by a details of landscape features and wildlife habitats. Planning applications must include a landscaping scheme that indicates:*

- 1. Measures to protect landscape features and wildlife habitats;*
- 2. Measures to enhance landscape features and habitats;*
- 3. Measures to mitigate against potentially adverse effects;*
- 4. Measures to compensate where damage is unavoidable;*
- 5. Measures for monitoring and a management scheme including funding to ensure the landscape is successfully established and maintained;*
- 6. New landscape proposals;*
- 7. Measures that address personal safety in the proposed landscape.*

*Where the site is divided into a number of plots, a structural landscaping scheme for the whole site must be submitted and agreed prior to any work commencing on site.*

#### NE13- Water Environment

*In considering applications for new development affecting the quality of the water environment the Council:*

- 1. Will oppose any adverse effect on watercourses and their corridors, or on groundwater quality or levels;*
- 2. Will require the protection, maintenance and where possible enhancement of the River Stort, ponds, watercourses and field meadows;*
- 3. May require the reinstatement and management of ponds;*
- 4. May require the creation of new water areas, and the inclusion of schemes to enhance biodiversity;*
- 5. All management schemes, including funding, must be agreed with the Council.*

#### NE14- Landscape Conservation

*Planning permission will not be granted for proposals that detract from the visual quality of Special Landscape Areas.*

#### NE15- Biodiversity and Nature Conservation

*Planning permission will not be granted for development that would harm habitats or other features of the landscape identified as priorities in the UK, or the Local Biodiversity Action Plan, or are of significant importance for wildlife, unless it can be demonstrated that the reason for the proposal outweighs the need to protect the habitat or feature.*

*If granted, planning permission may be subject to conditions, obligations or management agreements for the provision of appropriate mitigation and/or compensatory measures.*

#### NE17-Wildlife Sites

*Planning permission will not be granted for development that would have an adverse effect, either directly or indirectly, on the ecology of a Local Nature Reserve unless it can be demonstrated that the reason for the proposal outweighs the ecological value of the site. If granted, planning permission may be subject to conditions, obligations or management agreements for the protection of the site's ecological interests and the provision of appropriate mitigation and/or compensatory measures.*

*All management schemes must be agreed with the Council.*

*The following Local Nature Reserves have been identified on the Proposals Map:*

<i>Ref No</i>	<i>Sites</i>
<i>NE17/1</i>	<i>Parndon Woods and Common</i>
<i>NE17/2</i>	<i>Stort Valley</i>
<i>NE17/3</i>	<i>Hawkenbury Meadow</i>

*The sites will be protected from on and off-site development that is likely to have an adverse effect on the ecology of that site.*

#### **NE18- Wildlife Sites**

*Planning permission will not be granted for development that would have an adverse effect, either directly or indirectly, on the ecology of a Wildlife Site unless it can be demonstrated that the reason for the proposal outweighs the ecological value of the site.*

*If granted, planning permission may be subject to conditions, obligations or management agreements for the protection of the site's ecological interests and the provision of appropriate mitigation and/or compensatory measures.*

*All management schemes must be agreed with the Council.*

*The following Wildlife Sites have been identified on the Proposals Map:*

<i>Ref No</i>	<i>Name, Grid Reference</i>	<i>Description</i>
<i>NE18/1</i>	<i>Third Avenue, Elizabeth Way TI 428093</i>	<i>Road verges, neutral grassland and hawthorn scrub with flora</i>
<i>NE18/2</i>	<i>Kingsdon Lane Pond TI 474092</i>	<i>Flora and Fauna</i>
<i>NE18/3</i>	<i>Edinburgh Way Pond TI 469121</i>	<i>Redundant pond, roadside bank</i>
<i>NE18/4</i>	<i>Marsh East of Wyldwood TI 478129</i>	<i>Amphibia and emergent vegetation associated with wintering birds</i>
<i>NE18/5</i>	<i>Harlow Common TI 480088</i>	<i>Neutral grassland and hedgerows</i>
<i>NE18/6</i>	<i>Clay Pit, Nr. The House TI 483127</i>	<i>Pond and surrounding vegetation with breeding amphibia</i>
<i>NE18/7</i>	<i>Church End Pond TI 434083</i>	<i>Emergent vegetation, submergent freshwater fauna and grassland bank</i>
<i>NE18/8</i>	<i>Third Avenue Meadow TI 435095</i>	<i>Flora, hedges and stream; abundant insects and birds. ABTO. habitat site</i>
<i>NE18/9</i>	<i>Burnett Wood and Pond TI 436075</i>	<i>Ancient woodland and pond</i>
<i>NE18/10</i>	<i>Latton Common including pond TI 468079</i>	<i>Neutral grassland and pond; flora and fauna</i>

NE18/11	<i>Stewards Meadow TI 445079</i>	<i>Relict part of old meadow with flora</i>
NE18/12	<i>Town Park Ditches TI 454118</i>	<i>Wetland and lake, meadows drains and islands with diverse flora and fauna</i>
NE18/13	<i>Gravel Pit Spring TI 463096</i>	<i>Ancient site of oak and hazel, many alien trees</i>
NE18/14	<i>Vicarage Wood TI 458104</i>	<i>Ancient oak and hazel coppice</i>
NE18/15	<i>Harolds Grove TI 424090</i>	<i>Ancient oak, ash, elm woodland of coppice with no standards. Good ground flora</i>
NE18/16	<i>Peldon Road TI 454070</i>	<i>Neutral grassland, wet, meadows, hedgerows, streams, woodland, diverse flora and fauna</i>
NE18/17	<i>Pincey Book Meadows TI 485128</i>	<i>Wet meadow, stream, hedgerows, good flora and fauna</i>
NE18/18	<i>Mead to West of Allende Ave. TI 439113</i>	<i>Wet marshy grassland and flora, extremely important for wintering birds</i>
NE18/19	<i>Netteswell Rectory TI 455096</i>	<i>Neutral grassland, pond, hedgerows, good flora</i>
NE18/20	<i>Third Avenue TI 439089</i>	<i>Neutral grassland. Bramble and hawthorn scrub</i>
NE18/21	<i>Gilden Way Meadow TI 479111</i>	<i>Pond with adjoining natural grassland and ancient hedgerows</i>
NE18/22	<i>New Pond Spring TI 477106</i>	<i>Freshwater stream, lined with oak and ash</i>
NE18/23	<i>Brenthall &amp; Barnsley Wood. Perry Spring &amp; Reservoir TI 478099</i>	<i>Diverse habitats, ancient woodlands, with oak, ash, hornbeam and hazel, rare species of flora on reservoir banks</i>
NE18/24	<i>Feltimeores Meadow TI 459110</i>	<i>Natural grassland semi-improved with oak, also spring and pond</i>
NE18/25	<i>Markhall Wood TI 467102</i>	<i>Woodland with oak, field maple, ash and hornbeam</i>
NE18/26	<i>Netteswell Plantation TI 449095</i>	<i>Diverse woodland with oak, hornbeam sycamore, scots pine, larch and redwood and varied ground flora</i>
NE18/27	<i>Eastwick Mead TI 426113</i>	<i>Alluvial grassland, semi improved, of importance to</i>

		wintering wetland birds, traversed by a diverse hedgerow
NE18/28	Gravelpit Spring, New Hall Farm TI 473104	Woodland developed by natural succession on an old gravel pit
NE18/29	The Moors. Long Ley TI 450098	A long linear glade with wood/scrub edges, neutral grassland and stream
NE18/30	Former 3m Research Ltd, Coldharbour Road TI 429093	Bee orchid colony
NE18/31	Fountains Farm Pond, Tye Green TI 456085	Pond with emergent and submerged flora and good fauna
NE18/32	Maunds Wood, Paringdon Road TI 448076	Ancient woodland, oak hornbeam wood
NE18/33	Ram Gorse TI 437108	Ancient woodland, oak hornbeam wood
NE18/34	Burnt Mill Lane TI 447114	Ancient hedgerows with pollard willow trees

#### NE19- Protected Wildlife Verges

*Planning permission will not be granted for development that would have an adverse effect, either directly or indirectly, on the ecology of a Protected Wildlife Verge unless it can be demonstrated that the reason for the proposal outweighs the ecological value of the verge. If granted, planning permission may be subject to conditions, obligations or management agreements for the protection of the site's ecological interests and the provision of appropriate mitigation and/or compensatory measures.*

*All management schemes must be agreed with the Council.*

*The following Protected Wildlife Verges have been identified on the Proposals Map:*

Ref No	Name, Grid Reference	Description
NE19/1	Second Avenue TI 458095	Verge with Diverse Flora
NE19/2	Parndon Wood Road TI 446072	Diverse Flora with woodland
NE19/3	A414 adjoining Mark Hall School TI 469111	Roadside Verge
NE19/4	Southern Way/Deer Park TI 435080	Roadside in Green Wedge
NE19/5	Southern Way/ Parnall Road TI 446082	Corner Verge
NE19/6	Gilden Way Roundabout TI 472112	Prominent Roundabout at the entrance to Harlow
NE19/7	Chalk Lane TI 495114	Roadside bank at top of M11 cutting
NE19/8	Well Lane TI 431101	Ancient Hedgerow

#### NE20- Protected and Rare Species

*Applications for planning permission for new development that is likely to affect protected or other rare (UK and Essex BAP) specie(s) must be accompanied by a fully informed survey, carried out at an appropriate time of the year, detailing the development's impact on the*

*protected or rare specie(s). Planning permission will not be granted for development or changes in land use which would have an adverse impact on species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992 (as amended), the Habitats Regulations 1994 (as amended) and other rare (UK and Essex BAP) specie(s) unless it can be demonstrated that the reason for the proposal outweighs the need to safeguard the specie(s). If granted, planning permissions may be subject to conditions, obligations or management agreements to:-*

- 1. Facilitate the survival of individual members of the species;*
- 2. Reduce disturbance to a minimum;*
- 3. Provide adequate alternative habitats to sustain at least the current levels of population;*
- 4. Provide a commuted sum towards securing the longterm management of the site. All management schemes must be agreed with the Council.*

#### **BE2- Providing High Quality, Legible and Successful Public Realm**

*Planning permission for major new development will be granted provided that all the following are met:*

- 1. New buildings are designed as part of a group of buildings creating a sense of enclosure;*
- 2. Public spaces should relate to the scale, appearance, location and function of the buildings around it;*
- 3. The layout of buildings, routes and spaces are clearly related;*
- 4. The fronts of buildings provide primary access and clearly define streets and public spaces;*
- 5. Public spaces are clearly distinguished from private areas;*
- 6. The ground floor use encourages activity and interest that is appropriate to the location and character of the area;*
- 7. Pedestrian, cycling and, where appropriate, horse riding routes are shown on*

#### **BE5- Crime Prevention and Personal Safety**

*Development proposals should demonstrate how the potential for preventing crime has been satisfactorily addressed through the design, layout and landscaping. These measures should be an integral part of the design and not compromise the creation of an area with distinct character, high quality landscaping and a successful public realm.*

#### **BE6- Listed Buildings**

*Proposals for the extension or alteration of any listed building, alteration of its setting, conversion or change of use should not adversely affect or harm any of the following:*

- 1. The character that forms its value as being of special architectural or historic interest;*
- 2. The particular physical features that justify its statutory protection;*
- 3. Its setting in relation to its grounds, the surrounding area, other buildings and wider views and vistas.*

#### **BE10- Conservation Areas**

*New development in Conservation Areas or development that affects the setting, surrounding area, or inward and outward views will be granted planning permission providing:*

- 1. It does not harm the character or appearance of the Conservation Area;*
- 2. The scale, height, form, massing, elevation, detailed design, materials, and layout respect the character of the Conservation Area;*

3. *The proposed land use is compatible with the function and activities of the Conservation Area.*

BE11- Historic Parks and Gardens

*Development proposals that would adversely affect the character, appearance, setting or views into and outward of a registered historic park or garden will not be permitted.*

BE12- Archaeology

*Planning permission will not be granted for development proposals that would adversely affect the site or setting of a Scheduled Monument listed below or other archaeological site of national or particular local importance.*

Ref No	Scheduled Monuments
BE12/1	Chapel at Harlowbury
BE12/2	Harlow Roman Temple
BE12/3	Netteswellbury Barn, Netteswell
BE12/4	Little Parndon moated site
BE12/5	Site of Parndon Hall
BE12/6	Harlowbury deserted medieval village
BE12/7	Bowl barrow, 230m north of Harlow Hospital
	Bowl barrow, 140m north of Harlow Hospital
	Bowl barrow, 110m north-east of Harlow Hospital
BE12/8	Cursus, south of Gilden Way
BE12/9	Roman villa, 500m north-east of Harlowbury
BE12/10	Bowl barrow, 240m north of The Kennels
BE12/11	Passmores House moated site, immediately south of Todd Brook

BE13- Archaeology

*The desire to preserve the remains and setting of a site with archaeological remains of lesser importance will be a material consideration when considering development proposals affecting the site. This desire will be balanced against the importance of the remains; the need for the development; the possibility of preservation in situ; and / or the appropriateness of an archaeological excavation for 'preservation by record'.*

BE14- Archaeology

*Development proposals that affect a site where archaeological remains may exist will only be determined after an archaeological field evaluation has been undertaken.*

BE16- Light Pollution

*External lighting proposed for any development will not be granted planning permission if any of the following apply;*

- 1. It is unacceptably visually intrusive;*
- 2. Its use would cause an unacceptable disturbance to the surrounding area;*
- 3. It causes danger to road safety;*
- 4. It is proven to have an adverse effect on sites of wildlife importance.*

*Where permission is granted, development will be required to minimise light spillage through the use of good design, screening and deflecting of the source; and the nature and intensity of the lighting and its hours of use will be carefully controlled.*

BE17- Noise Pollution

*Planning permission will be granted if noise sensitive developments are located away from existing sources of noise and potentially noisy developments are located in areas where noise will not be such an important consideration, or adequate provision has been made to mitigate the adverse effects of noise likely to be generated or experienced by others.*

**CP9- Public Utilities – Infrastructure**

*To allow for the proper provision of public utility services, planning permission for development that increases the demand for off-site service infrastructure will only be granted if sufficient capacity already exists or extra capacity can be provided in time to serve the proposed development. Where sufficient capacity does not exist, planning permission may be granted conditionally requiring the phasing of development to coincide with provision.*

**CP12- Public Utilities- Flooding**

*Development that will be at risk of flooding, or will contribute to flood risk or has an adverse impact on the river corridor will be resisted.*



**M11 JUNCTION 7A – ENVIRONMENTAL IMPACT ASSESSMENT**

An Environmental Statement dated January 2017 was submitted as part of the planning application which examines the existing situation on site and looks at the main aspects and impacts to be associated with the proposed development. The planning policies relevant to the development have been assessed in detail. The EIA looks at each of the impacts in turn to assess the potential impact on the natural and built environment and considers, where necessary, the mitigation measures needed to reduce and minimise the potential impact.

The impacts identified are:-

- Air Quality
- Cultural Heritage
- Landscape and Visual
- Nature Conservation
- Geology and Soils
- Materials
- Noise and Vibration
- People and Communities
- Road Drainage and the Water Environment
- Cumulative Assessment

**AIR QUALITY**

The potential air quality impacts of road traffic associated with the proposed scheme have been assessed at receptor points representing locations where air quality impacts would be greatest.

The study area for the assessment of local air quality has been defined in line with the guidance contained in DMRB Volume 11, Section 3, Part 1 (HA207/07). It comprises all land within 200m of the centre line of the existing road; land within 200m of the centre line of the Proposed Scheme; and land within 200m of any other 'affected roads'.

**Impacts during construction**

Part of the Proposed Scheme would be located in the open field to the north east of Harlow and east of Gilden Way. There are a total of 1,394 receptors within 350m of the boundary of this site. No ecological receptors within 50m of the boundary of the site; 50m of the route used by construction vehicles on the public highway; or 500m from the site entrances have been identified. The locations of these sensitive receptors are presented in Figure 5-2 of the ES.

The dust impact assessment has demonstrated that the risk of dust soiling without any mitigation would be High Risk for earthworks, Medium Risk for Construction and High Risk for trackout. The risk of adverse exposure effects of PM10 for all construction activities has been assessed as Low.

Construction traffic data associated with the entire construction phase to be below the DMRB HA207/07 criteria for affected links. Therefore it has been assessed that the impact of the construction traffic on local air quality would not be significant and therefore no further assessment has been undertaken for construction traffic.

Mitigation – Appendix 5.5 within Volume C outlines the recommended construction mitigation measures required for the dust related impact (dust soiling) associated with the construction activities to include a Dust Management Plan (DMP) and a Construction Environmental Management Plan (CEMP). Measures are also included in the outline EMP.

### Impacts during operation

#### Human exposure

The results show that for the NO<sub>2</sub> annual mean AQO, the Proposed Scheme would lead to a large magnitude improvement at 25 receptors, all of which are located along A1060 London Road and B1383 Stansted Road, Bishop's Stortford. There would be a medium magnitude improvement at a further 74 receptors located along A1060 London Road and B1383 Stansted Road, Bishop's Stortford; at Sawbridgeworth AQMA; a roundabout at A414/Second Avenue, Harlow; and Priory Court/A414 Harlow. Finally, there would be a small magnitude improvement at a further 25 receptors located approximately at A414/Second Avenue, Harlow and A1169 Elizabeth Way, Harlow.

Six receptors would experience a medium magnitude (worsening) and located along B183 The Street, Harlow and Crown Close, Sheering Harlow (along M11). There would be a small magnitude worsening at a further two receptors located at A414 Edinburgh Way, Harlow and Weald Hall Lane, Epping Forest (along M11). There would not be any new exceedances created with the Proposed Scheme.

Based on the conservative approach of excluding those receptors in Sawbridgeworth AQMA and Bishop's Stortford AQMA junction (which are potentially overestimated beneficial effects), ten receptors would experience small to medium improvements in local air quality and eight receptors would be predicted to experience small to medium worsening of local air quality.

As the number of properties affected would be fewer than the lower guideline bands (10-30 for medium and 30-60 for small) it has been assessed that the Proposed Scheme effects would not be significant.

Designated Site - The results indicate that the Proposed Scheme could decrease N-deposition (an improvement) by more than 1% of the lower threshold of the critical load (10-15kg N ha<sup>-1</sup> yr<sup>-1</sup> for neutral grassland) at the edge of Sawbridgeworth Marsh. No changes in N-deposition have been identified for the closest three Natura 2000 sites.

Regional Impact- NO<sub>x</sub>, PM<sub>10</sub> and CO<sub>2</sub> results for the regional assessment for opening year 2021 and design year 2036 are considered. The results for the opening year 2021 indicate an increase in NO<sub>x</sub> emissions of 6.4tonnes/year with the Proposed Scheme in place (compared to the DM scenario). PM<sub>10</sub> emissions have been determined to increase by 0.3 tonnes/year; and CO<sub>2</sub> emissions are predicted to increase by 2,962tonnes/year.

The results for the design year 2036 indicate an increase in NO<sub>x</sub> emissions of 8.8tonnes/year with the Proposed Scheme in place (compared to the DM scenario). It has

been predicted that PM10 emissions would increase by 0.6 tonnes/year and CO2 emissions would increase by 5,765 tonnes/year.

There is no published government guidance for assessing the significance of the effects of individual highway schemes on regional or greenhouse gas emissions. The regional assessment results have shown relatively small percentage increases (up to 5 millionths) in NOx, PM10 and CO2 emissions that would result from the Proposed Scheme compared to regional and national road traffic emissions. Therefore, the effect of the Proposed Scheme on regional emissions has been assessed as Negligible.

EU compliance - The values reported by Defra based on the PCM model are all below the EU limit values for the CRRN in 2016 (the latest year publicly available), and the impact of the Proposed Scheme would not lead to increases in concentrations sufficient to alter these conclusions. Therefore, the compliance risk assessment has identified that the Proposed Scheme has a low risk of being non-compliant with the EU Directive on ambient air quality.

### Conclusion

During construction of the Proposed Scheme, 71 receptors within 20m of the construction boundary could be susceptible to dust impacts. With appropriate mitigation measures implemented it has been assessed that the construction impact of the Proposed Scheme would not be significant.

Once the Proposed Scheme became operational, 126 of the receptors would experience an improvement of an AQO already above objective or the removal of an existing exceedance. Eight receptors located along the M11 and A414 Edinburgh Way would experience a worsening of AQOs already above AQO with small to medium changes.

Predicted concentrations of PM10 have been shown to be well below AQO limits (<30 µg/m3) with and without the Proposed Scheme.

The compliance risk assessment has been predicted as low and the impact on designated sites predicted by ecologists as not likely to be significant.

The majority of modelled receptors would receive improvements in annual mean NO2 concentrations and the overall direction of change would be likely to be negative (i.e. an improvement). Based on IAN 174/13 guidance, the overall impact of the Proposed Scheme would not be significant.

### **CULTURAL HERITAGE**

The study area assessed is 200m in all directions from the proposed scheme. A total of 82 cultural heritage assets have been identified within the study area; with an additional nine designated cultural heritage assets located outside the study area which have been considered due to potential indirect impacts associated with the Proposed Scheme.

Cultural heritage was considered under the subtopics of 'Archaeological Remains', 'Historic Buildings' and 'Historic Landscape'. For all three sub-topics, an assessment of the value of each cultural heritage asset was undertaken on a six-point scale of Very High, High, Medium, Low, Negligible and Unknown.

### **Impacts during construction**

#### Archaeological remains

The Scheduled bowl barrow Harlow Mound (Asset 59) is screened from the Proposed Scheme by a block of mature woodland. Proposed use of the neighbouring former plant

nursery as a temporary site compound (CS1) will have no physical impact on the site and is unlikely to have any impact on its setting. The magnitude of this temporary impact has been assessed to be Negligible.

Construction of the proposed Sheering Road and Pincey Brook Roundabouts and Westbound and Eastbound Links would remove a probable prehistoric barrow and remains associated with an early (possibly prehistoric) field system, identified by geophysical survey (Asset 98). Likewise, to the east of the M11, the construction of temporary haul roads, the Eastern Dumbell Roundabout, Compound Sites CS2 and CS4, Soil Storage Areas SS2, SS3, SS5, SS6 and SS7, and Topsoil Storage Areas TS3, TS5 and TS7 are likely to remove (see Figure 2-4) archaeological remains associated with possible prehistoric settlement and funerary activity (Asset 115). Because of the potential for total removal of these assets the magnitude of this impact has been assessed to be Major Adverse.

#### Historic buildings

The Grade II\* Listed Sheering Hall (Asset 8) and its associated Grade II Listed Barns (Assets 6 and 7) are located approximately 360m north-east of the proposed Sheering Road and Pincey Brook Roundabouts, and the Westbound Link. Construction activities, such as the movement of plant and the presence of site compounds and materials storage areas would have a temporary impact on their setting. However, the assets are screened by extensive mature vegetation which would block views from them to the south, and the temporary impact would cease on completion of the construction programme. The magnitude of this impact has therefore been assessed to be Minor Adverse.

Construction of the proposed Sheering Road and Sheering Road Roundabout would be directly adjacent to Mayfield Farm (Asset 31). There would be a likely increase in noise levels during construction due to the presence and operation of construction plant and earth-moving activities which would also result in a temporary visual impact on its semi-rural setting. Similar impacts would also be anticipated during the construction of temporary haul roads: Compound Site CS2; Soil Storage Areas SS2 and SS3; and Topsoil Storage Area TS3 (see Figure 2.4). These impacts would be temporary and would cease on completion of the construction programme. The magnitude of this impact has been assessed to be Minor Adverse.

Construction activities on Gilden Way could have an adverse impact on the setting of Old Harlow Conservation Area (Asset 49); Churchgate Street Conservation Area (Asset 85), and the Grade II Listed Long Barn (Asset 71). These impacts would be temporary and would cease on completion of the construction programme. The magnitude of impact has been assessed to be Minor Adverse for all three assets.

Grade II\* Listed Aylmers (Asset 105) would be approximately 450m north of the proposed Sheering Road and Pincey Brook Roundabouts and Westbound and Eastbound Links. This asset is well screened by existing mature vegetation within its grounds, alongside Sheering Lower Road and Sheering Road (B183), and adjacent to Pincey Brook. No impact is therefore predicted on the setting of this asset during construction.

Construction of the proposed Sheering Road and Pincey Brook Roundabouts and Westbound Eastbound Links would be approximately 540m south of Grade II\* Listed Durrington Hall (Asset 107). There would be a visual impact on its rural setting due to the presence and operation of construction plant. This impact would be temporary and would

cease on completion of the construction programme. The magnitude of this impact has been assessed to be Minor Adverse.

#### Impact during operation

##### Archaeological remains

Temporary site compound CS1 south of Gilden Way would be returned to its present condition during operation of the Proposed Scheme. Consequently, no impact is predicted on the setting of the Scheduled bowl barrow Harlow Mound (Asset 59) during operation.

##### Historic buildings

The setting of the Grade II\* Listed Sheering Hall (Asset 8) is defined by its relationship with the Grade II Listed Barns (Assets 6 and 7) and with the archaeological remains of Sheering Hall Ringwork (Asset 5). This relationship would not be affected. Views from these assets are restricted by surrounding mature vegetation and views of the Proposed Scheme would be largely screened. As traffic noise from the M11 already forms an attribute of the setting of Assets 6, 7 and 8, changes in noise levels resulting from operation of the Proposed Scheme would not affect this asset (see Chapter 11 - Noise and Vibration). The magnitude of this impact has been assessed to be Negligible for all three assets.

The relationship between Gilden Way and the Old Harlow Conservation Area (asset 49) and Churchgate Street Conservation Area (Asset 85) would be unchanged. However, potential loss of existing vegetation at their periphery, changes to lighting and signage, and changes in traffic volume in this area could result in an impact on their setting. The magnitude of this impact has been assessed to be Minor Adverse for both assets.

Grade II\* Listed Aylmers (Asset 105) would continue to be screened from the Proposed Scheme by existing mature vegetation within its grounds, alongside Sheering Lower Road and Sheering Road (B183), and adjacent to Pincey Brook. No impact is therefore predicted on the setting of this asset.

The proposed Sheering Road and Pincey Brook Roundabouts, Westbound and Eastbound Links would form a prominent new element of infrastructure in the rural setting of Grade II\* Listed Durrington Hall (Asset 107). The Proposed Scheme would not be visible at ground level from Asset 107, however, elements of Westbound and Eastbound Links would be visible in views south and south-east from the first and Attic floors, and visual impacts from lighting, signage and traffic movement could occur particularly at night or during winter months when screening from existing foliage cover is reduced. Views of agricultural fields beyond the fringes of the parkland surrounding Durrington Hall are an element of its designed landscape setting, and contribute to our understanding of the asset. Although distant, the Proposed Scheme would create a noticeable change to the setting of the asset when viewed from the first floor and attic rooms facing it. The magnitude of this impact has been assessed to be Minor Adverse.

Proposed noise barriers on the north side of Gilden Way would create a visual impact on the setting of 49 Mulberry Green (Asset 103) during operation. This asset is a former police station which was deliberately positioned at the roadside to advertise its presence, and the barrier would obscure views of it from the road affecting our understanding of its original function. The magnitude of this impact has been assessed to be Moderate Adverse.

The proposed Eastern Dumbell Roundabout on the M11 would form a prominent new element of infrastructure in the rural setting of Grade II Listed Housham Hall and Barns

(Assets 112, 113 and 114), and would introduce further visual impact due to lighting, signage and traffic movement. This could be accompanied by a predicted negligible but long term increase in noise levels (see Chapter 11 - Noise and Vibration). The magnitude of this impact on all three assets has been assessed to be Minor Adverse.

#### Historic landscape

Construction of the proposed Sheering Road and Pincey Brook Roundabouts, Westbound Link, Eastbound Link and Dumbell Roundabout would remove short lengths of hedgerow defining parcels within the 20th Century Agriculture Historic Landscape Type (HLT1). The magnitude of this impact has been assessed to be Negligible.

#### Mitigation

##### Archaeological remains

A staged programme of archaeological investigation is proposed for the geophysical anomalies west and east of the M11 (Assets 98 and 115). Archaeological trial trenching would provide more detailed information on their extent, condition, depth, character, quality and date of any associated archaeological remains. Trial trenching would also be used to confirm the presence or absence of unknown archaeological remains where the geophysical survey did not identify anomalies of potential archaeological origin. The results of the trial trenching would inform the design of site-specific mitigation measures for archaeological remains, which would be likely to comprise a combination of detailed archaeological excavation and strip, map and sample excavation as appropriate. Archaeological fieldwork would be followed by a programme of assessment, analysis, and publication.

The Scheduled bowl barrow Harlow Mound (Asset 59) is surrounded by mature woodland, and no physical impact is predicted during construction or operation of the Proposed Scheme. However, due to the close proximity of the proposed site compound on Gilden Way (CS1) there is a possibility for accidental damage to occur during construction. Therefore this asset would require protection through the use of protective fencing and signage.

#### Historic buildings

Due to the close proximity of Mayfield Farm (Asset 31) to construction works, there is a possibility for accidental damage to occur during construction. Therefore this historic building would require protection during construction through the use of protective fencing. Woodland, tree and hedgerow planting proposed would also serve to integrate the proposed scheme into its surroundings and reduce its visual impact on the setting of historic buildings particularly 163 Sheering Road (Asset 99), Aylmers (Asset 105) and Durrington Hall (Asset 107).

Although it would not remove it, sensitive design and the use of materials similar to those of the asset would go some way to reduce the magnitude of impact from the proposed noise barrier on the setting of 49 Mulberry Green (Asset 103).

#### Historic landscape

Because of the small magnitude of impact assessed on the 20th Century Agriculture Historic Landscape Type (HLT1), no mitigation is proposed for this sub-topic.

#### Conclusion

After mitigation, no significant effects on cultural heritage assets are predicted.

## LANDSCAPE AND VISUAL

### Summary of Landscape Effects

Table 7.6: Summary of landscape effects

Description of effect	Significance of effect (prior to mitigation)	Proposed mitigation	Residual effect (after mitigation)
Loss of mature woodland protected by Tree Preservation Orders (TPOs) (0.43ha).	Moderate Adverse	Proposed woodland planting totalling over 16ha. Woodland planting could not fully mitigate for the loss of mature trees.	Moderate Adverse
Loss of semi-mature woodland and scrub along the M11 (1.62ha).	Slight Adverse	Proposed replacement woodland planting.	Neutral

<b>Description of effect</b>	<b>Significance of effect (prior to mitigation)</b>	<b>Proposed mitigation</b>	<b>Residual effect (after mitigation)</b>
Loss of other woodland/hedges and scrub (1.50ha), some of which includes mature trees.	Moderate Adverse	Proposed woodland hedge and other native planting totalling over 19ha, (including the 16ha of woodland planting noted above) plus planting areas of scattered scrub and 361 individual trees at larger size. Woodland planting could not fully mitigate for the loss of mature trees.	Slight Adverse
Effect of proposed lighting in Harlow area, taking into account existing street lighting and lighting in the Hallingbury development about to be constructed.	Neutral	Proposed planting would not mitigate for new lighting. The new LED lighting would have full cut-off lanterns focused on the road and limiting light spill to adjacent properties.	Neutral
Effects of Proposed Scheme earthworks on landform in the Pincey Brook valley.	Moderate Adverse	Proposed earth mounding would not mitigate effects on landform but landscape planting would soften and disguise the embankments and cuttings.	Moderate Adverse
Effect of proposed road lighting in the Pincey Brook valley.	Moderate Adverse	Proposed planting would not mitigate the effect of road lighting. The new LED lighting would have full cut-off lanterns focused on the road and limiting light spill to adjacent properties.	Moderate Adverse
Reduction of tranquillity (mainly in the Pincey Brook valley) taking into account existing disturbance from the M11.	Moderate Adverse	Extensive screen planting with woodland, hedges, scrub and planting of many individual trees.	Slight Adverse.
Effect on the townscape character of the Harlow Core local character area due to vegetation losses and the visual severance effect of road widening and noise barriers.	Moderate Adverse (local)	Replacement hedge and tree planting, hedges and climbing plants to screen noise barriers, and amenity planting.	Slight Adverse (local)
Effect on the townscape character of the Harlow Environs local character area due to vegetation losses and the visual severance effect of road widening and noise barriers.	Moderate Adverse (local)	Replacement hedge and tree planting, hedges and climbing plants to screen noise barriers, and amenity planting.	Slight Adverse (local)
Effect on the landscape character of the Little Hallingbury Ridges and Slopes area in the Pincey Brook valley due to encroachment of roads,	Large Adverse (local)	Earth mounding, extensive screen planting with woodland, hedges, scrub and planting of many individual trees.	Moderate Adverse (local)



Description of effect	Significance of effect (prior to mitigation)	Proposed mitigation	Residual effect (after mitigation)
roundabouts, lighting and traffic into the Pincey Brook valley.			
Effect on the landscape character of the Matching Plateau area taking into account the proposed M11 junction and road lighting.	Slight Adverse (local)	Earth mounding, extensive screen planting with woodland, hedges and scrub.	Negligible (local)
The effect of the scheme as a whole on the landscape.	Large Adverse	Extensive screen planting with woodland, hedges, scrub and planting of many individual trees.	Moderate Adverse

## Summary of Visual effects

Table 7.7: Summary of Visual Effects

Receptor type	Sensitivity	Numbers of receptors with views affected									
		Significance of visual effect Year 1 (winter)					Significance of visual effect Year 15 (summer)				
		Slight Beneficial	Neutral	Slight Adverse	Moderate Adverse	Large Adverse	Slight Beneficial	Neutral	Slight Adverse	Moderate Adverse	Large Adverse
Residential	High	1	0	76	23	9	9	20	73	9	0
Commercial	Low	0	0	2	4	0	0	2	4	0	0
Public Rights of Way	High	0	0	13	0	1	0	4	9	0	1
Sheering Road north of Pincey Brook	Moderate	0	0	0	1	0	0	0	1	0	0
Playing Fields	Moderate	0	0	1	1	0	0	1	1	0	0

## NATURE CONSERVATION

### Impacts during construction

The main pathways to impacts are listed below and these are considered in relation to specific receptors in Section 8.5.1.1 to 8.5.1.5.

#### Habitat loss

The impact of habitat loss is partially reversible, in that compensatory planting would create habitats such as species-rich grassland and deciduous woodland which are, for the main part, more ecologically valuable than those proposed to be replaced. However, the area taken to construct the new road/additional lane, would no longer be available to wildlife, and therefore there would be a long-term reduction (albeit small) in available habitat.

#### Pollution of the water environment

During the construction phase, there is a risk that run-off from the disturbed ground and stored construction materials could contaminate surface water receptors such as Pincey Brook, Harlowbury Brook and the pond within the Gilden Way Meadow LWS. Contaminants

associated with construction machinery, such as engine oil and diesel, and with the construction personnel welfare facilities, could also contaminate surface water if left uncontrolled.

Contamination effects, light, noise and vibration impacts have also been considered.

### Impacts during construction

Increase in traffic – fauna collision risk

The new link roads within the Link Area are likely to lead to collision impacts upon fauna travelling across the site, as is the increase in traffic volumes along Sheering Road and Gilden Way on fauna attempting to cross that road.

### Summary of impacts on ecological receptors

Table 8.9: Summary of impacts on ecological receptors

Receptor and effect	Significance of effect (after mitigation)	Possible additional mitigation	Residual effect (after additional mitigation)
Locally designated sites	Slight Negative	None	Slight Negative
Birds – other than skylark	Slight Negative	None	Slight Negative
Skylark – fragmentation of arable habitat leading to loss	Slight Negative	Increased number of skylark plots in nearby	Neutral

Receptor and effect	Significance of effect (after mitigation)	Possible additional mitigation	Residual effect (after additional mitigation)
of nest sites		arable fields	
Bats – increase in night-time light levels leading to loss of commuting habitat	Moderate Negative	Monitoring to assess success of underpasses and hop-overs. If unsuccessful, revision of lighting scheme along link roads would provide dark corridors through Link Area north of The Mores Wood	Slight Negative
Otter	Neutral to Slight Negative	None	Neutral to Slight Negative
GCN	Neutral	None	Neutral

## **GEOLOGY AND SOILS**

### **9.5 Significant Effects**

The following sections describe the potential effects of the Proposed Scheme on geology and soils.

### Impacts during construction

This section sets out the key elements of the proposed design from which the assessment of effects is based. Where work on the design is currently ongoing or options remain, a realistic worst case has been identified as the basis of this assessment, where possible.

The construction design is anticipated to include the following main activities:

Earthworks – cuttings

Cuttings are proposed in a number of locations as part of the proposed design. In the area of the Gilden Way north, the Sheering Road Roundabout and the Pincey Brook Roundabout, these are anticipated to be in the order of 4m depth. The M11 cuttings are proposed to be in the order of 6m depth.

The works along the existing Gilden Way are anticipated to be minor, with minimal earthworks (1-2m) and the creation of a new highway pavement.

#### Embankments

A number of areas of embankment are proposed within the current design. The embankments along the link road are expected to be in the order of 10m high, with the M11 embankments in the order of 6m high. All of the embankments are proposed to be vegetated. For the M11 Dumbell Roundabouts a combination of cutting and embankments is proposed, for this the cutting is expected to be in the order of 6m depth, with an embankment in the order of 2m high.

#### Placement of fill materials

Given the requirement for a number of embankments within the scheme design, some deposition of suitable fill materials would be required - preliminary calculations indicate that there is a deficit of fill so materials may need to be imported. See Section 10 - Materials for further information.

Structures – sheet pile walls, foundation piling, culverts

Earthworks structures integral to the proposed design include:

- sheet pile walls - these are proposed in two areas: Mayfield Farm and M11 south bound off slip extension. At Mayfield Farm the sheet pile wall is expected to be to be 10m in length and for the M11 south bound off slip extension the sheet pile wall is anticipated to range from about 10m to 15m in length;
  - the M11 Dumbell Roundabouts - these are anticipated to be founded on piles installed to a depth of approximately 20m; and
  - culverts - large culverts in the Link Area are likely to be founded on spread footings.
- Table 9.12 presents the potential construction impacts resulting from these activities in relation to geology and soils receptors.

The proposed mitigation and significance of impact prior to and after mitigation for geology and soils are summarised in Table 9.14.

Table 9.14: Summary of geology and soils impacts

Description of effect	Significance of effect (prior to mitigation)	Proposed mitigation	Residual effect (after mitigation)
<b>Construction effects</b>			
Vegetation clearance and excavation works - could increase/modify contaminated groundwater and ground gas regime in the scheme area	Large or Very Large Adverse	A CEMP would be prepared and implemented to identify measures to control contamination risk	Neutral
Piling – potential to introduce migration pathways for contaminants to deeper strata	Large or Very Large Adverse	Undertake piling risk assessment for any areas where piling would potentially impact aquifers.	Neutral
Installation of service trenches – these could act as preferential pathways for migration of ground gas, soil and water-derived vapours and contaminants in groundwater	Large or Very Large Adverse	A CEMP would be prepared and implemented to identify measures to control contamination risk	Neutral
Dewatering – if water arising from this process was found to be contaminated and discharged locally it could have a detrimental impact	Large Adverse	A CEMP would be prepared and implemented to identify and control contamination discharges	Neutral
Accidental spills and leaks – could impact surface or groundwater	Large or Very Large Adverse	A CEMP would be prepared and implemented to control contamination discharges	Neutral
Concrete and cement products – uses could impact on water quality, flora and fauna	Large or Very Large Adverse	A CEMP would be prepared and implemented to control the preparation and handling of concrete	Neutral
Construction workers – potential exposure to contamination	Moderate or Large Adverse (due to sensitivity of the receptor)	Control measure such as adopting PPE with appropriate health and safety risk assessments should be implemented	Neutral
Dust or mud from soils containing elevated concentrations of contaminants impacting on general public	Moderate or Large Adverse	A CEMP would be prepared and implemented to control contamination risk to public	Neutral to slight
Loss of soils – There is potential for damaged soils	Moderate to Large Adverse	Manage and try and reduce loss of soil with a SMP (see Section 9.6)	Slight to Moderate

Description of effect	Significance of effect (prior to mitigation)	Proposed mitigation	Residual effect (after mitigation)
and there will be a loss of high grade agricultural land within the scheme footprint		(Not fully mitigatable, loss could only be reduced)	
Existing contamination impacting highways infrastructure	Slight	A CEMP would be prepared and implemented to manage any contamination found during construction not identified in the GI	Negligible
Gas accumulation in voids	Large to Very Large Adverse	Complete additional monitoring and gas sample collection to refine gas risk assessment and design mitigation measures as part of the Proposed Scheme if needed (see Section 9.6)	Slight
Risk of encountering Unexploded Ordnance (UXO)	Large to Very Large Adverse	It is recommended that a targeted investigation is carried out prior to any construction works commencing. This investigation would help to identify and further refine the risk on site (see Section 9.6)	Slight
Risk of encountering unstable ground conditions	Large Adverse	Potential ground instability should be mitigated as part of the Proposed Scheme design (see Section 9.6)	Slight
<b>Operational effects</b>			
Contamination from road operation.	Moderate to Large Adverse	Monitoring following construction to assess adequacy of protective measures and that the need for any corrective action is identified in a timely manner (see Section 9.6)	Neutral to Slight
Exposure of superficial geology	Slight	Mitigated with drainage design, road surfacing and landscaping to reduce and protect areas exposed at the surface. However, the impact would be localised and most areas of the proposed development would remain largely unaffected	Neutral
Exposure of human receptors to contamination	Neutral	Monitoring following construction to make sure that protective measure are adequate and that the need for any corrective action is identified in a timely manner (see Section 9.6)	Neutral to Slight

## MATERIALS

### NOISE AND VIBRATION

The proposed impacts, mitigation and residual effects for noise and vibration are summarised in Table 11.22.

Table 11.22: Summary of noise and vibration impacts

Description of effect	Significance of effect (prior to mitigation)	Proposed mitigation	Residual effect (after mitigation)
<b>Construction effects</b>			
General construction of the Proposed Scheme - daytime noise. A number of inherently noisy operations required. Due to the transient nature of the works, receptors would be exposed to high noise levels. However this would be for a relatively short period only.	Noise levels at receptors in vicinity of the Proposed Scheme would exceed the specified BS 5228 construction noise level thresholds, but not the duration threshold; therefore not predicted to be significant.	Best Practice Means mitigation measures would be applied to minimise impacts wherever possible.  The Proposed Scheme's acoustic barriers to be constructed at the start of the construction programme.  A CEMP would be prepared and implemented to identify and control noise emissions.	Short term adverse effects; although these would be unlikely to be significant.
General construction of the Proposed Scheme - night-time noise. Night-time operations would be required for some construction activities to minimise disruption to traffic. High noise levels have been predicted at receptors in the vicinity of the Scheme. However these would only be	Noise levels at receptors in the vicinity of the Proposed Scheme would exceed the specified BS 5228 construction noise level thresholds, but not the duration threshold; therefore	Best Practice Means mitigation measures would be applied to minimise impacts wherever possible. Particular mitigation such as temporary hoardings could be required to minimise potential of sleep disturbance.  The Proposed Scheme's acoustic barriers would be	Short term adverse effects; although these would be unlikely to be significant.

Description of effect	Significance of effect (prior to mitigation)	Proposed mitigation	Residual effect (after mitigation)
for a short duration due to the transient nature of the works.	not considered to be significant.	constructed at the start of the construction programme. A CEMP would be prepared and implemented to identify and control noise emissions.	
Vibratory compactions - elevated levels of vibration above thresholds where complaints would have the potential to occur. However, the impact would only be of a transient nature, i.e. vibration only perceptible when plant was in close proximity to receptor.	Vibration levels predicted to be at levels where complaints would be possible. However, due to the short exposure time, the effects have not been predicted as significant	A CEMP would be prepared and implemented to identify and control vibration emissions. Use of low vibration plant where feasible.  Proactive measures such as liaising with local residents.	Short term adverse effects; although these would be unlikely to be significant.
<b>Operational effects</b>			
Operation of the Proposed Scheme – the increase in traffic flow and speeds along Gilden Way / Sheering Road would result in elevated levels of noise emanating from the road.	Magnitude of impact at receptors in vicinity of the Proposed Scheme would range from: Moderate to major in the short term Minor to moderate in the long term The impacts would also be significant at relatively large number of receptors, in particular those closest to the Proposed Scheme.	A substantial suite of mitigation measures including acoustic barriers, landscaping and low noise road surfacing have been incorporated into the design to minimise impacts. However, not all receptors would be mitigated from such noise levels due their proximity to the Proposed Scheme and their heights	Minor to moderate in the short term Negligible to minor in the long term
Operation of the Proposed Scheme – impact upon the wider Calculation Area. Introduction of the Proposed Scheme would result in traffic noise changes on the local traffic network which would potentially affect the noise environment.	Short term: overall adverse Long term: overall adverse	As above	Short term: overall beneficial Long term: overall neutral to slightly adverse

## PEOPLE AND COMMUNITIES

This chapter covers the assessment of potential impacts caused by the Proposed Scheme on people and communities. Receptors and impacts relevant to this chapter include the followings.

- Private properties, including land take and impacts on farming businesses.
- Development land, including changes in viability and amenity. This includes how the access to the development site would change and how the site's appropriateness towards its planned use would change.
- Non-Motorised Users, the collective term for pedestrians, cyclists, equestrians, and bus users.
- Community severance, including access to community facilities.
- Public transport users, focussing on bus services.
- Vehicle users, particularly driver stress.



Additional effects on human beings are addressed under other headings including Air Quality, Landscape and Visual, Materials, Noise and Vibration.

## Residual Impacts

### Impact during Construction

#### Private assets

Private properties would be affected in a variety of ways. There would be an Adverse residual effect upon two businesses, Mayfield Farm (Sheering Road) and Morgans Farm (Moor Hall Road), in terms of a loss of 42.84ha of agricultural land during the construction period.

#### Development land

Following the implementation of both embedded and proposed mitigation measures, including the traffic plan, the residual effect has been assessed as Negligible.

#### Non-Motorised Users

During construction, mitigation would be in place to limit the inconvenience to pedestrians, cyclists and equestrians. However, the scale of construction works would have some effects on routes used by NMUs. Potential impacts would be overall short-term and Minor, and would include exposure to noise, dust and visual impacts of construction activities and temporary diversions and route closures. No locations have been identified where this is a major issue.

Where PRoWs are within the scheme footprint, diversions would be put in place throughout the construction phase, and there would be associated attractiveness issues expected for short periods due to the proposed phasing of the works.

#### Community severance

There would be temporary disruption to access to community facilities from some properties, but the effect has been assessed as Negligible.

#### Public transport users

Whilst widening works on Gilden Way would have the potential to temporarily impact bus routes that use this road, all bus routes would be maintained during construction with traffic management implemented and therefore, the residual effect has been assessed as Negligible.

#### View from the road and driver stress

Driver stress due to construction activities, periods of delay and congestion due to the reduced road capacity caused by the need to occupy lanes for construction would be mitigated through the construction programme, phasing, and the traffic management plan and site traffic management plan. These would reduce any temporary increase in stress caused by the roadworks and associated construction traffic. This would include temporary signage and traffic signals which would be put in place to reduce uncertainty, fear and frustration.

### Impacts during Operation

#### Private assets

As a result of design change and route realignment, the effects to private properties within the study area would be largely confined to loss of agricultural land with no residential land



take required. Where there would be agricultural land take this would be subject to compensation. This would be the case with Mayfield Farm and the owners of other agricultural land required for construction of the proposed new link road and associated roundabouts and the new junction. Overall the effect on agricultural land has been assessed to be Large to Very Large Adverse with 32.47ha of land required for the Proposed Scheme footprint or associated landscape mitigation.

## **ROAD DRAINAGE AND THE WATER ENVIRONMENT**

The Road Drainage and Water Environment topic covers potential effects of the construction and operation of the Proposed Scheme on flood risk, geomorphology, surface water quality and groundwater receptors.

Overall the significance of effect from the Proposed Scheme on all sources of flood risk, geomorphology and water quality and groundwater has been assessed to be Neutral to Slight Adverse, if the appropriate mitigation outlined in Section 13.6 is implemented as part of the Proposed Scheme.

The proposed effects, mitigation and residual effects for the road drainage and the water environment are summarised in Table 13.9.

Table 13.9: Summary of water impacts

Description of effect	Significance of effect (prior to mitigation)	Proposed mitigation	Residual effect (after mitigation)
<b>Construction effects</b>			
Flood risk	Slight Adverse	Minimise working areas within the floodplain; implementation of a CEMP	Neutral
Fine sediment input to watercourses	Slight Adverse	Implementation of good practices and an EMP during construction	Neutral
Altering surface water runoff and drainage processes	Slight Adverse		Neutral
In-channel working leading to fine sediment input downstream, physical alteration of the channel cross-section	Moderate Adverse	Implementation of good practices and an EMP during construction. Minimising length of time working within the channel. Work at periods of low flow	Neutral
Water quality effects from construction vehicles and fine sediment	Moderate Adverse	Implementation of good practices and an EMP during construction	Neutral
Contamination risk to groundwater	Moderate to Large Adverse	Implementation of good practices and an EMP during construction.	Slight Adverse
Construction of embankments leading to compaction of drift deposits	Neutral	None required	Neutral
<b>Operation effects</b>			
Fluvial flood risk	Neutral	Hydraulic modelling for the with-scheme condition has been completed for the Pincey Brook and unnamed watercourse 1	Neutral
Surface water flood risk	Neutral	Hydraulic modelling of the proposed surface water drainage system proposals has been undertaken	Neutral
Groundwater flood risk	Neutral	Lining of detention basins	Neutral
Reservoir flood risk	Neutral	None required	Neutral
Flood risk from services	Neutral	None required	Neutral
Changes to fluvial geomorphology through presence of outfalls, particularly altering flow processes (Pincey Brook and Harlowbury Brook)	Moderate Adverse	Mitigation through following good practice design, using existing outfall structures and inclusion of attenuation ponds	Slight Adverse
Changes to fluvial geomorphology through new	Slight Adverse	Mitigation through following good practice design.	Neutral

Description of effect	Significance of effect (prior to mitigation)	Proposed mitigation	Residual effect (after mitigation)
two new culverts (unnamed watercourse 1)		Minimising length of culvert and extent of bank modification upstream and downstream. Removal of existing extensive culvert downstream and daylighting of approximately 50m of channel, with an additional 170m of open channel	
Altering surface water runoff through increasing impervious surfaces	Slight Adverse	Mitigation through design and appropriately designed drainage strategy	Neutral
Pollution incidences effecting water quality	Minor to Moderate Adverse	Appropriate SuDS and emergency procedures in place	Neutral to Slight Adverse
Road cuttings intercepting groundwater	Slight Adverse	Mitigation is not possible. Slight Adverse impact considered acceptable	Slight Adverse
SuDS providing a route for potential contamination to groundwater	Moderate to Large Adverse	Lining of ponds. Implementation of an appropriately designed drainage system	Slight Adverse

## CUMULATIVE ASSESMENT

This ES provides an assessment of the potential cumulative effects of the Proposed Scheme, and those of the Proposed Scheme in combination with other major proposed developments. Cumulative effects occur when incremental environmental, social and economic impacts caused by past, present and reasonably foreseeable activities combine to create an additive or synergistic level of effect. They can occur during both the construction and operation stage of a scheme.

In summary, there are several locations along the Gilden Way and in the Link Area that would potentially be affected on a cumulative basis. Some of these effects would be temporary (during the construction process) and some more permanent (for the life of the developments/projects).

### Type 1 temporary cumulative effects

The combined effects of dust, noise, construction traffic, visual intrusion, direct landtake and restricted access would impact on all residential and business properties along the Gilden Way and Sheering Road, recreational users particularly of the playing field, NMUs and protected species.

It is expected that good construction techniques would be employed on the development site such that dust, noise, and access issues were kept to a minimum. As construction of the Proposed Scheme progressed, construction traffic would be able to access directly from the new M11 Junction 7A alleviating some of these effects.

### Type 1 permanent cumulative effects

Some residents along the Gilden Way, particularly between London Road and Churchgate Roundabout would suffer from increased noise levels mitigated by the erection of noise barriers in conjunction with a degradation of views. In addition, there would be some community severance to these properties due to the increase in traffic throughout the area.

Recreational users of the playing fields along the Gilden Way would have a reduction in accessible land area due to the installation of an attenuation pond. However, they would

benefit from a more enclosed area with an improvement in air quality and noise levels and ease of access into Harlow and to the M11.

NMUs would be adversely affected by increased noise levels and may feel some severance from facilities and visual intrusion due to noise barriers lining the footpath/cycleway. They should however find travel in the area easier due to the provision of a new footpath/cycleway although crossing the Gilden Way could be harder due to the increase in traffic flows. This has been mitigated by the provision of more toucan crossing points throughout.

Protected species and ecology would be negatively impacted by increased noise and light levels and traffic (causing traffic strike) across the Proposed Scheme. Although there would be a loss of habitats particularly in the Link Area, this would be off-set by replacement planting and drainage installations creating a beneficial habitat effect. In addition, improved air quality would most likely have a beneficial effect.

#### Type 2 temporary cumulative effects

It is difficult to predict the nature of cumulative effects of adjacent developments since the construction programmes of Harlowbury, New Hall and other sites are not known at the time of writing. However, it is assumed that Harlowbury and New Hall Phase II would at some point be under construction in the same period of time as the Proposed Scheme. It would therefore be reasonable to expect an increased impact of dust, noise, construction traffic, community severance and a degradation of views, on all residents and NMUs in the immediate vicinity.

In addition, there would be an increased risk of spillages and release of contaminants increasing the possibility of contamination of waterways and aquifers. It is assumed that the surrounding developments would follow good practice as laid out in a CEMP, and thereby minimise these effects.

The ecology of the area would be likely to be detrimentally affected by adjacent construction, with increased disturbance from noise, construction traffic and lighting and the increased deposition of dust.

It is expected that good construction techniques would be employed on the development site such that dust, noise and access issues were kept to a minimum. Construction traffic would increase in volume. However, should the Proposed Scheme be built prior to or concurrently with the other developments, there would be scope for the construction traffic for all developments to access via the M11 Junction 7A rather than via local roads from Junction 7, therefore reducing associated effects from construction traffic within an urban environment.

#### Type 2 permanent cumulative effects

The traffic figures used as the basis for the air quality and noise assessments have taken account of the New Hall and Harlowbury developments; hence these have already been accounted for in both assessments.

The main topic areas where there would be a significant increase in effects as a result of other developments in the area are nature conservation, landscape and visual and people and communities, particularly the loss of agricultural land.

Wildlife in the area would suffer from increased general noise and lighting disturbance and mortality from traffic strike and cat predation. In addition, populations could become more fragmented. The landscape character and views in the area would increasingly change from rural to more urban. An increased area of agricultural soils would be lost with the associated loss of agricultural business.

## SUMMARY AND CONCLUSION

Table 15.1 summarises the potential impact and the residual effects following mitigation. For further explanation and detail, the reader is to refer to the individual topic chapters.

Table 16.1: Summary of residual environmental effects after mitigation

Description of impacts	Proposed mitigation	Residual effects (after mitigation)
<b>Air Quality (no residual effects) (Chapter 5)</b>		
<b>Cultural Heritage (Chapter 6)</b>		
Archaeological remains	Implementation of a staged programme of archaeological investigation, followed by assessment, analysis and publication of results.	Slight Adverse
Setting of historic buildings	Photographic survey informed by Historic England guidance and landscape planting referred in Landscape and Visual section below.	Neutral to Slight Adverse
<b>Landscape and Visual (Chapter 7)</b>		
Loss of mature woodland protected by Tree Preservation Order (TPO) (0.43 hectares (ha))	Proposed woodland planting totalling over 16ha. Woodland planting could not be fully mitigated for the loss of mature trees.	Moderate Adverse
Loss of other woodland/hedges and scrub (3.12ha)	Proposed woodland hedges and other native planting totalling over 19ha (including the 16ha above), plus planting areas of scattered scrub and 361 individual trees of a larger size. Woodland planting could not fully mitigate for the loss of mature trees.	Slight Adverse
Effect of proposed lighting	Proposed planting would not mitigate for road lighting. The new LED lighting would have full cut-off lanterns focused on the road and limit light spill to adjacent properties.	Neutral in Harlow (urban), Moderate Adverse in the countryside (rural)
Effects of scheme earthworks on landform	Proposed earth mounding would not mitigate effects on landform but landscape planting would soften and disguise embankments and cuttings. However, the impact would still remain the same.	Moderate Adverse
Reduction of tranquillity	Extensive screen planting with woodland, hedges, scrub and planting of many individual trees.	Slight Adverse

Description of impacts	Proposed mitigation	Residual effects (after mitigation)
Effect on the townscape of the Harlow local character areas due to vegetation losses and the visual severance effect of road widening and noise barriers	Replacement hedge and tree planting and amenity planting; hedges and climbing plants to screen noise barriers.	Slight Adverse
Effect on the landscape character in the Pincey Brook valley due to encroachment of roads roundabouts, lighting and traffic into the Pincey Brook valley	Earth mounding, extensive screen planting with woodland, hedges, scrub and planting of many individual trees.	Moderate Adverse (local)
Visual effects at residential properties	Reinstatement of roadside hedges and other screen planting.	0 Large Adverse; 9 Moderate Adverse; 73 Slight Adverse; and 9 Slight Beneficial (Year 15)
Visual effects on road users (Sheering Road north of Pincey Brook)	Reinstatement of roadside hedges and other screen planting.	Slight Adverse (Year 15)
Visual effects on Public Right of Ways (PRoWs) (Each PRoW only recorded once at location with greatest effect)	Reinstatement of roadside hedges and other screen planting; however, for one receptor the impact would still remain the same.	1 Large Adverse; 0 Moderate Adverse; and 9 Slight Adverse (Year 15)
<b>Nature Conservation<sup>10</sup> (Chapter 8)</b>		
Habitat loss – Gilden Way Roundabout Protected Wildlife Verge (PWV)	Compensation and enhancement landscape planting of species-rich grassland especially Betony (local rare plant). However, the impact would still remain the same as the PWV would be lost.	Slight Adverse
Habitat loss – bats	Removal of recorded bat roost trees to be undertaken under Ecological Protected Species (EPS) licence. Compensation planting and woodland reinforcing planting would be carried out for the loss of confirmed and high potential roost habitat. However, the impact would still remain the same.	Slight Adverse
Reduction in local birds population from habitat loss/fragmentation especially for skylark	Timings control on vegetation clearance in construction programme to ensure that the bird nesting habitat is removed outside the nesting season. Introduction of hop-over fences, acoustic fencing and	Slight Adverse



Description of impacts	Proposed mitigation	Residual effects (after mitigation)
	reduction of speed limit to off-set increase risk of traffic collision to birds. Provision of LED lamps, lower lighting columns and landscape planting to reduce disturbance to birds. However, the impact would still remain the same.	
Impact to foraging and commuting bats from traffic collision, noise/air pollution and night-time light levels	Provision of multi-purpose mammal underpasses, hop-over fences, acoustic fences, associated landscape planting, reduction of speed limit and sensitive lighting to reduce disturbance to bats and the risk of collision with traffic.	Slight Adverse
Impacts to local otter population	Implementation of good practices and Construction Environmental Management Plan (CEMP). Provision of multi-species underpasses in combination with fencing, landscape planting and sensitive lighting to reduce disturbance to otters and the risk of collision with traffic.	Neutral to Slight Adverse
<b>Geology and Soils (Chapter 9)</b>		
Dust or mud from soils containing elevated concentrations of contaminants impacting on general public	A Construction Environmental Management Plan (CEMP) would be prepared and implemented to control contamination risk to the public.	Neutral to Slight Adverse
Loss of high grade agricultural soils within the scheme footprint	Manage and reduce loss of soil with Soil Management Plan (SMP) and Materials Management Plan (MMP); however, would not be fully mitigated, loss could only be reduced.	Slight to Moderate Adverse
Gas accumulation in voids	Additional monitoring and gas sample collection to refine gas risk assessment and design mitigation measures as part of the Proposed Scheme, if required.	Slight Adverse
Risk of encountering Unexploded Ordnance (UXO)	Recommended that a targeted investigation would be carried out prior to any construction works commencing. There is a risk associated with UXO. The slight adverse effect refers to the risk posed.	Slight Adverse
Risk of encountering unstable ground conditions	Potential ground instability would be mitigated as part of the Proposed Scheme design. The slight adverse effect refers to the design risk.	Slight Adverse
Contamination from road operation	Monitoring would be carried out following construction to assess adequacy of protective measures and that any need for corrective action would be identified in a timely manner.	Neutral to Slight Adverse

Description of impacts	Proposed mitigation	Residual effects (after mitigation)
<b>Materials (Chapter 10)</b>		
Material use and depletion (i.e. virgin aggregates)	Maximising the use of local materials and effectively managing materials use on site. Provision of a Site Waste Management Plan (SWMP) incorporating targets for recycling and waste minimisation and CEMP.	Slight Adverse
Use of imported materials (i.e. blacktop, steel, concrete)	Maximising the use of local and/or recycled materials. Provision of a SWMP incorporating targets for recycling and waste minimisation and CEMP. However, the impact would still remain the same.	Neutral to Slight Adverse
Carbon footprint of materials transport and use	Carbon monitoring and management and maximising the amount of material resources and waste to be re-used on-site. Provision of a SWMP incorporating targets for recycling and waste minimisation and CEMP. However, the impact would still remain the same.	Major <sup>11</sup> Adverse
<b>Noise and Vibration (Chapter 11)</b>		
Traffic noise in vicinity of the Proposed Scheme during operation	Provision of noise barriers, landscaping and low noise road surfacing; however, not all receptors would be mitigated from noise due their proximity to the Proposed Scheme and their heights.	Minor to Moderate Adverse (short term) Negligible to Minor Adverse (long term) <sup>12</sup>
Traffic noise to the wider area during operation	Provision of acoustic noise barriers, landscaping and low noise road surfacing; however, not all receptors would be mitigated for noise due their proximity to the Proposed Scheme and their heights.	Overall Beneficial (short term) Overall Neutral to Slight Adverse (long term) <sup>12</sup>
<b>People and Communities (Chapter 12)</b>		
Loss of Best and Most Versatile (BMV) Grades 2 and 3a agricultural land	Loss of good quality land would not be mitigated against, but owners would be compensated.	Large or Very Large Adverse
Entire Scheme (Driver Stress)	Reduced congestion, improved accessibility and lower speed limits	Beneficial <sup>13</sup>
<b>Road Drainage and Water Environment (Chapter 13)</b>		
Contamination risk to groundwater (during construction)	Implementation of good practices and a CEMP would be in place during construction.	Slight Adverse
Changes to fluvial geomorphology through	Mitigation by following good practice design, using existing outfall structures	Slight Adverse



Description of impacts	Proposed mitigation	Residual effects (after mitigation)
presence of outfalls, particularly altering flow processes (Pincey Brook and Harlowbury Brook)	and inclusion of attenuation ponds.	
Pollution incidences affecting water quality	Appropriate Sustainable Urban Drainage System (SuDS) and emergency procedures would be put in place.	Neutral to Slight Adverse
Road cuttings intercepting groundwater	Mitigation would not be possible. Slight adverse effect considered acceptable.	Slight Adverse
SuDS providing a route for potential contamination to groundwater	Lining of ponds. Implementation of an appropriately designed drainage system.	Slight Adverse
<b>Cumulative effects - Type 1 (Chapter 14)<sup>14</sup></b>		
Cultural heritage: noise, vibration and visual changes	Reinstatement of roadside hedges and other screen planting. Provision of noise barriers, landscaping and low noise road surfacing.	Minor Adverse
Some properties in London Road to Churchgate: increased noise levels, decreased air quality, visual degradation and some severance	Careful positioning of noise barriers and mitigation of visual degradation through screen planting including hedges.	Minor Adverse
Properties from Churchgate Roundabout to Pincey Brook roundabout: alterations in views. However they would benefit from improved air quality traffic flows and traffic reduction along the old Sheering Road	Mitigation of visual impacts through screen planting including hedges.	Minor Beneficial
Recreational users of playing fields: loss of land and visual alterations. Reduced noise, retention of games equipment and reduced visual intrusion	Use of screen planting. Loss of land would not be mitigated against, but would be compensated.	Minor Beneficial
Nature conservation: increased noise, traffic collisions and visual disturbance to local wildlife	Provision of multi-purpose mammal underpasses, hop-over fences, acoustic fences, associated landscape planting, reduction of speed limit and sensitive lighting to reduce disturbance to bats and the risk of collision with traffic.	Minor Adverse

Description of Impacts	Proposed mitigation	Residual effects (after mitigation)
<b>Cumulative effects - Type 2 (Chapter 14)</b>		
Impacts from new developments may increase impact on cultural heritage	None proposed. Assess information on local developments as it becomes available	Slight Adverse
Increased conflict with the character of the landscape and diminished sense of place	None proposed. Assess information on local developments as it becomes available	Moderate Adverse
Loss and fragmentation of habitats would increase. Increased predation by cats. Further loss of bat flightlines and lighting impacts	None proposed. Assess information on local developments as it becomes available	Slight Adverse
Low additional loading of groundwater with pollutants from road surfaces and spillages	None proposed. Assess information on local developments as it becomes available.	Neutral to Slight Adverse
Additional loss of agricultural agricultural soils	None proposed.	Slight to Moderate Adverse
Increased pressure on resources	Lack of waste arising and materials information	Not known
New community facilities may be proposed	None proposed. Assess information on local developments as it becomes available	Minor Beneficial
Loss of best and most versatile agricultural land impacting farming in the locality	None proposed.	Major Adverse
Additional discharges to local watercourses	Assumption that appropriate mitigation will be adopted by the other developments such as: controlled rates of discharge, standard design, good practice and allowance for climate change	

In summary there are eight Neutral to Slight, 17 Slight, four Moderate and two Large Adverse effects. In addition, with respect to visual effects on residential properties, there would be nine Moderate and 73 Slight Adverse effects. One public right of way would have a Large Adverse visual effect and nine would have Slight Adverse effects. There would likely be Beneficial effects in the short term on noise levels in the surrounding area on for reduction of driver stress levels.

In conclusion, the Environmental Impact Assessment, comprising the Environmental Statement and Addenda, has adopted a comprehensive approach to the identification of environmental issues, the potential impacts arising from the proposed development and the measures required to mitigate any significant adverse effects.



## **10. Protecting Green Belt land**

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

80. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

81. Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

82. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. If proposing a new Green Belt, local planning authorities should:

- demonstrate why normal planning and development management policies would not be adequate;
- set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
- show what the consequences of the proposal would be for sustainable development;
- demonstrate the necessity for the Green Belt and its consistency with Local Plans for adjoining areas; and
- show how the Green Belt would meet the other objectives of the Framework.

83. Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

84. When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.

85. When defining boundaries, local planning authorities should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

86. If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

90. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

91. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

92. Community Forests offer valuable opportunities for improving the environment around towns, by upgrading the landscape and providing for recreation and wildlife. An approved Community Forest plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within Community Forests in the Green Belt should be subject to the normal policies controlling development in Green Belts.

**DR/25/17**

committee DEVELOPMENT & REGULATION

date 23 June 2017

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**COUNTY COUNCIL DEVELOPMENT**

Proposal: **Creation of a new road junction to create a new, left hand in right hand out only, junction between Cambridge Road and River Way including off site ancillary operations and off site mitigation.**

Location: **Land to the west of, and adjacent to, Cambridge Road, Harlow**

Ref: **CC/HLW/21/17**

Applicant: **Essex County Council**

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Report by Acting Head of County Planning

Enquiries to: Charlotte Powell Tel: 03330 130 469

The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)

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## **1. BACKGROUND**

Templefields Enterprise Zone is one of two major employment zones within Harlow and has around 80,000 square meters of industrial floorspace. The Enterprise Zone is part of the earliest employment development areas of Harlow New Town and is now administered by the Harlow Enterprise Zone (a public private partnership). The Templefields Enterprise Zone is designated as a Local Development Order (LDO) area, known as Templefields North East.

The Templefields Enterprise Zone is considered to be deteriorating by the partnership and is unable to attract business due to a 'decaying environmental landscape'.

The proposed development is part of efforts by Essex Highways to regenerate Templefields Enterprise Zone and reduce congestion, improve traffic flows and make journey times more predictable.

## **2. SITE**

Templefields Industrial Estate lies on the north-eastern perimeter of Harlow. It comprises a mix of large warehouses and smaller office and workshop spaces, as well as car-parking and access roads. The industrial estate is designated as an Enterprise Zone and has a Local Development Order.

The Templefields industrial estate is bounded to the north and west by the River Stort, to the south by the main line railway between London and Cambridge and bounded on the east by Cambridge Road (A1184), which runs from Harlow northwards to Bishop Stortford.

Cambridge Road is an access point to Harlow from the north and separates the residential area of Old Harlow town to the east and the large industrial/ commercial area to the west.

Travelling from the south, Cambridge Road narrows from a dual carriageway down to a single lane road just prior to the proposed development site, which is located approximately 75m south of River Stort crossing. Cambridge Road at this point is bound on both sides by trees and shrubs and the west side adjacent Templefields Industrial Zone the trees are backed by a 5m high grassed bund.

Part of the application site is identified as being within the Green Wedge in the Harlow Local Plan.

Part of the application site is within, and the rest of the scheme adjoins, the Harlow Mill and Old Road North Conservation Area.

The nearest listed structure is Harlow Mill Restaurant - a Grade II Listed Building, located to the north west of the application site.

River Way is the only access into the Templefields Industrial Estate and provides access from Edinburgh Way in the southwest of the industrial zone. River Way



heads north east into the industrial area but is a cul-de-sac at present not linking in the east to Cambridge Road. The proposed scheme would provide access to River Way from the A1184 Cambridge Road.

The new signalised 3-arm (T) junction would be north of the A414 Edinburgh Way / A1184 Cambridge Rd roundabout.

### **3. PROPOSAL**

The proposals would provide an access from Cambridge Road from River Way, such that River Way would cease to be cul-de-sac.

The proposals would provide an access to the industrial estate/Enterprise Zone for traffic travelling north on Cambridge Road into River Way and would comprise a filter and left turn lane on Cambridge Road. The proposals would also allow traffic from River Way to go south on the A1184 Cambridge Road via a right turn only. Construction of the junction would require realignment of the carriageway and associated footpaths on the western side of the carriageway, widening the road which would require removal of the bund which lies on the west side of the existing carriageway.

The proposed access would be a signal controlled junction with traffic only able to turn right out of River Way and access left from Cambridge Road.

The proposal includes a pedestrian island on Cambridge Road to provide pedestrian access to the site. It is further proposed to provide a pedestrian crossing across River Way. New street lighting is provided.

The feeder lane into River Way would be to the west of Cambridge Road and in order to facilitate the construction would require the removal of an existing bund (5m high and 30m wide) and vegetation.

38 trees would be removed including 35 Category B trees (no trees have a Tree Preservation Order). This accounts for 70% of the existing vegetation.

There would be ancillary operations including an updated drainage strategy.

There would be replacement planting consisting of 264m of new hedgerow, 54 replacement trees and 325m<sup>2</sup> of grassed verge and embankment.

It is proposed there would be off site mitigation at Markhall Wood located 1.75km from the application site to compensate for the loss of 0.72 hectares of habitat. A number of compensation measures are proposed which include;

- Re-establish suitable coppice regime;
- Remove invasive and non-native species;
- Selectively thin oak standards;
- Create deadwood habitat;
- Restock trees and shrubs with native species of known local provenance;
- Diversify herb layer;
- Opening up rides, and;

- Control enrichment of woodland soils.

#### 4. POLICIES

The following policies of the [Adopted Replacement Harlow Local Plan \(ARHLP\) \(2006\)](#) provide the development plan framework for this application. The following policies are of relevance to this application:

##### Adopted Replacement Harlow Local Plan (2006 updated 2009)

- NE1 – Green Wedge
- NE11 – Trees and Hedgerows
- NE15 – Biodiversity
- BE10 – Conservation Areas
- BE6 – Listed Building
- ER1 – Existing Employment Area
- ER6 – Retaining Existing Employment Areas
- SD2 – Regeneration
- BE16 – External Lighting
- BE17 – Noise Pollution
- BE12 – Archaeology
- BE13 – Archaeology
- BE14 – Archaeology

Planning restrictions have been relaxed in the Enterprise Zone through a Local Development Order. Templefields North East Local Development Order (LDO) was Adopted in July 2014. It applies only to the land at Templefields North East, Harlow. The LDO grants planning permission subject to conditions and limitations as set out in the Order and the LDO Schedule. Any development that does not comply with the conditions and limitations of the LDO will require planning permission. This Local Development Order provides a further layer of planning permissions in addition to planning permissions provided by The Town and Country Planning (General Permitted Development) Order 1995 (as amended), the Town and County Planning (Use Classes) Order 1987 (as amended) and planning permissions granted through the normal planning application process.

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting

permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

Paragraph 216 of the NPPF states, in summary, that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The new Harlow Local Development Plan will replace ARHLP and will set out the framework to guide and shape development in Harlow to 2031. However it is too early in its development to have any weight in the decision making process.

## **5. CONSULTATIONS**

HARLOW DISTRICT COUNCIL – No objection, as it is considered that the economic benefits of the proposal outweigh the potential negative impact of development;

ENVIRONMENT AGENCY - No comments received;

HISTORIC ENGLAND - No comments to make;

ECC's NOISE CONSULTANT – Any comments will be reported;

ECC's AIR QUALITY CONSULTANT - Any comments will be reported;

ECC's LIGHTING CONSULTANT - Any comments will be reported;

HIGHWAY AUTHORITY – No objection;

PLACE SERVICES (Ecology) - No objection, subject to conditions relating to Mitigation Plan for Legally Protected Species or Priority Species and a Biodiversity Offsetting contract;

PLACE SERVICES (Trees) - No objection, subject to a condition relating to Tree Protection Plan;

PLACE SERVICES (Urban Design) – No comment;

PLACE SERVICES (Landscape) - No objection, subject to conditions relating to Tree Pit Construction Details and a landscape maintenance plan;

PLACE SERVICES (Historic Buildings) – No objection, as the impact of the proposed development on the conservation area is not considered substantial;

PLACE SERVICES (Historic Environment) - No objection, subject to a condition relating to a programme of archaeological work;

LOCAL MEMBER – HARLOW – Harlow North - Any comments will be reported;

## 6. REPRESENTATIONS

13 properties were directly notified of the application. 2 letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Is this road required as roads to other existing access are being improved	See appraisal
2 sets of lights within approximately 60 metres of each other will lead to further road congestion, noise and pollution.	See appraisal
Where is the bus stop going to be moved to?	It is known that the bus stop would have to be moved. Moving a bus stop is a legal process that is dealt with under highway legislation
In order to access / exit site from / to the north vehicles will have to go through the new junction twice on each journey and also use the already busy roundabout at Harlow Mill station.	See parasail
At the moment this stretch of road is the green gateway into Harlow this will be lost if the bund and trees are removed. Complete loss of Bund, vegetation and trees.	See appraisal
No need for this road as industrial zone is already occupied.	Noted. The Zone does currently have high levels of occupancy
Road safety audit have concerns over new access road as highlighted in report	See appraisal

## 7. APPRAISAL

The key issues for consideration are:

A. Principle and Need

- B. Traffic & Highways
- C. Heritage Impact
- D. Green Wedge
- E. Residential Amenity
- F. Landscape and Visual Impact
- G. Ecology and Biodiversity

## A NEED & PRINCIPLE

The NPPF was published on 27 March 2012 in an attempt to reform the planning system and make it less complex and more accessible, to protect the environment and to promote sustainable growth. The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. It goes on to state that these roles should not be undertaken in isolation, but should be sought jointly and simultaneously through the planning system.

Paragraph 7 of the NPPF in defining the social role states *'by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being'*.

Paragraph 7 in defining the economic role states *'by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation'*.

Paragraph 7 continues in defining the environmental role, stating *'contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.'* An assessment of impacts associated with the proposed location can be found in the following sections of the appraisal.

The NPPF contains a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

The LDO safeguards the eastern portion of River Way for 'Strategic Infrastructure'. The Design Code (adopted July 2014) (the design code works alongside the LDO to create a certain, fast-track permitted development framework for target sectors within the LDO area) states that *"A new access point connecting River Way to Cambridge Road (A1184) will transform the accessibility, sustainability and investment potential of the site by:*

- *enhancing the connectivity of the site to the local and strategic road network in Harlow;*

- *providing a continuous through-route allowing bus operators to provide more regular and financially viable services;*
- *enhancing east-west pedestrian movement between the employment area and Harlow Mill station;*
- *enhancing the sustainability of the area and the potency of potential travel planning measures which aim to reduce congestion; and*
- *reducing and dispersing congestion on the A414, Edinburgh Way.”*

Essex County Council is developing a series of improvements in Harlow and funding has been secured to improve the A414 Edinburgh Way/Cambridge Road Roundabout. Main works include:

- Dual carriageway for Edinburgh Way between Cambridge Road and River Way Roundabouts.
- Upgrade of the A414 Cambridge Road Roundabout including a dedicated left turn lane from the south to the west along the A414.
- Improve traffic signals at the East Road junction with Edinburgh Way, maintaining a crossing point on the A414 for pedestrians and cyclists.
- With the exception of East Road, vehicles that access premises on Edinburgh Way will be prohibited from turning right due to the new central reservation. Vehicles at the East Road junction will be able to turn in both directions at the traffic signals.

Harlow Council has raised no objection to the proposed development, stating that *“the LDO at Templefields North East seeks to create a new eastern access for the LDO area onto Cambridge Road to transform the accessibility, sustainability and investment potential of the site”*.

It is considered that the proposed development would facilitate continued growth and innovation within the Enterprise Zone by increasing connectivity to the wider road and pedestrian network and as part of Essex County Councils improvement programme within Harlow. The LDO safeguards the application site for a new access point, and as such the principle of the development is considered proven. The environmental impacts of the scheme will however be assessed further.

## B TRAFFIC AND HIGHWAYS

Section 4 of the NPPF seeks to promote sustainable transport and states amongst other matters that *“Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion”*.

Neighbour representations have been received regarding the creation of further congestion as a result of the proposed traffic lights and junction.

The Highway Authority has raised no objection to the proposal stating that the submitted modelling demonstrates that the junction works within capacity, with or without the implementation of Junction 7a, up to and beyond year 2036.

Harlow Council has raised no objection stating that *“the delivery of a new eastern access for the Templefields site would address traffic and highway safety concerns in the locality of the Templefields Employment Zone, and is part of a wider strategic*

*framework to improve traffic movement around Harlow...therefore the infrastructure would help support the regeneration and renewal of the Employment Area".*

It is therefore considered that the proposal is in accordance with the NPPF and the LDO.

## C HERITAGE IMPACT

The application site is part located within and adjacent to the Harlow Mill and Old Road North Conservation Area. The conservation area boundary spans both sides of the Cambridge Road (A1184), which divides it into an eastern and a western half. The Harlow Mill Restaurant is a Grade II Listed Building and is located circa 75m from the application site.

Section 12 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 128 seeks to protect the setting of a heritage asset and states amongst other matters that *"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance"*.

Paragraph 132 continues to states amongst other matters that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification"*.

Policy BE6 of the ARHLP states that *"Proposals for the extension or alteration of any listed building, alteration of its setting, conversion or change of use should not adversely affect or harm any of the following:*

- 1. The character that forms its value as being of special architectural or historic interest;*
- 2. The particular physical features that justify its statutory protection;*
- 3. Its setting in relation to its grounds, the surrounding area, other buildings and wider views and vistas"*.

Furthermore, Policy BE10 states that *"New development in Conservation Areas or development that affects the setting, surrounding area, or inward and outward views will be granted planning permission providing:*

- 1. It does not harm the character or appearance of the Conservation Area;*
- 2. The scale, height, form, massing, elevation, detailed design, materials, and layout respect the character of the Conservation Area;*
- 3. The proposed land use is compatible with the function and activities of the Conservation Area"*.

Polices BE12, BE13 and BE13 of the ARHLP relate to the protection of Scheduled Ancient Monuments, preservation of archaeological remains and archaeological field evaluations respectively.

A total of 40 cultural heritage assets have been identified within the planning application. Of these 28 are archaeological remains, eight are historic buildings and four are historic landscapes. These comprise one Scheduled Monument, one Conservation Area, one Listed Building and 37 non-designated assets.

ECC's Historic Environment consultant has stated that there is a *"Possible presence of Roman material relating to Harlow Roman Town on the Templefields Industrial Estate"*. Subject to a programme of archaeological work, which could be secured by condition should permission be granted, no objection is raised. It is therefore considered that, subject to the imposition of a suitable condition, the proposal is in accordance with Policy BE12, BE13 and BE14, and the NPPF.

ECC's Historic Building consultant has stated that *"The proposed alteration is considered to undermine the setting of the adjacent Harlow Mill and Old Road North conservation area by revealing a currently screened incongruous element in to its setting. The opening created is relatively limited with the majority of the screening remaining. The existing industrial estate is very well screened from the highway which significantly reduces the impact of the industrial estate upon the setting of the conservation area. In addition the west side of the conservation area is enclosed which reduces the importance of the external setting on the west side of the conservation area. The proposals are considered to be detrimental to the setting of the conservation area by revealing an incongruous element however the impact is not considered substantial."*

Based on the proposed replacement screening and requirement within the NPPF that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use"*.

The proposed development is part of wider efforts to regenerate Templefields Enterprise Zone and reduce congestion, improve traffic flows and make journey times more predictable. The LDO safeguards the eastern portion of River Way for 'Strategic Infrastructure'. As previously considered *"A new access point connecting River Way to Cambridge Road (A1184) will transform the accessibility, sustainability and investment potential of the site by:*

- *enhancing the connectivity of the site to the local and strategic road network in Harlow;*
- *providing a continuous through-route allowing bus operators to provide more regular and financially viable services;*
- *enhancing east-west pedestrian movement between the employment area and Harlow Mill station;*
- *enhancing the sustainability of the area and the potency of potential travel planning measures which aim to reduce congestion; and*
- *reducing and dispersing congestion on the A414, Edinburgh Way."*

Accordingly, the proposed development would facilitate continued growth and innovation within the Enterprise Zone by increasing connectivity to the wider road and pedestrian network and as part of Essex County Council's improvement programme within Harlow. The LDO safeguards the application site for a new



access point, and as such the principle of the development is considered proven. In this respect the public benefits of the scheme are considered to outweigh the less than substantial harm to the setting of the listed building and conservation area.

On balance therefore the scheme is considered to be consistent with policies BE6 and BE10 and the NPPF.

## D GREEN WEDGE

The application site includes a section of the Cambridge Road (A1184) and an area to the west, which is allocated as a Green Wedge. The proposal includes the eastern end of River Way (the main road through the Templefields Industrial Estate), which is located within Templefields Industrial Estate.

The Green Wedge currently consists of a densely vegetated and mature tree covered bund approximately 190m in length which runs along the western edge of Cambridge Road and currently separates the Industrial Estate from the A1184.

The new filter road would connect Cambridge Road to River Way whilst removing 0.72 hectares of woodland, vegetation and trees. The proposed development would add 220m of hardstanding to facilitate the new access road off the Cambridge Road. Currently the vegetated bund acts as a visual screen to the Industrial Site to users of Cambridge Road. However, the eastern side of the carriageway is also vegetated.

Policy NE1 states that *“Green Wedges will be protected from inappropriate development. Permission will not be granted, except for small scale development proposals and the replacement of existing buildings which do not have an adverse effect on the roles of the Green Wedges which are identified below:*

- 1. Providing a landscape design feature which is fundamental to the character of the town;*
- 2. Protecting and enhancing the inherent qualities of the landscape and keeping areas as natural as possible;*
- 3. Retaining the open character of existing uses and safeguarding the land from inappropriate development;*
- 4. Preserving sites of ecological value and maximising potential for biodiversity in Harlow;*
- 5. Separating neighbourhoods, housing areas and industrial areas;*
- 6. Preserving the setting and special character of a number of historic sites and areas;*
- 7. Contributing towards the amenities of local residents”.*

It is considered that the proposal is not in accordance with Policy NE1 as the large scale proposal would remove a large proportion of the western Green Wedge along Cambridge Road and have an adverse effect on the roles of the Green Wedge. The existing landscape features would be removed and replaced by the new access road, opening up views into the Industrial Estate from Cambridge Road and reducing the screening and separation of the residential properties to the east from the industrial estate. Replacement landscaping and planting is proposed which

could be secured by condition. In addition, compensatory planting at Marks Hall could also be secured by a condition should permission be granted.

Whilst the proposal would therefore conflict with the aims of policy NE1, measures are proposed to offset and mitigate the impact on the Green Wedge which does help militate the harm caused to the Green Wedge.

Templefields Industrial Estate is allocated as an Existing Employment Area. Policy ER6 states that *"Within the existing and allocated Employment Areas planning permission for change of use or redevelopment to uses other than those identified in Policy ER5 will be permitted if:*

- 1. The amount or range of sites or premises available for employment use would not be reduced below the level required in the Local Plan period;*
- 2. The proposal will not lead to the loss of an employment site of high quality;*
- 3. There is a demonstrable lack of market demand for employment over a long period, and the efforts made to market the site for business, industry and warehousing have been demonstrated to the satisfaction of the Council;*
- 4. The development would be accessible by means other than the car;*
- 5. The proposal would be in accordance with the sequential approach to development;*
- 6. The proposal would not generate levels of traffic on surrounding roads which would result in congestion or loss of amenity".*

The proposal would provide a second route into the Industrial Estate for vehicles and pedestrians, and would be facilitated within the estate by the removal of an area of hardstanding to connect with River Way. The proposal is to provide an alternate route into the industrial state to enable smoother traffic flows, reducing congestion and improving predictability of journey times.

Policy ER1 states that *"To take advantage of the economic strengths and opportunities in Harlow, particularly the town's locational advantages, the Local Plan and other Council investment plans and strategies, will promote sustainable economic regeneration and renewal. The overall growth in employment opportunities is to be achieved through the following:*

- 1. Ensuring an adequate supply of suitable employment land;*
- 2. Actively promoting sustainable economic regeneration and renewal;*
- 3. Seeking appropriate infrastructure development;*
- 4. Integrating transport, housing, employment, educational and cultural facilities;*
- 5. Encouraging economic diversity and knowledge-based business clusters where appropriate;*
- 6. Supporting a partnership approach to the development of land".*

SD2 states that *"To maximise the opportunities offered by Harlow's status as a Priority Area for Economic Regeneration, development proposals that facilitate regeneration and renewal of the urban fabric and infrastructure in order to improve the local economy will be permitted. This will be achieved through a partnership approach where appropriate".*

Templefields industrial estate currently has one access point via River Way from

Edinburgh Way. It is proposed the access would enable an alternative access to the Industrial Estate from Cambridge Road to improve accessibility and reduce congestion. It is considered this would be in accordance with SD2 and ER1 of the ARHLP by seeking to create conditions that would promote development and regeneration.

Harlow Council has raised no objection to the proposal stating that *“the proposed scale of the junction would help prevent the proposal for having a significant impact on the Green Wedge and BAP woodland. The potential impact of the junction of the Green Wedge and Woodland would be limited by the proposed grass verges, which would comply with the landscaping requirements of the LDO Design Guide”*.

On balance, the impact upon the Green Wedge needs to be weighed against the requirement within the NPPF to *“building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure”*. It is therefore considered, that on balance, subject to securing on site and off site replacement planting, the economic need for the improved access to the industrial outweighs the harm to the Green Wedge and is considered to be in accordance with Policy SD2, ER1 and ER6 of the ARHLP, the requirements within the NPPF and the LDO.

## E RESIDENTIAL AMENITY

A number of residential properties back on to Cambridge Road to the east, accessed from Old Road. The closest residential property is located 30m from the application site, separated by residential gardens and existing vegetation

The application states that the proposed scheme would induce an increase of road traffic on River Way; approximately 4000 vehicles a day.

Policy BE16 states that *“External lighting proposed for any development will not be granted planning permission if any of the following apply;*

- 1. It is unacceptably visually intrusive;*
- 2. Its use would cause an unacceptable disturbance to the surrounding area;*
- 3. It causes danger to road safety;*
- 4. It is proven to have an adverse effect on sites of wildlife importance.*

*Where permission is granted, development will be required to minimise light spillage through the use of good design, screening and deflecting of the source; and the nature and intensity of the lighting and its hours of use will be carefully controlled”*.

The application includes new artificial lighting and range from 6m to 10m in height. Cambridge Road and River Way currently have a number of lighting columns. Additionally, no vegetation removal along the eastern side of Cambridge Road is proposed and as such, would continue to act as a screen to nearby residential properties. It is therefore considered that the proposal is in accordance with Policy BE16 of the ARHLP.

The application also includes an Air Quality Scoping Assessment that states

*“Furthermore there are no exceedances within local diffusion tube monitoring in the base year. The initial findings indicate that there is unlikely to be a significant adverse effect as a result of the proposed scheme”.*

Policy BE17 states that *“Planning permission will be granted if noise sensitive developments are located away from existing sources of noise and potentially noisy developments are located in areas where noise will not be such an important consideration, or adequate provision has been made to mitigate the adverse effects of noise likely to be generated or experienced by others”.*

The Outline Environmental Management Plan states that *“Activities on site will be managed and undertaken in a manner to minimise impact on the surrounding environment as far as reasonably practicable.”*

In relation to noise the report states that a number of measures will be in place during construction which includes *“All work will be undertaken in accordance with the guidance detailed in BS 5228: 2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites, Part 1: Noise and Part 2: Vibration”.* Additionally the application states that *“it is identified that no road links on the highway network that are in proximity to sensitive receptors would experience such an increase noise levels”.* It is therefore considered, subject to the proposed condition that the development would be in accordance with Policy BE17 of the ARHLP.

## F LANDSCAPE & VISUAL IMPACT

Paragraph 113 of the NPPF states that *“Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks”.*

The proposal would add 220m of hardstanding to facilitate the new junction whilst removing an area of vegetation and trees. The proposal would add a new access and open up views into the Enterprise Zone. A number of residential properties gardens back onto the eastern side of Cambridge Road but these are well screened by existing vegetation on the eastern boundary of Cambridge Road.

Neighbour representations have been received relating to this stretch of road currently being the green gateway into Harlow, which would be lost if the bund and trees are removed. The proposal would lead to the loss of an area of woodland, however compensatory planting and landscaping is proposed in line with the LDO Design Guide.

It is proposed to create 264m of new hedgerow, plant 54 replacement trees and create 325m<sup>2</sup> of grassed road verge and embankment. ECC's Landscape Officer states that *“the proposed road verges are sufficient and tree and plant species are appropriate for the area”.*

It is considered that removal of part of the Green Wedge to facilitate the new access road would be an incongruous element to Cambridge Road and open views into the Industrial Site. However, ECC's Landscape Officer has raised no objection subject to a number of conditions which could be secured should permission be granted. These relate to Tree Pit construction details and a landscape maintenance plan. Furthermore it is considered, that on balance, the new entrance would enable easy of access to the Site in compliance with the LDO and the NPPF.

## G ECOLOGY AND BIODIVERSITY

The proposed development would provide a new access to the Industrial Estate and require the removal of existing soft landscaping to open up the access. Compensatory planting and ecological enhancements are proposed in nearby Markhall Wood and could be secured by condition should permission be granted.

Paragraph 109 states that *"The planning system should contribute to and enhance the natural and local environment by:*

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate".*

Policy NE11 states that *"In considering applications for development affecting trees or hedges the Council:*

1. *May require a survey of the site and the trees and hedges concerned;*
2. *Will oppose the loss of trees and hedgerows of amenity value and wildlife importance;*
3. *Will serve Tree Preservation Orders to protect trees with public amenity value;*
4. *May impose conditions on planning permissions to ensure the retention or replacement of trees and hedgerows of amenity value or wildlife importance, and their protection during construction".*

Furthermore Policy NE15 states that *"Planning permission will not be granted for development that would harm habitats or other features of the landscape identified as priorities in the UK, or the Local Biodiversity Action Plan, or are of significant importance for wildlife, unless it can be demonstrated that the reason for the proposal outweighs the need to protect the habitat or feature. If granted, planning permission may be subject to conditions, obligations or management agreements for the provision of appropriate mitigation and/or compensatory measures".*

The proposed development would see the loss of 0.72 hectares of woodland and

scrub. Markhall Wood has been identified as the most suitable location to deliver compensation measures due to its location and potential to provide sufficient opportunities for woodland restoration and enhancement. A number of compensation measures are proposed which include:

- Re-establish suitable coppice regime;
- Remove invasive and non-native species;
- Selectively thin oak standards;
- Create deadwood habitat;
- Restock trees and shrubs with native species of known local provenance;
- Diversify herb layer;
- Opening up rides; and
- Control enrichment of woodland soils.

The compensation measures would be managed for 10 years and would be prepared and secured as part of a proposed management agreement between Essex County Council and Harlow Council. ECC's Ecologist has raised no objection to the scheme subject to a condition relating to the proposed offsetting and would ensure no development or on site vegetation clearance works takes place until evidence of a contract that secures the delivery of the submitted offsetting scheme has been provided.

The Preliminary Ecological Assessment (PEA) highlights the potential presence of nesting birds, reptiles and badgers within the area affected by the proposals, together with measures necessary to prevent an offence being committed. These measures, and the subsequent recommendation for further survey of potential Badger setts within the project note, should be implemented in full prior to the commencement of works. As such, ECC's Place Services has raised no objection to the scheme subject to a condition relating to a Mitigation Plan for Legally Protected Species and/or Priority Species. It is therefore considered subject to the imposition of conditions and the compensatory measures that the proposal is in accordance with Policy NE15 of the ARHLP and the NPPF.

The Arboricultural Impact Assessment provided states that 70% of the tree stock within the site is likely to be removed or partially removed. ECC's Arboriculturalist has raised no objection subject to a condition relating to tree protection works to ensure protection for the existing natural environment. It is therefore considered subject to the imposition of conditions that the proposal is in accordance with Policy NE11 and NE15 of the ARHLP, and the NPPF.

## **8. CONCLUSION**

It is considered the need for the development has been proven within the LDO and as part of Essex County Councils planned wider improvements within Harlow. The new junction would ease congestion and facilitate a new access point in the Enterprise Zone and is supported by Harlow Council. Part of the application site is safeguarded by the LDO for 'strategic infrastructure' and as such it is considered the principle is established. However, the application site is partly located within a Green Wedge which would be lost as a result of the proposals. It is considered, that the loss of the Green Wedge, on balance is justified by the requirements within the NPPF for economic growth, the provision of infrastructure and ARHLP policies

SD2, ER1, ER6 and NE1. The development would facilitate Harlow's economic agenda for the Enterprise Zone.

To compensate for the habitat loss, it is proposed as part of the application to provide opportunities for woodland restoration and enhancement at Markhall Wood, and as such is in accordance with Policy NE11 and NE15 of the ARHLP, and the NPPF. This could be secured through a condition requiring replacement habitat and beneficial long term management.

The application site is located within and adjacent to a conservation area, as well as in close proximity to a listed building. The NPPF seeks to protect the setting of a heritage asset. The removal of the existing woodland along Cambridge Road would open up views into the Industrial Site, however on balance it is considered that the scale of the access point and the proposed landscaping limits the impact on the setting of the Conservation Area and Listed Building and is considered in accordance with Policy BE10 and BE6, and the NPPF. Subject to a programme of archaeological work, which could be secured by condition should permission be granted, it is considered that the proposal is in accordance with Policy BE12, BE13 and BE14, and the NPPF.

The removal of the existing vegetation will increase views into the Enterprise Zone, which is currently well screened along Cambridge Road. Replacement landscaping is proposed which will soften the views into the Industrial Site. It is therefore considered, that on balance the proposed development is in accordance with the NPPF.

It is considered the proposed artificial lighting is in accordance with Policy BE16 of the ARHLP as by the nature and number would not cause an unacceptable disturbance to the surrounding area, would not have an adverse effect on sites of wildlife importance and would not cause any issues to road safety. Furthermore existing screening would ensure that it is not unacceptably visually intrusive.

Finally, in relation to noise it is considered that the development would be in accordance with Policy BE17 of the ARHLP as there would likely be no adverse effects on nearby sensitive receptors.

Accordingly, on balance, it is considered that the proposal represents sustainable development in accordance with the NPPF and planning permission should not be withheld.

## **9. RECOMMENDED**

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be **granted** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
- 2 The development hereby permitted shall be carried out in accordance with

the details of the application dated 28<sup>th</sup> April 2017, together with

- Planning Statement dated April 2017 reference B3553T20;
- Arboricultural Impact Assessment dated 20<sup>th</sup> April 2017;
- LINSIG Transport Data Modelling dated April 2017;
- Heritage Statement dated April 2017;
- Design Decisions, Relaxations and Departures Log reference DC20005;
- Preliminary Ecological Appraisal dated 29<sup>th</sup> March 2016;
- Ecological Supervision during removal of potential badger hole dated 29<sup>th</sup> November 2016 reference B3553T20;
- Biodiversity Compensation Plan dated 20<sup>th</sup> December 2016;
- Outline Environmental Management Plan dated April 2017 reference B3553T20;
- Templefields Air Quality Scoping Assessment dated 6<sup>th</sup> April 2017 reference B3553T20;
- Road Safety Audit Stage 1;
- Written Scheme of Investigation for Archaeological Trial Trenching dated 24<sup>th</sup> April 2017 reference B3553T20;
- Site Location Plan dated April 2017 Drawing No DC20005-A-00-001;
- Landscape Drawing dated April 2017 Drawing No DC20005-A-30-001;
- Existing Services Layout dated April 2017 Drawing No DC20005-A-27-001;
- Traffic Signal Approval Design Sheet 2 of 2 dated April 2017 Drawing No DC20005-A-13-003;
- Traffic Signal Approval Design Sheet 1 of 2 dated April 2017 Drawing No DC20005-A-13-002;
- Lighting Layout dated April 2017 Drawing No DC20005-A-13-001;
- Pavement Construction Details dated April 2017 Drawing No DC20005-A-07-001;
- Typical Cross Sections dated April 2017 Drawing No DC 20005-A-01-003;
- General Arrangement dated April 2017 Drawing No DC20005-A-01-001;
- Plan and Profile dated April 2017 Drawing No DC20005-A-01-002;
- Proposed Drainage Strategy dated April 2017 Drawing No DC20005-A-05-002;
- Existing Drainage Strategy dated April 2017 Drawing No DC20005-A-06-001; and
- Email entitled RE: Templefields Planning Application dated 31<sup>st</sup> May 2017 (Sent 12:36).

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

- 3 No development shall take place until a detailed mitigation plan for legally protected species, including badgers and reptiles, and nesting birds has been submitted to and approved in writing by the Planning Authority. The



scheme shall be consistent with the recommendations in the submitted Preliminary Ecological Appraisal dated 29 March 2016. The development hereby permitted shall be carried out in accordance with the approved mitigation plan.

- 4 No development or on site vegetation clearance works shall take place until a Scheme for the remediation or offsetting of ecosystem and/or biodiversity impacts at the site has been submitted to and approved in writing by the County Planning Authority. Without prejudice to the foregoing, the submitted Scheme shall include:
- (i) The identification of the receptor site or sites;
  - (ii) The provision of evidence of a contract that secures the delivery of the offsetting scheme; and
  - (iii) A management and monitoring plan

The development hereby permitted shall be carried out in accordance with the approved Scheme.

- 5 No preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the County Planning Authority. The development hereby permitted shall be carried out in accordance with the approved scheme.
- 6 No development or on site vegetation clearance works shall take place until Tree Pit Construction details within Landscape Drawing dated April 2017 Drawing No DC20005-A-30-001 and evidence of an anchor system has been submitted to and approved in writing by the County Planning Authority. The development hereby permitted shall be carried out in accordance with the approved scheme.
- 7 The landscaping shall be implemented as per the Landscape Drawing dated April 2017 Drawing No DC20005-A-30-001. The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 8 of this permission.
- 8 Any tree or shrub forming part of a landscaping scheme approved in connection with the development (under Condition 7 of this permission) that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.
- 9 No development or any preliminary groundwork's shall take place until:
- a. All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected

around the trees and positioned from the trees in accordance with British Standard 5837 "Trees in Relation to Construction", and;

b. Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the County Planning Authority.

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### **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)**

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

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### **EQUALITIES IMPACT ASSESSMENT**

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

### **STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER**

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015

### **LOCAL MEMBER NOTIFICATION**

HARLOW – Harlow North

**DR/26/17**

committee DEVELOPMENT & REGULATION

date 23 June 2017

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### COUNTY COUNCIL DEVELOPMENT

**Proposal: The change of use of Evegate and 3 Thistley Green Road from Use Class C3 (Dwelling houses) to Use Class C2 (Residential Institutions) to provide 8no. 1 bedroom flats for adults with learning difficulties. The construction of single storey extensions to both Evegate and 3 Thistley Green Road to provide communal areas. The conversion of the garage to 3 Thistley Green Road to provide ancillary staff offices. The demolition of the existing coach house for adults with learning difficulties. New access drive (with closure of existing drive to Evegate) and parking to serve development. New boundary fences at Evegate & 3 Thistley Green Road**

**Location: Evegate & 3 Thistley Green Road, Braintree CM7 9SE**

**Ref: CC/BTE/54/16**

**Applicant: Essex County Council**

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Report by Acting Head of County Planning

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The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)



## 1. BACKGROUND

There is a very short planning history for Evegate and 3 Thistley Green Road with relevant planning permissions granted by Braintree District Council.

### Evegate

15/00262/DAC – Application for approval of details reserved by condition nos. 5, 14 & 15 of approved application 13/00278/FUL – Permitted

14/01055/FUL – Demolition of stable block and erection of dwelling – Permitted with Section 106

13/00278/FUL – Erection of a two storey extension to the rear of the existing dwelling and conversion into four apartments. Conversion of the former stable block into a two bed fully accessible disabled use cottage with a secure bike & bin store. Realignment of driveway and relocation of highway access – Permitted with S106

### 3 Thistley Green Road

15/00175/FUL – Cellular soakaway – Permitted

14/0140/FUL – Retention and reduction in size of drainage pond – Permitted

13/00058/NMA – Application for a non-material amendment following grant of planning permission no. 12/00352/FUL – Repositioning and resizing some doors and windows to new house, introducing internal door & 2 WCs to garage – Permitted

13/00206/DAC – Application for approval of details reserved by Condition 16 of planning approval 12/00352/FUL – Permitted

12/00195/DAC – application for approval of details reserved by condition nos. 4, 6, 8, 12, 14, 18 & 19 of approval 12/00352/FUL – Permitted

12/00352/FUL – Erection of dwelling – Permitted with S106

## 2. SITE

Evegate and 3 Thistley Green Road are situated within the Town Development Boundary as defined in the adopted Braintree District Local Plan Review 2005. However, the garden which serves Evegate falls outside of the development boundary.

The combined site area is stated as 0.6ha. Evegate is a traditional detached house set in mature landscaped grounds, with a coach house to the rear. It is currently accessed via a private driveway off of Thistley Green Road, close to the junction with Broad Road (B1053).

3 Thistley Green Road is a modern detached house with triple garage with a room above, which has been constructed within the curtilage of Evegate.

Current vehicular access to 3 Thistley Green Road is via an adjacent driveway, accessed via Thistley Green Road. The driveway also provides a legal right of access for a residential property (Moongate) to the north of Evegate.

There are residential properties to the north east, east and south east of the site in Thistley Green Road. Further residential properties are on the opposite side of Thistley Green Road. Two further properties in Broad Road are located to the north west of the site.

The front boundary to the application site is formed from hedging which helps screen the properties from view. Along the western boundary is a chain link fence. A wall forms a majority of the northern boundary. The existing eastern boundary is formed by a fence and low wall.

### **3. PROPOSAL**

It is proposed to change the use of both Evegate and 3 Thistley Green Road from use Class C3 (Dwelling houses) to Use Class C2 (Residential Institutions) to provide 8no. 1 bedroom flats for adults with learning difficulties.

A single storey extension would be constructed to both properties to provide communal areas for residents.

The existing garage to 3 Thistley Green Road would be converted to provide ancillary staff offices.

The existing Coach House to Evegate would be demolished and a new single storey building constructed to provide an additional 2no. 1 bedroom bungalows for adults with learning difficulties.

A new access drive to replace the existing would be provided together with 15 car parking spaces for staff and visitors.

New boundary fencing of varying heights (1.2 m to 2.1m high) would be provided to both Evegate and 3 Thistley Green Road.

### **4. POLICIES**

The following policies of the [Braintree Local Plan Review](#) adopted July 2005 (BLPR) and [Pre-Submission Site Allocations and Development Management Plan](#) as amended by further changes September 2014 (ADMP) provide the development plan framework for this application. The following policies are of relevance to this application:

#### Braintree Local Plan Review

Policy RLP2 – Town Development Boundaries & Village Envelopes

Policy RLP17 – Extensions and Alterations to Dwellings in Towns & Villages

Policy RLP20 – Residential Institutions in Towns & Villages  
Policy RLP56 – Vehicle Parking  
Policy RLP90 – Layout and Design of Development  
Policy RLP92 – Accessibility

Pre-Submission Site Allocations and Development Management Plan as amended by further changes September 2014

Policy ADM2 – Development within Development Boundaries  
Policy ADM5 – Specialist Housing  
Policy ADM9 – Residential Alterations, Extensions and Outbuildings within Development Boundaries  
Policy ADM47 – Parking Provision  
Policy ADM60 – Layout and Design of Development

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

At the Full Council Meeting on 30 June 2014 Councillors took the decision not to submit the Site Allocations and Development Management (ADMP) to the Planning Inspectorate for examination, but to instead begin work immediately on a New Local Plan.

At its Full Council meeting on 15 September 2014 Councillors agreed that the ADMP as amended by Further Changes be adopted for use within development management decision making. The Council's view is that the document should be given appropriate weight in all matters under consideration and that these are material considerations for the Council.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The level of consistency of the policies contained within the Braintree Local Plan Review adopted July 2005 and the Pre-Submission Site Allocations and Development Management Plan as amended by further changes September 2014 is considered further in the report.

## 5. CONSULTATIONS

BRAINTREE DISTRICT COUNCIL – No objection

HIGHWAY AUTHORITY – No objection subject to a condition requiring the removal of the existing site access and the provision of a new access off Thistley Green Road prior to occupation of the development

COUNTY COUNCIL'S NOISE CONSULTANT – Any comments received will be reported

PLACE SERVICES (Ecology) – No objection subject to conditions

PLACE SERVICES (Trees) – No objection

PLACE SERVICES (Urban Design) - No objection

PLACE SERVICES (Landscape) – No objection

LOCAL MEMBER – BRAINTREE – Bocking – Any comments received will be reported.

## 6. REPRESENTATIONS

24 properties were directly notified of the application. 15 letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Only 15 car parking spaces provided on site, 2 of which will be for disabled parking. Inadequate for changeover period when there will be 20 staff.	See appraisal
Allowing for changeover and various visitors of the opinion that at least 30 spaces will be required.	See appraisal
Parking on Thistley Green Road extremely difficult as it is a narrow road	Noted. See appraisal
Already existing parking problems	Noted. See appraisal
Understand residents will have very severe problems and with those problems will come significant noise. Noise should not be distressing for residents and appropriate mitigation should be put in place.	Noted. See appraisal
How will ECC guarantee my safety?	A professional assessment will be

	undertaken to determine the needs and suitability of residents
Submitted noise information totally inadequate	Noted. See appraisal
Concerned about loss of privacy	Noted
Have been assured staff will not park on Thistley Green Road	Noted
No amenities at all in close proximity to the site. At best only an hourly bus service	See appraisal
Can tall trees and shrubs be planted in front of fencing to help with appearance and to cushion some of the noise?	See appraisal
It is necessary to have double gates as they will be locked and only used for deliveries?	See appraisal
If the road is blocked by parked cars emergency vehicles won't be able to access	Noted. This is not a planning issue
Proposal has to be right in land use terms. Not relevant to take account of the fact that there may or may not be a need for such accommodation.	Noted. See appraisal
Should be demonstrated proposal will not have an adverse impact on local residents	See appraisal
More than sufficient room on the site to provide additional car parking spaces	See appraisal
Will current drains be able to cope with proposed development?	This is not a material planning consideration
No convinced proposed fencing will be sufficient to keep residents from my land	Noted
When wall is removed there is chain link fencing that forms a boundary of about 2m with my land. Will this be sufficient?	Noted
Concerned about extra traffic that will be	Noted



generated

Local amenities only accessible by field      See appraisal  
footpaths, unusable in winter

## 7. APPRAISAL

The key issues for consideration are:

- A. Principle of Development & Need
- B. Policy Considerations
- C. Design & Layout
- D. Impact on Trees, Landscape & Ecology
- E. Impact on Residential Amenity
- F. Traffic & Highways

### A PRINCIPLE OF DEVELOPMENT & NEED

BLPR Policy RLP2 (Town Development Boundaries and Village Envelopes) states inter alia that *“new development will be confined to the areas within Town Development Boundaries and Village Envelopes.”*

BLPR Policy RLP20 (Residential Institution in Towns and Villages) states inter alia that *“within predominantly residential areas in towns and villages, permission will be given for the development of residential care homes.”*

Policy ADM2 (Development within Development Boundaries) states inter alia that *“within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character and historic interest of the settlement and its character.”*

ADM Policy ADM5 (Specialist Housing) states inter alia that *“specialist housing is defined as accommodation which has been specifically designed and built to meet the needs of the elderly, young or vulnerable adults and may include some elements of care and support for everyone who lives there. Proposals for specialist housing will be permitted within development boundaries subject to certain criteria”.*

The amenity, design, environmental and highway criteria will be considered further in the report.

A representation has raised the point that the proposal has to be right in land use terms and stated that it is not relevant to take account of the fact that there may or may not be a need for such accommodation.

Both Evegate and 3 Thistley Green Road are situated within the Town Development Boundary as defined in the adopted Braintree District Local Plan Review 2005. Braintree District Council granted planning permission in 2013 for conversion of Evegate into 4 flats together with a 2 storey extension and it is therefore considered that the proposed change of use would be acceptable in

principle and in accordance with Policy RLP2, RLP20, Policy ADM2 and Policy ADM5.

There is an acute shortage of specialist accommodation for people with learning difficulties, which impacts severely on people with learning difficulties that need to live in a supported environment.

The proposed change of use of Evegate and 3 Thistley Green Road into self-contained flats with ancillary staff facilities would provide much need specialist accommodation for adults with learning difficulties and it is considered that the need for the proposal has been demonstrated.

Braintree District Council has stated that planning permission has previously been granted for the extension and subdivision of Evegate and an outbuilding to the rear into five self-contained flats. Therefore the principle of flats has already been established. Evegate benefits from substantial garden space and off-road parking. It is therefore not considered that the use of the extended and converted dwelling for people with special needs would be objectionable.

No.3 Thistley Green Road is a recently constructed dwelling which has yet to be occupied. It therefore has permission for residential occupation and there is no objection in principle to the proposal.

## B POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.

The social role involves supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

NPPF Paragraph 69 states inter alia that *"the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities."*

The conversion of Evegate and 3 Thistley Green Road into self-contained flats for adults with learning difficulties would help meet an urgent need for this type of accommodation and is considered to be in compliance with the provisions of the NPPF.

## C DESIGN & LAYOUT

BLPR Policy RLP90 and Policy ADM60 – (Layout and Design of Development) state inter alia that *"The Council seeks a high standard of layout and design in all developments."* It goes on to say that *"the scale, density, height and massing of buildings should reflect or enhance local distinctiveness; designs shall recognise*

*and reflect local distinctiveness and the layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline in the locality.”*

ADM Policy ADM2 (Development within Development Boundaries) states inter alia that *“proposal for development should seek to protect and enhance the character of the existing street scene.”*

BLPR Policy RLP17 ( Extensions and Alterations to Dwellings in Towns and Villages) and Policy ADM9 (Residential Alterations, Extensions, Outbuildings within Development Boundaries) state inter alia that *“residential extensions within development boundaries will be permitted provided there should be no over development of the plot; the siting, bulk, form and materials of the extension should be compatible with the original dwelling and there should be no material adverse impact on the identity of the street scene, scale and character of the area.”*

The existing footprint of the buildings would remain broadly the same, apart from modest rear extensions to Evegate (12.3m x 3.3m x 2.8m) and 3 Thistley Green Road (12.3m x 3.2m x 2.9m) to provide communal areas for residents.

The proposed extensions would be constructed in brick to match existing.

It is intended that the properties would continue to appear as dwelling houses from the street. 3 Thistley Green Road would be re-orientated, with the existing front door being moved from the south west elevation to the north west elevation (facing into the site).

The ground floor flats would all benefit from their own private doors to the outside areas. However it is intended that these doors would be used as secondary doors and residents would be encouraged to use the main entrances to help reduce potential impact on neighbouring properties.

The existing Coach House to Evegate would be demolished and rebuilt to provide 2no. one bed bungalows for adults with learning difficulties.

The garage at 3 Thistley Green Road is a 2 storey building. The ground floor would be used for storage whilst the first floor would be converted to staff office and ancillary accommodation.

Braintree District Council has stated that the proposed extension to the rear of 3 Thistley Green Road would be partly located in the same position as a previously approved conservatory. The extension would be single storey and would be acceptable.

The extensions to both dwellings would be single storey with flat roofs. Neither would be visible from the street scene, nor would they be harmful to the character of the dwellings.

Place Services (Urban Design) has no objection to the proposal.

Apart from 2 small extensions the external appearance of both properties would remain much the same as existing as the proposal is for a change of use. It is considered this would be in accordance with Policy RLP90, Policy ADM60, Policy ADM2, Policy RLP17 and Policy ADM9.

The ground floor flats for both Evegate and 3 Thistley Green Road would be fully wheelchair accessible although the accommodation is aimed at those specifically with learning difficulties. The replacement Coach House would also be fully wheelchair accessible. It is considered that this would be in accordance with BLPR Policy RLP92 (Accessibility) which states that changes of use to buildings will only be permitted if the design and layout of their access for the public is fully accessible to people whose mobility is impaired.

Residents would have access to the garden space of both properties which is considered to be in accordance with Policy ADM5 (Specialist Housing) which requires that an appropriate level of private amenity space is available to meet the needs of residents.

Braintree District Council considers that adequate amenity space would be provided for the occupants of both buildings.

## D IMPACT ON TREES, LANDSCAPE & ECOLOGY

### Trees

An Arboricultural Impact Assessment was submitted as part of the application.

It is proposed to remove the following Category U trees and groups of trees which are considered to be in poor condition/structural fault.

T2 – Field Maple – Poor condition – twin stem half hidden in bank

T8 – Walnut – Poor – Dead wood throughout

T10 – Cherry - Dead

T16 – Cedar – Poor – Significant previous storm damage

G1 – Acacia x2, Box elder x2, conifer – Poor

G2 – Cherry, Cottoneaster, Holly and shrubs – Poor – 1x heavily decayed limb. Necrotic, flaking bark

G4 – Cherry Plum – Poor – trunk growing laterally

G15 – Cherry – Poor – Decay in trunk. Minor dead wood

Crown lift work is proposed for the following trees to prevent harm to the trees whilst the existing driveway is removed and whilst the new driveway is installed. These trees are considered important and it is considered that they could be retained successfully providing appropriate protective measures are specified and implemented in line with the Construction Method Statement.

T1 – Oak – Cat. B1

T3 – Beech – Cat. B1

T9 – Norway Maple – Cat. B1

Place Services (Arboriculture) has no objection to the removal of the trees listed above or to the proposed works to trees.

### Landscape

BLPR Policy RLP20 (Residential Institutions in Towns and Villages) states inter alia that *“within predominantly residential areas in towns and villages, permission will be granted for the development of residential care homes provided that boundary treatments provide privacy and a high standard of visual amenity both for residents and neighbouring properties.”*

New soft landscaping would be provided by way of trees and shrubs once the new driveway is in place and the existing pedestrian entrance to 3 Thistley Green Road is removed. New soft landscaping would also be provided around the new car parking areas to help reduce this visual impact.

New 2.1m high close boarded fencing would be provided between Evegate and Moongate once the dilapidated wall separating the 2 properties has been removed.

A 1.8m high close boarded fence would be erected along the eastern boundary of the site to ensure that vehicles related to Evegate and 3 Thistley Green Road use the main entrance off of Thistley Green Road. It is considered this would help reduce potential disturbance to neighbouring properties.

The existing stepped pedestrian entrance to 3 Thistley Green Road would be removed and a 1.8m high close boarded fence erected. A close boarded fence would be erected on top of the wall along the south eastern boundary of 3 Thistley Green Road giving a height of 1.8m. A close boarded timber vehicle and pedestrian gate with internal locking facility would be included within this fence line to provide access to the garage building for storage and emergency access.

A 1.2m high paladin fence would be erected along the southern and western boundaries. There is a transformer station adjacent to the western boundary and a 1.8m high paladin fence would be erected.

1.2m high paladin gates would be erected at the entrance of the driveway.

Place Services (Landscape) has no objection to the proposal.

It is considered that the provision of fencing around the site boundaries of Evegate and 3 Thistley Green Road would help prevent any overlooking of the neighbouring residential properties in accordance with Policy RLP20.

### Ecology

A bat survey has been submitted as part of the application.

Evidence provided by the survey indicates the presence of a non-maternity summer roost of Brown Long-eared bats either within the loft space of the house or beneath roof riles.

Brown Long-eared bats are a common and widespread species, both nationally and local. Although all bat roosts are equally protected under relevant legislation, non-maternity, non-hibernation roosts of this species are of relatively low conservation significance.

The presence of a bat roost in Evegate and the fact that the roost is likely to be affected by the proposed refurbishment of the building mean that it would be necessary to obtain a European Protected Species Licence from Natural England in order to allow the development to proceed.

A licence application would be prepared for submission to Natural England and would include appropriate measures intended to avoid, minimise or where neither is possible, compensate for the impacts of the proposed development upon bats and their roosts.

The mitigation measures set out in the Interim Report include the following:

- The bat roost in the house would remain as existing, as would its bat access points. The loft space would be retained for the use of bats.
- Any additional bat roosts located in the house during further surveys would also be retained as existing, along with their access points.
- Prior to any work to the roof of the house, the consultant bat ecologist will temporarily exclude bats from their roosts by standard methods. This will involve the blocking of roosts access points after evening emergence, followed by unblocking the following evening, with this process repeated over three nights
- Replacement roosting opportunities would be provided at this site for bats to use during any period of temporary exclusion. This will take the form of roost boxes installed on trees at the site by the consultant bat ecologist. Four bat boxes are considered sufficient in this instance. They would be retained at the site once the work is complete.
- If a new roof lining is to be fitted in the house, bituminous roofing felt would be used. Breathable roofing membranes would not be used due to the risk to bats associated with these materials and the deterioration of such membranes cause by contact with roosting bats.
- In the event that bats are discovered during the work, work in that vicinity should be halted and the consultant bat ecologist should be informed immediately. The bats should be left in position unless they are in danger or injured, in which case they should be carefully moved into a box with a lid and kept out of harm's way until the bat ecologist arrives at the site. Any handling of bats should be done wearing thick gloves.

Further evening and pre-dawn surveys would be carried out during the summer of 2017 to inform the licence application and appropriate mitigation measures. In the event that a maternity roost is found during further surveys (e.g. within the eaves of the house), the licence method statement would require work to avoid the maternity period.

The survey concludes that it is considered that the future of any bat roosts present within the house is assured by the requirement for a Natural England licence and

the attendant requirement for the retention of any bat roosts within the building.

Place Services (Ecology) has no objection to the proposals subject to 2 conditions. The first requiring further supplementary ecological surveys for bats in order that sufficient information is gathered to support an European Protected Species Licence (EPSL) and the second preventing works to Evedgate until the County Council has either been provided with a copy of the EPSL or a written statement has been issued stating it is not considered that the specified activity/development would require a licence.

It is considered that the mitigation measures proposed within the Interim Report would be adequate to avoid offences under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010 (as amended); that a mitigation licence would be required and that it is considered there are no reasons to indicate that Natural England is likely to refuse an application for a licence.

## E IMPACT ON RESIDENTIAL AMENITY

### Location

Several representations have been received questioning the suitability of the location with regards to shops, health facilities and other services and the lack of public transport links.

BLPR Policy RLP20 (Residential Institutions in Towns and Villages) states inter alia that *“within predominantly residential areas in towns and villages, permission will be granted for the development of residential care homes providing that there are shops, health facilities and regular public transport services, in close proximity to the site.”*

Policy ADM5 (Specialist Housing) states inter alia that *“everyday services that users would expect to access, such as shops should be available on-site or should be located close by and be able to be accessed by a range of transport modes.”* It further states that *“health services should be available on site or in close proximity and have capacity to accommodate the additional services required from residents.”*

Braintree town centre is approximately a 25-30 minute walk from Thistley Green Road, via Broad Road, Convent Hill, Bradford Street and The Causeway. An hourly bus service runs into Braintree Monday to Saturday from 0730hrs until 1820hrs. Similarly an hourly bus service runs to Halstead Monday to Saturday from 0755hrs until 1934hrs. The bus stops are located on Broad Road, less than a 5 minute walk from Thistley Green Road.

It is considered this would be in accordance with Policy RLP20 and Policy ADM5.

BLPR Policy RLP90 (Layout and Design of Development) and ADM Policy ADM60 (Layout and Design of Development) state inter alia that *“there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.”*

### Noise

Concerns have been raised by local residents regarding the severity of the learning difficulties of the residents of Evegate and 3 Thistley Green Road and the potential for noise and the resulting distress to residents the noise may cause.

It is acknowledged that the residents Evegate and 3 Thistley Green Road may be prone to making loud and unexpected noises depending on their level of learning difficulties. It is further acknowledged that this may have the potential to cause disturbance to neighbouring properties.

An Acoustic Consultancy Report was submitted as part of the application. Approved Document E of Building Regulations covers sound insulation requirements in dwelling houses, flats, rooms for residential use and schools.

High quality sound insulation materials would be used for the floors, stairs and walls of both buildings to help reduce the potential for noise disturbance to neighbouring properties.

Windows to both properties would be lockable by staff and it is proposed to install mechanical ventilation systems to the properties. Again it is considered that this would help reduce any potential noise impact on neighbouring properties in accordance with Policy RLP90 and Policy ADM60.

Braintree District Council does not consider that the proposal would have an adverse impact upon neighbouring amenity. The site is adequately separated from the adjacent property by an access drive. The submitted plans indicate that additional planting would be provided along the site boundary.

Before being provided with accommodation at Evegate and Thistley Green Road each resident would be subject to a professional assessment of their needs and suitability for the accommodation. Each resident would also be provided with 1-2-1 staff supervision during the day and depending on the needs of individual residents extending over the night-time period as well.

The nearest residential properties would be approximately 20 metres from Evegate and 3 Thistley Green Road. Established boundary vegetation to majority of the site helps screen it from view from Thistley Green Road and neighbouring residential properties. The addition of new close boarded fencing would help screen the remainder of the site from view and help reduce noise disturbance to neighbouring properties.

## F TRAFFIC & HIGHWAYS

### Access

The existing driveway to Evegate is accessed via Thistley Green Road. However it is located very close to the junction with Broad Road (B1053) (approximately 5 metres).

Access to 3 Thistley Green Road is via a separate driveway to the east. This also provides a legal right of access to Moongate (the residential property to the north



of Evegate).

The existing driveway to Evegate would be closed, removed and re-instated to soft landscaping. A new driveway, providing access to both Evegate and 3 Thistley Green Road would be provided. This would be approximately 20m from the junction with Broad Road.

A fence would be erected along the eastern boundary of 3 Thistley Green Road to prevent general access to this property and help reduce disturbance to neighbouring properties.

### Parking

Policy ADM5 (Specialist Housing), Policy ADM47 (Parking Provision) and Policy RLP56 (Vehicle Parking) state inter alia that *"Parking should be provided in line with the Council's adopted standards."*

The Essex County Council Parking Standards Design and Good Practice September 2009 states that the maximum number of car parking spaces for a residential care home (Use Class C2) is 1 space per full time equivalent staff + 1 visitor space per 3 beds.

On this basis a total of 10 car parking spaces would be required to accommodate the full time staff with an additional 3 car parking spaces for visitors.

It is proposed to provide 15 formal car parking spaces on the site, which includes 2 disabled parking spaces which is considered to be in accordance with Policy ADM5, Policy ADM47 and Policy RLP56.

Objections have been raised by local residents over the lack of parking spaces provided on the site for staff and the resulting problems that could be caused by staff parking on Thistley Green Road.

A service provider has not yet been identified yet and it would be for the selected care provider to devise their own shift patterns and changeover arrangements for staff. This would also be determined by the assessed needs of the residents.

However it is expected that there would be 3 core shift changes:

- About 7am when night staff go off shift and morning staff arrive
- About 2pm when morning staff hand over to evening staff; and
- About 10pm when night staff come on shift.

Some staff may work 12 hour shifts and some staff would come on shift as and when required to meet the individual need of each residents (e.g. 9am to 4pm if there was a key activity during the day that a resident required support with) and other staff may just cover peak periods (e.g. 7am -10am and 5pm – 9pm).

The changeovers when core shift changes occurred are likely to be relatively consistent, however staffing patterns would also be determined by the individual needs of each resident so there would also be some staggering.

The shift changeover would typically last for 30 minutes.

The applicant has estimated that initially there would be 10 staff on duty at night and there would be a shift changeover. There would be a sleep-in facility for one member of staff so at least one member of staff may have worked the previous evening and stayed on for the sleep in or sleep in and stay on for the morning.

A site manager would be on site during the core office hours (Monday to Friday 9am- 5pm).

It is considered that there is sufficient space for informal parking by staff during the short changeover periods.

There aren't any parking restrictions on Thistley Green Road, preventing staff from there. However staff would be requested to ensure that they park on site during their shifts and shift changeovers to avoid exacerbating existing parking problems on Thistley Green Road. Nonetheless, it is not considered appropriate to impose a condition specifically requiring staff to park on site as such a condition would not meet the 6 tests set out in Paragraph 206 of the NPPF.

## **8. CONCLUSION**

Having regard to the acute shortage of specialist accommodation for adults with learning difficulties, which impacts severely on people with learning difficulties that need to live in a supported environment it is considered that planning permission should be granted for the change of use of Evegate and 3 Thistley Green Road from Use Class C3 (Residential Dwellinghouses) to Use Class C2 (Residential Institutions).

Evegate and 3 Thistley Green Road are located within existing development boundaries which is considered to be in accordance with Policy RLP2 (Town Development Boundaries and Village Envelopes), Policy ADM5 (Specialist Housing) and Policy ADM2 (Development within Development Boundaries).

Apart from the 2 small extensions there would not be any significant changes to the existing external appearance of either property. Further it is not considered that the proposed change of use would result in a significant adverse impact on the natural environment or the residential amenity of the nearest residential properties.

Subject to the conditions listed below, the development as proposed is considered to be acceptable in accordance with the National Planning Policy Framework and policies RLP2, RLP17, RLP20, RLP56, RLP90 and RLP92 of the Braintree Local Plan Review July 2005 and policies ADM2, ADM5, ADM9, ADM47 and ADM60 of the Pre-Submission Site Allocations and Development Management Plan as amended by further changes September 2014.

## **9. RECOMMENDED**

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be **granted** subject to the following

conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
2. The development hereby permitted shall be carried out in accordance with the details of the planning application reference CC/BTE/54/16 dated 11 November 2016 and validated on 16 November 2016 together with:
  - Design and Access Statement incorporating a Planning Statement dated November 2016
  - Essex Biodiversity Validation Checklist dated 11 November 2016
  - Bat Survey: Interim Report prepared by Essex Ecology Services Limited (EECOS) dated June 2017
  - Arboricultural Impact Assessment prepared by Hallwood Associates dated 31 October 2016
  - Letter from Lee Cunningham Partnership dated 12 December 2016 re: Braintree Vulnerable Housing, Acoustics
  - Acoustic Consultancy Report prepared by Lee Cunningham Partnership (Ref: 79450/3/1/12) dated 16 May 2017
  - Transport Statement prepared by Cottee Transport Planning dated October 2016 and Drawings:
    - LO636 – Site Plan – 4 December 2015
    - 7775540-BC-0023 006 – Existing Site General Arrangement Plan – 17.11.2015
    - 0075540-BC-0023 001 – Basement Existing Floor Plan – 14.01.16
    - 0075540-BC-0023 002 – Existing Ground and First Floor Plans – 17.11.2015
    - 0075540-BC-0023 003 – The Stables Block Existing Ground Floor Plan – 17.11.2015
    - 0075540-BC-0023 004A – Existing Ground and First Floor Plans – 17.11.15
    - 0075540-BC-0023 005 – Garage Block Existing Ground and First Floor Plans – 17.11.15
    - 0075540-BC-0023 013 – Evegate Existing Elevations – 01/06/16
    - 0075540-BC-0023 014 – 3 Thistley Green Road Existing Elevations – 02/06/16
    - 0075540-BC-0023 015 – Evegate Coach House Existing Elevations – 03/06/16
    - 0075540-BC-0023 016 – 3 Thistley Green Road Garage and Games Room Existing Elevations – 03/06/16
    - 0075540-BC-0023 031 – Existing Below Ground Drainage Plans – 16.06.2016
    - 0075540-BC-0023 P-012 – Proposed Site General Arrangement Plan – 09.03.16
    - PSEVE/200 Rev B – Proposed Site Layout – 30.10.2016
    - PSEVE/300 Rev B – Proposed Soft Landscaping Plan – 30.10.2016
    - 0075540-BC-0023 029A – Proposed Boundary Site Treatment –

17.10.16

- 0075540-BC-0023 007 – Basement Proposed General Arrangement Plan – 14.01.16
- 0075540-BC-0023 P-009 – Evegate Coach House Flats 1 and 2 Proposed Ground Floor Plan – 17.11.15
- 0075540-BC-0023 P-008 – Evegate Flats 3, 4, 5 & 6 Proposed Ground and First Floor General Arrangement Plans – 14.01.2016
- 0075540-BC-0023 P-023 – Proposed Elevations – 28/06/16
- 0075540-BC-0023 P-021 – Proposed Elevations Evegate Planning – 16/06/16
- 0075540-BC-0023 P-010 – 3 Thistley Green Road Flats 7, 8,9 & 10 Proposed Ground and First Floor General Arrangement Plans – 17.11.2015
- 0075540-BC-0023 P-011 – 3 Thistley Green Road Flat 11 & Main Office Accommodation Proposed Ground and First Floor Plans – 17.11.2015
- 0075540-BC-0023 022C – Proposed Elevations Thistley Green – 16/06/16
- 0075540-BC-0023 P-024 – Proposed Elevation for Flat 11 & Site Office – 16/06/16

And in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority.

3. The development hereby permitted shall be implemented in accordance with Section 5 of the Bat Survey: Interim Report prepared by EECOS dated June 2017. The supplementary surveys shall be of an appropriate type for the species group and survey methods shall follow national good practice guidelines. Mitigation measures recommended in the Interim Report shall be updated where appropriate.
4. No development or works to Evegate shall commence until either:
  - a. A licence issued by Natural England pursuant to Regulation 53 of The Conservation Habitats and Species Regulations 201 authorising the specified activity/development to go aheadOr
  - b. A statement in writing from the relevant licensing body to the effect that it does not consider that any specified activity/development will require a licence

has been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

5. No beneficial occupation of Evegate or 3 Thistley Green Road shall take place until the existing site access has been removed and the new site access (as shown on Drawing Number PSEVE/200 Rev B Proposed Site Layout dated 19.10.16) has been installed. The development shall be implemented in accordance with the approved details.

## **BACKGROUND PAPERS**

Consultation replies  
Representations

## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)**

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

## **EQUALITIES IMPACT ASSESSMENT**

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

**STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER:** In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) Order 2015

## **LOCAL MEMBER NOTIFICATION**

BRAINTREE – Bocking



**DR/27/17**

committee DEVELOPMENT & REGULATION

date 23 June 2017

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**MINERALS AND WASTE DEVELOPMENT**

Proposal: **The erection of two buildings to house electrical control equipment**

Location: **Great Dunmow Water Recycling Centre, Chelmsford Road, CM6 1LL**

Ref: **ESS/15/17/UTT**

Applicant: **Anglian Water Ltd**

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Report by Acting Head of County Planning

Enquiries to: Charlotte Powell Tel: 03330 130 469

The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)

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## **1. SITE**

Great Dunmow Water Recycling Centre (WRC) is located to the south east of the town of Great Dunmow. The WRC is located to the adjacent north of the B1256 (Chelmsford Road). Access to the WRC is directly via the B1256.

The closest residential properties are located 50m to the west of the application site. The residential properties are separated from the site by dense vegetation and the B1256.

The application site is located centrally within the boundary of the existing Great Dunmow WRC site.

The WRC operational site area is circa 14,300 sqm in size and is comprised of tanks and buildings for the treatment of sewage. The application site is approximately 1,420 sqm in size

The WRC currently comprises of tanks and processes required for the treatment of sewage.

The WRC is well screened along all boundaries by dense vegetation.

A tributary of the River Chelmer, Olives Wood Brooke, flows through the north of the WRC and along its boundary, separating the WRC from the plantation woodland to the north.

The majority of the WRC lies within Flood Zone 3.

## **2. PROPOSAL**

The proposal consists of the erection of two buildings (totalling 58.5sqm in size). These proposed buildings (Site Distribution Kiosk and Motor Control Centre (MCC) Kiosk) would be required to house electrical and control equipment. The proposed buildings would be located centrally within the WRC site.

These buildings would be constructed from Glass Reinforced Plastic (GRP) and would be finished in Holly Green (BS14C39). These buildings have been designed so that they are located above the modelled flood level; above the 1 in 100 year (with a +35% climate change allowance).

The Site Distribution Kiosk is 4.06m x 3.08m x 3.03m high, this would sit on a raised base so would be 4.04m above ground level. The MCC kiosk is 15.06m x 3.13m x 3.03m high, this would sit on a raised base so would be 4.8m above ground level.

Great Dunmow WRC has been identified by the Environment Agency (EA) under “no deterioration” and requires additional measures to address the tightening of



ammonia levels in order to sufficiently treat all required flow, meet discharge consents and maintain the quality of receiving water bodies.

The application states that it is considered that the existing process units at Great Dunmow WRC are not capable of consistently treating the incoming flow to the acceptable standard. Much of the development associated with this upgrade is Permitted Development, the two control kiosks subject of this application form part of this upgrade however require express planning permission. The overall upgrading of the WRC would allow the site to meet the required revised consents required by the EA.

The applicant states that the buildings would be delivered by lorry in sections and would require a small number of delivery vehicles for a limited time during construction. The proposal would not result in any net increase to traffic movements to the site in the long term.

### **3. POLICIES**

The following policies of the, Essex and Southend Waste Local Plan (WLP) adopted 2001, Replacement Waste Local Plan Pre-Submission Draft March 2016 and the Uttlesford District Local Plan adopted 2005 provide the development plan framework for this application. The following policies are of relevance to this application:

#### WASTE LOCAL PLAN (WLP)

W3A - Waste Strategy  
W4A – Water Pollution and Flood Control  
W4B – Water Pollution and Flood Control  
W5C - Sewage Treatment  
W10E - Development Control

#### REPLACEMENT WASTE LOCAL PLAN (RWLP)

Policy 10 - Development Management Criteria  
Policy 11 – Mitigating and Adapting to Climate Change

#### UTTLESFORD DISTRICT LOCAL PLAN

Policy GEN2- Design  
Policy GEN4- Good Neighbourliness  
Policy ENV12- Protection of water resources

#### GREAT DUNMOW NEIGHBOURHOOD LOCAL PLAN

Policy LSC3 - The Chelmer Valley

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate

otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

The Uttlesford Local Plan was adopted in 2005. In 2012 the Plan was assessed for compliance with NPPF. The timetable for the new Local Plan is currently under review.

Paragraph 216 of the NPPF states, in summary, that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The Essex and Southend-on-Sea Replacement Waste Local Plan is currently subject to Examination, with final public consultation on a number of modifications having ended in February 2017. The submitted policies reflect the intention of the Waste Planning Authority towards waste-related development and it is considered that significant weight should now be given to the new Plan in respect of applications of the nature being contemplated in this report.

The WLP 2001 is not considered up-to-date however the overarching principles of the Waste Hierarchy and the Proximity Principle do form part of its core emphasis.

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). The NPPW promotes sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy. The waste hierarchy promotes, in this order; prevention of waste; re-use of waste; recycling of waste and then any other recovery. It states that the disposal of waste is the least desirable solution and only suitable when none of the above is appropriate. Additionally the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management is a material consideration in planning decisions.

The Great Dunmow Neighbourhood Plan was adopted in 2015. The application site is within the Neighbourhood Plan Area.

#### **4. CONSULTATIONS**

UTTLESFORD DISTRICT COUNCIL – No objection;

ENVIRONMENT AGENCY- Objection, based on the principle the proposed development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the site is located;

LEAD LOCAL FLOOD AUTHORITY- No comments to make:

PLACE SERVICES (URBAN DESIGN) - No comments to make;

PLACE SERVICES (HISTORIC ENVIRONMENT) - No objection;

PLACE SERVICES (ECOLOGY) – No objection;

GREAT DUNMOW TOWN COUNCIL - No comments received;

LOCAL MEMBER- UTTLESFORD- Dunmow - No comments received.

## **5. REPRESENTATIONS**

207 properties were directly notified of the application. One letter of representation has been received covering the following matter:

<u>Observation</u>	<u>Comment</u>
Objection to future noise levels at site impacting nearby residential properties	See appraisal

## **6. APPRAISAL**

### **A PRINCIPLE AND NEED**

The application site is located within an existing WRC and as such, the principle of the site for waste water management is established but the environmental impacts of the development need to be considered further.

Great Dunmow WRC has been identified by the Environmental Agency under “no deterioration” and requires additional measures to address the tightening of ammonia levels in order to sufficiently treat all required flow, meet discharge consents and maintain the quality of receiving water bodies. The existing process units at Great Dunmow WRC are stated to be not capable of consistently treating the incoming flow to the acceptable standard; therefore alternative options have been considered.

The current quality consent limits for all of Anglian Water’s Water Recycling Centres (WRC) are being reviewed, (as required under the Water Framework Directive (WFD)), to prevent deterioration or achieve ‘good status’ of all watercourses. “No deterioration” takes a broad based approach to water quality standards. Receiving water does not currently have to show that there is deterioration but that there is a significant risk that deterioration will occur because of an increase in the volume of effluent discharge.

The proposed scheme would allow the site to meet revised consents and

accommodate forecasted growth within the local area. It has been designed to accommodate a predicted rise to 10,958 population equivalent by 2031 (from a 2015 level of 9,081 population equivalent).

Paragraph 162 of the NPPF states *“Local Planning Authorities should work with other authorities and providers to:*

- *Assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands”*

WLP Policy W3A identifies the need for proposals to have regard to the following principles:

- *“Consistency with the goals and principles of sustainable development;*
- *Whether the proposal represents the best practicable environmental option for the particular waste stream and at that location;*
- *Whether the proposal would conflict with other options further up the waste hierarchy;*
- *Conformity with the proximity principle”.*

The proposed buildings would be located within the existing WRC site and therefore the proposal is considered acceptable in principle at this location.

The NPPW seeks to ensure that the applicants only demonstrate ‘need’ for enhance waste facilities where proposals are not consistent with an up-to-date Local Plan. Additionally, the likely impact on the environment, amenity and character and quality of the area should be considered.

The applicant has stated that the proposed buildings are needed as part of the new treatment processes to treat effluent to the revised discharge consent to meet current and future growth. It is considered there is a need for the proposal to meet the required standards and it is considered the proposal conforms to WLP Policy W3A, the NPPW and the NPPF.

## B FLOOD RISK AND WATER ENVIRONMENT

The site lies adjacent to the River Chelmer. The Environment Agency’s (EA) Flood Map for Planning indicates the majority of the Site lies within Flood Zone 3 (land assessed as having a 1 in 100 or greater annual probability of river flooding).

The Strategic Flood Risk Assessment map identifies the area of the WRC in which the kiosks would be situated is in Flood Zone 3b, the functional flood plain.

The site is located to the west of a relatively steep hill (Bumpsted Hill).

The topography of the WRC is relatively flat with the ground level ranging from 48.75 to 49.04m AOD, with raised areas to the east and south west of the WRC having a ground level of up to 50.98m AOD.

To ensure that the proposed plant remains operational for as long as possible in the event of a flood, resilience and protection measures are included and take into

account a 1 in 100 year flood event (+35% climate change allowance). This includes raising sensitive plant above ground level, locating the inlet works outside of Flood Zone 3 and using appropriate pumps on site which can be submersed.

In addition, to ensure the WRC remains operational during a flooding event, the inlet works are proposed to be raised to a level which exceeds the 1 in 100 year plus climate change flood level. It would also be located on elevated ground. A storm tank is proposed to increase attenuation and reduce catchment flood downstream.

Policy 11 of the RWLP relates to climate change. New waste management proposals should include appropriate measures to mitigate and adapt to climate change. The proposals include flood mitigation measures with climate change allowances incorporated, and as such, are in accordance with Policy 11 of the RWLP.

Paragraph 100 of the NPPF states amongst other matters that *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”*.

Furthermore Paragraph 103 states that *“When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the*

*Exception Test, it can be demonstrated that:*

- *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems”*.

The [Planning Practice Guidance](#) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each flood zone.

The EA’s response to the consultation states that the Flood Risk Assessment shows that there is no fluvial flood risk from Olives Wood Brook and the compensatory storage volume more than compensates for the loss of floodplain volume by the proposed structures.

Despite being satisfied in regards to risk and mitigation, the EA has objected to the proposed development, based on the principle that, in their opinion, it falls within a [flood risk vulnerability category](#) ‘Less Vulnerable’ in Table 2: Flood Risk Classification within the PPG under the category ‘*Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place*’.

Table 3 (Flood Risk Vulnerability and Flood Zone 'compatibility') of the PPG highlights that this classification (Less Vulnerable) of development is not considered compatible within Flood Zone 3b. As such, the EA has objected to the proposed development.

The EA has stated in their response that *"Alternatively, if you consider the site classified as Flood Zone 3a and/or you consider the development to be water compatible, we have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility"*. These risks include flood resilient construction and emergency flood plan.

The planning application proposes to construct two buildings (kiosks) to house electrical control equipment. This is considered by the WPA to fall within 'Water Compatible development' under 'Sewage transmission infrastructure and pumping stations' in Table 2 of the PPG. This category is considered by the PPG that 'development is appropriate' within Flood Zone 3b.

However, considering the proposed use of the development, it is considered that the proposed development is classified as 'water compatible'. The proposed development is considered to be categorised as 'sewage transmission infrastructure and pumping stations' as opposed to 'sewage treatment works' as the development is intended for the processing and transmission of sewage, not the construction of a complete sewage works site. Therefore the proposed development would, in the opinion of the WPA be classified as 'water compatible' development and therefore is compatible development within Flood Zone 3b.

Additionally WLP Policy W4A states, *"Waste management development will only be permitted where:*

- there would not be an unacceptable risk of flooding On site or elsewhere as a result of impediment to the flow or storage of surface water;*
- there would not be an adverse effect on the water environment as a result of surface water runoff;*
- existing and proposed flood defences are protected and there is no interference with the ability of responsible bodies to carry out flood defence works and maintenance"*.

Similarly W4B states that *"Waste management development will only be permitted where there would not be an unacceptable risk to the quality of surface and groundwaters or of impediment to groundwater flow"*.

Impacts from flooding would vary dependent on the scale of the flood event. Risk of flooding from groundwater is stated within the application to be considered medium; however there are no historical records.

The site is within Flood Zone 3b, and as such mitigating measures (Compensatory storage, raising the plant above ground level, and pumps) have been proposed to ensure the proposed development does not increase flood risk on site or further downstream.

The Lead Local Flood Authority had no comments to make on the planning

application.

It is therefore considered that, whilst the objection by the EA remains, the proposed development would not significantly add to the risks of flooding within the WRC or in the surrounding area and that the proposal conforms to WLP Policy W4A, W4B and the NPPF. The proposed development includes a number of flood mitigation measures and as such, would not have an adverse effect on the water environment.

## C LANDSCAPE

Policy LSC3 of the Neighbourhood Local Plan states that *“Planning permission will be refused for proposals that adversely affect the character, the floodplain function and the associated open spaces in the Chelmer Valley as shown on Figure 31. Exceptions may be made for the undertaking of essential utility works and other development related to or compatible with the open space and recreational uses of the valley subject to a clear demonstration of benefits outweighing the harm. All planning applications coming forward in or adjacent to the Chelmer Valley must be accompanied by a Landscape Visual Impact assessment”*.

It is considered the proposed kiosks represent ‘essential utility works’ and would part of the upgrading of the WRC which would deliver improved and expanded waste water treatment capacity. With respect to landscape due to the central location of the kiosks within the existing WRC, it is not considered there would be any additional landscape impact from the control kiosks and would be in accordance with Policy LSC4 of the NLP.

## D ECOLOGY AND BIODIVERSITY

The River Chelmer is located immediately to the east of the WRC site and is a Habitat of Principle Importance in England.

An artificial reedbed is located in the east of the WRC and treated effluent from the WRC flows through this before discharging into the River Chelmer. This is outside the application site.

WLP policy W10E is a key consideration and states amongst other matters that *“Waste management development...will be permitted where satisfactory provision is made in respect of the following criteria, provided the development complies with other policies of this plan:...The effect of the development on the landscape and the countryside, particularly in the AONB, the community forest and areas with special landscape designations ... and the effect of the development on nature conservation, particularly on or near SSSI or land with other ecological or wildlife designations”*.

Similarly Policy 10 of the RWLP states *“Proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) on ... the natural and geological environment (including internationally, nationally or locally designated sites and irreplaceable habitats)”*.

UDLP Policy ENV12 states *“development that would be liable to cause contamination of groundwater particularly in the protection zones shown on the proposals map, or contamination of surface water, will not be permitted unless effective safeguards are provided.”*

ECC's Ecological Consultant has raised no objection to the proposal as there would be no direct impacts on the neighbouring habitats, as such, it is considered the proposal is in accordance with UDLP Policy ENV12, RWLP Policy 10 and WLP Policy W10E.

## E IMPACT ON RESIDENTIAL AMENITY

The closest residential properties are located 50m to the west of the application site. The properties are separated from the site by dense vegetation and the B1256. The site is considered to be well-screened by the topography and existing vegetation.

By nature, WRC's can cause odour nuisance to the surrounding area. To reduce the odour released by the sludge thickening process a proposed odour control unit would be installed as part of the works under Permitted Development. It was found that, based on 98% of hourly means; the future odour footprint of Great Dunmow WRC would be smaller than the existing site odour footprint. The two kiosks, subject to this planning application, would not have a negative impact on amenity.

It is stated that, wherever possible units would be manufactured away from site and transported to site for placement. This should contribute to reducing the construction phase time, dust and noise impacts, as well as safer working practices.

A neighbour objection has been received regarding increased noise as a result of the development. The noise report states that *“For the proposed plant at the site, for each location the calculated site noise will be equal to or less than the representative background noise levels”*. The report continues to state that *“For the event that a sludge collection is occurring at the site along with the proposed plant operations the calculated site noise levels are well below background during the daytime and range between -6 and +3 dB during the night-time. It should be noted that the sludge collection activity only occurs for around 30 minutes during the night-time, up to 3 times per week”*.

WLP Policy W5C identifies amongst other matters the need for extended sewage treatment works to make provision for odour control, an acceptable standard of visual appearance, landscaping and appropriate access.

Policy W10E states, waste management development would be permitted where satisfactory provision is made in respect of the effect of the development on the amenity of neighbouring occupiers, landscape and the countryside.

Furthermore, Policy 10 of the RWLP highlights various development management criteria and states amongst other matters that *“Proposals for waste management development will be permitted where it can be demonstrated that the development*



*would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) on: a. local amenity (including noise levels, odour, air quality, dust, litter, light pollution and vibration)”.*

UDLP policy GEN4 states “*Development and uses, whether they involve the installation of plant or machinery or not, will not be permitted where:*

- a) noise or vibrations generated, or*
- b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants;*

*would cause material disturbance or nuisance to occupiers of surrounding properties”.* Similarly policy GEN2 identifies the need for good design and other similar objectives.

NPPW states that waste planning authorities should “*consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B*”. This includes noise, light, vibration, odours, traffic and visual impacts. It is considered that the two kiosks would not result in any adverse impacts to neighbouring residential properties or local amenity.

It is considered that the proposed development would not have an unacceptable impact on residential amenity, including noise and odour, and therefore the proposals are in accordance with WLP policies W5C and W10E, RWLP Policy 10 and UDLP policies GEN4 and GEN2.

## **7. CONCLUSION**

It is considered appropriate to grant planning permission for the erection of two buildings (Site Distribution Kiosk and MCC Kiosk) at Great Dunmow WRC as they are required as part of the new treatment processes needed to treat effluent to the revised discharge consent and to meet current and future growth. The principle of the buildings is considered to have been established by the existing WRC.

The site is located within Flood Zone 3b. It is considered by the WPA that the proposed kiosks represent ‘water compatible development’ due to their classification as “sewage transmission infrastructure and pumping stations” and as such is considered to be compatible development in Flood Zone 3b. The EA has objected to the scheme based on an alternative classification. The LLFA had no comments to make on the application.

The impact of the two buildings on nearby residential amenity is considered to be negligible. The location of the proposed building within the existing WRC would not lead to any adverse impacts on visual amenity and the kiosks would not lead to any adverse impacts on odour or noise.

The proposed new buildings are considered to be in accordance with WLP policies W3A, W4A, W5C, W10E, RWLP policy 10, UDLP policies GEN2, GEN4 and ENV12, NLP Policy LSC3, the NPPF and the NPPW

## **8. RECOMMENDED**

That planning permission be **granted** subject to conditions covering the following

matters:

- 1 The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.
- 2 The development hereby permitted shall be implemented in accordance with the details of the application dated 12th April 2017 together with;
  - Covering letter dated 11th April 2017;
  - Biodiversity Validation Checklist dated 28<sup>th</sup> February 2017;
  - Landowner/Tenant notification letter dated 11<sup>th</sup> April 2017;
  - Proposed Development Landowner noticed dated 11<sup>th</sup> April 2017;
  - Planning Statement dated April 2017;
  - Preliminary Ecological Appraisal dated November 2016;
  - Drawing Geographical Location Plan and Site Layout Reference: SEW-10340-GDUNST-SS-PLG-0001 dated 10<sup>th</sup> April 17;
  - Flood Risk Assessment dated 2<sup>nd</sup> February 2017;
  - Drawing Site Distribution Kiosk and MCC Kiosk Reference: SEW-10340-GDUNST-SS-PLG-0021 dated 10<sup>th</sup> April 2017;
  - Email dated 12<sup>th</sup> June 2017 (Sent 12:58) entitled RE: Gt Dunmow FRA.

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following condition:

- 3 All vehicular access and egress to and from the site shall be from Chelmsford Road as indicated on Drawing Geographical Location Plan and Site Layout Reference: SEW-10340-GDUNST-SS-PLG-0001 dated 10<sup>th</sup> April 2017. No other access shall be used by vehicles entering or exiting the site.

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#### **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)**

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of the Conservation of Habitats and Species Regulation 2010 is not required.

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#### **EQUALITIES IMPACT ASSESSMENT**

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance,

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representations and all other material planning considerations as detailed in the body of the report.

### **STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER**

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015.

### **LOCAL MEMBER NOTIFICATION**

UTTLESFORD- Dunmow



committee DEVELOPMENT & REGULATION

date 23 June 2017

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**MINERALS AND WASTE DEVELOPMENT - ENFORCEMENT OF PLANNING CONTROL  
INFORMATION ITEM**

**Unauthorised Development - The importation, deposition, storing and spreading of waste materials on the land, substantially raising the land levels (the unauthorised development.)**

Location: **Land at Waterworks Spring Farm Dagwood Lane Doddinghurst Essex CM15 0RX**

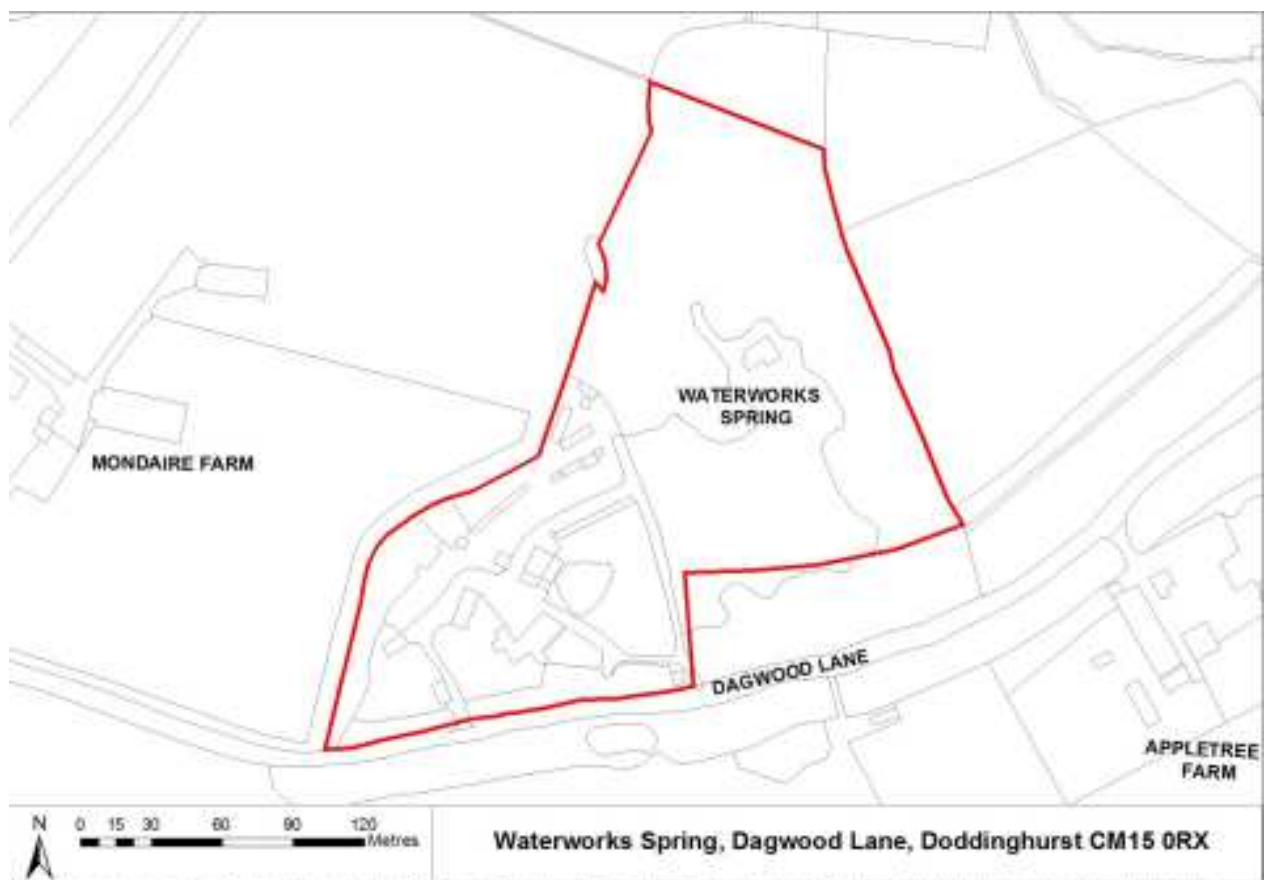
Ref: **ENF/0834**

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Report by Acting Head of County Planning

Enquiries to: Suzanne Armstrong 03330136823

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## **1. BACKGROUND AND SITE**

The unauthorised importation, deposition, storing and spreading of waste materials has taken place on land at Waterworks Spring Farm Dagwood Lane Doddinghurst Essex CM15 0RX

On 12<sup>th</sup> October 2016 the Waste Planning Authority (WPA) witnessed importation, deposition, storing and spreading of waste materials on the land.

An enforcement notice was served on the 27<sup>th</sup> October 2016 relating to the importation, deposition, storing and spreading of waste materials on the land.

The requirements of the enforcement notice were;

1. Cease and do not resume the importation, deposition, storing and spreading of waste materials on the land;
2. Remove from the land all waste materials, including imported soils, rubble and other similar waste materials.
3. Restore the land to its condition prior to the commencement of the unauthorised development.

The enforcement notice took effect on the 25<sup>th</sup> November 2016 and compliance with Step 1 (above) was required by the 26<sup>th</sup> November 2016

## **2. CURRENT POSITION**

The Waste Planning Authority received numerous complaints that waste was continuing to be imported on to the land. A site visit was subsequently undertaken on the 23<sup>rd</sup> March 2017. The purpose of the visit was to check compliance with the enforcement notice. During this visit the Council's Enforcement Officer witnessed further importation, deposition and spreading of waste materials on the land - in breach of the enforcement notice served on the 27<sup>th</sup> October 2016.

It was considered expedient to remedy the environmental harm. The land is situated within the Metropolitan Green Belt of the Brentwood Borough. The breach of planning control is visually intrusive and seriously affected public amenity meriting protection in the public interest. The land owner was continuing to import waste materials on to the land, now committing a criminal offence, and the Waste Planning Authority proceeded with a prosecution in the Magistrates Court.

On the 25<sup>th</sup> May 2017, Essex County Council as Waste Planning Authority attended Colchester Magistrates Court to prosecute the land owner for failure to comply with the enforcement notice served on the 27<sup>th</sup> October 2016

The defendant was found guilty and sentenced to a fine of £800, costs of £1400 and a victim surcharge of £80, totalling £2280.

Officers will continue to monitor the site to ensure compliance with the enforcement notice served.

## **LOCAL MEMBER NOTIFICATION**

Brentwood Rural.





**DR/29/17**

Committee DEVELOPMENT &amp; REGULATION

Date 23 June 2017

**INFORMATION ITEM****Applications, Enforcement and Appeals Statistics**

Report by Acting Head of County Planning

Enquiries to Emma Robinson – tel: 03330 131 512

or email: emma.robinson@essex.gov.uk

**1. PURPOSE OF THE ITEM**

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

**BACKGROUND INFORMATION**

None.

Ref: P/DM/Emma Robinson/

**MEMBER NOTIFICATION**

Countywide.

**Major Planning Applications****SCHEDULE**

Nº. Pending at the end of April

29

Nº. Decisions issued in May

9

Nº. Decisions issued this financial year

12

Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)

100%

Nº. Delegated Decisions issued in May

7

Nº. Section 106 Agreements pending at the end of May

11

### **Minor Applications**

% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)

100%

Nº. Pending at the end of April

9

Nº. Decisions issued in May

6

Nº. Decisions issued this financial year

13

Nº. Delegated Decisions issued in May

6

### **All Applications**

Nº. Delegated Decisions issued in May

13

Nº. Committee determined applications issued in May

2

Nº. of Submission of Details dealt with this financial year

25

Nº. of Submission of Details pending at the end of May

75

Nº. of referrals to Secretary of State under delegated powers in May

0

### **Appeals**

Nº. of outstanding planning and enforcement appeals at end of May

0

Nº. of appeals allowed in the financial year

1

Nº. of appeals dismissed in the financial year

0

### **Enforcement**

Nº. of active cases at end of last quarter

33

Nº. of cases cleared last quarter

4

Nº. of enforcement notices issued in May

1

Nº. of breach of condition notices issued in May

0

Nº. of planning contravention notices issued in May

0

Nº. of Temporary Stop Notices issued in May

0

Nº. of Stop Notices issued in May

0