

Uttlesford District Council
Planning Department
Attn Chris Tyler, Case officer

BY EMAIL ONLY:

15 December 2025

Dear Council,

Land north of Taylors Farm, The Street, Takeley
Application ref: UTT/25/2786/OP

- 1 We act for Takeley Street Action Group (“our client”), a group of local residents directly affected by the proposals. They wish to strongly **object** to the above-mentioned application. This letter should be read alongside their objection dated 15 December.

Background

- 2 The site has traditionally sat within the Countryside Protection Zone for Stansted Airport: Uttlesford Local Plans 1995 and 2005. It sits within National Character Area 86 South Suffolk & North Essex Clayland and local LCA B12: Hatfield Forest Farmland Plateau of which the key features are¹:
- *“Gently undulating arable farmland that forms part of the glacial till and Central Essex.*
 - *Hatfield Forest, an important area of ancient woodland, forms the distinctive character of this landscape.*
 - *The forest area is intimate and enclosed, while the arable farmland to the south has a much more open character, although framed by distant woodland.*
 - *Field pattern is a mixture of irregular in the forest and semi-regular to regular outside the forest.”*
- 3 The site forms an important barrier between Stansted Airport and the settlement of Takeley Street, and its importance has been protected in local plan policies for over 30 years as part of the Countryside Protection Zone².
- 4 The site has two PRoWs adjacent or across it: Takeley 24 and 34, and the leisure route (former railway line) forming a linear Flitch Way CWS. Flitch Way is a country park and LNR with red list species, including bats. There are numerous residential houses within sight of the site. There are 29 listed buildings within 1km of the site and two scheduled monuments within Hatfield Forest.
- 5 The application is for outline permission:
- Outline application with all matters reserved except access for commercial development of mixed employment including offices and/or industrial processes and/or general industrial and/or storage and distribution (Use Classes E(g)(i)*

¹ Uttlesford District Council (2006). Uttlesford District Landscape Character Assessment: Hatfield Forest Farmland Plateau (B12).

² 1995 an

and/or E(g)(iii) and/or B2and/or B8 with any ancillary office floorspace) and/or a Mobility and Amenity Hub comprising retail food/beverage use (Use Class E(b)) and/or office (Use Class E(g)(i)) and/or a public transport interchange (Sui Generis), and access works, strategic landscaping, infrastructure and other associated works.

- 6 The development will cover 27.36ha and is bounded by woodland, much of it ancient, or nationally protected SSSI (Hatfield Forest). The site is bounded by several on-statutory designated sites for nature conservation:

- Priory Wood LWS and ancient woodland
- Long Border LWS and ancient woodland
- Stocking Wood LWS and ancient woodland
- Round Coppice LWS and ancient woodland
- Stansted Airport Sewage Works LWS
- Little Barrington Hall Farm and Woodside Green CWS
- Barrington Hall CWS
- Park Wood
- Flitch Way CWS
- Highwood Dunmow CWS

And Hatfield Forest, Wall Wood, Monk's Wood are all SSSIs and NNRs, to which we will return later.

- 7 Topographically the site is domed to the centre, where it is 95m AOD, with flatter surroundings³; it is proposed to raise this by a further 13-21m,⁴ although it is unclear to what extent this will be bunding.

Planning Decision

- 8 As the Council is aware, under s.38(6) of the Planning and Compulsory Purchase Act 2004, decisions on planning applications must be taken in accordance with the development plan unless material considerations indicate otherwise. The fact that the Council's 2005 Local Plan is out of date potentially engages the "tilted balance" under paragraph 11(d) of the National Planning Policy Framework ("NPPF"), and the presumption in favour of sustainable development.

- 9 However, this does not in itself displace the adopted Local Plan and other material considerations. The Supreme Court in *Hopkins Homes v SSCLG* [2017] UKSC 37 confirmed that local plan policies deemed "out of date" must still be given weight according to their degree of consistency with the NPPF. Where the old local plan policies ("2005LP") have been overtaken by the emerging plan, we accept that the Uttlesford emerging plan ("draft LP") is at such an advanced stage that some weight should be attached to its policies. However, overall, it is a matter of planning judgment as to *what* weight to apply to each side of the scale, and whether the sub-*paras* of 11 are engaged, either:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

³ Pegasus Group EIA Scoping Report 17.1.25 at para 2.1.5

⁴ Ibid para 6.3.2

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 10 On the one side, therefore, there is the tilted balance in favour of sustainable development, supported by some of the emerging plan policies, and the asserted benefit in terms of delivery of employment/industrial space.
- 11 Weighing in on the other side are the significant harms this development presents, and the constraints of the site itself, with refusal justified by NPPF, 2005LP and some draft LP policies. We say these harms are significant, incapable of effective mitigation, and contrary to many policies in the NPPF and draft LP.
- 12 First, we examine the asserted benefits. Then we will go on to examine the harms, which we say outweigh the benefit (if any) and justify refusal.

Asserted Benefit

- 13 The applicant states there will be “economic, social and environmental benefits”⁵ although the assertions elsewhere⁶ in the application suite of what the social and environmental benefits would be are unconvincing and nebulous.
- 14 However, we agree that some degree of economic benefit is clear: the delivery of employment and industrial floorspace to meet the identified delivery gap of 14.6ha (office) and 31.5ha (industrial) within the district. Need was, however, disputed in the EiP of the emerging LP, identifying this site as in fact surplus provision⁷.
- 15 In any event, the applicant makes no attempt to justify provision at this location, as opposed to alternative available sites within the district. Indeed, sites that may have better connection with the national highway network (see further para 32 *et seq* below on transport), or not have such harmful impact.
- 16 In the draft LP,⁸ no allowance is made for windfall sites to help bridge this gap. Table 4.7 shows 18ha available at Taylors Farm site, which is significantly less than currently applied for. No justification is made for this increase.
- 17 Weighing in the planning balance against this asserted benefit, are the harms which form the core of our client’s objection to which we now turn.

Development in Countryside

- 18 The site has been preserved for 30 years as open countryside as Countryside Protection Zone (“CPZ”) for Stansted Airport enshrined in Policy S8:

“In the Countryside Protection Zone planning permission will only be granted for development that is required to be there, or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following apply:
a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside;

⁵ Savills Planning Statement October 2025 4.2.8

⁶ For example, Volume 1 socio economics “Residual Effects

⁷ Employment Site Selection Topic Paper July2024 p17

⁸ Draft LP (Reg 19 version) table 4.6

b) It would adversely affect the open characteristics of the zone.”

- 19 The applicant argues that the draft allocation removing the site from the CPZ in itself justifies permission for the development. However, following the sub-paras of NPPF 11 this must be set against policy elsewhere in the NPPF, for example para 180:

“Planning policies and decisions should contribute to and enhance the natural and local environment”.

The removal of the site from the CPZ does not create a *carte blanche*; rather, it must be assessed in the planning balance as open countryside even without the additional protection of being within the CPZ.

- 20 As open countryside (not CPZ) 2005LP Policy S7 states:

“Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there”.

2005LP ENV3:

“The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.”

The Spatial Strategy of the draft LP itself mirrors this:

“Development in open countryside will not be permitted unless specifically supported by other relevant policies as set out in the Development Plan or national policy”.⁹

- 21 Furthermore the site’s contribution to identified landscape character should be preserved; Core Policy 41 states:

“Development proposals should preserve the character and appearance of valued landscape... Development will be expected to reflect and enhance local landscape character ... Development should, in the first instance, seek to avoid damage to the local landscape character... Proposals will not be permitted if they would:

- i. cause an unacceptable visual intrusion into the Open Countryside.*
- ii. be inconsistent with local character.*
- iii. cause coalescence between settlements.*
- iv. harm views to distant landmarks and landscapes particularly sensitive to change.*
- v. harm the setting of natural and built landmark features, or*
- vi. reduce the historic significance of the landscapes.*

- 22 The applicant has not shown how these policy thresholds are met, and how the impact of the development, which will be on gargantuan scale, will “preserve the character and appearance” of the landscape. Our client is not alone in those

⁹ Figure 4.1: Uttlesford Local Plan 2041 - Spatial Strategy

concerns: the Council's Urban Design officer¹⁰ noted the LVIA photos should have accurate super-imposition of proposals and wirelines, so that impact can be properly assessed. We submit the officer would need to re-assess the scheme once this has been provided, as it is fundamental to assessing impact.

- 23 The importance of the countryside gap at this location was discussed at length in the EiP. The Landscape Sensitivity Assessment stated:

"The site lies north and west of Takeley Street, a linear settlement which has developed along The Street... Employment development on this site would be out of character with the existing linear residential settlement pattern..... It would also extend development from The Street (B1256) up to the A120 and would reduce the gap between Takeley Street and Stansted Airport".

It graded the Landscape Sensitivity as "moderate-high."

- 24 The impact that a development on this scale will have on the landscape, already of "moderate-high" sensitivity, will be very significant indeed. It will destroy the visual amenity of the residential properties along the B1256.
- 25 We understand Takeley Parish Council has commissioned a review of the applicant's Landscape & Visual Impact Assessment and we reserve the right to make further comment when we have seen this.

Noise Impact

- 26 Both NPPF, 2005LP and draft LP policies align on this. NPPF para 180 states the importance of:

"Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution."

2005LP ENV11 states:

"Noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated."

Draft LP Core Policy 44:

"Noise Proposals that will not result in an unacceptable risk to public health or safety, the environment, general amenity or existing users due to the potential impacts of noise will be supported."

Core Policy 42:

"Where development would cause unacceptable risk to public health or safety, general amenity, existing uses, occupiers of surrounding land uses or the historic and natural environment due to potential from: vibration, odour, light pollution, pollution of surface or ground water sources, and/ or ground contamination, planning permission will not be granted unless the need for

¹⁰ Consultation response 27.11.25

development is judged to outweigh the effects caused and the proposed development includes mitigation measures to minimise the adverse effects.”

27 The Environmental Health consultation response¹¹ noted the following key flaws in the NIA submitted by the applicant:

- Raw data missing from NIA and the baseline was disrupted by rain.
- A limit of 75dBL_{Aq10hr} should not be used for construction.
- Possible HGV movements have been averaged over an hour which produces distorted/inaccurate data, but this is the data used in the noise model.

28 We would agree that the NIA is seriously flawed. It is unlikely that any mitigation proposed at the site will be adequate to protect residents from unacceptably high levels of noise pollution in conflict with Core Policy 44. Our client commissioned an expert review of the supporting information on noise and vibration impacts from RF Environmental, which concluded:

“There is a potential for long-term vibration effects at the closest properties, from HGV,s entering and exiting the site, which would be considered significant.”¹²

It also anticipates the potential for future complaints in relation to nuisance from vibration.

29 The review pointed out key flaws:

- Noise from HGVs has only been modelled immediately outside each unit.
- Tonal reversing alarms have been omitted.
- Background noise has been over-estimated, particularly at night.
- Monitoring for baseline noise was not carried out at nearest receptors to the site.
- Lower than usual noise levels were used for industrial operations, affecting the assessment of impact.
- Doors to units were not included, so it is unclear what assumptions have been made as to their insulation effect.
- No consideration has been given to the impact of noise levels from HGVs inside the closest receptors.

It is not clear how any of this can be mitigated.

30 It points out that WHO recommends¹³ that, for a good sleep, indoor sound pressure levels should not exceed approximately 45dB L_{Amax} more than 10-15 times per night, yet in reality at this site internal noise levels within the closest bedrooms could be 60dB L_{Amax},F. This exceeds the WHO guideline value for sleep disturbance by 18dB. It concludes¹⁴:

“While the risk of vibration may only be short-term through the construction phase, if HGV’s are to regularly access the site during the operational phase, it stands that the risk of vibration at the closest properties, from HGVs entering and exiting the site, could result in a moderate long-term effect, which would

¹¹ 2.12.25

¹² RF Environmental Review December 2025 p15

¹³ World Health Organisation. 1999. Guidelines for Community Noise

¹⁴ Bottom of section 4.6

be considered significant in EIA terms. It is not clear how this effect could be mitigated to 'Not Significant' if the occurrence were to be continuous throughout the long-term use of the site."

- 31 Noise disturbance and vibration is a significant difficulty with this development and, as RF Environmental advise, should be comprehensively re-assessed using correct modelling and baselines before any decision is made. The Council is aware it should not grant permission for "bad neighbour" developments. In *Coventry*, the Supreme Court considered the question of the relationship between planning decisions and nuisance in the round, and concurred that it is vitally important that local planning authorities avoid, by granting permission inappropriately, the creation of a nuisance neighbour:

*"Decisions made by local planning authorities...reflect, or should reflect, an attempt by the authorities consciously to balance the likely benefit of a proposed development against any potential adverse consequences."*¹⁵

In short, this development will severely impact the amenity of nearby residents and, as matters stand, this has neither been assessed correctly nor shown capable of mitigation.

Transport and Access

- 32 NPPF para 116 states:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."

- 33 Both primary and emergency access will come off the narrow B1256 Dunmow Road, directly opposite residential properties. Core Policy 32 states:

"Development proposals that generate a significant number or intensity of transport movements will be required to demonstrate that... there is no unacceptable impact on residential areas, local air quality, local amenity, or the highway network."

- 34 We have had sight of the transport report commissioned for the Takeley Parish Council¹⁶ to review the TA and other supporting documents. It noted:

- Access is not acceptable¹⁷ for highway safety reasons since no convenient facility for u-turning west of the access is available in advance of Junction 8 of the M11, particularly in light of airport expansion.
- Exceeding storage capacity for queuing at Junction 8¹⁸.
- Discrepancies in assessment with committed development cumulative impact.¹⁹
- It omits to consider the impact of other development types, e.g housing²⁰.

¹⁵ *Coventry and Others v Lawrence and another* (No 1) [2014] UKSC 13 per Carnwath LJ para 192

¹⁶ Railton Transport Objection December 2025

¹⁷ Ibid para 2.10

¹⁸ Ibid para 4.9

¹⁹ Ibid para 3.2

²⁰ Ibid para 3.5

- An exceedance of capacity at Priory Wood roundabout on A120²¹.
- It fails to deal with impacts of the proposed airport passenger expansion modelling of J8 as inconsistent,²² seeming to over-estimate capacity.
- Other impacts on Four Ashes junction have “no credibility.”²³
- Tilkiln Green junction assessment was not “robust” and did not take cumulative impacts into account²⁴.
- Inadequate accessibility for other road users.
- A Stage 1 Road Safety Audit has not been submitted, therefore it is not possible to confirm the proposed access is safe.
- Required VISSIM modelling was not provided, meaning strategic junction impact is unknown.
- The Transport Assessment models only B2 traffic despite applying for B2/B8 use, underestimating HGV movements by ~67% (~+199/day), and only covers 5am – 9pm (16hrs). As no operational hour restriction exists, the realistic worst-case scenario is 24/7 use, meaning night traffic, noise and safety impacts are materially underestimated and not properly assessed.

- 35 The report concludes²⁵ that the proposed access arrangements are both unsafe and will lead to a disproportionate impact on Junction 8 of the M11:

“Traffic modelling work is flawed and unreliable and needs to be corrected. It is considered that the proposed development is not acceptable on transport grounds due to the adverse safety impacts of the access arrangements and potentially also due to unacceptable highway capacity impacts at Junction 8 of the M11 and the Priory Wood roundabout. Proposed mitigation is insufficient to achieve policy compliant vision-led development.”

- 36 There is an indication the transport and access difficulties are recognised by the Council, as an area to the north of the site is safeguarded for potential future access onto the A120²⁶. However, this is not land owned by or controlled by the applicant, and therefore highly unlikely to be deliverable. Indeed, there are no plans to deliver a slip road onto the A120²⁷, and National Highways wants deferral until 20.2.26²⁸ to allow for further details to be submitted before it can assess impact on strategic road network. It seems NH may have similar objections in relation to loading on Junction 8 and other pinch-point junctions. Essex Highways²⁹ similarly issued a holding objection pending further (VISSIM) modelling information.
- 37 NPPF para 116 is clear in terms of impact on the highway network and particularly safety. Assessed against policy, therefore, the transport and access provisions modelled on access off the B1256 fail. The issue is noted in the applicant’s own Environmental Statement which confirms a “Moderate Adverse / Significant” road safety impact on the B1256. As the Railton report noted, the issue is stark: “**The**

²¹ section 5

²² Ibid para 8.7 and 8.8

²³ Ibid para 6.5

²⁴ Ibid paras 6.8 and 6.9

²⁵ Ibid para 8.14

²⁶ Draft LP Site Development Templates. Appendix 3C p 30-32

²⁷ FOI responses during EiP

²⁸ consultation response 26.11.25

²⁹ Consultation response 28.11.25

applicant's own modelling identifies significant road safety harm. Under NPPF 116, this development must be refused."³⁰

Agricultural Land

- 38 The site comprises 3 fields assessed as Grade 3a and therefore BMV³¹. NPPF, and 2005 LP policies align on the treatment of BMV land. NPPF para 187 states:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland."

And footnote 65:

"Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality."

- 39 2005LP ENV5 mirrors this (emphasis added):

*Development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, **developers should seek to use areas of poorer quality** except where other sustainability considerations suggest otherwise.*

- 40 No attempt has been made to justify the site against alternative locations. Accordingly, the site fails to fulfil these policy requirements.

Heritage Impact

- 41 NPPF para 214 sets out the test:

"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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss."

Para 215 adds:

"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, where appropriate, securing its optimum viable use."

³⁰ At p1 summary

³¹ Roberts Environmental Agricultural Land Classification Survey,

- 42 There are 29 listed buildings within proximity (1km) to the site, and 2 scheduled monuments within 2km.³² The application scoped out all but 7 of these³³, and one non-designated heritage asset. Of these 8 buildings, the site gives “low significance” to the settings of 3, 3 others will experience “less than substantial harm” and engage the public benefit test of paragraph 208 of the NPPF, which can be mitigated (by choice of materials and landscaping). The harmful impacts to a further two can be avoided or reduced.
- 43 Overall, therefore, the impact of the development on the settings of heritage assets could, in the applicant’s view, be disregarded, although in a contradictory statement it is conceded³⁴ *“the proposed development could still introduce negative impacts within their settings.”* Equally, whilst the Council’s own conservation officer concluded the development would have *“low level of less than substantial harm to the significance of the identified heritage assets...”*³⁵ also states it *“will inevitably alter the rural setting”*.
- 44 In addition (as set out above paras 18-25), information is missing to enable a proper assessment of visual impact of the development to be made. The setting of a heritage asset is not just its immediate environs, but how it is **experienced**³⁶. This puts the emphasis on visual context. It is not clear what parameters were used for this exercise, given the development will sit up to 21m above the existing 95mAOD rise in land, in flattish surrounding landscape it seems remarkable many heritage assets were scoped out because the site would not be “visible”. It is not explicit how high the ground level will be as the baseline for build height, as this has not yet been made clear. It seems visibility was determined by existing site-lines to the agricultural site, as opposed to the built development; assessment of the impact on setting of the heritage assets has not taken into account the elevation of the completed development. This must be clarified and rectified.
- 45 We cannot imagine, **properly assessed**, that there would not be substantial harm to the setting of the heritage assets, in terms of how they are experienced within a rural setting.

Environmental & Ecological Impact

- 46 The site is within the impact risk zone for Hatfield Forest SSSI and NNR. It is bounded by other ancient woodland such as Priory Wood. The risk to this sensitive ecology is twofold: (1) contamination of ground water supply (Shermore Brook); and (2) air quality degradation.
- 47 Taking water drainage/flood first, in addition to NPF 180 stated in para 26 above (no water pollution) para 182 states:

“Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal.”

2005LP ENV7 states:

³² Warren, Portingbury Hills

³³ TPS Built Heritage Statement June 2024

³⁴ Ibid bottom pii

³⁵ Built Heritage & Conservation consultation response 27.11.25

³⁶ ‘the surroundings in which a heritage asset is experienced’ (NPPF, Annex 2: Glossary).

“Development proposals that adversely affect areas of nationally important nature conservation concern, such as Sites of Special Scientific Interest and National Nature Reserves, will not be permitted unless the need for the development outweighs the particular importance of the nature conservation value of site or reserve. Development proposals likely to affect local areas of nature conservation significance, such as County Wildlife sites, ancient woodlands, wildlife habitats, sites of ecological interest and Regionally Important Geological/ Geomorphological Sites, will not be permitted unless the need for the development outweighs the local significance of the site to the biodiversity of the District.”

Policy ENV12:

“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.”

Draft LP allocation³⁷ for the site states developers must ensure:

“...no adverse ecological or hydrological impact on Hatfield Forest or Shermore Brook which drains into it”.

48 Impact is assessed via the Preliminary Ecological Appraisal, in this instance prepared by BiOME Consulting Ltd, finalised on 25 April 2024. Section 5.11 (“Report Validity”) confirms that the findings of the report are valid only until October 2025, and that an updated assessment is required if works are delayed beyond this date. It is unclear to what extent (if at all) the document has been updated – this is an urgent query that should be addressed.

49 Contamination to the groundwater supply of the local area can come from (1) groundwater flooding caused by unmanaged runoff from the development; and/or (2) foul water management inadequacies. The Council itself pointed out in their Reg 19 FRA³⁸ that the site surroundings were vulnerable to groundwater flooding. In relation to the proposed access from the B1256 (emphasis added):

*“In the 0.1% surface water AEP event, there is a risk of surface water flooding in this area to a maximum depth of 0.15m. The maximum velocity is 0.50-1.00m/s **which could impede access and egress**. In the 3.3% and 1% AEP events, there are isolated pockets or stretches of flooding along the B1256 east and west of the site, with the main risk between the Shermore Brook and Taylor’s Farm. This has a maximum depth and velocity of 1.20m and 1.00m/s respectively. **This has a hazard score of ‘Danger to All’**. The 3.3% and 1% SW+CC model shows the same isolated pockets along the B1256 with a maximum depth and velocity of 1.24m and 1.38m/s. **This has a hazard score of ‘Danger to All’ and not conducive to safe access and egress**”³⁹.*

50 The Council in its Scoping Opinion, point 44, states (emphasis added):

“It is also insisted that developers demonstrate that there is adequate capacity for the development in the wastewater infrastructure. As in the case of the

³⁷ The Design Principles (appendix 3C) pp30-32

³⁸ UDC Level 2 Strategic FRA from p96

³⁹ Ibid p99

water supply network, where capacity is lacking, the developer and Thames Water must demonstrate that mitigations and/or improvements are identified and planned within the appropriate work schedule before any development can be approved”.

However, this has not been shown. On the contrary, Thames Water has stated clearly⁴⁰:

“We’ve assessed your foul water proposals and concluded that unfortunately we’re unable to meet the needs of your full development at this time”.

51 Mitigations and improvements are referenced by the applicant but Thames Water have made it clear that nothing in relation to foul water can be assessed prior to a permission being in place; nor are there plans to upgrade the Takeley Wastewater Works.

52 The EA⁴¹ also voiced concerns about water quality and whether the two drains will impact local brooks. In relation to potable and waste water capacity further clarity and information required from the two relevant water bodies to see if provision is possible. Finally, the LLFA issued a holding objection⁴² requiring more information. Certainly, clarification is needed in relation to the applicant’s claims that Thames Water has capacity; it is our understanding⁴³ it has not done so. Bearing in mind the Hatfield Forest SSSIs and other areas of ecological sensitivity (see list in para 6 above), it is impossible to leave this to be dealt with by condition; if it is impossible to mitigate the risk then the application must be refused.

53 In relation to air quality, NPPF, 2005LP and draft LP all align on this issue: NPPF para 180 states the importance of:

“preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution”.

2005LP ENV13:

“Development that would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground level will not be permitted.”

Draft LP Core Policy 43 states:

“Development will not be permitted where it might lead to significant adverse effects on health, the environment or amenity from emissions to air.”

54 We note the Environmental Health officer’s concerns in relation to air quality, and doubts as to how this can be mitigated, particularly via the Travel Plan. They required further details. The applicant accepts⁴⁴ “potential for air quality effects at sensitive locations” due to traffic emissions but argues this can be dealt with in mitigation, e.g buffer zones between the operational element of the site and the ancient woodland (e.g Priory Wood), however, there is no detailed modelling to support this.

⁴⁰ Site Specific Flood Risk Assessment Oct 2025 p199

⁴¹ consultation response 28.11.25

⁴² consultation response 25.11.25

⁴³ See client’s objection topic note on Drainage 15.12.25

⁴⁴ para 9.4.2

- 55 The applicant has made little attempt to assess cumulative impacts, as required under NPPF 199, and admits the potential for cumulative impacts from neighbouring developments in both operational and construction phases. Air quality is of particular relevance to impacts on Hatfield Forest and other ecologically sensitive sites, to which we now turn.
- 56 The National Trust⁴⁵ argues that the access from Takeley Street rather than the A120 will exacerbate air quality issues. Nitrogen deposition rates are already twice the critical load for species within the Hatfield Forest SSSI, also posing a risk to the lichen and bryophyte communities to the north of the SSSI. They also highlight concerns that runoff water would contaminate Shermore Brook which is Hatfield Forest's sole supply of fresh water. They remain unconvinced that groundwater management/drainage is in place.
- 57 Natural England also issued a holding objection⁴⁶ requiring further information, advising they need modelling of air pollution and mitigation measures including drainage measures to protect Shermore Brook.
- 58 This was a key concern set out in the Inspector's post-hearing letter⁴⁷ which has led to the Council setting out modifications to the draft policies, to deal with the issue of impact on the Hatfield Forest SSSI. Consultation has only recently closed on those proposed modifications.

Light Pollution

- 59 NPPF para 198 states decisions:

"should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development ...and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

Core Policy 42 states:

"the Council will seek to limit light pollution from new development, including limiting the hours of use for external lighting. Proposals for external lighting will be permitted where all the following criteria are met:

iv. it does not have an unacceptable adverse impact on neighbouring uses or the wider landscape

v. the level of lighting and its period of use is the minimum necessary for security and operational purposes

vi. low energy lighting is used in conjunction with features such as movement sensors, daylight sensors and time controls

⁴⁵ objection 25.11.25

⁴⁶ 27.11.25

⁴⁷ 31.7.25

vii. the alignment of lamps and provisions of shielding minimizes spillage, glare, glow, including into the night sky
viii. there is no loss of privacy or amenity to nearby residential properties and no danger to pedestrian and road users, and ix. there is no harm to local ecology, intrinsically dark landscapes and/or heritage assets.”

60 As we have set out, there are 29 heritage assets in proximity of the site, numerous residential houses, and wildlife associated with dense woodland. The applicant has admitted there are species of interest locally for example: “Biological record search findings confirm a minimum of nine bat species are known from the local area, including the nationally rare, and light sensitive, western barbastelle (*Barbastella barbastellus*)”⁴⁸. The applicant further states that lighting impacts can be dealt with in mitigations but we argue the development is of such size and scale, this will prove impossible.

61 Light spill from the development itself is likely to have impact beyond wildlife, but also on residential amenity. This is particularly the case with HGV use of the access (see Fig 1 below⁴⁹). Light will shine directly into residents’ windows. We would reiterate our comments on *Coventry* (see para 31 above) here.

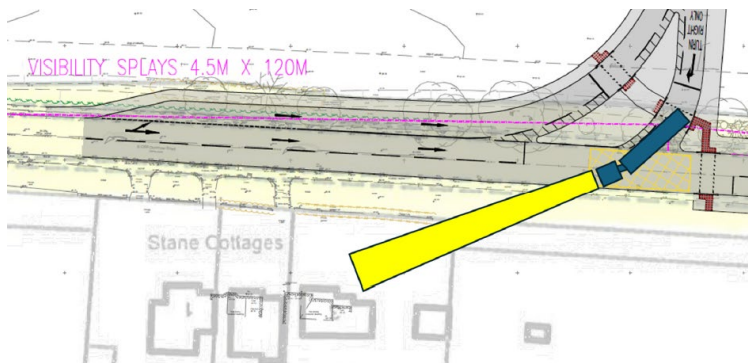


Fig 1

Conclusion

62 We accept that para 11(d) is potentially engaged, and the draft LP changes the potential use of the site by removing the additional protection of the CPZ, and making a specific allocation within the draft LP.

63 However, this is not a *carte blanche* requiring permission for any employment/industrial use. Any application must fit within the parameters of the allocation, and also meet the policy tests in the framework as a whole. It must also meet the policy tests in the 2005LP where those align with the NPPF. Finally, the Council must be satisfied that any perceived benefit is not outweighed by harm.

64 As we have set out above, the harms are significant, not only to local residents whose amenity will be destroyed, but also to the sensitive habitats of the Hatfield SSSI, and other sensitive sites for ecology. Moreover, the serious flaws and omissions in the application assessment indicate the impacts have been significantly **under-estimated**.

⁴⁸ ES 7.3.5

⁴⁹ created by our client but replicated in the Railton review at section 8

- 65 On all these points, as set out above, the application fails. Accordingly, the Council should refuse it, confident that there is policy support for so doing.

RICHARD BUXTON SOLICITORS