



Uttlesford Local Plan 2021-2041

Regulation 19 Publication Stage Representation Form

Your information

How we handle your information

Information you provide will be treated in accordance with the General Data Protection Regulation (GDPR) (EU) 2016/679. Your contact details will be used solely for the purpose of contacting you about your consultation response. You should refer to our Planning Policy Privacy Notice for an explanation as to what we do with your personal information, how long we keep it and your right to withdraw your consent at any time you choose.

Please note that it is a requirement of the Local Plan process that comments can only be accepted if they are received in writing (online, via email or via post). Comments made verbally or anonymously cannot be accepted, including those made at public exhibitions.

The Council is obliged to make all representations available for public inspection on its website.

The consultation runs from Thursday 8th August 2024 to Thursday 3rd October.

Please return your consultation form:

Planning Policy
Uttlesford District Council
London Road
Saffron Walden
CB11 4ER

Telephone: 01799 510510

Email: localplan@uttlesford.gov.uk

This form has two parts:

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make on individual chapters, evidence, maps or policies.

We recommend using the online survey form available at <https://www.uttlesford.gov.uk/reg-19-consultation> when responding to this consultation.

Part A – Personal Details

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title

Takeley Street Residents
Group - Committee

First Name

Last Name

Job Title
(where relevant)

Organisation
(where relevant)

Address Line 1

Line 2

Line 3

Line 4

Post Code

Telephone
Number

E-mail Address
(where relevant)

Part B - Please use a separate sheet for each representation

3. Please indicate which chapter, policy, map or evidence document you want to comment on in the box below.

Case Study Employment Land Selection Paper - Land North of Taylors Farm.

Employment Needs Assessment Update 2023.
Employment Site Selection Topic Paper July2024.pdf
LevelR2 Strategic Flood_Risk Assessment Appendix A Site Summary Tables.pdf

CP 4 Employment
CP 10 and 10A – South Area Strategy
CP 12 CPZ
CP 32 The Movement and Management of Freight
CP 34 Water Supply and Protection of Water Resources
CP 35 Water Course Protection and Enhancement
CP 36 Flood Risk
CP 37 Sustainable Drainage Systems
CP 39 Green and Blue Infrastructure
CP 42 Pollution and Contamination
CP 43 Air Quality
CP 44 Noise
CP 46 Development of allocated employment sites
CP 49 Employment and Training
CP 62 Listed Buildings
.

4. Do you consider the Local Plan to be (please put a cross in the relevant box):

	<u>Yes</u>	<u>No</u>
4(a). Legally Compliant		
4(b). Sound		X
4(c). Compliant with the duty to co-operate		

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Document B Employment Case Study (PART 2) - TAKELEY 005EMP North Taylors Farm Takeley Street

This employment allocation in the Plan is unsound because the site has numerous constraints that are unlikely to be resolved within the timeframe of the LP if at all. Significant challenges would need to be overcome before any development could take place, therefore it is unsustainable.

Note:

- This site is surplus to requirements, (a “technical oversupply” p 17 Employment Site Selection Topic Paper July2024.pdf)
- The site has been increased in size from 15ha in Reg 18 to 18ha in Reg 19 (in the region of 20%) for no apparent reason and with no evidence based justification.
- According to the 'Uttlesford Transport Study, TN 320 – Trip Generation document' there will be 1,773 expected OGV movements per day at the TAKELEY EMP005 site.

1 The Employment Site Selection Topic Paper

1.1 Page 16 states

“Takeley 005 EMP on the other hand is promoted solely for employment and has multiple potential access points”.

This is untrue. There are multiple constraints to the use of the two existing access points

Constraints are:

1.1.1 There are currently two entrances only. One is a short track running between two listed gate houses (CP62). It becomes a PROW after a few metres. It is not a byway. (see Fig1 B & Fig4)

The second entrance is a farm gate in close proximity to houses and next to traffic calming pinch points that significantly reduce road width (see Fig1 A & Fig2, 3) It would be seriously detrimental to residents if used by numerous trade vehicles of varying sizes.

This conflicts with Core Policy 48, page 225 Spatial Strategy, because the effect on the amenity of nearby residents and businesses is NOT acceptable, nor can

“the provision of safe site access for pedestrian and cyclists and for all types of vehicles likely to visit the sites” be achieved.

Large vehicles cannot exit properties without crossing both carriageways because the road is too narrow and could not be widened at this point.

There are no other potential access points.



Fig1 There are only two entrances onto B1256. The site is landlocked on the north, east and west (there are not multiple entrances as stated).

A. Field entrance gate

B. Track between a pair of listed gate houses



Fig2, 3 Village gates, pinch points and field entrance (A at Fig 1)



Fig4
Narrow access between a pair of listed gate houses
(B at Fig 1)

The Development would be in conflict with Core Policy 32 which 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”*

1.1.2 There is no potential access to the A120 on the Northside as none is in the Highways Development Plan (see our Ref2 Essex FOI). The Developer does not own the land to access the A120 so that Northside is effectively landlocked. (see Fig1)

1.1.3 Whilst the LP may choose to “safeguard” land for future access, they cannot realistically safeguard Airport land that they do NOT own. Part of this land is Stansted Airport Operational land including the balancing ponds and pumping station, so that it cannot be safeguarded by UDC.

1.1.4 Priory Wood is ancient woodland to the West of the site and it is NOT owned by the Developer. It cannot be accessed or developed. There are Badger setts (protected). It is home to extremely rare plants eg Oxlips. Red kites have been sighted in the woodland for at least two seasons. Core Policy 32 states “*there would be no unacceptable impact on landscape, heritage, local character and biodiversity*”.

1.1.5 An existing small employment area exists to the west of the site adjacent to traffic lights. It is not owned by the Developer. Any redevelopment of this site including access points would be against CP 45.

1.1.6 The Level R2 Strategic Flood Risk Assessment Appendix A (pp 96-105) recommends that “all access is directed south to the B1256”. Despite this, the study acknowledges (p.99) that “isolated pockets along the B1256.....have “...a **hazard score of ‘Danger to All’ and are not conducive to safe access and egress**”. Table 5.1 Level_2_Strategic_Flood_Risk_Assessment_June_2024.pdf identifies the risk of surface water flooding.

1.1.7 “...employment development in this location (compared to residential or mixed use) is less likely to have an adverse impact on the Forest”.

This large-scale development is within the Hatfield Forest Zone of influence and will **undoubtedly have an adverse affect**. No development on this scale is acceptable this close to a SSSI.

Para 185 of the NPPF states: “*development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted*”.

Note: that the entire site - is a “Middle Tier Countryside Stewardship Agreement Management Area” (see Magic Maps). This means that the land is part of a scheme “*to protect and enhance the natural environment through multi-year management options and capital items which improve diversity of wildlife, water and air quality, and natural flood management*”.

1.1.8 There have been several iterations of a masterplan as part of the many Developer driven attempts to urbanise this site. The Developer estimates 1600

employees. The nearest green space is Hatfield Forest, a SSSI. (see our Ref3 Pigeon-Birchanger Hall Farms). In one previous masterplan, the Developer stated that staff would use the Forest during breaks. This assertion has disappeared from the latest version, which begs the question “Where will the 1600 employees go?”.

1.1.9 Pg.17 states

There are “*no significant transport constraints identified that would preclude development*”.

Untrue - (see our Document C Transport)

2 Appendix2-4 – Site Development Templates. Appendix 3C p 30-32.

Whilst UDC claim to use the “Decide and Provide” principles, the **Design Principles** for this site include constraints that **cannot** be “provided”, hence the plan is unsound.

The Design Principles state:

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

This is not possible.

Shermore Brook is the sole feed to Hatfield Forest Lake. A site of this scale will need to operate 24/7 with lighting, hard standing and lorry washing facilities. Highways at Reg 18 asked for lorry parking and layover facilities to be included in the plan. Chemicals such as anti-freeze, fuel and oil spillages etc will leach into the environment and the watercourses.

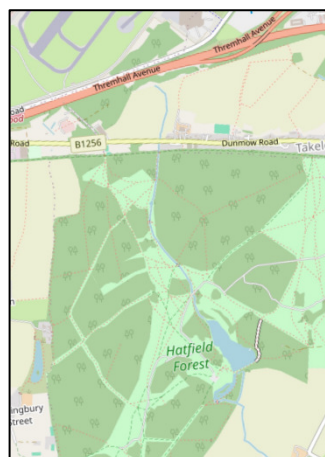
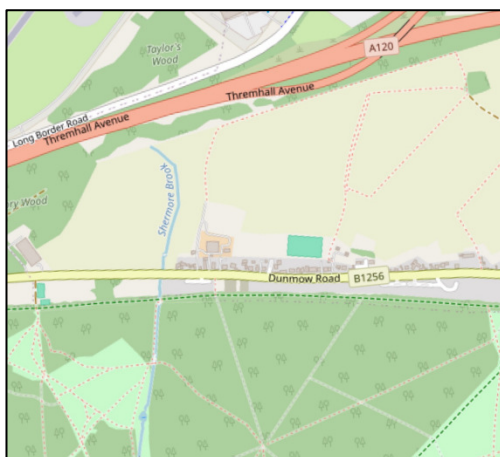


Fig5, 6
Shermore Brook traverses the site. It feeds the Lake in Hatfield Forest SSS and NNR

Shermore has been significantly impacted from the new A120 construction. Any further destruction of the brook is likely to cause irreversible damage to the SSSI site.

2.2 “Safeguarding potential future road access eastwards through the site to the A120 junction / Bassingbourn Roundabout.” See 1.1.2 above. The Developer does not own or have an option on all of this land. The safeguarded land is landlocked and would require a handover or access by MAG. The roundabout in question is owned and maintenance is funded by MAG. No evidence of costs – were this permissible – are evidenced in the plan.

Not deliverable within LP timeframe if at all.

2.2.1 Highways have stated in an FOI (see our Ref2 Essex FOI) that there are no plans to provide any further slip roads to the A120. There is nothing to evidence this in their 10 year plan.

2.2.2 Bassingbourn Roundabout is private land owned by the Manchester Airport Group. There is no guarantee that they would ever allow road access. Much would depend on their own development plans and security.

Not deliverable within LP timeframe

2.3 “Provide active travel routes to enhance access to Takeley, Stansted Mountfitchet, Stansted Airport and Bishops Stortford”

2.3.1 There are no safe walking or cycling access routes from this site to any of the above destinations. The LP describes the “Flitch Way” as a linear cycling route that runs from Bishops Stortford to Braintree. It does **NOT** provide any access to Bishops Stortford and stops before the M11 J8. The footway across J8 has been removed. (see our Document D Flitch Way which includes photographs)

2.3.2 Highways have no plans to further upgrade the M11 J8, confirmed by an FOI (see our Ref2 Essex FOI). Upgrades mentioned in the plan have taken place and are not relevant to the LP.

2.4. “Improve connectivity to Flitch Way”

See 2.3.1 above. The Developer CANNOT improve connectivity. The site does not join or have access to the Flitch Way.

2.4.1 Should the Flitch Way be a preferred walking or cycling route, the nearest PROW access points are adjacent to Vision Stansted Industrial Estate some 770m/half a mile west from the site or 1.3 miles east along the B1256. Other points are ‘privately’ owned, they are not PROW.

The B1256 stretch of road between these two PROW’s and adjacent to this site are unsafe for active travel because:

- The road has no footway both sides for lengthy stretches
- The road cannot be widened in many places because of Listed Buildings or private land and gardens

- In some places there are deep ditches including a medieval moat adjacent to a narrow section of pavement.
- In many places the footway is less than a meter wide.
(see our Document D Flitch Way which includes photographs)

Infrastructure upgrades such as these are not deliverable within LP timeframe if at all.

2.4.2 The Flitch Way itself is a linear local nature reserve. Although used by bicycles, there is no separation from pedestrians. It is not wide enough to include a separate cycle path. The LP proposes to upgrade the Flitch Way but no feasibility study is included in LP at reg 19 and the proposed upgrade is not costed.
(see our Document D Flitchway)

3. *“Deliver improvements to junctions as identified in the transport evidence which are required to improve highway capacity and/or facilitate active travel connectivity”.*

Not deliverable – see above

3.1 The LP admits that it can have no influence over the M11J8. The other junction affected is at Takeley4Ashes. This has been identified as already over capacity.

3.2 *“Route HGV movements westwards towards M11 J8 as far as is practicable, avoiding Takeley Street where possible”.*

This is intended as Warehouse and Distribution site. That means large HGV lorries arrive full and the load is broken down to smaller vehicles. Statements such as *“where possible”* are meaningless in planning terms. There will be a significant number of vehicles other than HGV’s (see our Document C Transport)

3.3 *“The allocation is predominantly undeveloped countryside”.*

This statement is in complete contradiction to the Spatial Strategy page 55 *“Development in Open Countryside will not be permitted”.*

It is grade 2 agricultural land, farmed for crops. The NPPF footnote 62 states *“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. The availability of agricultural land used for food production should be considered”.* The Spatial Strategy page 36 says that UDC will *“Protect the best and most versatile agricultural land”*

There are alternative sites available and UDC has not evidenced why this site is a preferable allocation. (see our Document F Alternatives)

4. The Landscape Sensitivity Assessment p 17 states: *“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 grades the Landscape Sensitivity as Moderate-high.

5. "Introduce habitat corridors and green routes in parts of the site where there are existing landscape assets (Priory Wood Ancient Woodland and Hatfield Forest to the south)."

The Developer cannot introduce habitat corridors because:

- The site does not include Priory Wood. The Developer does not own it, lease it, or have an option.
- Hatfield Forest is an SSSI owned by the National Trust.

Note: This site is within Hatfield Forest Zone of Influence and the watercourse "Shermore Brook" within this site is the only feed to the Forest and its Lake. The Level R2 Flood Risk Assessment is clear that a "new development must not compromise assets downstream". (see Fig5,6)



Fig7 Shermore Brook traversing the site

6. There has been some culverting on the land affecting Shermore Brook. Looking at the site map and previous masterplans submitted to planners in the context of warehousing, it appears that culverting would be necessary both on the site and at the proposed entrance as there is a deep ditch fronting part of the site – which would probably need to be wide to accommodate freight movements. Note the proposed entrance and exit are not in the same location as the current two entrances. Core Policy 34 recommends "de-culverting and restoration to an open watercourse.....as a means of creating blue infrastructure and enhancing the development site" and "All watercourses should have a buffer zone of native vegetation to ensure effectiveness as a wildlife corridor as part of a functioning

ecosystem and allow space for any sympathetic maintenance needed in the future". One of the submitted plans appears to show Shermore flowing through a warehouse (Fig7), so it is difficult to understand how it would comply with the Spatial Strategy page 190 "All watercourses should have a buffer zone of native vegetation to ensure effectiveness as a wildlife corridor as part of a functioning ecosystem and allow space for any sympathetic maintenance needed in the future".

Not achievable

6.1 "Wastewater should be discharged to the Bishops Stortford Waste Water Treatment Works"

There is no mains drainage bordering the site along this stretch of the B1256. The Development cannot be delivered without significant infrastructure upgrades before commencement. There is no indication of these upgrades in the Thames Water Development Plan 2025-2030 (<https://www.thameswater.co.uk/about-us/regulation/our-five-year-plan>). It would need to be written in and funded within their next development plan so unlikely to be delivered within the timeframe of the LP. Should this very costly upgrade be planned there would be significant disruption to the B1256 over an extended period of time including partial or full road closures and certainly before this site could be used.

7. The development would conflict with Core Policy 34, page 189 Spatial Strategy "*Planning proposals which increase the demand for off-site water and sewage service infrastructure will only be granted permission where it can be demonstrated that sufficient infrastructure capacity*" and page 190 "*Planning approval will be contingent on adequate water supply and treatment infrastructure being in place*".

Note: according to the Thames Water Flood Data (p 98 Level R2 Flood Risk Assessment, "*there are no incidents of sewer flooding*" – hardly surprising as there is no sewer. Again – the site assessment is misleading.

What this also means is that in the event of surface water flooding, there is a risk of contamination. This is unacceptable anywhere let alone in such close proximity to an SSSI, NNR and an LNR.

In the event of surface water flooding, there is a risk of contamination. This is unacceptable anywhere let alone in such close proximity to an SSSI and an LNR. Shermore Brook runs from the Takeley 005EMP and is culverted under the B1256 and under the garden of the newly constructed property adjacent to the Flitch Way. It flows under the Flitch Way and directly into Hatfield Forest. This is the only feed to Hatfield Forest Lake and any surface water contamination will have a serious detrimental affect on the lake and the fragile ecology of the Forest (see Fig8-12)

Not Deliverable.



Fig8, 9, 10
 Images of Shermore Brook flooded, a frequent occurrence following heavy rain.

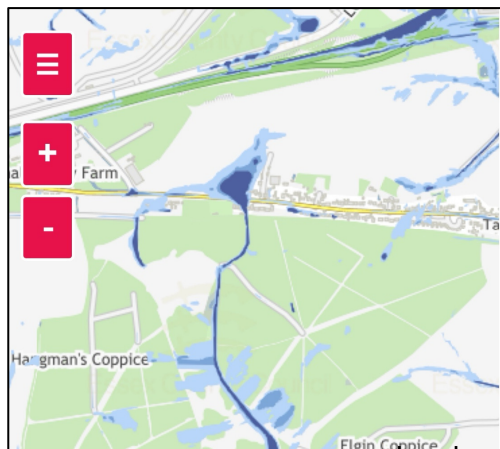


Fig11, 12 Essex CC Flood Maps highlighting the flooding of Shermore Brook within the site and beyond in Hatfield Forest.

8 Noise, Light and Air Pollution.

8.1 The site is within the airport noise footprint.

8.2 The ERCD REPORT 2403 "Noise exposure contours for Stansted Airport" indicates that the noise generated by the airport is excessive. The proposed industrial site is within 54-57db contour which is above the degree of annoyance threshold currently set at 54db. Both these readings are above the 51db defined in Government's recommendations as the daytime Lowest Observed Adverse Effect Level (LOAEL). N60 contours (report to show individual aircraft noise

readings above 60db) show hundreds of flights exceeding 60db over the proposed industrial site.

8.3 An increase in take-off and landings from the SW runway, over the proposed industrial site, is already in excess of the standard modal split. Year 2022 saw 58% of all flights take off & landing over the proposed industrial site, 2023 saw 80% of all flights over the proposed industrial site, representing an increase of 22% of traffic flying over the proposed industrial site and houses in Takeley Street.

8.4 The two paragraphs above indicate existing high noise pollution to the properties south of the proposed industrial site due to increased air traffic and the increased use of the B738MAX (most of the Ryanair planes) which are also louder (most noise dominant) and represent 59% of the total traffic.

8.5 Expected increased passenger numbers will not only affect those working on the site but expose local residents – right next to and opposite the site – to damaging noise levels.

8.6 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.

The 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*”.

Development of this site would conflict with NPPF guidance.

8.7 An 18ha B8 distribution site is likely to need to operate 24/7 to be economically viable. This will inevitably mean artificial lighting particularly in the winter months when it is dark from around 4pm. The NPPF para 191 indicates the need to “*limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation*”.

It is unlikely this is achievable adjacent to ancient woodland (Priory Wood) and opposite a Local Nature Reserve (the Flitch Way) and a SSSI and National Nature Reserve (Hatfield Forest), let alone the loss of amenity to residents living adjacent to and opposite the site.

Of further concern is that our advice is that the warehousing would need to be more than one storey high to make it economically viable.

8.8 Air Pollution

Air Pollution is of concern to residents especially when the wind is North or North Westerly. Emissions from the airport are mostly (not always) within EU guidelines, but the imposition of a large distribution site in adjacent to a residential area is of concern.

Para 9.1.2 of the LP states that “*Traffic emissions are the most significant source of air pollution within the District*”. Core Policy 43 states “*development will not lead to an increase in emissions, degradation of air quality or increase in exposure to pollutants*”. It is difficult to see how this can be achieved with the introduction of numerous vehicles next to a residential area.

9. Countryside

Removing this site from the Countryside Protection Zone will have a severe detrimental affect on the open countryside and cause coalescence with the Airport, Start Hill, The Street Takeley and Hatfield Forest.

This conflicts with the NPPF para 180 “*Planning policies and decisions should contribute to and enhance the natural and local environment*” and Core Policy 41 as it would “*cause an unacceptable visual intrusion into the Open Countryside*” and cause “*coalescence between settlements*”. (Fig13, 14)



Fig13, 14 Impact on countryside resulting in coalescence

Attachments:

Ref2 Essex FOI

Ref3 Pigeon-Birchanger Hall Farms

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Modifications

- 1 Remove the site North of Taylors Farm from the allocations.
 - 2 Look again at alternative sites especially in North Uttlesford and address likely growth in the Knowledge Industries.
 - 3 Explain why the bulk of employment sites have been allocated in South Uttlesford. The Evidence base, mostly from Estate Agents and lacking in detail is not convincing.
 - 4 Explain why Takeley 005EMP has been allocated when an open logistics site adjacent to the B1256 one mile southwest has now been refused three times since 2021:
 1. UTT/21/0332/FUL – Refused by Uttlesford District Council. Applicant Appealed. Appeal was later withdrawn
 2. UTT/22/0267/FUL – Refused by Uttlesford District Council
 3. S62A/2023/0017 – Refused by PINs
- The 18ha site allocation north of Taylors Farm Takeley Street has significantly more constraints than the refused greenfield site a mile along the street. There is therefore no logic or justification for the Takeley site allocation which gives it enough weight to override that of the thrice refused site above.
- 5 Reinstate the CPZ in the vicinity of Priory Wood (ancient woodland) and Hatfield Forest (SSSI and NNR) to prevent coalescence.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

No, I do not wish to participate in hearing session(s)

☒

Yes, I wish to participate in hearing session(s)

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

We are local residents living along the B1256 who will be affected by the LP proposals and have local knowledge of the area

(Continue on a separate sheet /expand box if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.