The following comments are submitted by Takeley Residents Action Group

7th February 2025

Re UTT/25/0125/SO – Land North of Taylors Farm

Request for Scoping Opinion - for proposed an outline planning application with all matters, except access, reserved for up to 83,000 sqm of commercial development of mixed employment floorspace including General Industrial (Class B2), Storage or Distribution (Class B8), Office (Class E(g) (i)) and Light Industrial (Class E(g)(iii)); and supporting associated development, infrastructure and landscaping

1 Introduction

1.1 Whilst we recognise that Takeley Street Residents are not Statutory Consultees, we have an interest in the proposed development because we will be directly affected. We also have extensive local knowledge derived from direct experience rather than a desk-based approach.

1.2 The document "Environmental Impact Assessment Scoping Report" submitted by the Developer makes multiple references to the emerging Local Plan, submitted to the Inspectorate in December 2024 in order to justify this application.

1.3 The document also makes multiple references to the Flitchway, neglecting to mention that it is a Local Nature Reserve and Country Park with many red list species. Conversely, Hatfield Forest is NOT a Country Park.

1.4 Many aspects of the **Sustainability** of this proposal can **ONLY** be delivered **IF** and **WHEN** the emerging LP is agreed by the Inspectorate.

Examples include the:

- "Upgrading" of the Flitchway
- The direct "green" access to Stansted Airport
- The additional recreational space to alleviate pressure on Hatfield Forest

a) The developer should submit its proposal **WITHOUT** relying on matters that are beyond its control in order to justify this development. The Local Plan in its current format is likely to be amended in some way by the Inspectorate or even rejected. This document thus relies on **conjecture** not fact and is selective about the parts of the Emerging Local Plan it wishes to use.

1.5 The site put forward in the Local Plan was 15ha at Reg 18. This proposal has almost doubled to 27ha. It is **NOT** like for like. Numerous constraints were highlighted both at Reg 18 and 19. Conveniently for the Developer, not all of these are addressed in this EIA Scoping Report.

a) The Developer should address **ALL** the constraints highlighted by UDC in its assessment of this site rather than attempt to undermined evidence submitted by UDC to the Inspectorate.

1.6 We understand that although the emerging LP carries some weight, the Planning Application will be considered under **current policies**, but evidence gathered for the Emerging LP will be relevant.

1.7 The site does not comply with **Policy S7** "The Countryside".

a) The Developer should set out the "*special reasons why the development in the form proposed needs to be there".*

1.8 **Policy S8** – The Countryside Protection Zone

The site is **CURRENTLY** part of the designation. Changes have **not** been agreed and indeed **may not** be agreed by the Inspectorate.

A)The Developer should set out why this policy should not currently apply.

1.9 **Policy GEN 2** – Design. The site does not comply with GEN2

a) The Developer should set out why this policy should not currently apply.

1.10 The site does not comply with **Policy ENV7** because of its proximity to Hatfield Forest, Ancient Woodland and an LNR.

a) The Developer should set out why this Development *" outweighs the local significance of the site to the biodiversity of the District".*

2 <u>Evidence base</u>

2.1 Table 3.1 Potential Cumulative Schemes. The Developer is incorrect, **UTT/23/1470/OP has** been determined. Contrary to the Developer's claims, **UTT/22/0434/OP** – Land North of Stansted Airport is well underway including the requisite green infrastructure.

a) The Developer should justify the need for a 27ha site whilst taking these planning consents into account.

2.2 The Developer states "*Over the Plan period 2021-2041 the land requirement for office and R&D development is 21.7ha and for industrial development it is 52.2ha*." **This is deliberately misleading.** The evidence base submitted by UDC in its emerging Local Plan states "15Ha in the Stansted vicinity".

a) The Developer should provide evidence to justify the need for this 27Ha site for warehousing and distribution– almost double the requirement in the evidence submitted by UDC to the Inspectorate.

b) The Developer should explain why this warehousing and distribution land is required in the context of the Stansted North Development where no residential properties, amenities or sensitive ecological site are affected and where:

- Additional development land is currently available for both airport and non-airport use.
- Infrastructure is already underway with some already in place.

c) The Developer should justify why this new development is required in the context of the LP strategic allocation of 15 Ha at Canfield, on the B1256 at the opposite end of the village (**ALL** the requisite requirement for this area.)

d) The Developer should justify why this new development is required in the context of the large industrial allocation in Bishops Stortford on the M11 /A120 corridor.

e) The reasons why the development should go ahead in conflict with current policies S7, S8, Gen 2 and ENV7.

2.3 The proposal states that the Developer will use "Unemployment, including the Claimant Count" as a Key Indicator. UDC's evidence submitted to the Inspectorate is very clear that has Uttlesford has a relatively small working population, "*compared to surrounding LADs, the region and nation*". It also has a very low unemployment rate further suggesting that large numbers of employees **will** commute, impacting traffic flows.

a) The Developer should submit projected numbers for those commuting in to the site from outside Uttlesford.

2.4 Table 5.1 selectively indicates the potential effect of employment **only** at a local level. It does not address the fact that businesses **WILL relocate** bringing more commuters in to Uttlesford.

a) The Developer should indicate how many of the suggested 1000 employees are likely to commute to the site by car, bus or other means including those with a disability from both within and outside Uttlesford.

b) The Developer should specifically indicate how employees would access the site from Bishops Stortford specifically using Green Infrastructure including those with a disability.

3 Site Location Map and Access Points.

3.1 We note that the Developer requests "*all matters, **except access**, reserved*". For this reason, the map "Appendix C" is inadequate and significantly more detail is required regarding access.

3.2 We note that Stane Cottages, located opposite the proposed site entrance, have been faded out on the map (Appendix C). Entrance and exit points that affected residences are not visible. A third party unfamiliar with the area and working from desk-based research only might be misled into thinking that there were no residential properties opposite or close to the access.

3.3 The Developer stated in their Regulation 19 submission that the site has "multiple access points".

The Developer should:

a) Indicate all the "multiple access points" on the Location Plan that they claimed were available in their Site Submission for the Emerging Local Plan.

b) Explain why the location of the proposed new access and emergency access opposite residential properties have been chosen. Existing entrances to residential properties should be clearly highlighted on the map – they are **NOT** visible.

c) Accurately show the **distances** from entrances to residential properties.

d) Indicate on the map the distance from site entrance to the existing BuryLodge traffic lights, any further proposed Traffic Lights or any other traffic control measures intended on site or on the B1256.

e) Clearly identify the Emergency Exit and its distance from the proposed main entrance points identified in the Location Plan.

f) **Clarify** what is meant by "*An emergency access with **restricted local access** is also proposed*" and how they intend to **control** traffic and prevent the access being used as an additional entrance and exit.

g) As it appears that this is access **NOT** intended **solely** as an "*emergency access*", the Developer should detail estimated flows of vehicle movements both to and from Takeley and surrounding villages. They should indicate any additional traffic control or calming measures intended on the B1256.

h) Indicate how the public including dog walkers including those with disabilities can access the PROWs and where they will be able to park.

i) Indicate areas where ground is to be raised and by how much. (Developer has explicity stated that ground would be raised)

j) Indicate overall heights of proposed buildings and roads once the ground level is raised and relationship to the height of residential properties.

k) Indicate all ditches on the plan including those already culverted. The Roadside Ditch which accepts Highways drainage and the site land drainage

on the southern side of the site has been omitted from the plan. We note the map appears to put a filter lane from the B1265 into the site over the location of this ditch. The depth of the Roadside ditch is significant and should be noted particularly in the context of culverting and surface water drainage.

l) Clarify all areas proposed to be culverted including the Roadside Ditch and Shermore Brook as culverting is contrary to EA policy and Essex Policy.

m) Highlight Shermore Brook (currently marked as a“drain”) as this is the sole feed to the SSSI.

n) Highlight the Countryside Protection Zone as it remains current policy. (Note: a change has yet to be agreed).

4 Lighting should be **scoped in**

4.1 Lighting is significant source of impact on the environment and amenity and should be **scoped In** with a separate assessment of night time visual effects both on site and pertaining to vehicle movements. There is potential for an ocular hazard to pilots in addition to the points raised below.

4.2 Reasons:

a)There is likely to be significant loss of amenity

b) Proposed access points are opposite and adjacent to houses

c) Site is located adjacent to residential areas, specifically the Southern Boundary.

d)The land is to be raised by the Developer with buildings up to 21.5m above the proposed ground level. The B1256 is higher than residences and residences lower than the site.

e) Vehicles entering and exiting the premises **WILL** shine headlights into housing and bedroom windows in particular.

f) Queuing or idling vehicles **will** create a significant loss of amenity through lighting and indeed noise.

g) If Traffic lights are proposed they will create a significant loss of amenity.

h) There **WILL** be a disturbance to wildlife because of the proximity of a LNR and SSSI.

i) The Stansted Airport team have specific requirements for lighting as do NATS. At the time of writing there is no input from MAG.

4.3 The Developer should indicate whether the site intends to operate 24/7 and indicate traffic flows both during day and night time together with potential queueing.

4.4 The Developer should indicate whether they intend to have lay-over facilities as requested by Highways at Regulation 18.

5 **Soil should be scoped In**

5.1 Reason: The site is classified as **Grade 2 Agricultural land** by DEFRA– "Best and Most Versatile" (**NOT** grade 3 as noted by the Developer using a different classification system).

The NPPF states:

"LPAs should use the NPPF to make decisions about the natural and local environment to:

- *protect and enhance landscapes, biodiversity, geology and soils*
- *recognise soils as a natural capital asset that provide important ecosystem services*
- *consider the economic and other benefits of BMV agricultural land, and try to use areas of poorer quality land instead of higher quality land*
- *prevent soil, air, water, or noise pollution, or land instability from new and existing development"*

5.2 The NPPF aims to protect "*the best and most versatile (BMV) agricultural land from significant, inappropriate or unsustainable development proposals*". The only "evidence" presented by the Developer para. 12.5.2 is that the site is a draft allocation in the emerging Local Plan. In fact, the LP states that this site is a "***technical oversupply***". Notably, the Developer has now doubled the site size from the strategic allocation in the Local Plan.

5.3 The Developer claims (table 14.1) that the loss of any BMV soils would be "*under 20ha*". This contradicts Para 12.2.1 states that "*Proposed Development would result in the loss of approximately 27.4ha of land"*.

The Developer should:

a) Demonstrate with evidence why they believe a site of this size would comply with NPPF guidance.

b) Submit a **Soil Management Plan** for scrutiny should they intend to remove and recycle topsoil (as suggested by the Developer in their document). It should not be via a suggested unrealistic Planning Condition unlikely to be enforceable.

6 Human Health

6.1 The Developer states that "*Proposed Development and the location / environment of the Site is unlikely to result in significant impacts in relation to human health*". "***Unlikely***" is a subjective opinion and a decision re impact should be based on **FACT** with sound evidence, not **conjecture**.

6.2 The Developer should assess the impact on human health through:

a) Increased noise
b) Increased vibration
c) Disrupted sleep patterns
d) Impact on mental health
e) Impact on Air Quality

6.3 Calculations should include projected increased airport movements (passenger, freight and employee) as well as the added impact of a massive industrial estate. Baseline measurements are needed. The number of occasions on which WHO guidelines are currently breached should be included together with the likely impact.

6.4 The site falls within an area where noise levels exceed the Lowest Observed Adverse Effect Level (LOAEL) of 51 dB LAeq,16h (daytime) and 45 dB LAeq,8h (night time).

a) The Developer should assess current noise levels and impacts and provide data concerning projected noise impacts and how they ensure that national guidelines are not breached.

6.5 **Air quality** (see above) should be addressed in depth in both **human health** and in **environmental** terms.

a) Measurements must include those taken within the **immediate** vicinity of the site and at points within a 2k radius.

b) Readings should take account of prevailing winds and indicated separately as well as combined to illustrate the effect of aircraft take-off and landing patterns.

c) Potential impact on Hatfield Forest and its SSSI status should be addressed because of the impact on rare plants and lichen to be found there. Damage threatens SSSI status, already at risk.

7 Daylight, Sunlight and Overshadowing should be **scoped in**

7.1 The Developer claims that "*the site is located in a predominantly undeveloped area, and there are no residential buildings or other sensitive uses close enough such that the proposed built form on the Site could cause significant changes to daylight, sunlight or cause overshadowing. Given the location of the Site, and the likely design of the buildings, it is considered appropriate that impacts on daylight, sunlight, overshadowing and glare are scoped out of the EIA and resultant ES*".

In fact, the site is bordered by residential property along the B1256 and the proposed access points overlook housing. The "likely" design is neither definite nor agreed. It is conjecture. For this reason, daylight, sunlight and

overshadowing should be scoped in together with Building Regulations that need to include Drainage.

8 Surface Water and Drainage should be **scoped in**

8.1 The Developer does not address the matter of foul water drainage. In their Emerging Local Plan site assessment, Uttlesford specified that foul water should be discharged to Bishops Stortford Treatment Works.

a) The Developer should detail how foul water is to be managed for the potential 1000 plus employees proposed and how it will be discharged to the specified treatment works in line with the comments by Thames Water, Statutory Consultee.

8.2 Parts of the site are subject to surface water flooding. Although the Developer has indicated that "*the Site is located entirely within Flood Zone 1 as identified on the Environment Agency Flood Map for Planning"*. Uttlesford's own evidence for the Emerging Local Plan indicates that there **is a risk of flooding** to the South of the site that has a hazard score of "***Danger to All***".

a) The Developer should indicate the areas of surface water flooding accurately on the site map where the emergency access is located, using the Uttlesford expert evidence in the LP.

b) The Developer should adhere fully to the Key Messages raised in Uttlesfords **OWN** Flood Risk Assessment published as part of the evidence base of its Emerging Local plan and demonstrate that this is the case.

8.3 **We note that the Developer appears to dispute UDC's own expert evidence** for Reg 19 with regard to surface water flooding. They claim "*The Site lies within the uppermost 5km^2 of the catchment and therefore the method used to create the surface water mapping was at a very high level and is therefore unlikely to have included details of watercourses, ditches and culverts in the area. Hence the actual area of surface water flood risk is likely to be different to that mapped. A Flood Risk Assessment (FRA) will assess the potential for surface water flooding within the Site*".

a) Instead of challenging the **expert evidence,** and potentially **undermining ALL evidence commissioned and agreed by the Uttlesford Local Plan Team** (and currently put forward by Uttlesford to the Inspectorate) Developers should be required to commission a full hydrological survey as stated in Uttlesford's own Flood Risk Assessment (Site Development Template).

b) Impact on Hatfield Forest, Shermore Brook, the B1256 and local residences must be considered as the area is known to suffer from surface water flooding. Changes in water flow, levels or pollution **will** affect Hatfield Forest including Old Woman's Weaver (GCN restoration project), and the Lake which is within the 2k zone.

9 Transport

Transport is a major topic to be scoped in and is dealt with in a separate document.

10 Mitigation

10.1 Mitigation is mentioned in the report on **50 occasions**. The Developer clearly recognises the numerous significant problems and concerns associated with this proposed development without explaining how to address those problems.

a) The Developer, instead of using the broad term "*mitigate*" should properly explain how it intends to deal with those difficulties that it has recognised, potentially by "**scoping in**".

11 Potential Effects (including identification of specific receptors)

11.1The Developer recognises "*Disturbance to neighbourhood amenity – potential for disturbance to nearby receptors as a result of construction activities*", failing to mention the permanent ongoing disruption that will be caused to residents during the operational phase.

a) The Developer needs to fully address loss of amenity during **both** the construction and operational activities to residents, users of the B1256, Hatfield Forest and the Flitchway.

12.Ecology and Diversity

The Developer claims recent ecological surveys have taken place.

a) The Developer should submit those surveys for scrutiny and support the requirements of Place Services.

b) The Developer should justify its statement that [redacted] "do not have a [redacted] located within or close to the site" particularly as the Developer has not had access to Priory Wood which is not in their ownership.

c) The Developer should address the potential ecological damage to the Flitchway which is a Local Nature Reserve and home to many red list species including Glow Worms, Slow Worms and Great Crested Newts. Water voles are known to be established within the 2k area.

d) The Developer should address the location of the nests of the protected Red Kites, regularly seen for at least the past 3 seasons throughout the year over Priory Wood, the Flitchway, Hatfield Forest and the proposed site.

e) The Developer should address ALL comments made by Natural England and Hatfield Forest both at Regulation 19 and as part of the Screening exercise.

We note that both Natural England and Hatfield Forest stated in writing to the Inspectorate that the LP was unsound specifically with regard to this site.

13 Archaelogical Advice

We fully support the submission by Place Services for a detailed survey but question why the evidence gathered from the geophysical survey carried out on 10 September 2024 was not included at this stage.

14 Minerals and Waste

The response from Essex County Council Mineral and Waste Planning notes that the site is subject to a WIIA. Note that land to the East of Cranwellian, directly opposite the site was used for the illegal importation and burial of waste circa 2009 and subject to Environment Agency Investigation. Further details can be provided.

15 Viewpoint Photography

We note that the Developer intends to use "*Viewpoint Photography*", including Residential properties along B1256 (The Street / Dunmow Road).

16,1 The Developer would need access to upper floor windows of residential properties to inform an opinion. Anything else would be speculation and conjecture. The Developer should clarify how they intend to achieve this.

16.2 Other viewpoint photographs highlighted require access to private property with no indication of how this can be achieved.

17 Vulnerability to Major Accidents and Disasters

17.1 The Developer claims that the site is not "i*n a location which is at risk of disasters*". Stansted Airport is the designated Hijack airport London Stansted Airport serves as the UK's designated airport for hijacked aircraft landings due to its proximity to RAF bases and "*remote location*". The airport has faced several tests, including a four-day standoff involving an Ariana Afghan Airlines Boeing 727 in 2000. A Korean Airlines aeroplane crashed in 1999 and a light aircraft in 1987. An aircraft had a near miss on landing in 2022 with another difficult landing by a RyanAir 737 in 2024 on its final approach. Since that time there has been a significant increase in air traffic.

17.2 The airspace in this vicinity is a helicopter holding point for crossing the runway.

17.3 Uttlesford's own evidence concerning Surface Water on the proposed site notes a "Danger to Life" for part of this site.

17.4 The area is therefore **MORE** vulnerable to potential accident and disaster,

making emergency evacuation and **exit points** from the site limited and critical.