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## Appeal Decision

Hearing held on 16 and 17 May 2017

Site visit made on 16 May 2017

**by Cullum J A Parker BA (Hons) MA MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24<sup>th</sup> July 2017**

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**Appeal Ref: APP/Z1510/W/16/3162004**

**Land off Stone Path Drive, Hatfield Peverel, Essex, CM3 2LG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Limited against the decision of Braintree District Council.
  - The application Ref 16/00545/OUT, dated 30 March 2016, was refused by notice dated 25 October 2016.
  - The development proposed is *Outline planning permission for up to 80 dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, primary vehicular access off Stone Path Drive, and associated ancillary works. All matters to be reserved with the exception of the site access.*
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. Before the Hearing the Council confirmed in its Statement of Case<sup>1</sup> that it was no longer contesting the stated reason for refusal. This was because the Council's planning committee considered that the details of another scheme containing part of the appeal site overcame its concerns. That scheme has not been determined (see planning history section below).
3. However, it differs from this scheme by seeking 140 dwellings on a larger site compared to the scheme before me. What is more, interested parties have submitted reasoned evidence that reflected the Council's reasons for refusal in this case. There also remains a decision notice which refused planning permission. I have considered the appeal scheme within this context and in framing the main issues.

### Main Issues

4. The main issues identified at the start of the Hearing were:
  - The effect of the proposed development on the character and appearance of the countryside, including on landscape and the historic environment, and;

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<sup>1</sup> Both parties agreed in the agreed Statement of Common Ground (SOCG)

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- The effect of the proposal on local biodiversity, and;
- Whether the proposed development would make adequate provision in respect of local infrastructure.

### Planning History

5. Outline planning permission for the appeal scheme (16/00545/OUT) was refused on 11 October 2016, with a decision issued on 25 October 2016.
6. Subsequently, a further outline application for planning permission was submitted for 140 dwellings with a site area that covered most of the current appeal site (ref: 16/01813/OUT). The Council sought additional advice in respect of landscape impact and ecology matters on this 140 dwelling scheme<sup>2</sup>.
7. The Council took into account the information for the 140 scheme on landscape and ecology (this was transposed onto the appeal scheme given similarities in the site areas). This resulted in the 140 dwelling scheme being recommended for approval on 28 March 2017<sup>3</sup> by the Council's professional officers. The elected Members resolved to grant planning permission subject to conditions (delegating powers to the Head of Planning) and that the appellant entered into a 'suitable' Section 106 Agreement. This proposal was considered by the Council prior to the Supreme Court issuing its judgement<sup>4</sup>.
8. On the 12 July 2017, the Secretary of State CLG called-in this 140 dwellings scheme for their own determination by means of an Inquiry<sup>5</sup>. This has not yet been determined. I sought the views of the main parties on this matter, and have considered their comments in my overall assessment.

### Planning Policy Context

9. The development plan for the appeal site area comprises the saved policies<sup>6</sup> of the *Braintree District Local Plan First Review 2005* (LP) and the *Local Development Framework Core Strategy 2011* (CS).
10. In March 2017, a neighbourhood plan for the area including Hatfield Peverel was submitted to the Council in order for consultation under Regulation 16 of the *Neighbourhood Planning (General) Regulations 2012* to commence. At the time of the Hearing in May 2017 this process had not been started by the Council. On 30 May 2017, I was informed by the Stone Path Meadow Residents Group (SPMRG) that the Regulation 16 Consultation of the *Hatfield Peverel Neighbourhood Development Plan* (NP) would commence shortly. Clarification was sought from Council, whom confirmed that on 5 June 2017, the formal Regulation 16 consultation started and would close 6 weeks later on or around the 17 July 2017.
11. The NP remains unmade, and does not therefore form a part of the statutory development plan for the local planning authority area. However, it is material to the determination of this appeal which lies within its geographic area and it provides a useful indication of the planning aspirations of the local community.

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<sup>2</sup> Hearing Statement of Braintree District Council, April 2017, page 3, para 1.5 and Appendices BDC1 and BDC2

<sup>3</sup> Hearing Statement of Braintree District Council, April 2017, Appendix BDC4 - Minutes of meeting

<sup>4</sup> *Richborough Estates Partnerships LLP v Cheshire East Borough Council* UKSC 2016/0078 and *Suffolk Coastal District Council v Hopkins Homes Ltd* UKSC 2016/0076.

<sup>5</sup> DCLG Reference: NPCU/RTI/Z1510/77589

<sup>6</sup> As per the SoS CLG Direction letter dated 6 May 2008

12. Given both its relevance and relatively advance stage of preparation in accordance with Paragraph 216 of the *National Planning Policy Framework* (the Framework), **I consider that the NP and the policies contained therein should be afforded significant weight as a material consideration in any overall planning balance for the purposes of this appeal.**

## Reasons

*Character and appearance of the countryside, including on landscape and historic environment*

13. The appeal site is located adjacent on the western edge of Hatfield Peverel in Essex. The site itself comprises about 4.57 hectares of agricultural land. The topography of the site is characterised by a gentle slope upwards from the south-west to the north-east. A majority of the site boundary is edged by a mixture of mature trees or hedgerows; with a short length of chain link fence along the boundary with Stone Path Drive to the north.
14. A Public Right of Way (PROW), FP43, crosses the site on a broadly east-west axis, and connects Church Road to the east with The Street to the west. Towards the western end of this PROW is Hatfield Place, which is a Grade II\* listed building. It is also possible whilst using the footpath outside of the appeal site to see the rear of the William B public house (previously known as the Crown) which is also a Grade II\* listed building.
15. The site itself is located about 600 metres from the centre of Hatfield Peverel, which provides a wide range of day to day services such as a Doctors Surgery, public houses, a school, dental surgery and grocery stores. Along the main road through the settlement are a number of bus stops providing services to Colchester, Witham and Chelmsford seven days a week. There is also a train station providing direct services into Chelmsford, Colchester, Ipswich and London.
16. **Hatfield Peverel is identified within existing and emerging planning policy as a key service centre. As such, the settlement is identified for future growth.** However, it should be noted that the appeal site itself is located *outside* of the Town Development Boundaries and Village Envelopes as defined by Policy RLP2 of the LP. Accordingly, for planning policy purposes the appeal site is located within the countryside.
17. The appeal site not only lies outside of the Hatfield Peverel Village Envelope as designated in the LP, but **it is not allocated for development in the emerging Draft Local Plan.** The Council confirmed that at the current time it **cannot demonstrate a five year supply of deliverable housing sites – the figure being around 3 to 3.95 years.** As such, Paragraph 49 of the Framework is relevant and thus Paragraph 14, the fourth bullet point is engaged.
18. The Council considers that as Policy CS5 constrains development outside of the village envelopes it is one that is relevant to the supply of housing and should only be given limited weight. They point to an appeal decision (ref 3146968) to support this position. I consider this point in further detail in my overall conclusion.
19. The proposed scheme would see the complete redevelopment of the appeal site. Its intrinsically rural farmland character, abutting the established settlement, would therefore be altered into a purposely laid out housing

development. The result would be a development that would visually jar with the existing settlement given that the field forms a distinct separation between the built-up areas of the settlement to the north and east and the countryside lying to the south and west of the appeal site. Whilst I note that various landscaping schemes could be employed to reduce this impact, given that only one side of the site is currently bounded by any significant built form, the fundamental character of this agricultural field, and its contribution to the intrinsic beauty of the countryside, would detrimentally change.

20. What is more, as indicated within the SOCG, the appeal site is located partly on Grade 2 and partly Grade 3 agricultural land, as classified under the Agricultural Land Classification. It is unclear as to whether the Grade 3 elements falls within the 3a or the 3b level of grading. Nevertheless, on the basis of the evidence before me, it is clear that the proposal would result in the loss of this agricultural land, which the glossary of the Framework indicates should be considered the *Best and Most Versatile Agricultural Land* (BMVAL) for Grades 1, 2 and 3a. Notwithstanding the uncertainty over the specific categorisation of the Grade 3, it is clear that part of the site, at the very least, contains BMVAL.
21. Paragraph 112 of the Framework indicates that '*local planning authorities should take into account the economic and other benefits of the BMVAL*' and that '*where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality*'. The SOCG suggests that as the site comprises 'only 4.57ha' it does not constitute a significant loss in the wider context of the district.
22. However, a majority of the appeal site area would be completely developed with up to 80 dwellings and their gardens and parking areas, roads and other residential features, preventing any further realistic or economic farming of the land. Within the context of the appeal scheme, this would represent a significant development of agricultural land. What is more, there is little justification for the loss of this BMVAL or that its loss is necessary.
23. Indeed, whilst I note the Council's accepted lack of 5 year housing land supply position, I am also mindful that the area covered by the emerging NP contains brownfield or previously developed sites (such as the former Arla Dairy site<sup>7</sup>) which may reasonably contribute to the district's overall housing land supply by using land of poorer quality.
24. Accordingly, in the absence of any detailed assessment demonstrating the consideration of land of a poorer quality by the appellant or the necessity of this site coming forward within the context of other agricultural land within the district, I find that the proposal would result in modest harm through the unjustified loss of BMVAL.
25. Returning to character and appearance more widely, my concerns are further reinforced when one considers the *Landscape and Visual Impact Assessment* (LVIA) submitted by the appellant, which found that the proposal would result in a 'minor-moderate adverse' effect, and that there would specifically be a long term 'moderate effect' on users of the PROW (FP43). There is an existing

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<sup>7</sup> As expressed in the emerging Policy HO6 – Allocation of the former Arla site of the NP

- mature landscape structure along many of the boundaries to the site which provides an element of containment for any development within the field.
26. Nevertheless, the landscape harm here would be through the erosion of the distinctive landscape of the area, including the loss of the tranquil farmland scene. The *Local Landscape Character Assessment*<sup>8</sup> undertaken by Landscape Partnership in October 2015 found that *'the peaceful and rural qualities of the valley landscape provides a green corridor'*. From this, the Parish Council developed emerging Policy HPE6 of the NP, which seeks to *'protect the landscape setting of the village through the preservation and enhancement of views...any proposed development...must ensure key features can continue to be enjoyed including...open agricultural countryside'*.
27. The sense of tranquillity both visually and aurally – which is important in the settlement owing to the noise and bustle created by the A12 – would be detrimentally eroded, with the open footpath bounded on one side by a large housing estate. In this respect, I concur with the findings of the LVIA which identified a moderate adverse effect on the PROW and its users. For similar reasons, I also find that the proposal would result in moderate harm in landscape terms.
28. The PROW itself leads to and from the Grade II\* listed Hatfield Place from Crabbs Hill; passing near to the rear of the William B public house which is also Grade II\* listed. At the Hearing, I heard from the SPMRG, who echoed concerns raised by Historic England as to the proposal potentially harming the setting of these Grade II\* listed buildings.
29. Indeed, whilst not raising an objection per se, Historic England (HE) indicate that they consider that the *'setting of Hatfield Place may be eroded by the proposed development...'* and that *'further work is required to enable the planning authority to assess the degree to which the proposal might cause harm to the significance of the designated heritage asset. Whilst this harm is likely to be less than substantial, the full impacts of the proposal must be clear...'*<sup>9</sup>
30. Interested parties are concerned that the enclosure of FP43 by a housing development would erode the historic link between Hatfield Place and the church, and reduce the ability of viewers to see both listed buildings within their current rural contexts. It is also important to note that the name of 'stone path meadow' is thought to have arisen from the use of stones for the pathway, some of which remain evident along the path.
31. I was able to see from my site inspection travelling along the PROW, and also heard at the Hearing, that the field directly behind the William B public house is an open mainly grassed area which would remain unaltered and that no structures or buildings would be erected on this land as part of the scheme before me. I was also able to see that whilst the PROW crosses open fields from Hatfield Place to Crabbs Hill and vice versa, there is a clear visual separation between these fields and the grounds of Hatfield Place.
32. What is more, the existing mature boundary between Hatfield Place and the field adjacent to the appeal site provides a buffer between the two. I note the representations made in respect of the social historical link between the

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<sup>8</sup> BDC11

<sup>9</sup> Historic England letter dated 16 August 2016, from Deborah Priddy, Inspector of Ancient Monuments

footpath and Hatfield Place, with the footpath providing access to the church for former occupants. I also note that the PROW forms part of the cultural heritage of the settlement with events such as lantern walks and the ability to still see stone paving slabs along part of the path all contributing to this sense of place.

33. However, in terms of the setting of these two designated heritage assets, one would still be able to experience both within their immediate contexts, with Hatfield Place as a modest large house on the edge of the settlement and the William B as a former coaching inn. Neither of these factors, which contribute to the significance of these heritage assets, would be undermined. What is more, there is no clear indication when using the PROW that there are any specific historic links with between this path and the significance of the listed buildings, beyond them being a footpath that occupants might have used to access the church.
34. In this respect, whilst I note the value the local community attribute to the path, this is specifically related to its contribution to character and appearance of the area and its landscape rather than the setting of the listed buildings or their heritage significance. Accordingly, and taking into account the views expressed, including those from HE, I do not find that the proposal would result in any harm to the settings of these listed buildings. Nevertheless, the absence of harm in respect of the settings listed buildings does not alter my findings in respect of character and appearance, and landscape impacts.
35. I therefore conclude that the proposal would result in unacceptable harm in respect of the character and appearance of the area and also in terms of the minor to moderate adverse landscape impact. It would therefore be contrary to (Saved) Policy RLP2, (Saved) Policy RLP80 of the LP and Policies CS5 and CS8 the CS, which, amongst other aims, seek to confine new development to within village envelopes, that development which would not successfully integrate into the local landscape will not be permitted and that development outside of the village envelopes will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and amenity of the countryside.
36. The proposal would also be contrary to the policies of the Framework in respect of the first main issue, including Paragraphs 17, 61, 112, which beyond those reasons already cited, seek to ensure that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment and that planning should take account of the different roles and character of different areas including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
37. The proposal would also be contrary to elements of emerging policies HPE2 and HPE6 of the NP, which amongst other matters aims seek to ensure that development should protect the BMVAL, have regard to and respect the character of the landscape and its sensitivity to change and enhance the locally distinctive character of the landscape in accordance with the Hatfield Peverel Landscape Character Assessment (2015). The emerging policies also seek to protect the landscape setting of the village through the preservation and enhancement of views and that any proposed development must ensure key features can continue to be enjoyed including open agricultural countryside.

### *Local biodiversity*

38. The appeal site comprises areas of farmed land, bounded by established hedgerows and trees on most boundaries. The biodiversity concerns of this appeal centre on the loss of habitat for farmland birds and the impact on bats.
39. In terms of wild birds, these are provided statutory protection by the *Wildlife and Countryside Act 1981*, as amended, whereby, put simply, it is an offence (with limited exceptions) to intentionally kill, take, or injure a wild bird or destroy their nests or eggs. In this case, the surveys undertaken by both the appellant's ecologists FPCR and local residents indicate that the field, including its boundaries and also fields nearby, are used by various farmland bird species. However, the FPCR survey found that the appeal site itself is not used by ground nesting birds, with much of the habitat value to birds contained to the hedgerows and trees surrounding it.
40. What is more, the surrounding vegetation would be retained and reinforced as part of the overall landscaping of the site. The proposal could also realistically provide additional enhancements such as bird boxes and it would not be unreasonable to expect that the various garden areas to provide planting and fauna favourable to insect species on which various birds would feed. This would be a very different environment (and broadly more favourable for a wide range of birds) than the fairly 'monoculture' situation found on some farmland. What is more, it would be reasonable to use various conditions requiring surveys to be undertaken before any clearance takes place so as to ensure that nesting birds are not disturbed during any construction phase.
41. In this respect, the proposal would not only mitigate its impact in terms of farmland birds using the surrounding hedgerows and trees for foraging, but it would also provide a modest benefit in terms of the biodiversity enhancements; including those identified above.
42. In terms of bats, it was identified by Dr Mansfield (for the appellant) at the Hearing that the tree labelled T5 contains a roost for bats. I was able to see this tree during my site inspection where it was pointed out to me by both main parties. This tree would be retained as part of the appeal scheme, thus retaining the roost. The proposal would also include the provision of features such as bat boxes or bricks, so as to provide further roosting opportunities. Moreover, it is clear that any external lighting schemes could be sensitively designed so as to minimise the impact on bat's foraging patterns. Given these various factors, and the overall potential to positively enhance the biodiversity of the area through reinforcement of the site boundaries, I find that the proposal would not result in harm to bats, which are a protected species, located on or near to the appeal site.
43. The main parties agree that the appeal proposals are not contrary to development plan (Saved) Policies RLP80 and RLP84 of the LP in respect of ecology. Furthermore, they agree that the appeal proposals offer the opportunity to enhance the biodiversity value of the site as outlined in the submitted Ecological Appraisal. Given my findings above, I see no reason not to concur on this issue.



44. I therefore conclude that the proposal would not have a materially harmful impact on local biodiversity. Accordingly, it would not conflict with (Saved) Policies RLP80 and RLP84 of the LP and Policy CS8 of the CS, which, amongst other aims, seek to not grant planning permission which would have an adverse impact on species protected under various UK and European legislation. However, it would still conflict with these policies in respect of the first main issue.
45. It would also conform to the emerging Policy HPE2 of the NP in respect of it seeking to retain and enhance existing biodiversity value. However a conflict with this emerging NP policy would remain over the loss of agricultural land. It would also accord with policies of the Framework which seek to conserve and enhance the natural environment, including Paragraph 118 where opportunities to incorporate biodiversity in and around development should be encouraged.
46. As set out in Section 4.26 of the SOCG, the 'blue land', which is an area of 3.54ha of off-site open space, is intended to act as mitigation for the Blackwater Estuary SPA/Ramsar. The main parties agreed that the provision of this land would mean that the proposal would result in no likely significant effect on designated Natura 2000 sites. This reflects the summary of the Habitat Regulation Screening Report<sup>10</sup>. Natural England, the government's statutory adviser on such issues, found the same in their letter dated 16 May 2017<sup>11</sup>.
47. Given such circumstances, I see no reason to disagree with this Report, nor the mitigation proposed in respect of this matter. However, as this land is sought to mitigate an impact arising from the development it cannot be considered to also be a benefit.

#### *Local infrastructure*

48. The appellant has submitted a Section 106 Agreement (S106) dated 17 May 2017 by Michael John Austin and Lucinda Sarah Ann Fletcher and executed as a deed by Gladman Developments Ltd. Put simply, the S106 provides for 40% of the dwellings to be affordable housing, an allotments contribution and provisions of amenities and utilities and improvement of access to the allotment site off Church Road, a Habitat contribution towards the provision of visitor management measures at the Blackwater Estuary SPA/Ramsar site, a healthcare contribution, the provision of a management company and management plan for maintenance of open space, an outdoor sport contribution (including towards new tennis court facility), a local equipped play area, the provision of 'blue land' and its transfer to the Parish Council for the sum of £1.00.
49. The Council has submitted a planning obligations justification paper, which sets out why the contributions sought comply with the CIL Regulations and the Council's adopted development plan. In particular, Policy CS2 of the CS indicates that *'Affordable housing will be directly provided by the developer within housing schemes on the following basis: 1 (and seeks)...A target of 40% affordable housing on sites in rural areas...'* The proposal in this case would provide for 40% of the dwellings to be provided, thus fulfilling the aims of this policy. This policy is also reflected in emerging policy HO3 of the NP.

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<sup>10</sup> LPA1 - *Habitats Regulations Assessment Screening Report*, Date 4 May, Version: 1.1: Braintree District Council

<sup>11</sup> LPA3 - Natural England letter dated 16 May 2017 raising 'No Objection' from Steve Roe, West Anglia Area Team



This provision of affordable housing is therefore a public benefit that weighs in favour of the appeal scheme.

50. I also note that Policy CS10 of the CS which indicates that '*new development to make appropriate provision...for publicly accessible green space...*' and Policy CS11 of the CS which sets out that '*The Council will...ensure that the infrastructure services and facilities required to provide for future needs of the community...are delivered...provision will be funded through legal agreements, planning obligations...*' are of relevance in this case. These points are also reflected in emerging NP Policies FI3 and FI5. However, as the appeal is to be dismissed on other substantive issues, and whilst an obligation has been submitted, it is not necessary to consider it in any further detail given that the proposal is unacceptable for other reasons.

### **Overall Conclusion**

51. Section 38(6) of the Planning and Compulsory Act 2004, as amended, (PCPA) requires that if regard is to be had to the development plan for the purpose of any determinations to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
52. In this case the proposal would conflict with (Saved) Policies RLP2 and RLP80 of the LP and Policies CS5 and CS8 of the CS. The proposal would therefore conflict with the adopted development plan.
53. In terms of material considerations, the Council concedes that it is unable to demonstrate a five year supply of deliverable housing at the current time. As a result, Paragraphs 14 and 49 of the Framework (the Framework being an important material consideration) are of specific relevance here.
54. The main parties took the view that the weight ascribed to Policy CS5 should be reduced owing to the fact it restricts housing development in the countryside. However, when calibrating this policy against the findings of the Supreme Court<sup>12</sup>, it is clear that this policy, which contains no allocation of sites nor housing figures for example, when considered in the 'narrow' interpretation the Court supports, is not a policy that is not 'up to date' in the context of Paragraph 49 of the Framework.
55. What is more, it is broadly reflected in the Policies of the Framework, for example Paragraph 17 which seeks to recognise the intrinsic character and beauty of the countryside; albeit I acknowledge that the term 'protect' within the policy is somewhat stronger than recognition per se. Nonetheless, when considered against Paragraph 215 of the Framework, I consider that this Policy should be afforded the 'greater weight' which in this case should be substantial as an adopted development plan policy.
56. Returning to the planning balance test set out in Paragraph 14 of the Framework, the second limb, second bullet point indicates that where relevant policies are out-of-date decision-taking means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a

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<sup>12</sup> In the case of *Richborough Estates Partnerships LLP v Cheshire East Borough Council* UKSC 2016/0078 and *Suffolk Coastal District Council v Hopkins Homes Ltd* UKSC 2016/0076. It should be noted that this matter was discussed early on at the Hearing, with all parties given time to consider its applicability or otherwise in this case.

whole. In this case, the proposal would result in substantial harm to the character and appearance of the area, moderate harm to the landscape including as seen from the PROW (FP43) and moderate harm through the unjustified and irreversible loss of BMVAL, which is a finite resource.

57. In terms of the benefits the proposal would result in the creation of jobs during the construction phase which I afford modest weight to, it would provide 80 dwellings in a district that currently has a under-supply of housing (owing to being unable to demonstrate a five year supply of deliverable housing sites) of which 40% of those delivered would be affordable housing which I afford significant weight to, and the proposal would provide some limited ecological and biodiversity enhancements to the site which should be afforded modest weight. However, it should be noted that these are benefits which are common to most housing developments and not necessarily unique in the context of this site.
58. On balance, I find that the specific harm arising in this case in relation to the appeal site, and therefore the adverse impacts, significantly and demonstrably outweigh the benefits proposed. As such, the Framework does not indicate that planning permission should be granted. The appeal scheme would also be contrary to emerging Policies HPE2 and HPE6 of the NP insofar as they apply to the first main issue. These are also material considerations weighing against the grant of permission rather than in favour of it.
59. In applying S38(6) of the PCPA, I find that the proposal would not accord with the adopted development plan and that there are no material considerations that indicate otherwise. For the reasons given above, and having taken all matters raised into account, I conclude that the appeal should be dismissed.

*Cullum J A Parker*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Christian Hawley of Counsel	Instructed by Gladman Developments Limited
Chris Lee	Planner (Gladman)
Diane Richardson	Planning Manager (Gladman)
Claire Heeks	Landscape Architect
Suzanne Mansfield	Landscape and ecological surveys
Simon Taber	Ecology Solutions
Laurie Hancock	Iceni Projects (Heritage)

### **FOR THE LOCAL PLANNING AUTHORITY:**

Chris Tivey	Planning Consultant
Alan Massow	Senior Planning Policy Officer
Kathryn Carpenter	Planning Policy Officer

### **INTERESTED PERSONS:**

David Leaf	On behalf of the Rt. Hon. Priti Patel MP
Margaret Freeman	Local resident and member of Stone Path Meadow Residents Group (SPMRG)
Kevin Dale	Local resident and member of SPMRG
Councillor Derek Louis	County Councillor and member of SPMRG
Andy Simmonds	On behalf of Hatfield Peverel Parish Council and member of SPMRG
Elis Gwyn Williams	Ecology matters and member of SPMRG

## **ANNEX A – DOCUMENTS SUBMITTED AT HEARING**

APP1	Opening Submissions on behalf of the Appellant by Christian Hawley of No 5 Chambers dated 16 May 2017
APP2	Appellants note in relation to <i>Richborough Estates Partnerships LLP v Cheshire East Borough Council UKSC 2016/0078</i> and <i>Suffolk Coastal District Council v Hopkins Homes Ltd UKSC 2016/0076</i> Christian Hawley of No 5 Chambers dated 16 May 2017
APP3	Planning Obligation by deed of undertaking under Town and Country Planning Act 1990 section 106 dated 17 May 2017 by Michael John Austin and Lucinda Sarah Ann Fletcher
APP4	Closing submission on behalf of the Appellant by Christian Hawley of No 5 Chambers dated 17 May 2017
LPA1	Habitats Regulations Assessment Screening Report relating to Land South of Stonepath Drive, Hatfield Peverel Ref: 16/00545/OUT, Dated 4 May version 1.1
LPA2	Email dated 15 May 2017 relating to emails from Sue Hooton, Principal Ecological Consultant at Place Services and Steve Roe, Lead Adviser – Land Use Planning, West Anglia Area Team at Natural England
LPA3	Letter from Natural England dated 16 May 2017 confirming 'No Objection' and that the proposal 'will not have significant adverse impacts on designated sites'
IP1	Statement from the Rt. Hon. Priti Patel, Member of Parliament for Witham 2010-2017 and Conservative Party Parliamentary Candidate for Witham for the 2017 General Election (Note: returned as MP after election)
IP2	List of Speakers on behalf of the SPMRG
IP3	Opening of Stone Path Meadow Residents Group
IP4	Submission on landscape from SPMRG
IP5	Submission on Ecology from SPMRG
IP6	Hatfield Peverel NDP Housing Numbers from SPMRG
IP7	Hatfield Peverel – Housing Needs Survey, February 2015 – Key findings from SPMRG
IP8	Submission on the emerging Hatfield Peverel Neighbourhood Development Plan (NDP) from SPMRG
IP9	Hatfield Parish Council submission to Planning Inspector from Les Prestley, Chairman of Parish Council
IP10	Submission on Traffic/Pollution from SPMRG
IP11	Submission on the Doctors/Early Years/Schools/Highways from SPMRG
IP12	Submission on Heritage/Public Footpath 43 from SPMRG
IP13	Closing statement of SPMRG