

Decision Notice and Statement of Reasons

Site visit made on 7 March 2024

By S Dean MA MRTPI

A person appointed by the Secretary of State

Decision date: 10 April 2024

Application Reference: S62A/2023/0031

Site address: Land North of Thaxted Road, Saffron Walden

- The application is made under section 62A of the Town and Country Planning Act 1990 for outline planning permission.
 - The site is located within the administrative area of Uttlesford District Council.
 - The application dated 5 December 2023 is made by Kier Ventures Ltd and was validated on 21 December 2023.
 - The development proposed is the erection of up to 55 dwellings, associated landscaping and open space, with access from Knight Park.
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Decision

1. Outline planning permission is granted for the erection of up to 55 dwellings, associated landscaping and open space, with access from Knight Park at Land North of Thaxted Road, Saffron Walden in accordance with the terms of the application dated 5 December 2023, subject to the conditions set out in the attached schedule.

Statement of Reasons

Procedural matters

2. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the Secretary of State. Uttlesford District Council have been designated for major applications.
3. The application was made in outline, with approval sought for access. All other matters would be the subject of future applications for reserved matters approval.

4. Following screening by the Planning Inspectorate under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), it was found that the proposed development would not be of a scale or nature likely to give rise to significant adverse effects. Therefore an Environmental Impact Assessment was not required and I am satisfied that the requirements of the Regulations have been complied with.
5. Consultation was undertaken on 2 January 2024 which allowed for responses by 9 February 2024. Responses were received from the parties listed in Appendix 1 of this statement. A number of interested parties and local residents also submitted responses.
6. Uttlesford District Council (UDC) submitted an officer report and minutes following a planning committee meeting on 7 February 2024. The consultation response summarises these documents and sets out the **Council's objections to the proposed development on a number of grounds.**
7. After the end of the representation period, a procedural review of the case was undertaken in line with the published criteria. That review established that this application was to be determined on the basis of representations in writing as it does not raise issues which could not be clearly understood from the written submissions.
8. The applicant was advised of that decision and invited to respond to the consultation responses from the Highways and Transportation Team and Flood Risk Officer. They did so on 28 February 2024. As that submission updated documents and drawings in direct response to those consultation responses, it was considered to be new information and a further consultation took place. That consultation period ended on 15 March 2024, and an extension of time to the determination period to 11 April 2024 was agreed. Responses were received from the parties listed in Appendix 2 of this statement.
9. I carried out an unaccompanied site visit on 7 March 2024 which enabled me to view the site, the surrounding area and the nearby roads and public rights of way.
10. I received a certified copy of a planning obligation under section 106 (s106) of the Town and Country Planning Act 1990 from the applicant which covers a range of obligations including healthcare, monitoring, public open space, education, affordable housing and highways matters. I consider whether the obligations in the s106 meet the tests set out in the Framework and satisfy the requirements of the CIL regs later in this statement.

11. In determining this application, the Planning Inspectorate has worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In doing so, the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time, gave clear deadlines for submissions and responses, and accepted amendments submitted by the applicant in response to the matters raised during consultation.
12. I have taken account of all written representations in reaching my decision.

Main Issues

13. Having regard to the application, the consultation responses, comments from interested parties, the **Council's report and Committee resolution**, together with what I saw on site, I consider that the main issues for this application are:
 - whether the site is a suitable location for the development proposed, having regard to the development strategy in the development plan; and
 - whether or not the proposal would give rise to suitable living conditions for future occupiers.

Reasons

Background

14. The application site is a single field outside the settlement limits of Saffron Walden and therefore within countryside. Despite this, it is immediately adjacent to the Knight Park which contains various uses, including retail, commercial, food and drink outlets and a hotel. The side of the site adjoining the retail park has the rear service area to a number of these units as well as the household recycling centre. A large amount of new housing is being constructed to the north-west of the site, between it and Saffron Walden.
15. Policy SW5 of the Uttlesford Local Plan, adopted January 2005 (the Local Plan) allocates land at Thaxted Road for employment uses. The northern portion of the application site, on which no development is proposed, falls within that allocation. The rest of that allocation is now covered by Knight Park.
16. Despite the promotion of the application site for residential development at call for sites stage, and evidence in this application that the site owner will not release the site for employment-related development, the emerging Regulation 18 Local Plan proposes an employment allocation on the application site. Regulation 18 consultation on the emerging Local Plan took place at the end of 2023, and it is anticipated that the new Local Plan will be adopted in Spring of 2026.

17. Although not within the boundary of Saffron Walden, the site is well connected to the town and its facilities, with a wide and lit footway along the main road as well as close connections to the wider network of public rights of way, some of which are surfaced towards Saffron Walden.
18. There are existing bus services to Knight Park, and there are proposals in place to improve them. Specifically connected to those services, this application now includes provision to allow bus services to Knight Park to turn within the site, and the planning obligation includes a contribution towards bus infrastructure.
19. In their report on the application, UDC note that the site is located in an accessible and sustainable location and having regard to the submission and my observations, I agree.

Location

20. As set out, the site is both allocated for and protected for employment uses and lies outside the defined settlement boundary and within open countryside. Being within the countryside, the part of the site proposed for built development is required to be protected for its own sake and planning permission will only be given for development that needs to take place there. That part of the site not proposed for built development is allocated for and protected as an employment site and should be safeguarded for that purpose. Although no built form is proposed, the proposal would appear to preclude its future use for employment purposes as it is illustratively shown as being used for open space and drainage infrastructure connected to this development.
21. As such, having regard to the development plan and the development strategy within it, the site is not a suitable location for the development proposed, and the proposal would conflict with Policies S1, S7, SW5 and SW6 of the Local Plan.

Living conditions

22. Given the proximity of the site to the recycling centre, concerns have been expressed over the compatibility of the proposal with that use. The application was accompanied by a Waste Infrastructure Assessment. This Assessment considered the compatibility of the proposal with that use, in terms of noise, traffic and visual effects.
23. In combination with the Noise Assessment, the illustrative plans show no development within the areas most affected by noise. The level of vehicle movements associated with a development of this size are considered compatible with those connected to the recycling centre and Knight Park as a whole, and visual effects would be limited by the existing and proposed landscaping, as well as distance from the recycling centre to the proposed dwellings.

24. Essex County Council (ECC) as Waste and Minerals Planning Authority finds the approach within that assessment reasonable and considers that in combination with the recommendations in the Noise Assessment, the site could be delivered without harm to living conditions as a result of its relationship to the recycling centre.
25. They have suggested certain conditions, but as I consider that these relate to the appearance and layout of the site, which are not for consideration at this stage, I have not imposed them. Nevertheless, there is nothing in either their suggested conditions nor the illustrative plans and approach in the submission which suggests that detailed proposals in which the recycling centre and the proposed housing are compatible cannot be brought forwards.
26. As such, I find that the proposal could provide suitable living conditions for future occupiers. In this respect then, the proposal accords with Policy 2 of the ECC Waste Local Plan and Policies GEN4, GEN5, ENV10 and ENV11 of the Local Plan.

Other Matters

Emerging development plan

27. Work is currently underway on the emerging local plan, with Regulation 18 consultation closing in late December 2023. That emerging plan includes this site as an allocation for employment development (industrial use).
28. The October 2023 Draft Uttlesford Local Plan 2021-2041 (Regulation 18) Employment Site Selection Topic Paper, sets out the need for employment land on the sites proposed as well as reasons for allocating those sites. It notes that the Draft Housing and Employment Availability Assessment (HELAA) has identified a need for up to 5ha of industrial floor space in Saffron Walden. The Topic Paper goes on to state there is only one strategic scale site in Saffron Walden which can accommodate (some of) this requirement; the application site. The site is described as suitable, available and achievable.
29. Alongside that, the site was also promoted for residential development, but discounted and preferred for employment use owing to its location next to existing employment land.
30. The applicant states however that the application site is not controlled by a party willing to release it for employment or industrial purposes, and as such, the allocation would fail the test of soundness during examination.
31. The National Planning Policy Framework (the Framework) is clear that the weight the emerging plan can be given is affected by the stage of preparation of the plan and the extent to which there are unresolved objections. Whilst Regulation 18 consultation has taken place, the conclusions of that consultation are not yet published, Regulation 19 consultation is yet to take place and the plan remains to be examined after that.

32. In addition, the Framework makes clear that any refusal on the grounds of prematurity requires the satisfaction of two criteria, and I do not consider that this proposal meets either of them. Further, the Framework makes clear that refusal on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination.
33. As a result, whilst the proposal does conflict with the emerging plan, I do not give that conflict such weight that it is either a main issue in this decision or is ultimately determinative on its own.

Character and appearance

34. Although located within open countryside, the site is visually and spatially well connected to the existing and already expanding built area of Saffron Walden. Long distance views are limited by the landform and boundary screening, and in any case offer views of the site against that clear built-form context.
35. As a result, I do not consider that development of the site, even allowing for matters of layout, scale and appearance being reserved, would cause unacceptable harm to the character and appearance of the area or the wider countryside around it.

Highways, access and rights of way

36. Third parties have expressed concerns over access to the site, including whether or not it is safe or appropriate for the site to be accessed through Knight Park. ECC Highways initially objected to the proposal on the basis of concerns over active travel, public rights of way, buses and vehicular routes to and within the site.
37. Following the submission of an updated Transport Assessment and Framework Travel Plan alongside updates to sketch layouts and commitments within the planning obligation, ECC Highways now consider the proposal to be acceptable from a highways and transportation position. The proposal now includes means of protecting public rights of way close to and within the site, a residential travel plan to encourage more sustainable means of travel than the private car and commitments to improve bus accessibility.
38. As a result, I am satisfied that the proposal is acceptable in highway, access, rights of way, safety and sustainability terms.

Flooding and drainage matters

39. Third parties have expressed concerns over the effect of the proposal on surface water drainage in the area, and in particular on highway surface water flooding which appears to be an existing issue.

40. The proposal, including the now updated and amended supporting Flood Risk Assessment and Drainage Strategy has been assessed by, and now approved by ECC Development and Flood Risk officers, acting as the Lead Local Flooding Authority. As such, it appears that this proposal is capable of being appropriately drained and that the development will not cause flooding elsewhere. The Flood Risk Assessment includes preliminary drainage layout principles, and conditions requested by ECC will control the drainage discharge rate from the site, provide on-site storage and protection for groundwater.
41. As such, I am satisfied that flooding and drainage matters are not constraints to the development of this site, and harm attributable to this proposal would not occur.

The Planning Balance

42. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is such a material consideration.
43. Both the Council and the applicant agree that UDC does not currently have a sufficient supply of housing-land as required by national policy as a consequence of considering supply and Housing Delivery Test results. In addition, the Local Plan is from 2005, predating both the current and original Framework. As a result, in Framework terms, the Local Plan policies which are most important for determining the application are deemed to be out-of-date. The tests at paragraph 11d of the Framework therefore apply.
44. I note that in their response to the second consultation, the Town Council have sought to suggest that UDC does now have a sufficient supply of housing. However, UDC has not sought to alter their position from their original consultation response.
45. There are no clear reasons for refusal in relation to areas or assets of particular importance referred to by the Framework. The test at paragraph 11dii of the Framework is therefore engaged, such that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
46. The proposal would deliver significant benefits. Not least would be market housing in area of unmet need and weak delivery. Allied to that, the proposal would deliver a policy-compliant level of affordable housing in the area. The proposal would also provide public open space, a play area and pedestrian links to the wider rights of way network, facilities and services. Economic benefits would arise during the construction phase and in association with the occupation of the dwellings. The proposal would also include biodiversity gains. All of this would take place on a site identified as accessible and sustainable, with an increasingly residential character to its context, limited landscape effects and no other absolute constraints on its delivery.

47. Making effective use of land to meet the unmet need for homes on a site where evidence (the passage of time, surrounding recent, active residential development and the statement of the landowner) suggests that there is no reasonable prospect of the use allocated in the plan coming forwards is also of moderate benefit.
48. Set against those benefits, there are adverse impacts. These include the loss of open countryside, albeit of limited effect, and the loss of a protected employment site. However, as set out, it is a site unlikely to be released for development in line with its current allocation. I find that allocation of limited weight given it has not been delivered in the years since the plan was adopted, despite apparent demand in the evidence base for the emerging plan and the other relatively recent non-residential development around it. In limiting the weight to this conflict, I also note the age of the plan and the need set out in the Framework for decisions to reflect changes in the demand for land.
49. On the face of the evidence before me, it appears that there is no reasonable prospect of an application coming forwards for the use allocated in the plan, and the proposed alternative use would contribute towards meeting an unmet need for development in the area.
50. I have addressed above the issue of the emerging local plan and the conflict between this application and the employment land allocation in the Regulation 18 Local Plan. I accept that residential development of this site may require the issue of employment land in Saffron Walden to be looked at again, I do not consider that doing so would undermine the plan-making process by predetermining decisions about the location of new development (in this case, precluding the location of employment development) which is central to an emerging plan, or prejudice the outcome of the plan making process as a whole. In making this judgement, I note that the Employment Needs Update sets out a substantial remaining need for employment land beyond Stanstead in the UDC area. This is set against the relatively small area of this site, which would only meet a part of the local component of that wider need, further limiting, in my opinion, the conflict in this case.
51. Taking all of the above together, I find that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of doing so when assessed against the policies in the Framework taken as a whole.
52. As a result, the proposal benefits from the presumption in favour of sustainable development.

Planning Obligation

53. I have had regard to the evidence, the relevant guidance in the Framework and considered whether the requirement for contributions towards healthcare infrastructure, monitoring, public open space, education, affordable housing and highways meet the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010. I am satisfied that such contributions would be necessary to make the development acceptable in planning terms, directly relate to the development and are fairly related in scale and kind to the development.
54. A signed and sealed agreement under section 106 of the Act has been provided. I am satisfied that this agreement meets the requirements of the Council, both legally and with regard to what it will secure and deliver. On that basis, I consider that the proposal could secure satisfactory contributions towards the items set out above.

Conditions

55. The Council has suggested a number of conditions to be attached, should outline planning permission be granted. Consultees have also requested conditions. Having had regard to the requirements of the Framework and the Planning Practice Guidance I have imposed those conditions suggested by the Council and agreed by the applicant. I have included conditions requested by ECC Highways and Transportation and the ECC Flood Risk Officer in response to the updated information.
56. The condition suggested by ECC around any future layout and bus turning has been modified in response to the comments of the applicant. In my view it now better reflects the current status of bus service provision and improvements in the area, whilst retaining the ability to implement the principles set out in the TS, which were found acceptable to and by ECC as highway authority.
57. I have removed the condition related to the requirement for car charging, as that is now a requirement of the building regulations. ECC as Minerals and Waste Planning Authority have requested conditions relating to the site layout and detailed matters of appearance. I have not imposed these at this stage, as appearance and layout are matters reserved for future applications.
58. Overall, I am satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

Conclusion

59. For these reasons, and having regard to all other matters raised, although the proposal conflicts with the development plan, there are material considerations, including the need for housing in the area, the suitability of the site and its surroundings for the development proposed, as well as the presumption in favour of sustainable development which taken together are of such weight to indicate that a decision be taken other than in accordance with the development plan.
60. As such, the application should be approved, and outline planning permission granted.

S Dean

Inspector and Appointed Person

Richborough

Schedule of Conditions

1. Approval of the details of appearance, layout, landscaping and scale (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 carried out in accordance with the above details.

3. The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - i. Site Location Plan No. 3119-A-1000-PR-D,
 - ii. Access Plan No. 3119-A-1202-PR-E,
 - iii. Proposed Access Drawing No. 23075/001 Rev B (Appendix 5 to the Transport Statement).

REASON: To ensure compliance with the approved plans.

5. No development to take place until further details of the landscaping and SuDS are submitted to the Local Planning Authority for approval in consultation with the aerodrome safeguarding authority for Stansted Airport. No pools or ponds of water should occur/be created without prior permission.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using Stansted Airport, in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

6. Prior to the commencement of the development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect human health and the natural environment and in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

7. Prior to the commencement of the development hereby approved a Construction Method Statement shall be submitted and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- Construction/Operational Hours
- construction vehicle access
- routing strategy for construction vehicles
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the control of noise from construction, including the hours of working and hours of deliveries
- safe access to site
- wheel and underbody washing facilities
- measures to control the emission of dust and dirt during construction
- protection of public rights of way within or adjacent to the site.

REASON: To protect highway safety and to protect the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

8. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance and in accordance with ULP Policy GEN1.

9. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport and in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

10. If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant/ developer shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment and in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

11. Any air source heat pumps to be installed at the development shall be specified and designed, enclosed, or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level as measured at the nearest noise sensitive receptor inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014

REASON: To safeguard the residential amenity of neighbouring properties from the impact of noise and disturbance, in accordance with ULP Policy GEN4 and the NPPF.

12. The dwellings hereby approved shall be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

13. No development or preliminary groundworks of any kind shall take place until a programme of archaeological trial trenching has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON: To ensure the protection of the historic environment in accordance with the NPPF.

14. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in condition 13 above.

REASON: To ensure the protection of the historic environment in accordance with the NPPF.

15. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To ensure the protection of the historic environment in accordance with the NPPF.

16. No part of the development hereby permitted shall be occupied until the access works shown on drawing 23075/001 Rev B have been completed.

REASON: In the interests of highway safety and convenience.

17. Prior to implementation of the development, the Developer shall submit to the Local Planning Authority for approval, in consultation with the highway authority, details of the vehicular parking provision for residents and visitors in accordance with the relevant parking standards. Each vehicular parking space shall have minimum dimensions of 2.9 metres by 5.5 metres. All single garages shall have a minimum internal dimensions of 7 metres by 3 metres if their intended purpose is parking. Once approved, the development shall not be occupied until such time as the parking indicated on those approved plans has been provided and shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: to encourage the use of off-street parking, to ensure adequate space for parking off the highway and to ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and amenity in accordance with policy DM8 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

18. Prior to implementation of the development, the Developer shall submit to the Local Planning Authority for approval, in consultation with the highway authority, details of the cycle parking provision for residents in accordance with the relevant parking standards. The cycle parking provision will be secure, convenient and covered. Once approved, the development shall not be occupied until such time as the parking indicated on those approved plans has been provided and shall be retained in this form at all times.

REASON: to ensure appropriate cycle parking is provided and in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM8 and DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

19. Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan incorporating the principles set out in Framework Travel Plan Rev C to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation.

REASON: to encourage trips associated with the development to be made by more sustainable modes of transport such as public transport, cycling **and walking, in accordance with policy DM10 of the Highway Authority's Development Management Policies** as adopted as County Council Supplementary Guidance in February 2011.

20. Prior to first occupation of the proposed development, the Developer shall submit to the Local Planning Authority for approval, in consultation with the highway authority, details relating to necessary bus facilities on the site, consistent with the principles set out in the February 2024 Transport Statement and its appendices. Once approved, the Developer will ensure that the bus facilities are retained in that approved form at all times and kept free of obstruction.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy **DM9 of the Highway Authority's Development Management Policies,** adopted as County Council Supplementary Guidance in February 2011.

20. **The public's rights and ease of passage over public footpath 36, bridleway 19 and byway 18 (Saffron Walden 44) shall be maintained free and unobstructed at all times.**

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with policies DM1 and **DM11 of the Highway Authority's Development Management Policies** as adopted as County Council Supplementary Guidance in February 2011.

21. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (Revision S2-P03, dated 27.02.2024) and the following mitigation measures detailed within the FRA:

- **Limiting the discharge from the site to 1l/s.**
- **Provide attenuation storage** (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.
- **The site is situated within a ground water protection zone 3 and above** both principal and secondary aquifer. An intrusive ground investigation needs to be undertaken, which are to include the areas proposed for infiltration, in order to ascertain whether there is contamination at the site.
- **A proprietary treatment device has been proposed in order to treat** the highway flows prior to discharging to the pond, above ground SuDS features to be investigated in detailed design stage.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure the effective treatment of surface water runoff in accordance with the Framework.

22. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure the flood risk is not increased elsewhere by the development, in accordance with the Framework.

23. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with the Framework.

End of Schedule of Conditions

Informatives:

- i. In determining this application, the Planning Inspectorate has worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In doing so, the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time, gave clear deadlines for submissions and responses, and accepted amendments submitted by the applicant in response to the matters raised during consultation.
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 (**"the Act"**) is final, which means there is no right to appeal. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision
- iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>
- iv. Responsibility for ensuring compliance with this Decision Notice rests with Uttlesford District Council. Any applications related to the compliance with the conditions must be submitted to the Council.

Appendix 1

List of Consultee responses to original consultation

Uttlesford District Council (UDC)
UDC Housing Strategy
UDC Heritage and Conservation
ECC (Essex County Council) Archaeology
ECC Infrastructure Planning
ECC Minerals & Waste
ECC Highways
ECC Development and Flood Risk
Hertfordshire and West Essex Integrated Care Board
Essex Police
UK Power Networks
NATS Safeguarding
MAG Safeguarding
MAG Highways
HSE
National Highways
Environment Agency
Affinity Water
Saffron Walden Town Council
Natural England

Appendix 2

List of Consultee responses to second consultation

CC Minerals & Waste
ECC Highways
ECC Development and Flood Risk
Saffron Walden Town Council
Environment Agency
NATS Safeguarding
MAG Safeguarding
National Highways