

ESSEX COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order
2015**

In exercise of its power under Regulation 3 of the Town and Country Planning General Regulations 1992, Essex County Council has considered an application to carry out the following development:

Construction of a new motorway junction (Junction 7a) on the M11 between existing junctions 7 and 8, to be located approximately 6km north of existing Junction 7, to the north of Moor Hall Road/Matching Road crossing and to the south of Sheering Village and the proposed construction of a new link road and roundabout to link the proposed Junction 7a to Gilden Way (B183) and Sheering Lower Road, to the north-east of Harlow Town in the district of Epping Forest. Proposed widening and road improvements to Sheering Road and Gilden Way (B183) from the proposed new Sheering Road roundabout to the London Road Roundabout, located within the district of Harlow Gilden Way and Sheering Road, public highways and land between, Sheering Road and M11 Motorway

and in accordance with the said application and the plan(s) accompanying it, hereby gives notice of its decision to GRANT PERMISSION FOR the said development subject to compliance with the following conditions and reasons:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 26 January 2017 and validated on 13 February 2017, together with the following list of drawings and documents

Drawings

B3553F05-0100-DR-0519	Rev. P0	Location Plan
B3553F05-0100-DR-0500	Rev. P0	Proposed Layout Key Plan
B3553F05-0100-DR-0501	Rev. P0	Proposed Layout Plan Sheet 1 of 8
B3553F05-0100-DR-0502	Rev. P0	Proposed Layout Plan Sheet 2 of 8
B3553F05-0100-DR-0503	Rev. P0	Proposed Layout Plan Sheet 3 of 8
B3553F05-0100-DR-0504	Rev. P0	Proposed Layout Plan Sheet 4 of 8
B3553F05-0100-DR-0505	Rev. P0	Proposed Layout Plan Sheet 5 of 8
B3553F05-0100-DR-0506	Rev. P0	Proposed Layout Plan Sheet 6 of 8
B3553F05-0100-DR-0507	Rev. P0	Proposed Layout Plan Sheet 7 of 8
B3553F05-0100-DR-0508	Rev. P0	Proposed Layout Plan Sheet 8 of 8
B3553F05-0100-DR-0509	Rev. P0	Site Location Plan

B3553F05-0100-DR-0510	Rev. P0	Existing Layout Key Plan
B3553F05-0100-DR-0511	Rev. P0	Existing Layout Sheet 1 of 8
B3553F05-0100-DR-0512	Rev. P0	Existing Layout Sheet 2 of 8
B3553F05-0100-DR-0513	Rev. P0	Existing Layout Sheet 3 of 8
B3553F05-0100-DR-0514	Rev. P0	Existing Layout Sheet 4 of 8
B3553F05-0100-DR-0515	Rev. P0	Existing Layout Sheet 5 of 8
B3553F05-0100-DR-0516	Rev. P0	Existing Layout Sheet 6 of 8
B3553F05-0100-DR-0517	Rev. P0	Existing Layout Sheet 7 of 8
B3553F05-0100-DR-0518	Rev. P0	Existing Layout Sheet 8 of 8
B3553F05-3000-DR-0201	Rev. P00.1	Landscape Sections Sheet 1 of 2
B3553F05-3000-DR-0202	Rev. P00.1	Landscape Sections Sheet 2 of 2

Documents

- Planning Statement, prepared by Jacobs, dated January 2017
- Non-Technical Summary of Environmental Statement, prepared by Jacobs
- Environmental Statement - Volume A (Written Statement), Volume B (Figures), Volume C (i) (Appendices 1-7), Volume C (ii) (Appendices 8-13) prepared by Jacobs, dated January 2017
- Outline Environmental Management Plan, prepared by Jacobs, dated January 2017
- Flood Risk Assessment (B3553F05-0500-RP-0003), prepared by Ringway Jacobs, dated January 2017.
- Heritage Statement, Revision 1, prepared by Jacobs, dated January 2016.

Further Submissions

- Response to external review of M11 J7a Air Quality Assessment, prepared by Jacobs, dated 09 May 2017
- Air Quality 'Addendum to the response from AQC' prepared by Jacobs, dated 25 May 2017

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policies...

3. Dust Management Plan

No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development during the construction phase and shall include the mitigation measures outlined in Appendix 5.5 of the Environment Statement.

The development shall be implemented in accordance with the approved scheme.

Reason: To reduce the impacts of dust disturbance from the site on the local

environment during the construction period in accordance with the NPPF and Policy RP5A of the EFDC Local Plan.

4. **Archaeology – Written Scheme of Investigation**

No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the County Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: To ensure that any archaeological interest (including associated compounds and landscaping areas) has been adequately investigated and recorded prior to the development taking place and to preserve the historic environment in accordance with policy HC1 of the HDC Local Plan and policies BE12, BE13, BE14 of the EFDC Local Plan and the NPPF.

5. **Archaeology – Mitigation Strategy**

Prior to commencement of development, and following completion of archaeological work required under condition 4 above, a mitigation strategy detailing the excavation/preservation strategy shall be submitted for the prior written approval of the County Planning Authority.

No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the fieldwork as detailed in the mitigation strategy has been completed to the satisfaction of the County Planning Authority.

Reason: To ensure development of an appropriate mitigation strategy covering both excavation (preservation by record) or preservation in situ of any archaeological features or deposits identified by the trial-trenching undertaken under Condition 4 or by the geophysical survey submitted as part of the application prior to the commencement of any development on site and to preserve the historic environment in accordance with policy HC1 of the HDC Local Plan and policies BE12, BE13, BE14 of the EFDC Local Plan and the NPPF.

6. **Archaeology – Post Excavation Assessment**

Within six months of completion of the programme of archaeological investigation identified under condition 4, the applicant shall submit a post-excavation assessment. This shall include 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 that the results of the fieldwork are reported on and made available to the public in a timely and appropriate manner, in order to fulfil the requirements of preservation by record, and to preserve the historic environment in accordance with policy HC1 of the HDC Local Plan and policies BE12, BE13, BE14 of the EFDC Local Plan and the NPPF.

7. **Detailed Landscape Scheme**

No development shall take place until a detailed landscape scheme has been submitted to and approved in writing by the County Planning Authority. The

scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of (operations/construction of the development). The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement (or completion) of the development hereby permitted in accordance with the approved details.

Any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to mitigate impacts of the development on the natural and historic environment in accordance with policies HC6, HC12, HC13A, NC3, NC5, DBE9, LL1, LL7, LL8, LL9, LL10, LL1, LL13 of the EFDC Local Plan and policies NE11, NE12, NE14, NE15, NE19, BE9, BE10, BE19 of the HDC Local Plan and the NPPF.

8. **Tree Protection**

No development or any preliminary groundwork's shall take place until:

- a. All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction", and;
- b. Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the County Planning Authority.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Policies LL7 of the EFDC Local Plan and policy NE11 of the HDC Local Plan.

9. **Bird Hazard Management Plan**

Prior to commencement of development, a Bird Hazard Management Plan, to prevent the utilisation of the site by hazardous bird species, has been submitted to and approved in writing by the County Planning Authority.

The submitted plan shall include, but not limited to:

- ☐ Details of measures to prevent the establishment of any colony of hazardous bird species and any dispersal methods to be used;
- ☐ Provision for the aerodrome to undertake visits to the site and make inspections (where necessary) and hold records of bird numbers;
- ☐ Measures to limit access to attenuation ponds through the erection of goose proof fencing.

The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force in perpetuity. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the County Planning Authority.

Reason: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site, in accordance with ST9 of the EFDC Local Plan.

10. **Detailed Surface Water Drainage Scheme**

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme should include but not be limited to:

- Limiting discharge rates from Gilden Way (Highway Drainage Catchment A) to at least 50% of the existing runoff rate for all storm events up to an including the 1 in 100 year rate plus up to a maximum of 30% allowance for climate change.
- Limiting discharge rates from Proposed Link Roads (Highway Drainage Catchment B) to the greenfield 1 in 1 year rate for all storm events up to an including the 1 in 100 year rate plus up to a maximum of 40% allowance for climate change.
- Limiting discharge rates from the new slip roads and ancillary works associated with Proposed Junction 7A (Highway Drainage Catchment C) to the greenfield 1 in 1 year rate for all storm events up to an including the 1 in 100 year rate plus a 20% allowance for climate change.
- Provide sufficient storage in line with the design return periods shown in table 2.1 of the Drainage System Summary Report
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site in line with the CIRIA SuDS Manual C753.

- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The approved scheme shall subsequently be implemented prior to commissioning and opening.

Reason:

- *To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.*
- *To ensure the effective operation of SuDS features over the lifetime of the development.*
- *To provide mitigation of any environmental harm which may be caused to the local water environment*

and to mitigate the risk of surface water flooding and to ensure the proposed development does not result in flood risk elsewhere, in accordance with U2A, U2B, U3A, U3B of the EFC Local Plan and policies CP12 of the HDC Local Plan and the NPPF.

11. **Scheme to minimise risk off-site flooding caused by surface water run-off and ground water during construction.**

No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details.

Reason: *To mitigate the risk flooding during construction in accordance with U2A, U2B, U3A, U3B of the EFC Local Plan and policies CP12 of the HDC Local Plan and the NPPF.*

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

12. **Surface Water Drainage System – Maintenance Plan**

No development shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of

the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the County Planning Authority. The completed development shall be maintained in accordance with the approved plan.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with U2A, U2B, U3A, U3B of the EFC Local Plan and policies CP12 of the HDC Local Plan and the NPPF.

13. **Construction Environmental Management Plan (CEMP)**

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the County Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period of the development hereby approved.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Policies NC1, NC2, NC3, NC4, NC5 of the EFDC Local Plan and policies NE14, NE15, NE17, NE18, NE19 of the HDC Local Plan and the NPPF.

14. **Land Remediation Strategy**

Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the County Planning Authority.

The strategy shall include the following components:

- 1. A preliminary risk assessment which has identified:
 - ☐ all previous uses;
 - ☐ potential contaminants associated with those uses;

- ☐ a conceptual model of the site indicating sources, pathways and receptors; and
- ☐ potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.

15. **Land Remediation Verification Report**

Prior to each phase of development being commissioned a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the County Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with paragraph 109 of the National Planning Policy Framework.

16. **Land Remediation Strategy – contamination found during development**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

17. **No drainage systems for the infiltration of surface water drainage into the ground**

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the County Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through contaminated land and soakaways act as preferential pathways for contaminants to have the potential to impact on groundwater quality.

18. **Borehole Management Scheme**

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the County Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to each phase of development being brought into use.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework and Position Statement G1 – Direct Inputs to Groundwater of the Environment Agency’s Groundwater Protection: Principles and Practice.

19. **Piling Method**

Piling using penetrative methods shall not be carried out other than with the written consent of the County Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 109 of the National Planning Policy Framework and Position Statement G1 – Direct Inputs to Groundwater of the Environment Agency’s Groundwater Protection: Principles and Practice.

20. **Noise Mitigation Plan / Acoustic Barriers Detailed Design**

Prior to commencement of development a detailed Noise Mitigation Plan shall be submitted for the prior written approval of the County Planning Authority. This shall include detailed design of any acoustic barriers required to achieve adequate noise mitigation. The development shall be implemented in accordance with the approved scheme.

Reason: In the interests of residential and visual amenity and to mitigate environmental noise impact in accordance with policies RP5A of the EFDC Local Plan and policy BE17 of the HDC Local Plan and the NPPF.

21. **Lighting Detailed Design**

No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the County Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt colour temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels.

The lighting plan shall have consider the impact on light sensitive biodiversity and shall

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: *To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety) and to minimise impact on light sensitive biodiversity including bats and to comply with policy RP5A of the EFDC Local Plan and policy BE16 of the HDC Local Plan and the NPPF.*

22. No development shall take place until topographical survey information to verify the hydraulic flood modelling has been submitted to and deemed acceptable in writing by the local planning authority. The survey information should include:

- ☐ a survey report
- ☐ drawn long sections
- ☐ cross-section location plans in a digital format or geo-referenced
- ☐ channel surveys produced as text files which read directly into modelling software

If this information cannot verify the hydraulic flood modelling then the hydraulic flood modelling will need to be reviewed, and resubmitted for approval to the local planning authority following any changes being made.

Reason

To ensure that the flood risk has been adequately assessed

23. No development shall take place until a scheme to demonstrate if and how compensatory flood storage for the 1 in 100 plus 35% climate change fluvial flood event will be provided, has been submitted to and approved in writing by the local planning authority. The scheme will be based on the approved and verified hydraulic flood modelling.

Reason

To ensure that the development is appropriately flood resilient and does not increase flood risk elsewhere, in line with paragraph 103 of the National Planning Policy Framework.

INFORMATIVES

Surface Water Discharge

The Environment Agency advises that the surface water discharge associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies.

The applicant is advised to contact the Environment Agency on 08708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed via our main website <https://www.gov.uk/topic/environmental-management/environmental-permits>

REASON FOR APPROVAL

Epping Forest District Local Plan (EFDLP)

Combined Policies of Epping Forest District Local Plan (1998) and Alterations (2006), published February 2008.

<http://www.eppingforestdc.gov.uk/home/file-store/category/168-current-policy#>

Core Strategy

- CP1 Achieving Sustainable Development Objectives
- CP2 Protecting the Quality of the Rural and Built Environment
- CP6 Achieving Sustainable Urban Development Patterns
- CP7 Urban Form and Quality
- CP8 Sustainable Economic Development

Green Belt

- GB1 Green Belt Boundary
- GB2A Development in the Green Belt
- GB7A Conspicuous Development

Heritage Conservation

- HC1 Scheduled Monuments and other archaeological sites
- HC2 Ancient Landscapes
- HC3 Registered Parkland
- HC4 Protected Lanes, Commons and Village Greens

HC5 Epping Forest
HC6 Character, Appearance and setting of Conservation Areas
HC12 Development affecting the setting of Listed Buildings
HC13A Local List of Buildings

Nature Conservation
NC1 SPAs, SACs and SSSIs
NC2 Country Wildlife Sites
NC3 Replacement of lost habitat
NC4 Protection of established habitat
NC5 Promotion of nature conservation schemes

Recycling and Pollution
RP3 Water Quality
RP4 Contaminated Land
RP5A Adverse Environmental Impacts

Employment
E5 Effect of nearby developments

Recreation Sport & Tourism
RST2 Enhance rights of way network
RST3 Loss or diversion of rights of way
RST14 Playing Fields

Utilities
U2A Development in Flood Risk Areas
U2B Flood Risk Assessment Zones
U3A Catchment Effects
U3B Sustainable Drainage Systems

Design & the Built Environment
DBE9 Loss of amenity

Landscape & Landscaping
LL1 Rural Landscape
LL2 Inappropriate rural development
LL3 Edge of settlement
LL7 Planting protection and care of trees
LL8 Works to preserved trees
LL9 Felling of preserved trees
LL10 Adequacy of provision for landscape retention
LL11 Landscaping schemes
LL13 Highway/ motorway schemes

Sustainable Development
ST7 New roads and extensions or improvements to existing roads
ST9 Stansted aerodrome safeguarding

Harlow District Local Plan

Replacement Harlow Local Plan adopted July 2006 and saved policies 2009

<http://www.harlow.gov.uk/arhlp>

SD9 Waste reduction re-use and recovery
T6 Cycling and Walking
L1 Playing Fields
L13 Public Rights of Way
NE11 Trees and Hedgerows
NE12 Landscaping
NE13 Water Environment
NE14 Landscape Conservation
NE15 Biodiversity and Nature Conservation
NE17 Wildlife Sites
NE18 Wildlife Sites
NE19 Protected Wildlife Verges
NE20 Protected and rare species
BE2 Providing high quality, legible and successful public realm.

BE5 Crime prevention and personal safety
BE9 Conservation Areas
BE10 Conservation Areas
BE11 Historic Parks and Gardens
BE12 Archaeology
BE13 Archaeology
BE14 Archaeology
BE16 Light Pollution
BE17 Noise Pollution
BE19 Environmental Improvements
CP9 Public Utilities – infrastructure
CP12 Public utilities- flooding

National Planning Policy Framework (NPPF), DCLG March 2012

[Click here - NPPF full text](#)

Section 1: Building a strong, competitive economy.
Section 3: Supporting a prosperous rural economy
Section 4: Promoting sustainable transport
Section 5: Supporting high quality communication infrastructure
Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design
Section 8: Promoting healthy communities
Section 9: Protecting Green Belt land
Section 10: Meeting the challenge of climate change, flooding and coastal change
Section 11: Conserving and enhancing the natural environment
Section 12: Conserving and enhancing the historic environment

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Both the Epping Forest District Local Plan and the Harlow District Local Plan are now out of date. The level of consistency of the policies contained within the existing Epping Forest District Local Plan and the existing Harlow District Local Plan is considered further in the report where relevant.

Paragraph 216 of the NPPF states, in summary, that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. Both Harlow District Council and Epping Forest District Council have emerging Local Plans. Consultation on the Pre-Submission draft for Harlow is anticipated in late Summer 2017 and for Epping Forest in early 2018. Due to the early preparation stage of both emerging plans they are considered to have limited weight at this stage. (Emerging policy on the green belt is relevant to this planning application and is discussed in further detail in the appraisal at Section 6B below.)

Statement of Reasons

There is a demonstrated need for the proposed scheme to alleviate current and projected traffic demand in the area and to support the future economic growth of Harlow town and surrounding area.

Although the development of the proposed motorway junction is proposed within the metropolitan green belt, it is considered that 'very special circumstances' do exist such that the potential harm to the Green Belt by reason of inappropriateness, and any other harm (loss of trees, visual impact, lighting), is clearly outweighed by the need for the road scheme and wider public benefits taking account of the proposal to amend the green belt boundary in the emerging local plan.

The proposed development is located mainly within Flood Zone 1 and partly within Flood Zone 2/3. Having regard to the sequential and exceptions tests, it is considered the proposed development has been suitably located to minimise flood risk and would not result in flood risk elsewhere.

The proposed development would result in the loss of existing trees and landscaping and significant changes in the rural landscape. Subject to landscape mitigation, including replacement planting, the visual impact would lessen over time.

It is considered the 'less than substantial harm' to the setting of 23 listed buildings would be outweighed by the public benefit of the proposed road scheme.

The proposed development would result in negative environmental noise impacts at some noise receptors, in particular along Gilden Way. Subject to the mitigation measures proposed during the construction phase and subject to noise mitigation in the form of acoustic barriers, the proposed development is considered acceptable.

A comprehensive Environmental Impact assessment has been presented and sufficient mitigation measures are included within the proposal to address the identified environmental impacts.

In conclusion, it is considered that subject to conditions, the proposed development would be in accordance with Policies CP1, CP2, CP6, CP7, CP8, GB1, GB2A, GB7A, HC1, HC2, HC3, H4, HC5, HC6, HC12, HC13, NC1, NC2, NC3, NC4, NC5, RP3, RP4, RP5A, E5, RST2, RST3, RST14, U2A, U2B, U3A, U3B, DE9, LL1, LL2, LL3, LL7, LL8, LL9, LL10, LL11, LL13, ST7 and ST9 of the adopted Epping Forest District Council 'Combined Policies of Epping Forest District Local Plan (1998) and Alterations (2006), published February 2008.' and Policies SD9, T6, L1, L13, NE11, NE12, NE13, NE14, NE15, NE17, NE18, NE19, NE20, BE2, BE5, BE9, BE10, BE11, BE12, BE13, BE14, BE16, BE17, BE19, CP9 and CP12 of the Replacement Harlow Local Plan adopted July 2006 and saved policies 2009 and the National Planning Policy Framework (NPPF 2012)

On balance, taking into account the NPPF and the relevant policies of the Development Plan taken as a whole, S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal represents sustainable development in the context of the NPPF and therefore planning permission should be granted.

There are no other policies or other material considerations which are overriding or warrant the withholding of permission.

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

The proposed development would not be located adjacent to/within distance to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary, through engaging in a Planning Performance Agreement. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015.

Dated: 21 July 2017
COUNTY HALL
CHELMSFORD

Signed



Richard Greaves - Acting Head of County Planning

IMPORTANT - ATTENTION IS DRAWN TO THE NOTES ON THE NEXT PAGE

NOTES

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision that relates to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- Alternatively, if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.