



# FELSTED

## PARISH COUNCIL

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Ms Lisa Page  
Planning Officer  
**Braintree District Council,**  
Causeway House  
Bocking End  
Braintree  
Essex  
CM7 9HB  
**Telephone:**

28 August 2019

Dear Ms Page

**Re: planning application ref 19/01326/OUT, Land Off School Road Rayne**

Felsted PC is extremely concerned that it was not thought appropriate to advise and consider Uttlesford District Council, or Felsted Parish Council as appropriate consultees to this application, as required under the Duty to Cooperate. When considering the size and position of the site, being on the border with UDC and Felsted Parish, and the fact that construction traffic can only access the site by travelling through Felsted Parish, we would have thought it vital to have formally consulted with us.

For that reason alone, that we have not been party to any meetings or information sharing, beyond what is on the Braintree planning portal website, we object to this application and believe it should be refused as an incomplete proposal, ignoring the full impact of its build and existence.

We also make the following points in further objecting to this application:

- The site has been rejected by BDC in the emerging Local Plan Call for Sites process. Notably this site was found unsustainable for 45 dwellings, so the application for 150 is clearly unsustainable.
- We understand that BDC can demonstrate a 5 year land supply. UDC is under attack from developers claiming that it cannot demonstrate a 5 year land supply. However, UDC is standing up to speculative developers promoting what are inappropriate and unsustainable developments. Most recently UDC has refused an application on the other side of Felsted for 260 houses in a mirroring location to this application.

We urge BDC to follow this firm stance to keep the doors closed to speculative, opportunist developers, who are ignoring all community consideration and values, by refusing this application.

### **Transport Assessment**

Whilst the transport assessment and addendum offered by the applicant is nearly 600 pages long, from within its detail it actually ignores some important truths regarding suitability of the 3 routes of access to the site for both construction vehicles and residents:

- Queenborough Lane, an unlit narrow country lane with no lighting or pavements. It has a 7.5 MT weight restriction and width limitations which make it a dangerous road and impossible for safe use by anything larger than a delivery type van.
- Gore Road bridge, a small humpback bridge accessed by a sharp right angled turn and leading into a road made single file by vehicles parked outside houses with no off-street parking, and again impossible for use by anything larger than a delivery type van.
- Both the Gore Road and Queenborough Lane options pass the Station Cafe and access point to the Flitch Way, which is now so busy that there are always cars parked in the road, making that section a difficult series of contraflows even for cars.
- School Road leading into Felsted Parish. In 600 pages of transport studies, why is there no consideration of the suitability of and impact on School Road beyond the Braintree district boundary? Just 100m from the site entrance, School Road progressively turns into a small country road, with no lights or pavements and several tight and right angled bends, making it impossible to take large construction vehicles.

By ignoring School Road beyond BDC's boundary, a number of serious issues arise from questions which are (we suggest deliberately) left unanswered by the applicant, and we suggest are individually and collectively grounds for rejection of this application:

1. How will construction traffic reach the site?
2. How will the safety of pedestrians and horse riders from the local riding schools be guaranteed along School Lane within and beyond BDC's boundary?
3. What is the impact on School Lane in Felsted Parish from the inevitable increase in traffic from the construction, and future residents, of this development?
4. What is the impact on the A131, the first main road reached after School Lane through Willows Green, and presumably the intended access route for any vehicle beyond the size of a transit van? This is especially important when considering the A131 is already at 130% of capacity according to the Chelmsford Local Plan?
5. What is the contingency plan for access to the A131 when considering the increasing number of events being held at the Chelmsford City Racecourse? The road past the racecourse is narrow and has contraflow traffic lights during weekday afternoon race events, causing major delays. For larger events the road is completely closed off for long periods, with detours through even smaller hamlets in the area.

## **Site location**

The UDC 2005 Local Plan and the emerging Local Plan, currently at reg.19 and so of significant weight, both state that there is to be no development south of the Flitch Way. This was upheld very recently by the Planning Inspectorate in APP/C1570/W/18/3213251, Agricultural Land West of Great Canfield Road, Takeley, Uttlesford, Essex on 8 August 2019. This development proposal is south of the Flitch Way and close enough to be impacting on UDC. We suggest that development of this site requires cross border cooperation and consultation with UDC.

## **Stansted flightpaths**

CAA guidance on the community impact of flights now recognises that aircraft flying at up to 7000ft are of significant impact to the health and wellbeing of residents.

- Government guidelines CAP 1498, 'definition of overflight' updated Feb 2017, section 2.5 c. states that, 'In the airspace from 4000ft (amsl) to 7000ft (amsl), the focus should continue to be minimising the impact of aviation noise on densely populated areas...' It also recognises that people within a downwards spread of 48-60 degrees from an aircraft will experience it as being overhead.
- In addition, CAP1521, draft policy for airspace guidance, point 94, states that, 'As a consequence, this is likely to mean that one of the key principles involved in airspace design will require avoiding overflight of more densely populated areas below 7,000 feet.'

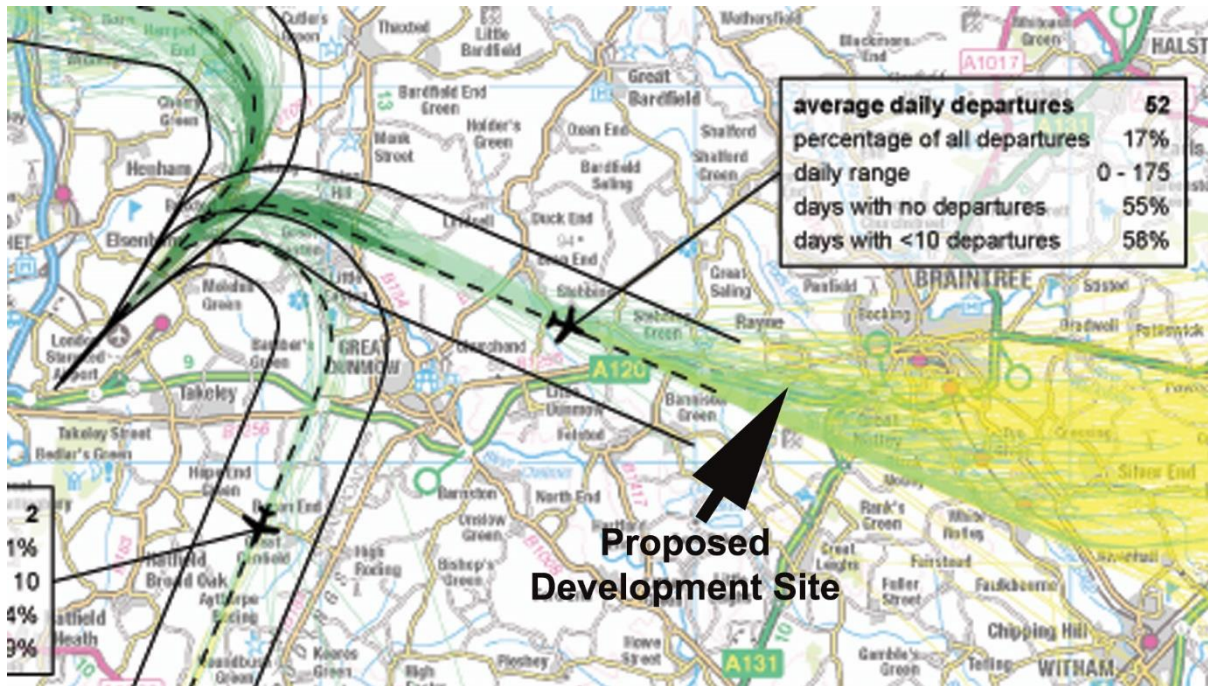
This guidance is clear. It is against government policy to establish a new flightpath, with aircraft at below 7000 feet, over a populated area.

The below image is taken from Stansted Airport website

(<https://www.stanstedairport.com/community/noise/noise-in-your-area/arrivals-and-departure-maps/>)

The proposed development site, as indicated by the arrow, is located just off the end of the centre line of Clacton Runway 4 Noise Preferential Route (NPR), which controls the routing for aircraft at heights of up to 4000ft.

This means that up to 175 aeroplanes a day (24 hours a day) currently overfly the development site at heights of c4000ft to 6000ft, well below the government guidelines of 7000ft.



We suggest that, if it is against government guidance to direct a sub-7000ft flightpath over a built up area, it cannot be allowable to build 150 houses directly under that exact same flightpath.

Furthermore, Uttlesford District Council is in process of approving expansion at Stansted airport. This will see an increase in passengers from the current level of 28 million to 43 million and an increase in flights from the current 198,000 to 274,000 a year. Flights over this proposed development site are therefore due to increase significantly in coming years.

In addition, the latest World Health Organisation (WHO) guidelines require a reduction in acceptable noise nuisance for overflying, an effective halving of the loudness threshold compared with the previous WHO Guidelines 1999, confirming that people are now more sensitive to aircraft noise than to noise from other modes of transport at any given level. In line with the requirements of the WHO Charter, the Department of Health recommended that an independent Health Impact Assessment (HIA) should be carried out prior to the approval of any planning application impacted by airport expansion. Has an HIA been carried out for this proposed development?

### Precedents

We would like to call the Council's attention to Appeal Ref: APP/C1570/W/18/3213251, agricultural land west of Great Canfield Road, Takeley, Uttlesford, Essex, where an application for 135 houses was refused on 8<sup>th</sup> August 2019.

The Inspector rejected that appeal. His refusal summation also includes points and a running methodology directly relevant to this application.

*"52. I have carefully considered the arguments put forward in relation to pedestrian safety associated with the width of the proposed new pavements, the overall width of the carriageway, in particular with regard to the possibility of two HGVs passing, and the possibility of pedestrians or cyclists within the carriageway and approaching the bridge.*

*75. Furthermore, the Council are progressing an eLP...This plan is in examination at the moment, and while I acknowledge there are objections to this strategic approach, it is also true that the appeal site, and the requirement for the village of Takeley, has been subject to assessment, resulting in the rejection of the site as a suitable location...*

*77. The Council cannot at this point demonstrate a 5YHLS, but this does not override the development plan, nor does it confer approval at all costs. Planning is fundamentally about managing change in a sustainable way, and the principles of good planning must be retained. The Framework therefore sets out the Presumption of Sustainable development and the tilted balance, where a measure of harm may be accepted for schemes that provide a sustainable delivery in light of need.*

*78. To address that tilted balance, this is a site that has been considered under the Council's preferred strategic approach and found to be unsustainable, nonetheless it would deliver housing that would provide a boost to housing delivery, a significant proportion of which would be within the next 5 years.*

*79. I acknowledge that I must give reduced weight to the current development plan and similarly, despite its advanced state, cannot give full weight to the eLP. I also acknowledge that considerable efforts have gone into the masterplan for this scheme to attempt to respond to the constraints I have identified. I have given significant weight to housing and economic benefits associated with the scheme, nonetheless, I find that these are significantly and demonstrably outweighed by the adverse impacts I have identified above."*

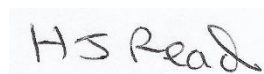
## **Summary**

Whilst we strongly believe that sufficient grounds and precedents have been demonstrated to refuse the application, should the council be minded to approve this application then we would ask that construction vehicle access is restricted, banning them from using School Road, and so Felsted Parish, without an independent traffic survey first being produced and actioned upon by way of Conditions.

Allowable vehicle types and weights should be limited to suit a narrow winding country road with no lighting, no pavements and constant use by local riding schools, ever increasing numbers of cyclists riding the Tour de France route and pedestrians. Access and working time restrictions should also be applied to the normal working hours of 9 to 5pm Monday to Friday.

In addition, a s.106 agreement should be established to pay for any road repair work within UDC, including to verges, caused by construction traffic.

Yours sincerely



Heather Read  
Assistant Clerk to Felsted Parish Council

