

ESSEX COUNTY COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
Town and Country Planning (General Development Procedure) Order 1995

To: Roebix Limited

In pursuance of the powers exercised by it as County Planning Authority the Essex County Council has considered your application to carry out the following development:

Change of use of agricultural land and the importation of 65,095 cubic metres of inert waste to facilitate the construction of phase one of a second 18 hole golf course incorporating an academy 9 hole training course and range, new water supply and storage reservoirs and associated landscaping and land re-contouring plus ancillary engineering works including revised access from A414, temporary construction compound and haulage routes at Land adjacent to Blakes Golf Club, Epping Road, North Weald Bassett, Essex

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

1. The proposed development is not required for restoration as no overriding need has been demonstrated for a golf course; therefore it is considered to represent landraising for its own sake, contrary to Policy W9B of the Essex and Southend Waste Local Plan 2001 and Policy RST18 of the Epping Forest District Local Plan 1998 and Alterations 2006.
2. The proposed development would not achieve any benefits that would outweigh the harm to planning policy caused through importing waste from outside of Essex and Southend and by not disposing of waste in one of the nearest appropriate installations, neither are there any cross boundary needs nor restoration needs, contrary to Policy W3C of the Essex and Southend Waste Local Plan 2001 and the objectives of Planning Policy Statement 10 (Planning for Sustainable Waste Management).
3. The proposed development would bring about significant changes to the existing landscape as well as introduce development of an industrial nature during the construction period thereby not protecting the countryside from encroachment nor assisting in maintaining the openness of the Green Belt. As such the proposals are considered to be inappropriate development in the Green Belt for which no very special circumstances have been demonstrated, contrary to Policy W10E of the Essex and Southend Waste Local Plan 2001, Policies GB2A, GB7A and CP2 of the Epping Forest District Local Plan 1998 and Alterations 2006 and the objectives of Planning Policy Guidance 2 (Green Belts).

4. The proposed development for a single phase of a golf course would not form a logical or coherent form of development in its own right, thereby resulting in an incongruous form in the landscape which would be inappropriate in the countryside and would not protect the existing character of the area. The development would conflict with the aim of protecting the countryside, contrary to Policy W10C of the Essex and Southend Waste Local Plan 2001 and Policies RST1, RST16, RST19, CP1, CP2, LL1, LL2 and LL10 of the Epping Forest District Local Plan 1998 and Alterations 2006.
5. The applicant has not demonstrated imperative reasons of overriding public interest to justify the impact on protected species, as required by the Habitats Directive and contrary to Policies RST17, NC4, NC5, RP5A and CP2 of the Epping Forest District Local Plan 1998 and Alterations 2006, Policy ENV3 of the Regional Spatial Strategy for the East of England 2008 and Planning Policy Statement 9 (Biodiversity and Geological Conservation).
6. Insufficient information has been provided to demonstrate that there would be no impact from flooding on the surrounding area as a result of the proposed development, contrary to Policies U2A, U2B, CP1, RP3, RP5A, U3A and U3B of the Epping Forest District Local Plan 1998 and Alterations 2006.
7. The construction of the proposed development would cause unacceptable detrimental impact on public rights of way (Footpath 17 and Bridleway 18) which is not outweighed by any proposed benefits contrary to Policy W10G of the Essex and Southend Waste Local Plan 2001 and Policy RST3 of the Epping Forest District Local Plan 1998 and Alterations 2006.
8. The proposed development would cause unacceptable visual and aural harm to the amenity of neighbouring occupiers contrary to the requirements of Policy W10E of the Essex and Southend Waste Local Plan 2001 and Policies RP5A, DBE9 and ST4 of the Epping Forest District Local Plan 1998 and Alterations 2006.
9. There has been insufficient information submitted to demonstrate that there would be no significant harm to historical remains, contrary to Policies HC1, HC2, CP1, CP2 and RST19 of the Epping Forest District Local Plan 1998 and Alterations 2006 and Policy ENV6 of the Regional Spatial Strategy for the East of England 2008.
10. The proposed development would cause unacceptable harm to the setting of neighbouring listed buildings, contrary to Policies HC2, HC12, CP1, CP2 and RST19 of the Epping Forest District Local Plan 1998 and Alterations 2006 and Policy ENV6 of the Regional Spatial Strategy for the East of England 2008.

11. There has been insufficient information submitted to demonstrate that there would be no significant harm to the 'best and most versatile' agricultural land, contrary to Policy W10E of the Essex and Southend Waste Local Plan 2001 and Policy CP2 of the Epping Forest District Local Plan 1998 and Alterations 2006.

The following policies and proposals in the development plan(s) are relevant to this decision:

Regional Spatial Strategy for the East of England adopted May 2008

ENV3	-	Biodiversity and Earth Heritage
ENV6	-	The Historic Environment
WM1	-	Waste Management Objectives

Essex and Southend Waste Local Plan adopted September 2001

W3C	-	Need for Waste Development
W9B	-	Landfill/Landraising Necessary for Restoration
W10C	-	Feasibility
W10E	-	Development Control
W10G	-	Rights of Way

Epping Forest Local Plan and Alterations adopted 1998 and 2006

CP1	-	Achieving Sustainable Development Objectives
CP2	-	Protecting the Quality of the Rural and Built Environment
GB2A	-	Development in the Green Belt
GB7A	-	Conspicuous Development
HC1	-	Scheduled Monuments and other Archaeological Sites
HC2	-	Ancient Landscapes
HC12	-	Development Affecting the Setting of a Listed Building
NC5	-	Promotion of Nature Conservation Schemes
NC4	-	Protection of Established Habitat
RP3	-	Water Quality
RP5A	-	Adverse Environmental Impacts
RST1	-	Recreational, Sporting and Tourist Facilities
RST3	-	Loss or Diversion of Rights of Way
RST16	-	Golf Course Location
RST17	-	Golf Courses on Derelict or Despoiled Land
RST18	-	Pay and Play/Simple Golf Courses
RST19	-	Design, Layout and Landscaping of Golf Courses
DBE9	-	Loss of Amenity
U2A	-	Development in Flood Risk Areas
U2B	-	Flood Risk Assessment Zones
U3A	-	Catchment Effects

U3B	-	Sustainable Drainage Systems
LL1	-	Rural Landscape
LL2	-	Inappropriate Rural Development
LL10	-	Adequacy of Provision for Landscape Retention
ST1	-	Location of Development
ST2	-	Accessibility of Development
ST4	-	Road Safety
ST6	-	Vehicle Parking

Dated. 17 June 2010

COUNTY HALL
CHELMSFORD

Signed

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

NOTES

(1) An applicant aggrieved by the decision of the County Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, may appeal to the Secretary of State for the Environment, in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of receipt of this notice (appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (0117 372 6372) www.planning-inspectorate.gov.uk). - 3 copies will be supplied. The Secretary of State may allow a longer period for the giving of a notice of appeal but he will not normally do so unless there are special circumstances, which excuse the delay in giving notice of appeal. He may decline to determine an appeal if it appears to him that permission for the proposed development could not have been granted by the County Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements, * to the provisions of the development order and to any directions given under the order.

Any applicant wishing to appeal against a refusal of permission or grant of permission subject to conditions shall furnish to the Secretary of State a copy of each of the following documents:

- (i) the appeal form, completed in full, signed and dated;
- (ii) the application;
- (iii) all relevant plans, drawings, particulars and documents submitted with the application (including a copy of any notice provided in accordance with Section 65 of the Act and of the relevant certificate given in accordance with Section 66 of the Act);
- (iv) the notice of the decision; and
- (v) all other relevant correspondence with the planning authority.

The second copy of the appeal form must be sent to the County Planning Authority at the address from which the decision on the application was issued, together with copies of any additional plans, drawings or correspondence which relate to the application and are being submitted to the Secretary of State as part of the appeal.

The third copy of the appeal is for the applicant's retention.

An applicant who desires to appeal against a decision of the County Planning Authority refusing to grant any consent, agreement or approval required by a condition imposed on a grant of planning permission (other than an application for approval of reserved matters) or granting any such consent, agreement or approval subject to conditions shall give notice of appeal to the Secretary of State in writing within six months of the receipt of notice of the decision; where notice of decision on an application for such consent, agreement or approval has not been given within eight weeks from the date when the application was received by the County Planning Authority the applicant may appeal to the Secretary of State in writing within the six months of the expiry of that period.

(2) If permission to develop land is refused or granted subject to conditions, whether by the County Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council for the area in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(3) In certain circumstances, a claim may be made against the County Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

* The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.