

Chelmsford Draft Local Plan
Examination Hearing Statement

Matter 1:
Compliance with statutory
procedures and legal matters

November 2018



Introduction

1. This hearing statement sets out the Council’s response in relation to the Inspector’s Matters, Issues and Questions.
2. All the evidence base documents referred to in this statement are listed at **Appendix A**, with their evidence base or examination document reference numbers as applicable.

Matter 1 – Compliance with statutory procedures and legal matters	
Question 1	Has the Council met the duty to cooperate? Is this clearly evidenced? In particular:
Q1a	Have all the relevant strategic matters is relation to this duty been clearly identified?

Response to Q1a

3. It is the Council’s position that it has fully met the duty to co-operate in all respects and has clearly identified all the relevant strategic matters.
4. The strategic matters are defined in section 33A of the Planning and Compulsory Purchase Act 2004:
 - a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and
 - (b) Sustainable development or use of land in a two-tier area if the development or use (i) is a county matter, or (ii) has or would have a significant impact on a county matter.
5. In this context, a county matter can relate to providing for homes and jobs needed in the area, the provision of infrastructure for transport, wastewater and flood risk and provision of facilities for education and health.
6. These strategic matters were identified at the beginning of the plan-making process in CCC’s Duty to Co-operate Strategy (**EB042**) adopted in March 2015.
7. Following this, CCC consulted on the Duty to Co-operate Scoping Report (**EB043**) in July/August 2015. This gave detail of the specific strategic matters with cross boundary implications for CCC. The purpose of **EB043** was to ensure cross-boundary issues were identified at the earliest possible stage of the plan making process.

8. **EB043** identified the following strategic matters:
 - Housing and Travellers
 - Employment
 - Infrastructure (including transport and education)
 - Retailing
 - Leisure and Open Space
9. It also set out strategic matters seen as unlikely to result in cross boundary implications including water supply and waste water, flooding, Green Belt, climate change mitigation and adaptation, natural environment and landscape, and heritage.
10. Consultation responses were reported in the Duty to Co-operate Scoping Report Consultation Statement (**EB044**).
11. These responses were used to inform development of the Issues and Options Consultation Document (**EB115**). Examples of matters taken forward for further consideration include:
 - Provision for green infrastructure as a strategic matter (in response to Natural England response)
 - Protection of the natural environment as a strategic matter (in response to Essex Wildlife Trust response)
 - Greater weight for further and higher education provision (in response to Writtle College response)
 - Identification of mitigation and improvements to strategic transport routes (in response to Essex County Council, Thurrock Council, Basildon Borough Council, Rochford District Council, Castle Point Borough Council, Harlow District Council).
12. The evidence base documents quoted demonstrate that the duty to co-operate has been met, and that all the relevant strategic matters have been clearly identified.

Q1b	Has the Council maximised the effectiveness of plan-making activities by engaging constructively, actively and on an on-going basis with the prescribed bodies, in the preparation of the Plan in the context of these relevant strategic matters? Does the evidence clearly set this out?
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Response to Q1b

13. It is the Council's position that it has engaged constructively, actively and on an on-going basis with the prescribed bodies. This meets the requirements of:
- Section 33A of the Planning and Compulsory Purchase Act 2004); and
 - Paragraphs 178-181 and 156 of the National Planning Policy Framework (NPPF, 2012).
14. Throughout the Local Plan preparation process, the list of strategic matters and co-operation activities has been kept under review. A complete record of duty to co-operate activity is contained in the Duty to Co-operate Compliance Statement (**SD010**), published in May 2018. This fully meets the requirements of Paragraph 181 of the NPPF (2012).

Duty bodies

15. The prescribed duty to co-operate bodies are set out in Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
16. Duty to Co-operate Compliance Statement (**SD010, paragraph 4.4**) sets out the duty bodies from that list which are considered relevant to the Council, which are copied below:
- The Environment Agency
 - Historic England
 - Natural England
 - Homes and Communities Agency (known as Homes England from January 2018)
 - Essex County Council (the Highway Authority)
 - The Marine Management Organisation
 - South East Local Enterprise Partnership (SELEP)
 - NHS Mid Essex Clinical Commissioning Group
 - Integrated Transport Authority
 - Mayor of London (Greater London Authority)
 - Civil Aviation Authority.

17. Other bodies the Council has co-operated with include the following:

- Neighbouring and nearby Local Planning Authorities (LPAs) (shown in Figure 1 of **SD010**)
 - Essex County Council
 - Within the Housing Market Area (HMA) – Braintree District Council, Colchester Borough Council, Tendring District Council
 - Other adjoining authorities – Maldon District Council, Rochford District Council, Basildon Borough Council, Brentwood Borough Council, Epping Forest District Council, Uttlesford District Council
 - Non-adjoining authorities – Castle Point District Council, Southend-on-Sea Borough Council, Harlow District Council, East Herts District Council, Greater London Authority
- Essex Police
- Essex Fire and Rescue
- Network Rail
- Transport for London
- Office of Rail Regulation
- Sport England
- Essex Wildlife Trust in lieu of a Local Nature Partnership
- Relevant private sector bodies (including Writtle University College and Anglia Ruskin University)
- Relevant utility and infrastructure providers (including transport network, water, sewerage, energy and telecom).

Engagement

18. Wide-ranging engagement has taken place across the Local Plan preparation period, with ongoing engagement where cross-boundary issues have been identified, as summarised at **Paragraphs 4.6 to 4.10 of SD010**. Examples are included below.

19. Prescribed bodies:

- Natural England – have been involved during the Local Plan preparation, and particularly with the Essex-Wide Recreational Avoidance and Mitigation Strategy (RAMS);
- South East Local Enterprise Partnership (SELEP) – have been involved with evidence base work to inform opportunities for economic growth and development;
- Highways England – involved with Local Plan preparation and attended regular meetings, mainly in respect of impact on the A12;
- The Environment Agency – have been involved with the preparation of the Water Cycle Study and Strategic Flood Risk Assessment evidence base work.

20. Neighbouring authorities:

- Collaboration with Braintree, Colchester, Tendring and Essex County Councils through a Memorandum of Co-operation to explore the potential for new garden communities and other strategic matters (**Appendix F of SD010**);
- Ongoing dialogue with ECC on transport and education issues;
- Officer and Member meetings arranged at all stages of consultation on the Local Plan (Minutes of meetings at **Appendices G, H and I of SD010**).

Shared evidence base

21. Duty to Co-operate Compliance Statement (**SD010**) also sets out a number of shared evidence base documents that have been developed in collaboration with other LPAs. These include:

- OAHN/OAEN (**EB046/EB080**) – prepared with authorities in the Housing Market Area of Chelmsford, Braintree, Colchester and Tendring
- GTAA (**EB050A**) – undertaken in partnership with all Essex local authorities and Essex County Council
- Mechanism for the Consideration of Unmet Housing Need (**EB049**) – developed and agreed by the Essex Planning Officers’ Association (EPOA) for application across all Essex planning authorities
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) – being developed by Essex County Council and 11 participating Essex authorities to assess mitigation for European Designated Sites, for adoption as SPD in 2019.

Statements of Common Ground

22. The Council has sought to agree Statements of Common Ground (SOCG) with key prescribed bodies and neighbouring authorities, in relation to their representations on the Chelmsford Pre-submission Local Plan. Where changes have been agreed by the Council, they are shown in red in the SOCG, and carried forward into the Schedule of Additional Changes (**SD002**).

23. These SOCGs are listed below:

- Historic England (**SOCG01**)
No areas of uncommon ground;
Other matter – the Council will continue to engage with Historic England as part of the masterplanning process

- Natural England **(SOCG02)**
No areas of uncommon ground
 - Housing Market Area Authorities (Braintree, Colchester, Tendring) **(SOCG03)**
No areas of uncommon ground
 - Environment Agency **(SOCG04)**
No areas of uncommon ground
Additional suggestions for enhancing the text are adequately covered in the Local Plan
 - Sport England **(SOCG05)**
No areas of uncommon ground
 - Anglian Water Services **(SOCG06)**
One outstanding objection relating to Anglian Water’s ownership of land in the Green Wedge
Additional suggestion for enhancing the text is adequately covered in the Local Plan
 - West Essex Authorities (Epping Forest, Uttlesford) **(SOCG07)**
No areas of uncommon ground
 - Maldon District Council **(SOCG08)**
No areas of uncommon ground
 - Brentwood Borough Council **(SOCG09)**
No areas of uncommon ground
 - South Essex Authorities (Basildon, Castle Point, Rochford) **(SOCG10)**
No areas of uncommon ground
 - ECC & CCC Sustainable Transport Measure and Other Matters **(SOCG11)**
No areas of uncommon ground
24. Making positive use of the duty to co-operate has enabled the Council to shape the development of strategic policies in the context of cross-boundary issues, which have been explored and addressed through iterative amendments to the Local Plan.
25. The Council believes that this ongoing activity has made a major contribution to ensuring the Local Plan meets the test of soundness by being positively prepared, effective and consistent with national policy.

26. There is also a clear commitment through the SOCGs to continue to work with all parties beyond the Local Plan adoption for the monitoring and implementation of the Local Plan.

Question 2	Has consultation complied with the requirements of the Town and Country Planning (Local Plan) (England) Regulations 2012 and the Council’s adopted Statement of Community Involvement (March 2016 incorporating the updates of March 2017) (SD013)?
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Response to Q2

27. The Council has fully complied with the requirements of the Town and Country Planning (Local Plan) (England) Regulations 2012.
28. The Council conducted a Legal Compliance Checklist (**SD011**) to ensure that it has fully complied with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the National Planning Policy Framework (2012). This checklist (**SD011**) is an assessment of all stages of Local Plan preparation and the requirements necessary to ensure the Local Plan has been robustly prepared.

Regulation 18 – Preparation of a Local Plan

29. Two stages of the Local Plan were prepared in accordance with Regulation 18. These were the Issues and Options Local Plan and the Preferred Options Local Plan. A summary of the nature and type of consultation undertaken, together with who the Council consulted for the Issues and Options Local Plan is set out in the Regulation 22 Consultation Statement (**SD009, pages 14 &15**). Furthermore, a summary of the Preferred Options consultation is provided in **SD009** at pages 120 & 121 paragraphs i.10 to i.18.
30. In line with Regulation 18, the Council notified and set out the process for making representations to all general consultation bodies, specific consultation bodies together with those registered on the Council’s consultation portal.
31. The Council’s position and response with regard to the assertions that Stow Maries Parish Council, an adjoining parish council within the Maldon District, was not consulted at this stage are clearly and comprehensively rebutted with evidence contained in Appendix 1 of the Legal Compliance checklist (**SD011**).

Regulation 19 – Publication of a Local Plan

32. The Council produced a further iteration of the Local Plan Pre-Submission in accordance with Regulation 19. Section 2 of the Regulation 22 Consultation Statement (**SD009**) sets out who the Council consulted, with Section 3 detailing how the Council consulted.

33. In line with Regulation 19, the Council made available a copy of the Pre-Submission Local Plan together with consultation guidance notes (**SD009 Appendix Ci/3 page 602**). These notes set out where the documents are available for inspection including times and places at which they could be inspected in accordance with Regulation 35. In addition, notifications (**SD009 Appendix Ci/5, page 613**) were sent out to all general consultation bodies and specific consultation bodies in line with Regulation 19b. Furthermore, the Council also consulted those registered on the Council’s consultation portal.

Regulation 22 – Submission of documents and information to the Secretary of State

34. The Council has prepared and submitted a Regulation 22 Consultation Statement (**SD009**) to meet the requirements of Regulations 18, 19 and 22 (1) Part (c) of the Town and Country Planning (Local Planning) (England) Regulations 2012. This sets out the processes undertaken by the Council for community participation and stakeholder involvement in producing the Local Plan.

Regulation 24 – Independent Examination

35. The Council has and will continue to make information relating to the Examination available in accordance with Regulation 35 and has notified through the Programme Officer any person who has made a representation in accordance with Regulation 20 and not withdrawn that representation, of the date, time and place at which the hearing is to be held, in addition to the name of the person appointed to carry out the independent examination.

Regulation 35 – Availability of documents

36. The Council has made available each stage of the Local Plan and associated consultation materials available for inspection in accordance with Regulation 35 at the Civic Centre, Duke Street together with the local libraries and made all documents available on the City Council’s website at: www.chelmsford.gov.uk/new-local-plan

Statement of Community Involvement

37. In addition to complying with the Regulations, the Council has also complied with the provisions of its Statement of Community Involvement (SCI), including earlier versions and the latest version published in March 2017 (**SD013**). This sets out the Council’s strategy for effective community participation in the planning process, including for a Local Plan.
38. The SCI includes seven key community involvement principles (**SD013, para 1.9**), in relation to accessibility, timing, relevance, clarity, technique, and scope. The Council believe that it has adhered to these principles throughout each plan making stage.

39. Section 2 of the SCI (**SD013**) sets out how the Council will involve the local community during preparation of planning policy documents, including the Local Plan. Paragraphs 2.5 to 2.7 outline who the Council will consult and paragraphs 2.8 and 2.9 set out how it will do it. The range of engagement methods are comprehensive and go beyond the statutory requirements for example, the Council’s magazine distributed directly to all households across the administrative area, presentations and forums, newsletters and public exhibitions.
40. At each stage of the Local Plan preparation, the level of consultation undertaken has been extensive and exceeded statutory requirements. It is the Council’s position that all consultations have been proportionate to the scale of the issues involved and followed the requirements set out in both the Regulations and the Council’s Statement of Community Involvement.

Question 3	Has the Plan been prepared in accordance with the Local Development Scheme, including in terms of timing and content?
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Response to Q3

41. The Council has prepared the Local Plan in accordance with the timing and content as stated in the Local Development Scheme 2018 to 2021 (LDS) (**SD014**).
42. The Council has prepared a single Local Plan covering the whole of the City Council’s area.
43. Paragraph 4.6 of the LDS (**SD014**) sets out that the Local Plan will comprise; strategic priorities, vision and spatial principles, strategic and site allocation policies, other local plan policies, development standards and a policies map. The Local Plan includes all of these elements by setting out the strategic priorities and vision for Chelmsford. The Spatial Strategy identifies the amount and locations for delivering housing and employment, together with the supporting infrastructure to meet the needs of the area. The policies are set out as strategic policies, site policies and local policies. Development standards are set out in Appendix A of the Local Plan. The proposals map defines geographically the development proposals and includes notations to allow for the application of planning policies.
44. Appendix 1 of the LDS (**SD014, pg. 12**) also sets out the subject, scope and timescales of the Local Plan. The Plan period up to 2036 also aligns with that stated in the LDS (**SD014**).
45. The timetable for the Local Plan production is set out on page 13 of the LDS (**SD014**). Each stage of the Local Plan has met the timescales indicated in the LDS (**SD014**). Most recently the Pre-Submission Regulation 19 consultation was undertaken in January through to March 2018.

46. The LDS (**SD014**) states that the consultation feedback on the Pre-Submission Local Plan consultation would be reported to Development Policy Committee (DPC) in May 2018. However, this was reported as part of the Regulation 22 Consultation Statement to DPC on 7 June 2018.
47. Consideration of Submission Documents by DPC and Full Council as stated in the LDS (**SD014**) took place on 7 June 2018 and 19 June 2018
48. On the 29 June 2018 the Council submitted the Local Plan and associated submission documents for Independent Examination in line with Regulation 22 as stated in the LDS (**SD014**).
49. The Local Plan has been prepared in accordance with Section 4 and Appendix 1 of the LDS (**SD014**).

Question 4	Is the Plan period clearly set out within the Plan and is it justified?
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Response to Q4

50. The plan period is clearly set out within the plan and is justified for the reasons set out below. Paragraph 1.1 of the Local Plan (**SD001**) states that ‘The Council is preparing a new Local Plan to provide a new planning framework to meet local development needs for the period up to 2036’. The footnote goes on to state that ‘These development needs have been assessed from a base date of 1 March 2013’.
51. Paragraph 157 of NPPF (2012) states that Local Plans should ‘be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date’.
52. The Plan period is extended 15 years from the end date of Chelmsford’s adopted Local Development Framework (LDF), which currently extends to 2021. The Local Development Scheme (LDS) (**SD014**) indicates that the Local Plan will be adopted in December 2018. This is now more realistically March 2019, which provides a plan period of 16 years from adoption. Policy S15 – Monitoring and Review provides a commencement date for a formal review in 2022. The Council must produce a Local Plan and keep it up to date. The Local Plan identifies specific sites for development to cover the entire plan period which creates certainty for developers and communities alike and helps to secure strategic infrastructure.
53. The Council started reviewing the Local Plan in 2014. The base date to determine the development requirements and any shortfalls starts in 2013. This gives an overall plan period of 23 years, clearly meeting the requirement set out in the NPPF (2012). This is a reasonable and justified length to indicate longer-term requirements and to meet planning issues that face Chelmsford over the next 20 years.

54. The Local Plan period, therefore meets the requirements in the NPPF, is clearly set out within the Local Plan and is justified.

Question 5	Does the sustainability appraisal (SA) adequately assess the environmental, social and economic effects of the Plan and have the requirements for Strategic Environmental Assessment been met? In particular:
Q5a	i) Is the methodology within the appraisal appropriate and justified? ii) Does it adequately assess the likely significant effects of policies and proposals?

Response to Q5a

i) Is the methodology within the appraisal appropriate and justified?

55. It is the Council's position that the methodology used to undertake the Sustainability Appraisal (SA) the of the Local Plan is appropriate and justified as it:
- has been developed in accordance with best practice guidance¹;
 - incorporates the requirements for Strategic Environmental Assessment (SEA) as set out in *The Environmental Assessment of Plans and Programmes Regulations 2004* (the SEA Regulations);
 - reflects the judgements arising from relevant SEA case law²;
 - has been developed from an analysis of the key issues arising from an evaluation of the evidence base (comprising of baseline information on the state of the environment, and its evolution without the Local Plan, as well as a review of plans and programmes) and subsequent updates for each iteration of the draft Local Plan;
 - covers all the topics identified in Schedule 2 of the SEA Regulations to ensure all likely significant effects are identified, described and evaluated;
 - provides definitions of what constitutes a significant effect, when considering a local plan, and reasonable alternatives to it;
 - has been amended to address consultation responses.

¹ Office of the Deputy Prime Minister (ODPM) et al (2005) *A Practical Guide to Strategic Environmental Assessment Directive* and Ministry for Housing, Communities and Local Government (MHCLG) (2015), *Planning Practice Guidance on Strategic Environmental Assessment and Sustainability Appraisal*

² For example, *Save Historic Newmarket v Forest Heath District Council* [2011] EWHC 606 (Admin) (25 March 2011) and *Heard v Broadland District Council et al.* [2012] EWHC 344 (Admin) (24 February 2012)

56. Section 4 of the Pre-Submission Local Plan SA Report (2018) **(SD004)** provides a detailed overview of the approach to the SA of the Local Plan. In summary, the SA has adopted an objectives-led appraisal of the policies and proposals that comprise the Local Plan (and reasonable alternatives). The SA Framework comprises of 14 SA objectives and associated guide questions that have been developed taking into account a review of other relevant policies, plans and programmes as well as baseline information, the identification of key sustainability issues affecting the Chelmsford City Area and the topics included in Schedule 2 of the SEA Regulations. Broadly, the SA objectives define the long-term aspirations for the City Area with regard to social, economic and environmental considerations and it is against these objectives that the performance of the Local Plan (and reasonable alternatives) has been appraised.
57. The SA Framework has been used to appraise the following key components of the Local Plan:
- Local Plan Vision and Spatial Principles;
 - the quantum of growth to be provided over the plan period (development requirements) and distribution of that growth (Spatial Strategy);
 - site allocations to deliver the development requirements across the three Growth Areas identified in the Pre-Submission Local Plan (including reasonable alternatives); and
 - Local Plan policies including development requirements for proposed site allocations.
58. Consistent with the requirements of the SEA Regulations, the SA has identified the significant effects of the Local Plan and reasonable alternatives including consideration of the cumulative, synergistic and indirect effects as well as the geography, duration, temporary/permanence and likelihood of any effects. A qualitative scoring system has been adopted with specific definitions developed for what constitutes a significant effect, a minor effect or a neutral effect for each of the 14 SA objectives. Proposed site allocations and reasonable alternatives have been appraised against the SA objectives using tailored appraisal criteria and associated thresholds of significance. Matrices have been used to record the findings of the SA of the emerging Local Plan, which include commentary on likely significant effects, proposed mitigation, assumptions and uncertainties.

59. The approach to the SA of the Local Plan has been subject to extensive consultation. The SA Scoping Report (2015) **(EB001)** set out, and sought views on, the proposed approach to the appraisal of the Local Plan, including the SA Framework. The Scoping Report was subject to a full public consultation that ran for seven weeks from 24th July to 11th September 2015. A total of 45 responses were received which informed amendments to the SA Framework that was subsequently adopted for the appraisal of the Local Plan. The responses received and consequent amendments made are presented in Appendix B of the Pre-Submission SA Report (2018) **(SD004)**. Since consultation on the Scoping Report took place, the baseline has been updated, plans and programmes revised and key sustainability issues reviewed throughout the subsequent iterations of the SA; this is in order to ensure that all contextual information continues to be appropriate, and the resulting appraisal framework is robust. This has taken into account the comments received during the subsequent public consultations on the Issues and Options Consultation Document SA Report (2015) **(EB003)** and Preferred Options Consultation Document SA Report (2017) **(EB006)**. A total of 26 and 63 consultation responses were received on those two reports respectively. The comments and responses can be found in Appendix B of the Pre-Submission Local Plan SA Report (2018) **(SD004)**.
60. All of the proposed site allocations and reasonable alternatives have been appraised against the SA objectives that comprise the SA Framework using tailored appraisal criteria and associated thresholds of significance, as per the approach set out in Section 4.3 of the Pre-Submission Local Plan SA Report (2018) **(SD004)**. In all instances, the methodology has been applied consistently to all sites and has not taken into account the mitigation that could be provided by the Local Plan policies or has been proposed by the developer. This is to ensure that all sites are treated in the same manner. However, where factual (baseline) information has been provided by developers, this has informed the SA, to ensure that the site SA is based on the most up to date information.
61. The resulting SA Reports have been prepared in accordance with best practice guidance³ and the reporting requirements of SEA Regulations (Schedule 2). A Quality Assurance Checklist (taken from Appendix 9 of the ODPM SEA guidance) has been completed for each full reporting stage of the SA, and is found in:
- Appendix C, Issues and Options Consultation Document SA Report (2015) **(EB003)**
 - Appendix A, Preferred Options Consultation Document SA Report (2017) **(EB006)**
 - Appendix A, Pre-Submission Local Plan SA Report (2018) **(SD004)**

³ Office of the Deputy Prime Minister (ODPM) et al (2005) A Practical Guide to Strategic Environmental Assessment Directive and Ministry for Housing, Communities and Local Government (MHCLG) (2015), Planning Practice Guidance on Strategic Environmental Assessment and Sustainability Appraisal

Response to Q5a

ii) Does it adequately assess the likely significant effects of policies and proposals?

62. It is the Council's position that the SA uses a framework of SA objectives that includes all the topics identified in Schedule 2 of the SEA Regulations as well as a wider range of socio-economic factors to ensure that the likely significant environmental, social and economic effects of the Local Plan policies and proposals (and reasonable alternatives) have been identified, described and evaluated.
63. The SA Framework, which comprises of 14 SA objectives and 109 guide questions, has been developed from an analysis of the evidence base and consultation responses to ensure it is appropriate and relevant to the Local Plan and includes specific definitions for what constitutes a significant effect, a minor effect or a neutral effect for each of the 14 SA objectives. Tailored appraisal criteria and associated thresholds of significance have been developed to complete the site SAs.
64. The SA Framework has been used to identify, describe and assess the likely significant positive and negative effects of:
- the preferred development requirements and Spatial Strategy together with reasonable alternatives;
 - the proposed site allocations and reasonable alternatives;
 - the Local Plan policies; and
 - the Growth Area policies.
65. In determining the significance of effects, consideration has been given to the criteria set out in Schedule 1 of SEA Regulations.
66. Matrices have been used to record the findings of the SA of the emerging Local Plan policies and proposals, with commentary on likely significant effects, proposed mitigation, assumptions and uncertainties. These are contained in appendices to the SA Report that has accompanied each stage of the plan development.
67. The effects identified in the matrices have then been summarised within each SA Report, for example, the Pre-Submission Local Plan SA Report (2018) **(SD004)**:
- **Preferred development requirements:** paragraph 5.3.2 states: *"The provision of 21,893 dwellings over the plan period would meet and exceed the City Area's objectively assessed housing need of 805 net new homes per-year, as identified in the Objectively Assessed Housing Needs (OAHN) Study (2016). This housing requirement includes an uplift from the demographic start to cover projections for future jobs, past delivery and market signals together with close to a further 20% supply capacity, all of which equates to a total requirement of 952 dwellings per annum. The development requirements are in accordance with the recommendations of the OAHN Study, which states that an uplift is needed to*

respond to issues related to the past provision of homes and to address ‘market signals,’ including London-related migration needs. The development requirements are also expected to help provide a degree of flexibility by ensuring choice and competition in the market by increasing the supply of housing land, which is consistent with the NPPF’s direction that local planning authorities should seek to boost significantly the supply of housing (see para 47) and the broad aim of the Housing White Paper (2017). The provision of nine permanent pitches for Gypsies and Travellers and 24 permanent plots for Travelling Showpeople, meanwhile, would also meet the requirements identified in the Gypsy and Traveller Accommodation Assessment⁷⁴. Overall, the development requirements set out in the Pre-Submission Local Plan are expected to have a significant positive effect on housing (SA Objective 2)”.

- **Proposed site allocations:** paragraph 5.4.7 states: *“Development within Central and Urban Chelmsford would involve the redevelopment of a large number of brownfield sites and for these allocations, significant positive effects have been identified in respect of land use (SA Objective 7). Given the potential for the redevelopment of these sites to enhance townscapes, positive effects have also been identified in respect of landscape and townscape (SA Objective 14). However, a substantial area of greenfield land will be required to accommodate strategic growth sites including West Chelmsford, East Chelmsford (Manor Farm), East Chelmsford (Land North of Maldon Road) and East Chelmsford (Land South of Maldon Road). In consequence, an overall significant negative effect has also been identified in respect of land use with a negative effect on landscape and townscape (reflecting the size of the site and its greenfield location, West Chelmsford has been assessed as having a significant negative effect on SA Objective 14)”.*
- **Local Plan policies:** paragraph 5.5.28 states: *“This subsection contains policies which seek to protect and enhance the City Area’s heritage assets and their setting including listed buildings, conservation areas, registered parks and gardens and scheduled monuments as well as non-designated assets and archaeology. Cumulatively, significant positive effects have therefore been identified in respect of cultural heritage (SA Objective 13). Historic assets contribute towards the character of the City Area and their protection has therefore been assessed as having a significant positive effect on landscape and townscape (SA Objective 14)”.*
- **The Growth Area policies:** paragraph 5.5.15 states: *“...the policies in this chapter have been assessed as having a cumulative significant positive effect on housing (SA Objective 2), the economy (SA Objective 3) and sustainable living and revitalisation (SA Objective 4), reflecting the delivery of housing and employment land within/adjacent to urban areas and the provision of community services and facilities which are expected to help meet needs. Development within Central and Urban Chelmsford (Growth Area 1) would involve the redevelopment of a large number of brownfield sites and for these allocations, significant positive effects have been identified in respect of land use (SA Objective 7)”.*

68. The likely significant effects are also presented in the conclusions of the SA Report, For example, paragraph 6.1.7 of the Pre-Submission Local Plan SA Report (2018) **(SD004)** states:

“The development requirements and Spatial Strategy have been assessed as having mixed significant positive and significant negative effects on land use (SA Objective 7). The Spatial Strategy seeks to maximise the use of previously developed (brownfield) land and would deliver approximately 2,200 dwellings, 4,000 sqm of office floorspace and 11,500 sqm of retail floorspace on brownfield sites. However, the scale of development requirements and the limited number of brownfield sites that have not already been earmarked for future development in the City Area mean that greenfield land adjacent to the urban areas of Chelmsford would be required to deliver approximately 75% of new development. This will lead to a loss of approximately 446 ha of Grade 3 agricultural land and approximately 252 ha of Grade 2 land.”

69. In addition to assessing the likely significant effects of the policies and proposals contained within the Local Plan individually, the SA has identified the anticipated cumulative effects of the Local Plan. The cumulative effects of all of the policies and proposals within the plan when taken as a whole have been identified in Table 5.4 of the Pre-Submission Local Plan SA Report (2018) **(SD004)** alongside the cumulative effects of the interaction of the Pre-Submission Local Plan **(SD001)** with other plans and programmes (paragraph 5.6.6 – 5.6.8).

Q5b	i) Does the SA test the plan against reasonable alternatives in terms of providing for the overall development requirements and its distribution as set out in the spatial strategy? ii) Is it clear why alternatives have not been selected? (Also refer to Matter 5 – Spatial strategy)
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Response to Q5b

i) Does the SA test the plan against reasonable alternatives in terms of providing for the overall development requirements and its distribution as set out in the spatial strategy?

70. It is the Council's position that consistent with best practice guidance⁴, the development of the Local Plan and the accompanying SA has been an iterative process reflecting the stages of plan development:

- Issues and Options Stakeholder and Public Consultation (Regulation 18);
- Preferred Options Local Plan Stakeholder and Public Consultation (Regulation 18);
- Draft Pre-Submission Local Plan Stakeholder and Public Consultation (Regulation 19); and
- Chelmsford Pre-Submission Local Plan: Additional Changes.

71. As part of this iterative process, and consistent with the requirements of the SEA regulation 12 (2), the SA has appraised a range of reasonable alternatives relating to development requirements, the broad distribution of that growth (the Spatial Strategy) and site specific allocations. In this context, each stage of the Local Plan has been accompanied by a SA Report which has appraised the reasonable alternatives relevant to that stage of the plan process. Proportionate to each stage, and the information available, the reasonable alternatives have been appraised in the same manner and to the same degree.

72. The first SA Report published, the Issues and Options Consultation Document SA Report (2015) **(EB003)**, contained the appraisal of the following reasonable alternatives:

- Housing requirement:
 - **Option 1:** National Household Projections - 657 dwellings per annum (9,885 dwellings over the plan period);

⁴ Office of the Deputy Prime Minister (ODPM) et al (2005) *A Practical Guide to Strategic Environmental Assessment Directive* and Ministry for Housing, Communities and Local Government (MHCLG) (2015), *Planning Practice Guidance on Strategic Environmental Assessment and Sustainability Appraisal*

- **Option 2:** Objectively Assessed Need - 775 dwellings per annum (11,625 dwellings over the plan period); and
 - **Option 3:** Objectively Assessed Need and a 20% Buffer - 930 dwellings per annum (13,950 dwellings over the plan period, rounded to 14,000 dwellings in the Issues and Options Consultation Document).
 - Employment requirement:
 - **Option 1:** 2012 Sub-National Population Projections based - 727 jobs per year; and
 - **Option 2:** Employed People – 887 jobs per year.
 - Spatial Strategy:
 - **Option 1:** Urban Focus;
 - **Option 2:** Urban Focus and Growth on Key Transport Corridors; and
 - **Option 3:** Urban Focus and Growth in Key Villages.
73. Following consideration of the comments received on the Issues and Options Consultation Document (2015) (**EB115**), ongoing engagement and further evidence base work, the Council selected its preferred options for the Local Plan in terms of the amount and location of growth to be delivered in the City Area up to 2036 and which formed the Preferred Options Consultation Document (2017) (**EB116**). The Preferred Options Consultation SA Report (2017) (**EB006**) contained the appraisal of:
- Preferred development requirements, consisting of the:
 - Preferred Housing Requirement (22,162 dwellings, nine permanent pitches for Gypsies and Travellers and 24 permanent plots for Travelling Showpeople); and
 - Preferred Employment Requirement (725 jobs per annum/ a minimum of 55,000sqm of employment floorspace and 13,400 sqm of retail floorspace over the plan period).
 - Preferred Spatial Strategy;
 - A further alternative spatial strategy (Urban Focus with Growth at Hammonds Farm and Key Service Settlements) identified by the Council as a reasonable alternative following the Issues and Options stage;
 - Growth areas and proposed and alternative site allocations. A total of 99 housing sites, 4 employment sites and 1 gypsy and traveller site were considered:
 - 32 sites were proposed for Growth Area 1 (with 9 alternative sites and 3 alternative clusters of sites considered);
 - 6 sites proposed for Growth Area 2 (with 26 alternative sites and 7 alternative clusters of sites considered); and
 - 1 alternative site located across Growth Area 1 and 2
 - 3 proposed sites for Growth Area 3 (with 17 alternatives sites considered).

74. Taking into account representations received during consultation on the Preferred Options Consultation Document (2017) (**EB116**), new evidence and the recommendations of assessments, the Council prepared the Pre-Submission Local Plan (2018) (**SD001**). The Pre-Submission Consultation Local Plan SA Report (2018) (**SD004**) contained the appraisal of the following:
- Revised preferred development requirements, consisting of the:
 - Preferred Housing Requirement (21,893 dwellings, 9 permanent pitches for Gypsies and Travellers and 24 permanent plots for Travelling Showpeople);
 - Preferred Employment Requirement (725 jobs per annum/ a minimum of 55,000sqm of employment floorspace and 13,400 sqm of retail floorspace over the plan period);
 - The final Preferred Spatial Strategy;
 - Growth areas and proposed and alternative site allocations. A total of 125 housing sites, 6 employment sites and 1 Gypsy and Traveller site were considered:
 - 35 sites were proposed for Growth Area 1 (with 20 alternative sites and 3 alternative clusters of sites considered);
 - 8 sites proposed for Growth Area 2 (with 34 alternative sites and 12 alternative clusters of sites considered), including 1 cluster that contains 2 reasonable alternative sites that have also been appraised individually);
 - 1 alternative site located across Growth Area 1 and 2; and
 - 3 proposed sites for Growth Area 3 (with 18 alternatives sites considered).
 - Local Plan policies.
75. An Addendum to the Pre-Submission Consultation Sustainability Appraisal (2018) (**SD005**) appraised a total of 14 additional reasonable alternative sites (comprising 13 housing-led sites and one employment site) alongside a further two 'clusters' comprising multiple sites, all of which were rejected.
76. Collectively the above demonstrates that for each stage of the plan development, the SA has tested the plan against reasonable alternatives relevant to the stage in terms of providing for the overall development requirements and its distribution as set out in the Spatial Strategy.

Response to Question 5b

ii) Is it clear why alternatives have not been selected? (Also refer to Matter 5 – Spatial strategy)

77. It is the Council's position that the reasons for rejection of the alternatives considered by the Council in preparing the Local Plan have been fully documented throughout the SA process. This fully meets the requirements of Schedule 2 (8) of the SEA regulations.
78. No reasonable alternatives were rejected at the Issues and Options Stage. However, in developing the reasonable alternatives, other alternatives were considered, and rejected as not being reasonable:
- For employment requirements, a high growth employment forecast was considered but discounted by the Council on the basis of it not being considered 'reasonable', as the related housing requirement would substantially exceed the three housing target projections being tested (paragraphs 1.4.11 – 1.4.12 of the Issues and Options Consultation Document SA Report (2015) **(EB003)**).
 - For the distribution of growth, two additional alternatives were considered and discounted by the Council on the basis of not being considered 'reasonable'. These were:
 - Development Growth in the Green Belt, which due to absence of identified exceptional circumstances meant that an option for development growth in the Green Belt was neither, necessary, justified or reasonable (paragraphs 1.4.15 – 1.4.20 of the Issues and Options Consultation Document SA Report (2015) **(EB003)**); and
 - Large New Settlement (with the two candidate locations of Hammonds Farm and Bull's Lodge Quarry Farm) considered. However, at that stage, for the reasons set out in paragraphs 1.4.21 – 1.4.27 of the Issues and Options Consultation Document SA Report (2015) **(EB003)**, the alternative was not considered reasonable, suitable or justified.
79. The reasons for the selection and rejection of the reasonable alternatives are subsequently given in the Preferred Options Consultation SA Report (2017) **(EB006)** at the following locations:
- housing requirement: paragraphs 5.3.11 – 5.3.23;
 - employment requirement: paragraphs 5.3.41 – 5.3.51;
 - spatial strategy: paragraphs 5.3.56 – 5.3.73; and
 - site allocations which are set out in Appendix G.

80. At the Preferred Options stage, the Council also considered alternatives to the housing requirement, employment and retail requirements and the spatial strategy. The reasons for their rejection are set out in in the Preferred Options Consultation SA Report (2017) (**EB006**) at:
- housing requirement: paragraphs 5.3.24 – 5.3.40;
 - employment requirement: paragraphs 5.3.52 – 5.3.55; and
 - spatial strategy: paragraphs 5.3.74 – 5.3.103.
81. The reasons for the selection and rejection of alternatives (including reasonable alternatives) are given in the Pre-Submission Local Plan SA (2018) (**SD004**) at the following locations:
- the reasons for the selection of the preferred housing requirement are set out at paragraphs 5.3.11 – 5.3.26. The reasons for the rejection of alternatives are in Appendix F;
 - the reasons for the selection of the preferred employment requirement are set out at paragraphs 5.3.27 – 5.3.39. The reasons for the rejection of alternatives are in Appendix F;
 - the reasons for the selection of the preferred spatial strategy and for the rejection of alternatives are set out at paragraphs 5.3.40 – 5.3.58 and Appendix F; and
 - the reasons for the selection of the preferred site allocations and for the rejection of alternatives are set out in Appendix G.
82. Following public consultation on the Pre-Submission Local Plan, 14 additional reasonable alternative sites (comprising 13 housing-led sites and one employment site) were identified alongside a further two ‘clusters’ comprising multiple sites. These additional reasonable alternative sites were appraised against the SA objectives that comprise the SA Framework using tailored appraisal criteria and associated thresholds of significance. Table 3.2 of Pre-Submission Consultation Addendum (2018) (**SD005**), provides an outline summary of the reasons for identifying the options dealt with and the rationale for their selection or rejection. The reasons for the rejection of alternative sites are given in in Tables 3.5 and 3.6 of **SD005**.

Q5c	i) Is it clear how the SA has influenced the Plan? ii) Is there anything in the SA which indicates that changes should be made to the Plan?
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Response to Q5c

i) Is it clear how the SA has influenced the Plan?

83. It is the Council's position that the SA has been an integral part of the preparation of the Local Plan. It has helped to ensure that the likely social, economic and environmental effects of the plan have been identified, described, appraised and communicated. Where negative effects have been identified, mitigation measures have been proposed to avoid, or where that is not possible, minimise such effects. Where positive effects have been identified, measures have been considered that could enhance such effects. In this context, the SA process has fully influenced the policies and proposals within the Local Plan; in particular, it has informed the Council's selection of preferred options relating to the quantum of growth to be delivered, the broad distribution of that growth (the Spatial Strategy) and site allocations. It has also helped support the ongoing refinement of plan policies as part of an iterative process.
84. The following examples provide evidence of the iterative approach through the stages of local plan development:
- **Promoting consideration of alternatives:** paragraphs 1.4.11 – 1.4.20 of the Issues and Options Consultation Document SA Report (2015) **(EB003)** demonstrates how the SEA requirements to consider reasonable alternatives led to other alternatives being considered by the Council.
 - **Informing the choice of preferred Spatial Strategy:** paragraphs 5.3.67 – 5.3.69 of the Preferred Options Consultation SA Report (2017) **(EB006)** states:

"The preferred Spatial Strategy (as set out in Strategic Policy S9) is based on a number of key considerations including national planning policy, an analysis of the Issues and Options consultation responses, the Issues and Options SA Report, the Local Plan Vision and Spatial Principles, Settlement Hierarchy, environmental constraints, the availability and viability of land for development and discussions with key stakeholders.

The Issues and Options SA Report indicated that the performance of all three spatial options against the SA objectives were very similar although Options 1 and 2 were considered to be the best performing. Although the preferred Spatial Strategy is a hybrid of Spatial Options 1-3, it most resembles Spatial Options 1 and 2 by focusing development in and close to the Urban Areas and Key Service Settlements outside of the Green Belt.

The main issues raised in the consultation responses to the Issues and Options Consultation Document are summarised in a feedback report published in June 2016. This shows that, overall, the public considered Spatial Option 1 as the most sustainable option and most likely to deliver the infrastructure needed to support the growth identified. Spatial Option 3 was the least popular option for the public although many did not support any of the three options identified”.

- **Influencing policies:** the Preferred Options Consultation SA Report (2017) (**EB006**) contained proposed policy amendments to mitigate identified effects. For example, concerning policy HO2, the SA identified that Part B of the policy could:
 - make specific reference to avoiding adverse effects on natural environment assets including biodiversity.
 - promote the use of brownfield land and seek to ensure that development does not result in the loss of best and most versatile agricultural land.
 - make specific reference to avoiding adverse effects on natural environmental assets including water.
85. Additional criteria and further reasoned justification text were added to the policy to cover the points raised (Appendix J of the Pre-Submission Local Plan SA Report (**SD004**)).
86. The Pre-Submission Local Plan Sustainability Appraisal Report (**SD004**) provides an update and further evidence of how the process of SA has influenced Local Plan preparation, with information presented in the following locations:
- Section 1.2 outlines that the SA has been an ongoing and iterative appraisal process, which has supported the development and refinement of the Local Plan by appraising the sustainability strengths and weaknesses of emerging policy and proposals. It also describes that the SA process has sought to promote the integration of sustainability considerations into the preparation of the Local Plan and the selection and refinement of preferred options.
 - Section 4 describes how the SA is an ongoing process and that the Pre-Submission Local Plan SA Report (**SD004**) builds on a number of previous stages which have been developed in parallel with the Local Plan as it has emerged. It also confirms that each SA Report was issued for consultation alongside the Local Plan consultation documents.
 - Section 5 presents the SA of the preferred development requirements and spatial strategy and summarises the appraisal of reasonable alternatives considered during the preparation of the Local Plan.
 - Appendix B contains a schedule of the consultation responses received to the Scoping and Interim SA Reports (**EB001, EB003 and EB006**), the Council’s response and the subsequent action taken.

- Appendices F, H and I identify mitigation measures to help address potential negative effects and enhance positive effects associated with the implementation of the Local Plan.
 - Appendix F (Appraisal of Development Requirements and Spatial Strategy) includes general suggestions for mitigation identified in the Preferred Options Consultation SA Report (**EB006**). These proposed mitigation measures have been fully responded to and Local Plan policies amended as outlined in Appendix J.
 - Appendix H (Appraisal of Local Plan Policies) carries forward no mitigation measures from the Preferred Options Consultation SA Report (**EB006**). This demonstrates that mitigation measures at earlier stages of the SA process has been fully responded to.
 - Appendix I (Appraisal of Growth Site Options) proposes consideration be given to the inclusion of an additional specific requirement relating to the avoidance of adverse impacts on the River Ter SSSI for Strategic Growth Sites 5a-5c. No other mitigation measures are suggested. Paragraph 5.2.6 also suggests that the Local Plan Vision could place a greater emphasis on climate change mitigation and adaptation and the sustainable use of natural resources.
 - Appendix J (Mitigation and Enhancement) presents the suggested mitigation set out in the SA at the Preferred Options stage. It then details how and where the Council consider the Local Plan to have responded.
87. Overall, only a small number of residual specific changes are suggested within the final SA Reports (**SD004 and SD005**) illustrating the influential role that the SA has played in the progress of the Local Plan to date and the frontloading of the process.
88. Section 3 of Topic Paper 4: Sustainability Appraisal / Strategic Environmental Assessment and Habitats Regulations Assessment (**TP004**) also contains an overall summary of how the process of SA (from the SA Scoping Report (2015) to the Pre-Submission SA Report (2018)) has influenced Local Plan preparation.
89. The Council considers it is clear how the SA has influenced the preparation of the Local Plan.

Response to Question 5c

ii) Is there anything in the SA which indicates that changes should be made to the Plan?

90. The SA has been undertaken iteratively alongside and informing the development of the Local Plan. In this context, a number of measures were identified in the SA Report that accompanied the Preferred Options Consultation Document concerning recommended changes to the proposed Local Plan policies and the site-specific development requirements. Appendix J of the Pre-Submission Local Plan SA Report (**SD004**) lists these recommendations together with the Council's response.
91. The appraisal of the Pre-Submission Local Plan has identified further measures to help address potential negative effects and enhance positive effects associated with the implementation of the Local Plan. These measures concern the Local Plan Vision and the Strategic Growth Sites 5a-5c and are highlighted within the detailed appraisal matrices contained at Appendices I of SA Report (**SD004**).
92. It is the Council's position that the suggested changes to Strategic Growth Sites 5a-5c and the Local Plan Vision in the final SA Report (**SD004**) have been fully responded to in the Pre-Submission Local Plan Suggested Additional Changes (**SD002**) – in changes AC146, AC151, AC154, AC158, AC162 and AC167. These changes have been appraised in the Pre-Submission Local Plan Additional Changes Sustainability Appraisal Report Addendum (**SD005**). This document finds that these proposed changes are predicted to have positive effects on the implementation of the Local Plan and do not result in the identification of any additional mitigation measures.
93. As such, the Council considers that the Final SA Reports (**SD004 and SD005**) do indicate that changes AC146, AC151, AC154, AC158, AC162 and AC167 in **SD002** should be made to the Local Plan. It does not indicate that any other changes should be made.

Question 6	Have the requirements for Appropriate Assessment (AA) under the Habitats Regulations been met? In particular:
Q6a	<p>The Court of Justice of the European Union (CJEU) judgement (People over Wind & Sweetman v Coillte Teoranta Case C-323/17) was issued on 12 April 2018. This ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures should be assessed within the framework of an AA and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.</p> <p>To what extent are the Habitats Regulations Assessment (HRA) and AA documents legally compliant with this judgement?</p>

Response to Q6a

94. It is the Council’s position that the Pre-Submission Local Plan Habitats Regulations Assessment (Update) (2018) (**SD007**) is compliant with the People over Wind & Sweetman v Coillte Teoranta Case C-323/17 judgement (hereafter referred to as ‘People over Wind’). As stated in paragraph 11 of PINS NOTE 05/2018, if a measure is being introduced to avoid or reduce an effect on a European site, then it can be viewed as mitigation. However, that NOTE also recognises that there may be a difference between a proposal which is integral to a plan and a measure that is to avoid harm. That difference was acknowledged in *R (on the application of Langton) v Secretary of State for Environment, Food and Rural Affairs* [2018] EWHC 2190 (Admin) in which Natural England had, in granting licences for badger culling, taken into account at the screening stage that the licenses would be granted subject to conditions restricting the time and place that culling could take place. The High Court held that the licensing conditions were an integral feature of the project and not the mitigating or protective measures which feature in *People Over Wind*.
95. The Habitats Regulations Assessment (HRA) (**SD007**) report reflects the iterative process of the Local Plan evolution and, is not a solely retrospective assessment of the final Local Plan. As a result, aspects of the assessment process must necessarily take place alongside the evolving plan. The HRA therefore includes the following elements:
- A ‘screening’, which identifies those European sites or interest features that cannot be significantly affected by the plan (e.g. due to the absence of any reasonable impact pathways), and those policies or plan aspects that cannot have significant effects due to their fundamental nature. The screening is intended to be a coarse filter for identifying potential effect pathways that cannot be self-evidently discounted rather than a detailed assessment in its own right and, does not account for mitigation that may have been identified during the development of the plan.

- ‘Appropriate assessments’ for each European site where the possibility of significant effects via an impact pathway cannot be excluded. The appropriate assessments are grouped by impact pathway (e.g. ‘Recreational Pressure’) for clarity and efficiency, due to the baseline data and assessment overlaps for the various European sites.
96. The ‘People Over Wind’ judgement states that “...it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects [mitigation] of the plan or project on that site”. The broader context of the ‘People over Wind’ case suggests that the judgement is principally focusing on those instances where specific measures are included in a proposal to avoid a specific effect that has been identified, and which would or might otherwise be significant; the judgement argues that this presupposes that it is likely that the site is affected significantly, and that the effectiveness of any such measures should therefore be examined through an appropriate assessment stage.
97. There is currently little information on the practical implementation of the ‘People over Wind’ judgement⁵, particularly for plan-level HRAs where the assessment is usually concurrent with plan development; indeed, many ‘recommendations’ derived from an iterative policy review process might be interpreted as ‘avoidance’ or ‘mitigation’ measures if viewed solely in terms of their implications for European sites, but it is clear that an exhaustive examination of the plan’s genesis to see if any minor changes made during the plan’s early stages might count as ‘mitigation’ for screening purposes would not be proportionate, or (arguably) consistent with the intent of the Habitats Directive or the ‘People over Wind’ judgement.
98. Most of the HRA work undertaken in support of the Local Plan has pre-dated the ‘People over Wind’ judgement. However, the approach that has been employed is compliant with this judgment: the screening is applied at an early stage as a low-bar ‘trigger’ test, with European sites or plan components only excluded from an ‘appropriate assessment’ where there is self-evidently either ‘no effect’ or ‘no significant effect’ based on an assessment of the potential impact pathways. Where there is uncertainty (in the absence of mitigation) regarding a plan aspect, these were taken forward to ‘appropriate assessment’, with the proposed mitigation examined at that stage. The screening did not therefore take account of any specific measures intended or relied on to avoid or reduce a specific effect on a European site.
99. General policy amendments that have been made during plan-development to improve policy performance, or which would be included irrespective of the presence of any European sites (either as a legal requirement, or as a matter of standard practice), are considered to be an integral part of the plan being screened; for example:

⁵ Guidance is available from PINS (Note 05/2018).

- A policy promoting the use of Sustainable Drainage Systems (SuDS) is a fairly standard inclusion in local plans that would be incorporated regardless of the presence of European sites; this would not be considered mitigation unless the HRA relied on the inclusion of this policy to prevent a specific identified risk occurring (in which case its effectiveness would be examined through an ‘appropriate assessment’).
- A general policy that provides policy safeguards for designated sites (including European sites) is a standard inclusion in virtually all land-use plans, and it would clearly be illogical to attempt to screen a hypothetical version of the plan that did not include such a policy.

100. In summary, the screening identified six broad areas where environmental changes could occur due to the policies and proposals of the Local Plan, which could affect European sites (recreational pressure and urbanisation; air quality changes; water resources and flow regulation; water quality; flooding and water level management; and effects on non-designated functional land). Of these, only effects associated with water resources and flow regulation and flooding and water level management were excluded from the appropriate assessments; this is due to the absence of any effect pathways based on (respectively) the assessments within the relevant water company Water Resources Management Plans regarding water resource availability; and the negligible influence of the plan and its allocations on flooding and water level management in areas where this might affect European site interest features (Sections 3.3 and 4.1 of the HRA **(SD007)**).

101. The remaining areas were subject to appropriate assessment, with mitigation considered at that point. In summary:

Aspect	Appropriate Assessment Summary	Mitigating policies
Recreational Pressure	Adverse effects likely ‘in combination’ in the absence of the Recreation and Avoidance Mitigation Strategy (RAMS) identified by Natural England.	<ul style="list-style-type: none"> • Strategic Policy S6 • Strategic Policy S11 • Policy NE1 • Strategic Growth Policy SGS7 • Strategic Growth Site, and Growth Site Policies SGS3a, SGS3c, SGS3d, GS8, SGS9
Air Quality	No adverse effects alone or in combination, based on traffic and air quality modelling.	None required, although general measures for sustainable travel will assist.

Water Quality	Water cycle studies have demonstrated that waste water treatment works serving the CCC area will have sufficient capacity to ensure adverse effects do not occur. Possibility of minor effects associated with run-off (etc.) can be mitigated with strategic policy requirements for SuDS or similar.	<ul style="list-style-type: none"> • Strategic Policy S6 • Strategic Policy S11
Functional Land	No evidence that site allocations coincide with functionally-significant non-designated areas of land that are likely to be critical to the integrity of any European sites.	None, although Policy NE1 will provide ‘down-the-line’ safeguards.

102. The HRA report has been reviewed by Natural England (NE); NE confirmed (email ref: 252222, 23 August 2018) that:

- It required no further amendments to the HRA or the Local Plan; and
- That it is satisfied that the HRA is compliant with the recent court rulings, including People Over Wind.

Q6b	<p>i) Is it clear how the results of the HRA and AA have influenced the Plan?</p> <p>ii) Is there anything in the documents which indicate that changes should be made to the Plan?</p>
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Response to Q6b

i) Is it clear how the results of the HRA and AA have influenced the Plan?

103. It is the Council’s position that the Habitats Regulations Assessment (HRA) process (which includes an ‘Appropriate Assessment’ (AA) stage) has fully influenced the Local Plan, resulting in a small number of changes during its preparation.

104. Sections 2 and 4.2 – 4.5 of the Pre-Submission Local Plan Habitats Regulations Assessment (**SD006**) describes how the process of HRA has been undertaken alongside the Local Plan preparation and influenced its evolution. In summary:

- An HRA initial scoping document (**EB009**) was produced for the Regulation 18 (Issues and Options) consultation; this document set out:
 - the intended spatial and technical scope for the HRA;
 - a summary of the baseline for the European sites within the study area, including identification of the key threats and pressures;
 - a summary of the anticipated mechanisms by which the Local Plan might affect these sites; and
 - a series of questions for Natural England, which were intended to inform the final scope of the HRA and ensure that all potential impact pathways were suitably captured.
- Following this, the HRA process involved:
 - the collection and analysis of additional data on the key threats and pressures identified by the scoping;
 - the iterative review of the emerging policies to identify areas where minor amendments would improve policy performance, and those policies where significant effects on European sites were likely or could not be excluded (and which would therefore require that bespoke policy-level measures be incorporated into the plan to ensure that that effect did not occur⁶); and
 - an initial review of the emerging allocations to identify those where significant effects on European sites could not obviously be avoided using established measures (and hence those which would be unlikely to pass the HRA tests at the project stage, or which required that bespoke policy-level measures be incorporated into the plan).
- The outcomes of this process were set out in a Preferred Options HRA report (**EB010**) produced for the Regulation 18 (Preferred Options) consultation, which included recommendations for policy amendments.
- The emerging Local Plan and its HRA were subsequently amended following receipt of the Preferred Options consultation responses. Several amendments to the plan were made in response to Natural England comments, including policy amendments related to the implementation of the RAMS. The amendments to the HRA therefore reflected both the amended plan and Natural England comments on the HRA itself, which included requests for additional technical information on some aspects. Alongside this, the ‘People over Wind’ judgement required clarification on the assessment of ‘incorporated’ mitigation.
- The outcome of this process was the Pre-Submission Local Plan HRA report (**SD006**), which included appropriate assessments for those aspects where specific mitigation was required / identified during the HRA process. This document includes:

⁶ It should be noted that this stage pre-dated the People over Wind judgement

- Appendix B of the Pre-Submission Local Plan HRA report **(SD006)** which summarises the initial review of the emerging policies undertaken at the Preferred Options stage.
 - Appendix E (Review of Submission Draft Policies) of the Pre-Submission Local Plan HRA report **(SD006)** which does not identify any further recommended text changes to Local Plan policies. This demonstrates that changes recommended at earlier stages of the HRA and AA process (Preferred Options HRA, **EB010**) have been fully responded to. It also illustrates the influential role that the HRA and AA has played in the progress of the Local Plan to date and the frontloading of the process.
 - Section 9 of the Pre-Submission Local Plan HRA report **(SD006)** describes how all of the Local Plan policies were reviewed to ensure that the screening conclusions of the previous HRA report **(EB010)** remained valid, and that recommended mitigation had been appropriately incorporated or reflected in the Local Plan.
105. The above is also set out in Sections 1, 4, 9 and Appendix E of the Pre-Submission Local Plan HRA Update **(SD007)**. The update further clarifies the assessment approach following recent case law (Court of Justice of the European Union (ECJ) Case C-323/17 - People Over Wind and Sweetman, preliminary ruling).
106. The Council considers it is clear how the HRA and AA have influenced the preparation of the Local Plan.

Response to 6b

ii) Is there anything in the documents which indicate that changes should be made to the Plan?

107. The submitted HRA does not suggest that additional amendments to the proposed Local Plan are required. The mitigation measures identified and assessed through the 'appropriate assessments' have been incorporated into the submission version of the Local Plan and are considered sufficient to ensure that there will either be 'no effects' (where a potential effect pathway is entirely removed or prevented), 'no significant effects', or 'no adverse effects' (all alone or in combination). Natural England (NE) reviewed the HRA and the Local Plan and confirmed (email ref. 252222, 23 August 2018) that it required no further amendments to either document.
108. However, the Council is aware that NE's position regarding the application of the RAMS is currently evolving, and that it's previously proposed Recreational 'Zones of Influence' (RZol) around the coastal European sites (on which the HRA and Local Plan were based) are likely to be increased. As a result, virtually all of the proposed allocations in the Council's area are likely to be within one or more of the revised RZols.

109. The implications of this change for the Local Plan and its HRA have been considered. With regard to the Local Plan, the Council is intending to amend all of the allocation-specific policies to include a requirement for RAMS contributions and has agreed an updated SoCG with NE to this effect. NE's position is that the RAMS will be sufficient to mitigate any effects on European sites due to 'in combination' recreational pressure, and that increasing the area over which RAMS contributions are sought will not alter this position.
110. With regard to the HRA, the submission version of the HRA (which is based on the previously agreed RZols) does not reflect NE's current thinking on this issue, and so understates the area over which NE now believe 'significant effects' are likely as a result of recreational pressure. However, this does not alter the core elements of the appropriate assessments within the HRA: a 'significant effect' on some European sites as a result of 'in combination' recreational pressure has been identified; and the appropriate mitigation for this effect has been identified and agreed with NE. Increasing the area over which RAMS contributions are required will not alter the broader conclusions of the HRA in this respect (i.e. there will be a significant effect as a result of recreational pressure, but adverse effects will not occur due to the RAMS) and in reality the increase in area will increase the effectiveness of the RAMS as more contributions are received.
111. The proposed revisions to the Local Plan have been reviewed from an HRA perspective. In summary, it will be necessary to revise the HRA to reflect these changes; however, the identified amendments regarding RAMS contributions will be sufficient to ensure that the conclusions of the HRA (i.e. that the Local Plan will have no adverse effects, alone or in combination) remain valid for the adopted plan.

Question 7	Have the development standards set out in Appendix A been prepared and consulted on in the same way as the rest of the Plan? What is its status within the Plan? Is the inclusion of guidance as an appendix appropriate?
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Response to Q7

112. It is the Council's position that the development standards set out in Appendix A in Pre-Submission Local Plan (**SD001**) have been positively prepared, are justified and are appropriate to be included as an appendix to the Local Plan to provide guidance for quality new development.
113. The preparation of the development standards in Appendix A has followed the same procedures as the preparation of the other chapters and appendices in the Local Plan. Appendix A first formed part of the Preferred Options Consultation Document (**EB116**) which was subject to public consultation from March to May 2017.

114. Comments received to this consultation were carefully considered and informed Appendix A which forms part of the Pre-Submission Local Plan, consulted upon in early 2018. Further details on the responses received to the Preferred Option consultation can be found at pages 379-380 of the Regulation 22 Consultation Statement (**SD009**).
115. The development standards at Appendix A support the application of Local Plan Policy MP4 and must be adhered to. Policy MP4 sets the requirement that all new dwellings shall comply with the development standards, and Appendix A provides the detail for decisions to be taken on planning applications. As such they carry full weight but do not overburden the policy with excessive detail.
116. Consideration was given to whether the development standards should be contained in a separate Supplementary Planning Document rather than being included in the Local Plan. However, it was decided that it was most appropriate to include the standards within the Local Plan in order to:
- Maximise the opportunity for public consultation alongside the policy wording
 - Strengthen the status of the standards, and
 - Reduce the number of supplementary planning documents produced and only use them where clearly justified (Para 153, NPPF 2012).
117. For these reasons, it is considered appropriate for the development standards to be included as an appendix in the Local Plan. This appendix is clearly referenced in Policy MP4 and therefore carries full weight. The development standards have been through two stages of public consultation, having been included in the Preferred Options Consultation Document and the Pre-Submission Document in accordance with statutory procedures.

Question 8	Regulation 8(5) of the Town and Country Planning (Local Plan) (England) Regulations 2012 requires any new plan to list the policies in existing adopted plans which it is intended to supersede.
Q8a	Is the Plan proposing to supersede any existing adopted plans and if so which ones? Is there a list of superseded policies as required by the Regulations?

Response to Q8a

118. The Local Plan is proposing to supersede existing adopted plans and policies. However, it does not specifically include a list of plans or policies to be superseded, as required by Regulation 8 (5) of the Town and Country Planning (Local Planning) (England) Regulations 2012.

119. A list of adopted Development Plan Documents which will be superseded by the Local Plan appears in the Local Development Scheme 2018-2021 (LDS) (**SD014, paragraph 3.1, and Appendix 1**). The LDS is an important statutory document to govern the production, context and status of the Local Plan. However, this list does not appear in the Local Plan itself as it is accepted that it should.
120. The Local Plan once adopted will replace all existing development plan documents. This approach follows the 2012 NPPF guidance (paragraph 153) that each local planning authority should prepare a single Local Plan for its area.
121. The Development Plan Documents (DPDs) which will be superseded by the Local Plan are:
- Core Strategy and Development Control Policies (**EB117**) – Adopted February 2008, as amended by the Focused Review (**EB118**) adopted December 2013
 - Chelmsford Town Centre Area Action Plan (CTCAAP) (**EB119**) – Adopted August 2008
 - North Chelmsford Area Action Plan (NCAAP) (**EB120**) – Adopted July 2011
 - Site Allocations Document (SADPD) (**EB121**) – Adopted February 2012
122. The CTCAAP, NCAAP and SADPD set out the framework for how the Council planned to manage growth to 2021, with detailed implementation guidance. Apart from specific site allocations, they did not contain additional policies to those included in the Core Strategy.
123. A list of adopted DPDs which will be superseded by the Local Plan is included on the Schedule of Superseded Documents and Policies, attached at **Appendix B** of this Hearing Statement.
124. The Core Strategy contains 26 core (strategic) policies and 64 development control policies. These will be replaced by 15 strategic policies and 32 local policies in the new Local Plan. A list of policies from the Core Strategy and their replacements proposed in the Local Plan is also included on the Schedule of Superseded Documents and Policies at **Appendix B**.

Proposed changes:

To comply with Regulation 8 (5) of the Town and Country Planning (Local Planning) (England) Regulations 2012, CCC proposes that the Schedule of Superseded Documents and Policies, as set out at Appendix B of this Hearing Statement, is added as an Appendix to the Local Plan.

This is considered to be a main modification.

<p>Q8b</p>	<p>Appendix D within the Plan includes an extract of the existing North Chelmsford Area Action Plan (adopted in 2011) (NCAAP) and states that the provisions within this are to be carried forward.</p> <p>Does this mean that the NCAAP is to be kept as a development plan document and its policies omitted from the superseded policies list?</p> <p>If so what is the purpose of including the extract in Appendix D?</p>
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Response to Q8b

125. The North Chelmsford Area Action Plan (NCAAP) (**EB120**) is not to be kept as a Development Plan Document. The new Local Plan will supersede the NCAAP.
126. The majority of the provisions of the NCAAP have already been delivered, particularly for the North West Chelmsford site allocations. Retaining the NCAAP would have meant that large parts of it would have been out of date.
127. Other provisions of the NCAAP for North East Chelmsford have not yet fully been brought forward. Although outline planning permission has been granted for the entire allocation for North East Chelmsford in the NCAAP, subsequent reserved matters applications are still being and will continue to be submitted. Due to landscape and heritage issues, it is important that the remaining parcels of development still to be granted under reserved matters applications continue to be considered in the NCAAP policy context.
128. Accordingly, Appendix D carries forward the provisions in the NCAAP which have not yet been fully implemented, but which will continue to be relied on into the next plan period.
129. These include housing delivery, heritage compensatory measures for the Grade II listed New Hall School/Registered Park and Garden, masterplanning for existing committed development, and other notations. These have been added to the Policies Map (annotated Masterplan Area for Existing Committed Development) to address Natural England’s response to the Local Plan Pre-Submission consultation (PS1777).
130. In a similar way, allocations from the SADPD (**EB121**) have been brought forward into the Local Plan as ‘Existing Commitments’. Although they have not been delivered to date, they are viewed as being deliverable within the Local Plan period to 2036. This is addressed in detail at Matter 6, Question 46.

Question 9	Has the Plan been prepared in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Plan) (England) Regulations 2012 in all other respects?
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Response to Q9

131. The Council contends that the Local Plan has been prepared in accordance with the Planning and Compulsory Purchase Act 2004 (the Act) and the Town and Country Planning (Local Plan) (England) Regulations 2012 (Regulations) in all respects.
132. Evidence of this is set out in the Legal Compliance Checklist (**SD011**) submitted with the Local Plan.
133. The checklist (**SD011**) focuses on the following stages of Local Plan development, and identifies how the Council has met the main issues for legal compliance. A summary is included below, with the full detail available in **SD011**. The Legal Compliance Checklist has also been updated to identify additional actions undertaken since submission of the plan (**EX011**).

Stage one: The early stages	
Main issues	Evidence
Planning for community engagement	Local Development Scheme (SD 014) – seventh review Statement of Community Involvement (SD 013) Regulation 22 Consultation Statement (SD 009)
Planning the sustainability appraisal	Statement of Community Involvement (SD 013) Regulation 22 Consultation Statement (SD 009) Sustainability Appraisal Scoping Report (EB 001)
Identifying significant cross boundary/inter-authority issues	Duty to Co-operate Strategy (EB 042) Duty to Co-operate Compliance Statement (SD 010)
Ensuring a credible evidence base	A wide-ranging and robust set of baseline documents and technical studies on different policy issues such as housing, employment and open space have been gathered to inform the Local Plan at all stages of its development

Stage two: Plan preparation – Frontloading phase (Issues and Options)	
Main issues	Evidence
Showing that the procedures have been complied with	Issues and Options Local Plan Consultation Document (EB 115) Statement of Community Involvement (SD 013) Regulation 22 Consultation Statement (SD 009)
Demonstrating co-operation with statutory co-operation bodies	Duty to Co-operate Position Statement (within SD 010) Duty to Co-operate Compliance Statement (SD 010)
Developing alternatives and options and appraising them through sustainability appraisal and against evidence	Issues and Options Sustainability Appraisal Report (EB 003) Preferred Options Sustainability Report (EB 006) Regulation 22 Consultation Statement (SD 009)

Stage three: Plan preparation – Formulation phase (Preferred Options)	
Main issues	Evidence
Completed body of information from evidence gathering	A wide-ranging and robust set of baseline documents and technical studies on different policy issues such as housing, employment and open space have been gathered to inform the Local Plan at all stages of its development
Results of sustainability appraisal	Issues and Options Sustainability Appraisal Report (EB 003) Preferred Options Sustainability Report (EB 006)

Findings from community participation	Regulation 22 Consultation Statement (SD 009)
Findings from engagement with statutory co-operation bodies	Duty to Co-operate Compliance Statement (SD 010) Regulation 22 Consultation Statement (SD 009)

Stage four: Publication (Pre-Submission)	
Main issues	Evidence
Results of participation on the preferred strategy	Statement of Availability (SD 015) Pre-submission Local Plan (SD 001) Regulation 22 Consultation Statement (SD 009)
Results of participation on the sustainability appraisal	Pre-Submission Sustainability Appraisal (SD 004) Pre-Submission Consultation Document SA and HRA Feedback Report (SD 008) Regulation 22 Consultation Statement (SD 009)

Stage five: Submission	
Main issues	Evidence
Legal compliance - evidence	A wide-ranging and robust set of baseline documents and technical studies on different policy issues such as housing, employment and open space have been gathered to inform the Local Plan at all stages of its development. Legal Compliance Checklist (SD 011) Local Development Scheme (SD 014) Community Plan – Chelmsford Tomorrow 2021 (EB 126) Corporate Plan (EB 127) Statement of Community Involvement (SD

	<p>013) Regulation 22 Consultation Statement (SD 009) Duty to Co-operate Compliance Statement (SD 010) SA/SEA Addendum (SD 005) Soundness Self Assessment Checklist (SD 012)</p>
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Legal compliance – additional actions	
Council approval	The Submission Local Plan and key documents were approved by CCC's Development Policy Committee on 7 June 2018, Executive Cabinet 13 June and Full Council 19 June 2018.
The Act Section 20(1) and 20(3) Regulations 22(1) and 22(2)	Submission of the Local Plan was made on 29 June 2018, all relevant documentation was sent to the Planning Inspectorate in line with the regulations and Service Level Agreement with the Planning Inspectorate.
Regulation 22(3) Regulation 22(3) and 35(1)(b)	The DPD and supporting documents have been made available in the same places as the consultation documents; and on CCC's website.
Regulation 22(3)(b)	CCC has notified consultation bodies that the Submission documents were available for inspection, with details of when and where.
Regulation 22(3)(c)	CCC has notified persons who requested to be notified that Submission has taken place.
The Act Section 20 Regulations 24 and 35	A Programme Officer has been appointed, who has published on CCC's website the time and place of the Examination, and the name of the person appointed to carry out the Examination; and has notified those who made representations.

APPENDIX A

EVIDENCE BASE LIST FOR MATTER 1	
SD 001	Pre-Submission Document with Policies Map
SD 002	Pre-Submission Local Plan Suggested Additional Changes
SD 004	Pre-Submission SA Report
SD 005	Pre-Submission Local Plan Additional Changes Sustainability Appraisal Report: Addendum
SD 006	Pre-Submission Habitats Regulations Assessment
SD 007	Habitats Regulations Assessment
SD 010	Duty to Co-operate Compliance Statement
SD 011	Legal Compliance Checklist
EX 012	Update to Legal Compliance Checklist
SD 012	Soundness Self-Assessment Checklist
SD 013	Statement of Community Involvement
SD 014	Local Development Scheme 2018-2021
SD 015	Statement of Availability
EB 001	SA Scoping Report
EB 003	Issues and Options Sustainability Appraisal Report
EB 006	Preferred Options Sustainability Report
EB 010	Preferred Options Habitats Regulations Assessment
EB 042	Duty to Co-operate Strategy
EB 043	Duty to Co-operate Scoping Report
EB 044	Duty to Co-operate Scoping Report Consultation Statement
EB 046	Braintree, Chelmsford, Colchester & Tendring Councils Objectively Assessed Housing Need Study
EB 049	Mechanism for the Consideration of Unmet Housing Need
EB 050A	Gypsy, Traveller & Travelling Showpeople Accommodation Assessment Need Summary
EB 080	Delivering Economic Growth to Chelmsford to 2036
EB 116	Preferred Options Consultation Document
EB 117	Core Strategy and Development Control Policies
EB 119	Chelmsford Town Centre Area Action Plan
EB 120	North Chelmsford Area Action Plan
EB 121	Site Allocations Document
EB 126	Community Plan – Chelmsford Tomorrow 2021
EB 127	Corporate Plan
EB 155	Issues and Options Consultation Document

SOCG 01	Historic England
SOCG 02	Natural England
SOCG 03	Housing Market Area Authorities (Braintree, Colchester, Tendring)
SOCG 04	Environment Agency
SOCG 05	Sport England
SOCG 06	Anglian Water Services
SOCG 07	West Essex Authorities (Epping Forest, Uttlesford)
SOCG 08	Maldon District Council
SOCG 09	Brentwood Borough Council
SOCG 10	South Essex Authorities (Basildon, Castle Point, Rochford)
SOCG 11	ECC & CCC Sustainable Transport Measure and Other Matters

APPENDIX B

SCHEDULE OF SUPERSEDED DOCUMENTS AND POLICIES

In accordance with Regulation 8 (5) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the following Development Plan Documents and Policies will be superseded by the Local Plan:

Superseded Development Plan Document	Date Adopted
Core Strategy and Development Control Policies	February 2008
Core Strategy and Development Control Policies Focused Review	December 2013
Chelmsford Town Centre Area Action Plan	August 2008
North Chelmsford Area Action Plan *	July 2011
Site Allocations	February 2012

* Appendix D of the Local Plan incorporates limited extant elements of the NCAAP

Superseded Core Strategy and Development Control Policies	New Local Plan Policies
CP1 Securing Sustainable Development	S2 Securing Sustainable development
CP2 The Borough Wide Spatial Strategy	S8 Housing and Employment Requirements S9 The Spatial Strategy
CP3 Phasing of Development	S1 Spatial Principles S9 The Spatial Strategy
CP4 Securing Infrastructure	S11 Infrastructure Requirements S12 Securing Infrastructure and Impact Mitigation
CP5 Containing Urban Growth	S1 Spatial Principles S9 The Spatial Strategy
CP6 Promoting Urban Renaissance	S1 Spatial Principles
CP7 Area Action Plans	None relevant
CP8 Promoting Accessibility	S1 Spatial Principles MP2 Design and Place Shaping Principles in Major Developments
CP9 Protecting Areas of Natural and Built Heritage and Archaeological Importance	S5 Conserving and Enhancing the Historic Environment HE3 Archaeology
CP10 Protection from Flooding	S3 Addressing Climate Change and Flood Risk NE3 Flooding/SUDS
CP11 Energy and Resource Efficiency, Renewable Energy and Recycling	S3 Addressing Climate Change and Flood Risk NE4 Renewable and Low Carbon Energy
CP12 Protecting and Enhancing Recreational Provision	S7 Protecting and Enhancing Community Assets
CP13 Minimising Environmental Impact	S3 Addressing Climate Change and Flood Risk S6 Conserving and Enhancing the Natural Environment PA1 Protecting Amenity
CP14 Environmental Quality and Landscape Character	S13 The Role of the Countryside

Superseded Core Strategy and Development Control Policies	New Local Plan Policies
CP15 Meeting the Housing Needs of Our Communities	S8 Housing and Employment Requirements HO1 Size and Type of Housing HO2 Affordable Housing and Rural Exception Sites
CP16 Promoting Social Inclusion	S4 Promoting Community Inclusion and Neighbourhood Planning
CP17 Reducing Deprivation	S4 Promoting Community Inclusion and Neighbourhood Planning S7 Protecting and Enhancing Community Assets S8 Housing and Employment Requirements S10 Delivering Economic Growth S11 Infrastructure Requirements S12 Securing Infrastructure and Impact Mitigation
CP18 Providing New Community and Social Features in Major New Development	S7 Protecting and Enhancing Community Assets S12 Securing Infrastructure and Impact Mitigation
CP19 Improving Links Between Developments	S11 Infrastructure Requirements S12 Securing Infrastructure and Impact Mitigation MP2 Design and Place Shaping Principles in Major Developments
CP20 Achieving Well Designed High Quality Places	MP1 High Quality Design MP2 Design and Place Shaping Principles in Major Developments
CP21 Ensuring Buildings are Well Designed	MP1 High Quality Design MP3 Sustainable Buildings
CP22 Securing Economic Growth	S10 Delivering Economic Growth
CP23 Reinforcing the Regional Role of Chelmsford	S14 Role of City, Town and Neighbourhood Centres
CP24 Promoting Chelmsford's Role as a Regional Transport Node	S11 Infrastructure Requirements
CP25 Supporting South Woodham Ferrers Town Centre and Neighbourhood Centres	S14 Role of City, Town and Neighbourhood Centres
CP 26 Freight Transport	S11 Infrastructure Requirements
DC1 – Managing Development in the Metropolitan Green Belt	S1 Spatial Principles S13 The Role of the Countryside CO1 Green Belt, Green Wedges, Green Corridors and Rural Areas Depending on type of development: CO2 New Buildings and Structure in the Green Belt CO5 Infilling in the Green Belt, Green Wedge, Green Corridor and Rural Area CO6 Change of Use (Land and Buildings) and Engineering Operations

Superseded Core Strategy and Development Control Policies	New Local Plan Policies
	CO7 Extensions to Existing Buildings Within the Green Belt, Green Wedge, Green Corridor and Rural Area CO8 Rural and Agricultural/Forestry Workers' Dwellings
DC2 Managing Development in the Countryside Beyond the Green Belt	S13 The Role of the Countryside CO1 Green Belt, Green Wedges, Green Corridors and Rural Areas CO4 New Buildings and Structures in the Rural Area CO5 Infilling in the Green Belt, Green Wedge, Green Corridor and Rural Area CO6 Change of Use (Land and Buildings) and Engineering Operations CO7 Extensions to Existing Buildings Within the Green Belt, Green Wedge, Green Corridor and Rural Area CO8 Rural and Agricultural/Forestry Workers' Dwellings
DC3 Managing Development Density in Different Locations	MP1 High Quality Design
DC4 Protecting Existing Amenity	PA1 Protecting Amenity
DC5 Securing Mixed Uses in Major Development in the Town Centres and Principal Neighbourhood Centres	S14 Role of City, Town and Neighbourhood Centres MP2 Design and Place Shaping Principles in Major Developments EM2 Primary and Secondary Frontages in Chelmsford City Centre & South Woodham Ferrers, Neighbourhood Centres and Upper Floors
DC6 Transport Assessments	Now a validation requirement
DC7 Vehicle Parking Standards at Developments	MP5 Parking Standards
DC8 Health Impact Assessments	Now a validation requirement
DC9 Green Wedges	S13 The Role of the Countryside CO1 Green Belt, Green Wedges, Green Corridors and Rural Areas Depending on type of development: CO3 New Buildings and Structures in Green Wedges and Green Corridors CO5 Infilling in the Green Belt, Green Wedge, Green Corridor and Rural Area CO6 Change of Use (Land and Buildings) and Engineering Operations CO7 Extensions to Existing Buildings Within the Green Belt, Green Wedge, Green Corridor and Rural Area

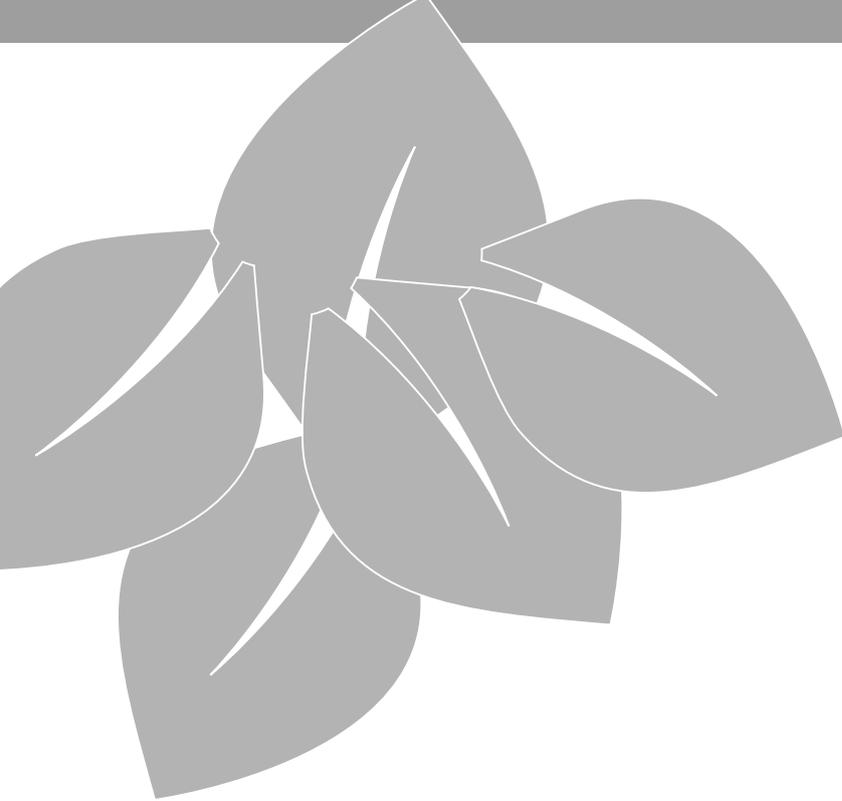
Superseded Core Strategy and Development Control Policies	New Local Plan Policies
	CO8 Rural and Agricultural/Forestry Workers' Dwellings
DC10 Coastal Protection Belt	S6 Conserving and Enhancing the Natural Environment NE1 Ecology and Biodiversity
DC11 Replacement Dwellings and Buildings in the Countryside	S13 The Role of the Countryside CO1 Green Belt, Green Wedges, Green Corridors and Rural Areas Depending on location: CO2 New Buildings and Structures in the Green Belt CO3 New Buildings and Structures in Green Wedges and Green Corridors CO4 New Buildings and Structures in the Rural Area
DC12 Infilling in the Countryside	S13 The Role of the Countryside CO1 Green Belt, Green Wedges, Green Corridors and Rural Areas CO5 Infilling in the Green Belt, Green Wedge, Green Corridor and Rural Area
DC13 Sites of Biodiversity and Geological Value	S6 Conserving and Enhancing the Natural Environment NE1 Ecology and Biodiversity
DC14 Protected Trees and Hedges	S6 Conserving and Enhancing the Natural Environment NE2 Trees, Woodland and Landscape Features
DC15 Protected Lanes	S5 Conserving and Enhancing the Historic Environment HE2 Non-Designated Heritage Assets
DC16 Development Adjacent to Watercourses	S6 Conserving and Enhancing the Natural Environment NE1 Ecology and Biodiversity NE2 Trees, Woodland and Landscape Features
DC17 Conservation Areas	S5 Conserving and Enhancing the Historic Environment HE1 Designated Heritage Assets
DC18 Listed Buildings	S5 Conserving and Enhancing the Historic Environment HE1 Designated Heritage Assets
DC19 Scheduled Ancient Monuments	S5 Conserving and Enhancing the Historic Environment HE1 Designated Heritage Assets
DC20 Registered Parks and Gardens	S5 Conserving and Enhancing the Historic Environment HE1 Designated Heritage Assets

Superseded Core Strategy and Development Control Policies	New Local Plan Policies
DC21 Archaeology	S5 Conserving and Enhancing the Historic Environment HE3 Archaeology
DC22 Areas of Flood Risk	S3 Addressing Climate Change and Flood Risk S11 Infrastructure Requirements NE3 Flooding/SUDS
DC23 Promoting Renewable and Low Carbon Energy Projects	S3 Addressing Climate Change and Flood Risk NE4 Renewable and Low Carbon Energy
DC24 Energy Efficient Design and Use of Materials	S3 Addressing Climate Change and Flood Risk MP3 Sustainable Buildings
DC25 Water Efficiency and Sustainable Drainage Systems	S3 Addressing Climate Change and Flood Risk NE3 Flooding/SUDS
DC26 Contaminated Land	PA2 Contamination and Pollution
DC27 Development on or Lying Near or Adjacent to Hazardous Substance Sites	PA2 Contamination and Pollution
DC28 Air Quality	PA1 Protecting Amenity PA2 Contamination and Pollution
DC29 Amenity and Pollution	PA1 Protecting Amenity PA2 Contamination and Pollution
DC30 Protecting Existing Housing	S8 Housing and Employment Requirements HO1 Size and Type of Housing
DC31 The Provision of Affordable Housing	S8 Housing and Employment Requirements HO2 Affordable Housing and Rural Exception Sites
DC32 Rural Housing Need	S8 Housing and Employment Requirements HO2 Affordable Housing and Rural Exception Sites
DC33 Agricultural/Rural Workers' Dwellings	S13 The Role of the Countryside CO1 Green Belt, Green Wedges, Green Corridors and Rural Areas CO8 Rural and Agricultural/Forestry Workers' Dwellings
DC34 Gypsy and Traveller Accommodation	S8 Housing and Employment Requirements HO3 Gypsy, Traveller and Travelling Showpeople Sites
DC35 Specialist Residential Accommodation	S8 Housing and Employment Requirements HO1 Size and Type of Housing
DC36 Accessible and Adaptable Developments	HO1 Size and Type of Housing
DC37 Protecting Existing Local Community Services	S7 Protecting and Enhancing Community Assets CF2 Protecting Community Facilities CF3 Education
DC38 Promoting Sport, Leisure, Recreation and Tourism	S7 Protecting and Enhancing Community Assets CF1 Delivering Community Facilities

Superseded Core Strategy and Development Control Policies	New Local Plan Policies
DC39 Protecting and Enhancing Open Spaces and Indoor Sports Facilities	S7 Protecting and Enhancing Community Assets CF2 Protecting Community Facilities
DC40 Public Open Space for New Residential Developments	S11 Infrastructure Requirements MP2 Design and Place Shaping Principles in Major Developments MP4 Design Specification for Houses in Multiple Occupation
DC41 Traffic Management Measures	S11 Infrastructure Requirements S12 Securing Infrastructure and Impact Mitigation MP2 Design and Place Shaping Principles in Major Developments
DC42 Site Planning	MP2 Design and Place Shaping Principles in Major Developments MP4 Design Specification for Houses in Multiple Occupation
DC43 Promoting Public Art in New Development	S11 Infrastructure Requirements MP2 Design and Place Shaping Principles in Major Developments
DC44 Private Amenity Space	MP4 Design Specification for Houses in Multiple Occupation
DC45 Achieving High Quality Development	MP1 High Quality Design MP6 Tall Buildings
DC46 Sub-Division of Dwellings	MP4 Design Specification for Houses in Multiple Occupation
DC47 Extensions to Dwellings or Buildings	MP1 High Quality Design Depending on location: CO1 Green Belt, Green Wedges, Green Corridors and Rural Areas CO7 Extensions to Existing Buildings Within the Green Belt, Green Wedge, Green Corridor and Rural Area
DC48 Employment Areas	S10 Delivering Economic Growth EM1 Employment Areas and Rural Employment Areas
DC49 Range of Unit Sizes	S10 Delivering Economic Growth EM1 Employment Areas and Rural Employment Areas
DC50 Promotion of Employment Clusters	S10 Delivering Economic Growth EM1 Employment Areas and Rural Employment Areas
DC51 Location of Business Development	S10 Delivering Economic Growth EM1 Employment Areas and Rural Employment Areas

Superseded Core Strategy and Development Control Policies	New Local Plan Policies
DC52 Industrial and Warehouse Development	S10 Delivering Economic Growth EM1 Employment Areas and Rural Employment Areas
DC53 Employment Within Rural Areas	EM1 Employment Areas and Rural Employment Areas Depending on location: CO3 New Buildings and Structures in Green Wedges and Green Corridors CO4 New Buildings and Structures in the Rural Area CO6 Change of Use (Land and Buildings) and Engineering Operations
DC54 Entertainment and Hot Food Uses	PA1 Protecting Amenity EM2 Primary and Secondary Frontages in Chelmsford City Centre & South Woodham Ferrers
DC55 Hotel and Visitor Accommodation	S14 Role of City, Town and Neighbourhood Centres
DC56 Farm Diversification	S13 The Role of the Countryside CO6 Change of Use (Land and Buildings) and Engineering Operations
DC57 Re-use of Rural Buildings	S13 The Role of the Countryside CO6 Change of Use (Land and Buildings) and Engineering Operations
DC58 Telecommunications	S11 Infrastructure Requirements Depending on location: CO3 New Buildings and Structures in Green Wedges and Green Corridors CO4 New Buildings and Structures in the Rural Area
DC59 Primary Frontages in Chelmsford and South Woodham Ferrers	S14 Role of City, Town and Neighbourhood Centres EM2 Primary and Secondary Frontages in Chelmsford City Centre & South Woodham Ferrers
DC60 Secondary Frontages in Chelmsford and South Woodham Ferrers	S14 Role of City, Town and Neighbourhood Centres EM2 Primary and Secondary Frontages in Chelmsford City Centre & South Woodham Ferrers
DC61 Park and Ride	S11 Infrastructure Requirements Depending on location: CO2 New Buildings and Structures in the Green Belt CO3 New Buildings and Structures in Green Wedges and Green Corridors

Superseded Core Strategy and Development Control Policies	New Local Plan Policies
	CO4 New Buildings and Structures in the Rural Area
DC62 Public Car Parking Provision	MP5 Parking Standards
DC63 Neighbourhood Centres	S14 Role of City, Town and Neighbourhood Centres EM2 Primary and Secondary Frontages in Chelmsford City Centre & South Woodham Ferrers
DC64 Car Parking in South Woodham Ferrers Town Centre	MP5 Parking Standards
None relevant – new policy	MP7 Provision of Broadband



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