

Examination into the soundness of the Chelmsford Local Plan

Inspector's Post Hearing Advice

Introduction

1. At this stage I consider that the Local Plan (LP) is a plan which could be found sound subject to main modifications (MMs). However, I have reached no final conclusions at this time. The MMs will be subject to consultation and I will reach my final conclusions taking representations into account.
2. During the hearing sessions a number of potential MMs were discussed and a list has been maintained by the Council. I will be commenting on this list in due course. In addition I indicated at the hearings that there were matters on which I would need to deliberate before I would be in a position to advise the Council as to whether any additional work or further MMs should be considered. This letter provides my views on those matters where I consider further MMs are necessary. It also sets out next steps and the administrative arrangements relating to all potential MMs.
3. I am only seeking comments from the Council on the contents of this letter and am not inviting any other responses. Any received by the Programme Officer will be immediately returned. I will detail my reasoning on all the main issues in my final report on the LP.

Further main modifications

Gypsy, traveller and travelling showpeople sites

4. Policy HO3 criterion A) iii requires that when considering planning applications for gypsy, traveller and travelling showpeople accommodation '*the capacity of the site does not exceed 10 pitches or plots*'. In relation to the sub-division of sites criterion B) iv states that this will be permitted if it '*does not result in a total of more than 10 pitches on a site*'. As discussed within the hearings I questioned this 10 pitch/plots restriction.
5. National planning policy for traveller sites requires that criteria based policies should be fair and effective in facilitating the traditional and nomadic life of travellers while respecting the interests of the settled community. The available evidence does not adequately demonstrate why sites should be restricted to 10 pitches or plots. Furthermore, the policy contains other criteria against which impact and scale of any proposals could be considered. For these reasons, and given the lack of evidence, criterion A) iii and B) iv are not justified and should be deleted.

Green belt

6. Paragraph 6.77 of the LP states that '*only minor and limited alterations to the green belt boundary are proposed*'. If changes are to be made to the green belt boundary, exceptional circumstances must be demonstrated. No such evidence is before me. Consequently, this wording must be deleted from the LP and set out as a MM. In addition, the green belt boundary alterations must be deleted from the policies map and set out in the proposed policies map changes document, including in map form. The Council may also wish to consider whether this results in the need for any further consequential changes to the LP or policies map.

Green wedges, green corridors and valued landscapes

7. I have considered the evidence base for the designation of green wedges and green corridors within the LP and their identification as valued landscapes.
8. In the case of green wedges the LP seeks to protect and enhance them for their openness and function as important green networks within and adjacent to the urban environment. Though set out in evidence and referred to by the Council in the hearings, their important role in preventing coalescence of urban areas is not made explicitly clear within relevant policies or the supporting text. Consequently, the Council should amend these to include this purpose, to ensure that the green wedge designation is clear and effective. This should be set out as a MM.
9. The Council has confirmed that the valued landscapes reference in the LP is in the context of paragraph 109 of the National Planning Policy Framework (the Framework). I recognise that the river valleys within and beyond the urban areas are important landscape and environmental features within the Chelmsford area, have a predominantly high sensitivity to change as set out within the Landscape Character Assessment (EB099) and are of value to local communities. However, this does not necessarily mean that they are valued landscapes in the context of the Framework.
10. Whilst I accept that the Framework does not prescribe how valued landscapes should be defined, an assessment, using suitable landscape and visual impact criteria, is a useful way of considering and demonstrating value. I note that the consultants who produced the Green Wedges and Green Corridors Review Report (EB094A and EB094B) were not tasked with assessing whether these areas are valued landscapes. No other assessment of these or any other landscape areas within the plan area has been carried out. Due to the lack of evidence, the valued landscape designation within the LP for both green wedges and green corridors is not justified.

11. As regards the green corridors, the available evidence does not adequately demonstrate why these areas require a separate landscape designation, and why they have been specifically identified when compared to the surrounding landscape. The purpose and function of these designations within the LP is not entirely clear, particularly when combined with my concerns about lack of justification for their identification as valued landscapes. Furthermore, these areas are within the open countryside and are already covered by either green belt or rural area designations. Some of the areas are also protected for their value for ecology and wildlife, heritage, and functional requirements including flood zones.

12. Consequently, in relation to my above concerns I suggest that the Council has two options:

Option 1 - To delete the green corridor designations and valued landscape references within the LP. The Council should carefully consider any implications of these changes for other relevant policies within the LP. These changes should be set out as MMs. In addition, changes to the submission policies map should be set out in a separate schedule, to include maps, as this will need to be consulted on alongside the MMs.

Option 2 - To re-visit the green corridor evidence and designations now and produce an assessment on valued landscapes. This would require a pause of the examination until the additional work and consultation on it is completed. It may also be necessary to hear evidence on these matters at a further hearing session. Inevitably this would result in a delay to the examination.

13. If the Council decides to pursue option 1, it would be able to re-visit these issues when it next updates the plan.

Sustainability appraisal

14. The sustainability appraisal (SA) refers to green corridor designations as a reason for rejecting development. Should the green corridors be removed from the LP it may be necessary to consider whether this would make any difference to the SA findings. Whilst the actual landscape attributes and effects of development on landscapes would be the same, it is not clear what affect, if any, the removal of this designation would have on such factors as the weighting to be given to protection from development? The Council may wish to consider this matter further.

15. The Council should also satisfy themselves that they have met the requirements for SA in relation to the other potential MMs, as appropriate. I will need to see a draft of any SA addendum or update and may have comments on it. This should be published as part of the future MMs public consultation.

Next steps

16. The Council should now consider their options in relation to green corridors and valued landscapes and inform me of their decision by **22 February 2019**. If option 2 is chosen, then details of the work required and timescales necessary to undertake the additional work should be clearly set out in a work programme. This should be submitted to me through the Programme Officer by the above date.
17. If the option to remove the green corridor designations and valued landscape references is chosen, the Council should prepare the further MMs highlighted in this letter and incorporate them into a consolidated schedule of all the potential MMs. The Council should also consider the need for any consequential changes to the LP and from the submission policies map that might be required in connection with any potential MMs. Any changes to the submission policies map should be set out in a separate schedule, including in map form.
18. I will need to see the draft MM schedule and may have further comments on it. I will also need to agree the final version along with any proposed map changes before these are made available for public consultation. For clarity and to avoid an excessive number of MMs, it is best to group all the changes to a single policy together with any consequential changes to the supporting text as one MM wherever possible.
19. The Council has proposed some other changes to the LP. Except for those I consider should be defined as potential MMs, any other changes which are not necessary for soundness are *additional modifications* and are a matter solely for the Council. I will advise the Council which of the changes they have advanced are actually AMs in due course. If the Council intends to publicise or consult on them it should be made clear that such changes are not a matter for me to consider. Furthermore, the MMs are put forward without prejudice to my final conclusions.
20. The general expectation is that issues raised on the consultation of the draft MMs will be considered through the written representations process and further hearing sessions will only be scheduled exceptionally.

21. I look forward to receiving the Council's response by **22 February 2019**.
If there are any queries or matters that require clarification, please
contact me through the Programme Officer.

Yvonne Wright, Planning Inspector

8 February 2019