

INDEPENDENT EXAMINATION OF THE CHELMSFORD DRAFT LOCAL PLAN

INSPECTOR'S MATTERS, ISSUES AND QUESTIONS

WEEK 3 HEARING SESSIONS

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Introduction

These are my matters, issues and questions (MIQs) for **WEEK 3** of the hearings which include Matter 6c – Housing Provision in Growth Area 3 and all other matters. There is now one draft timetable for Weeks 1-3 and one Guidance Note. My MIQs should be read in conjunction with these documents which can be found on the Examination website. These give information about the examination, hearings and format of further written statements.

As part of the examination I will also be considering whether any of the Council's proposed Schedule of Additional Changes (2018) (SD002) and Schedule of Minor Changes(SD003) are necessary for reasons of legal compliance or soundness and should therefore be main modifications. Where relevant these will be discussed in the hearing sessions.

Matter 6c - Housing Provision in Growth Area 3 – South and East Chelmsford

Main issue –Whether the supply of housing development in Growth Area 3 – South and East Chelmsford (GA3) is sound

73. Are the housing site allocations in GA3 within Location 7: North of South Woodham Ferrers, Location 8: Bicknacre and Location 9: Danbury, justified and deliverable and are they consistent with the Plan's spatial principles (Strategic Policy S1) and national policy? In particular:
- a. Is the scale of housing for each site allocation, particularly the large Strategic Growth Site North of South Woodham Ferrers, justified having regard to any constraints, existing local infrastructure and the provision of necessary additional infrastructure?
 - b. Is the housing trajectory realistic and are there any sites which might not be delivered in accordance with the timescale set?
 - c. Are the planning and masterplanning principles justified?

- d. Are the specific development and site infrastructure requirements clearly identified for each site allocation, are they necessary and are they justified by robust evidence? Is any other infrastructure necessary for site delivery?
 - e. Are the site boundaries justified?
 - f. Will the site allocations in these locations achieve sustainable development?
 - g. Are any amendments necessary to ensure soundness?
74. Strategic Growth Site 9 allocates 100 new homes at Danbury. Reference is also made to 'around 100 new homes' - which term should it be? Is it appropriate to call this a 'site' or 'allocation' when no site or sites are identified within the Plan? At what stage is the Danbury Neighbourhood Plan and does the Plan provide a mechanism to ensure delivery of housing at Danbury should there be a delay in its production?

Matter 8 – Infrastructure

Main issues – Whether the Plan sets out a positively prepared strategy for infrastructure provision to meet the Plan's development strategy and whether this is justified, effective and consistent with national policy. Are the policies relating to infrastructure sound?

75. The Plan sets out a range of infrastructure requirements which have been identified through the Council's *Infrastructure Delivery Plan Update* (IDP) (EB018B). Is the approach set out in the IDP for identifying necessary infrastructure justified and consistent with national policy?
76. The Plan sets out in Strategic Policy S11 the approach to be taken for the provision of necessary infrastructure and lists some specific infrastructure requirements in relation to transport and highways, flood risk management, community facilities, green and natural infrastructure and utilities.
- a. Are these requirements based on robust evidence, are they all necessary to support development during the Plan period and are they viable and deliverable within the timescales of relevant site developments?
 - b. The policy states that infrastructure is not limited to those listed. Does this mean that other infrastructure is necessary and has this been clearly identified and set out in other policies?
 - c. The supporting text in paragraph 6.57 lists transport and highways infrastructure schemes that are '*safeguarded from development or are allocated on the Policies Map*'. Are these allocations and safeguarded land clearly set out as such in specific policies?

77. Has the effect of proposed development on the strategic transport network been adequately assessed? Does the Plan provide sufficient measures to avoid any severe cumulative impacts, including through mitigation, and maximise opportunities for sustainable transport?
78. Does Strategic Policy S12 clearly set out how infrastructure will be secured and mitigation provided during the Plan period and is this justified, effective and compliant with national policy? Has the viability of providing necessary infrastructure been adequately assessed?
79. Is Strategic Policy S7 in seeking to protect and enhance community facilities justified and compliant with national policy? Is it clear how the policy will be used by a decision-maker when considering development proposals? Is it necessary when Policies CF1 and CF2 provide criteria for delivering and protecting community facilities? Are the policies consistent with each other?
80. Are the criteria set out in Policies CF1 and CF2 justified and consistent with national policy?
81. In relation to Policy CF1 iv this includes the term '*there would be no unacceptable impact on.....amenities of the area?*' What does 'amenities' mean in this context and is it clear to a decision-maker?
82. Is Policy CF3 consistent with paragraph 72 of the Framework?
83. Are any changes to the infrastructure policies necessary for reasons of soundness?

Matter 9 – The Environment

Main issues – Does the Plan set out a positively prepared strategy for conserving and where appropriate enhancing the natural, built and historic environment that is justified, effective and consistent with national policy?. Does it adequately address climate change and other environmental matters and are the policies sound?

Countryside Policies - Strategic Policy S13 and Policies CO1-CO8

Green Belt

84. Strategic Policy S13 includes seeking to protect Green Belt from inappropriate development. Policy CO1 echoes this but also adds 'except in very special circumstances.' Policy CO2 sets out criteria for new buildings or structures within the Green Belt. Policy CO5 sets out criteria for infilling in the Green Belt. Policy CO6 provides criteria for changes of use and

engineering operations. Policy CO7 identifies criteria for extensions to existing buildings in the Green Belt. Policy CO8 sets out criteria for rural and agricultural/forestry workers' dwellings. Are these policies consistent with national policy on Green Belt? If not what changes are necessary to make them compliant? Is it necessary to repeat national policy in the Plan?

Green wedges and green corridors

85. Strategic Policy S13 also states that the main river valleys are identified as valued landscapes and designated as green wedges and green corridors. This is reiterated in Policy CO1.

- a. Are these valued landscapes in the context of paragraph 109 of the Framework and if so is this based on robust evidence and are they clearly justified?
- b. How have green wedges and green corridors and their respective boundaries been determined? Are their designations supported by appropriate methodologies and criteria?
- c. Have the purposes of green wedges and green corridors been clearly defined within the Plan and does land within their boundaries meet the required purposes?

86. Are the criteria for green wedges and green corridors set out in Policies CO3, CO5, CO6, CO7 and CO8 justified, effective and consistent with national policy?

Rural areas

87. Does the Plan clearly define what the Rural Areas are?

88. Strategic Policy S13 states that there are '*further areas within the countryside that are sensitive to change...*'. What are these areas and is it clear how a decision-maker will consider development proposals within them? It also identifies that other areas of the countryside, including recognised areas of ecological, historic and functional importance will also be protected from inappropriate development? What is meant by '*inappropriate development*' in this context?

89. Are the criteria for rural areas set out in Policy CO4, CO5, CO6, CO7 and CO8 justified, effective and consistent with national policy?

Historic Environment Policies – Strategic Policy S5 and Policies HE1, HE2 and HE3

90. Does the Plan set out a positive strategy for the conservation and enjoyment of the historic environment in accordance with national policy? Are the policies justified, effective and consistent with national policy? Are any proposed changes necessary for soundness?

91. What is the purpose of Strategic Policy S5 and is it necessary when detailed criteria for the historic environment are set out in Policies HE1-HE3?
92. Is Policy HE1 justified, effective and consistent with national policy? Does the policy promote development within Conservation Areas and within the setting of heritage assets which would enhance or better reveal their significance in accordance with paragraph 137 of the Framework? Are any changes necessary for soundness?
93. Are Policies HE2 and HE3 sound?

Protecting the Natural Environment

94. Is Strategic Policy S6 justified, effective and consistent with national policy?
- a. Are the changes proposed by the Council in SD002 necessary for soundness?
 - b. What does the term 'amenity interests' mean within the context of the policy?
 - c. Is it clear how a decision-maker should use this policy when considering potential development?
 - d. The supporting text includes seeking new strategic greenspaces including two new Country parks and reference is made to green infrastructure allocations which are identified on the Policies Map. Are these and similar allocations clearly defined within site specific policies?
95. Taking into account the Council's proposed changes to Policies NE1 and NE2 as set out in SD002, will these achieve soundness? Why does part B to Policy NE2 refer to 'non-protected' landscape features? Are these landscape features of importance but are not statutorily protected or designated? Is it clear what these landscape features are and is the policy sound in this regard? Are any further changes necessary?

Climate change and other environmental matters

96. Section 19(1A) of the Planning and Compulsory Purchase Act 2004 requires that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. Does the Plan comply with this requirement?
97. Are the provisions set out in Policy NE3 regarding flooding and SUDS justified and consistent with national policy? Are any changes necessary for soundness?

98. In relation to Policy NE4 does the policy provide a positive strategy for renewable and low carbon energy generation that is effective and in accordance with national policy?
99. Policy PA1 seeks to protect existing amenity. Is the policy sound?
 - a. Is it clear what protecting '*amenity*' means and that this relates to living conditions for existing residents in part i?
 - b. Is it clear what protecting '*the wider amenities of the area*' means?
100. Policy PA2 sets out requirements for development on or near to hazardous substance sites or land and within or adjacent to an Air Quality Management Area (AQMA) or where an air quality impact assessment has been provided. Are these requirements sound? In relation to Part B of Policy PA2:
 - a. The title implies that this only relates to the AQMA, though the policy also refers to air quality impact assessments. Is this correct? Has there been an assessment of the forecast future levels of traffic emissions related to the planned growth and is it likely to affect the air quality in other areas during the Plan period?
 - b. In relation to the AQMA:
 - i. To what extent are traffic emissions identified as the reason for the designation of the AQMA? What are the latest monitoring results, in particular levels of NO₂?
 - ii. To what extent is development during the Plan period including completions, commitments and allocations, likely to affect the emission levels in the AQMA during the Plan? And what are the predicted emissions?
 - iii. What plans are in place to reduce levels of emissions in the AQMA?

Matter 10 – Development management and other policies

Main issue – Whether the development management and other policies in the Plan are justified, effective and consistent with national policy?

Housing - Policy HO1

101. Does the policy adequately address the needs of different groups in the community in accordance with paragraph 50 of the Framework?
102. In relation to the application of the optional technical standards:
 - a. Is the requirement in Part Aii for each dwelling to meet M4(2) of the Building Regulations for accessible or adaptable dwellings, justified and based on robust evidence of identified need?

- b. Is the requirement in Part Bi for a minimum of 5% of new affordable dwellings to meet M4(3) of the Building Regulations for wheelchair user dwellings, justified and based on robust evidence of identified need? Why does this only apply to affordable dwellings?
 - c. Has the impact of applying the optional technical standards on viability of schemes been assessed?
- 103. Are the requirements in Part C for self-build homes and provision of specialist residential accommodation justified and based on robust evidence? Is the policy clear on how a decision maker would comply with the latter requirement (Cii)?
- 104. Does the policy provide sufficient flexibility concerning the mix of house types and sizes to react to market forces?

Design - Policies MP1, MP2, MP3 and MP4

- 105. Does the Plan overall make sufficient provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 of the Framework?
- 106. In relation to Policies MP1 and MP2:
 - a) Are the principles and requirements within the policies justified and compliant with national policy? Do the various criteria provide a clear indication of how a decision maker should react to development proposals?
 - b) Should the policies (or supporting text) refer to the Essex Design Guide? Is this necessary for soundness?
 - c) Should reference to other issues including light pollution and accessibility to green infrastructure for as many users groups as possible, be included within the principles in Policy MP2?
- 107. Is Policy MP3 relating to sustainable buildings sound? In particular:
 - a) Is each requirement set out within the policy (10% reduction in CO₂ emissions, a minimum BREEAM rating, water efficiency and EV charging point infrastructure) justified by robust evidence and consistent with national policy? Have they been viability tested?
 - b) In relation to the EV charging point infrastructure requirement, is it clear what this means within the policy? How will '*...convenient access to...*' be determined? Para 9.20 of the supporting text provides more specific detail. Are these the requirements by which

development will be judged? Where is the evidence to support them? Why are they not set out in the policy?

108. Is Policy MP4 (Design specification for dwellings) sound?

In regards to part A of the policy:

- a) Is the requirement for development to achieve the Nationally Described Space Standards justified and based on robust evidence of identified need?
- b) Is it clear what is meant by '*private amenity space*? Is this private garden space? Does it include communal garden space or balconies (flats)?

In regards to part B of the policy:

- c) Is it clear what is meant by '*amenity space*? Is this private/communal garden space?
- d) Is the provision for off-street parking at a ratio of one space per bedroom justified?
- e) Is v. duplicating the Building Regulations requirements?
- f) Have the requirements within the policy been viability tested?
- g) Would reference to the Council's Making Places SPD (AC25 and AC236 of SD002) provide greater clarification for the policy?

109. What is the status of the Essex Car Parking Standards – Design and Good Practice (2009)? Does it form part of the development plan and if not, is the requirement to comply with these standards in Policy MP5 consistent with national policy?

110. Policy MP6 identifies development '*above 6 storeys or above 16m high*' as tall buildings. On what basis has this been defined and is it justified by the evidence? The policy will apply 'in parts of the City Centre...' – are these areas identified in the Plan? Is the policy clear as to where it will or will not apply? Are the Council's proposed changes (AC237-AC239 in SD002) necessary for soundness?

Broadband

111. Is the requirement for the provision for superfast broadband within Policy MP7 consistent with national policy? Are the changes to the policy and supporting text set out in AC240 and AC241 in SD002 necessary for soundness? Is the policy duplicating Building Regulations?

Sustainable development and neighbourhood planning

- 112. Is Strategic Policy S2 consistent with national policy and is it necessary to repeat the presumption in favour of sustainable development as set out within the Framework?
- 113. What is the purpose of Strategic Policy S4? Does it provide a clear indication of how a decision maker should use the policy when reacting to a development proposal? Are these objectives/principles rather than policy requirements?

Matter 11 – Monitoring and viability

Main issue – Is the Plan viable, deliverable and capable of being effectively monitored?

- 114. Will Strategic Policy S15 and the proposed monitoring framework set out in Chapter 10 of the Plan be effective to ensure delivery of the policy requirements during the Plan period? Are the timescales for a full or focused review of the Plan justified and consistent with national policy/guidance?
- 115. Will the viability of development be adversely affected by the requirements in the Plan including in respect of any required standards, affordable housing provision and transport and infrastructure needs? Has this been suitably tested, particularly for the large strategic growth sites?
- 116. Are the proposed key indicators and targets appropriate and measurable? Are any others necessary for monitoring to ensure soundness of the Plan?
- 117. Does the monitoring framework clearly set out what actions will be taken if targets/policies are not being achieved?

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