

**Chelmsford Local Plan  
Examination**

**Written statement  
Matter 9: Environment  
Anglian Water Services Ltd**

**November 2018**

## **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 justification?**
- 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 with their boundaries meet the required purposes?**

The Chelmsford City Core Strategy (adopted February 2008) policy DC9 designates green wedges to restrict land use within river valley areas. Chelmsford City Council (the Council) is proposing to extend the identified green wedge designation to include additional land containing Chelmsford Water Recycling Centre (WRC), located off Brook End Road. This Anglian Water owned site and land forms part of parcel CE4 in the Council's Green Wedge and Green Corridors Study (documents E094A and E094B).

Serving a current population of 173,000 Chelmsford WRC provides continuous sewage treatment for both Chelmsford and a number of neighbouring settlements. This facility is critical to discharging our duty as a sewerage undertaker to manage the current and future sewage of the Chelmsford catchment to strict environmental standards. A map showing the extent of the sewerage catchment for Chelmsford WRC is attached to this statement as Appendix 1. The facility is an established use in this location with the adjacent land currently considered to be countryside for planning purposes in the adopted Local Plan.

Our position is that Policy CO3 (in combination with Policy CO1) through designating the identified land would impose an unnecessary and inappropriate restriction to Anglian Water's future ability to expand or alter the operation of the site to meet future growth and/or other drivers such as environmental standards. This is contrary to the requirements of the NPPF which identifies the provision of wastewater infrastructure as a strategic priority for Local Planning Authorities when preparing Local Plans.

Both policies CO1 and CO3 are restrictive policies which are intended to limit development within the proposed green wedges and corridors to specified limited uses. Policy CO1 of the Local Plan states that 'development which materially harms the functions of the designated green corridor will be resisted'.

In practice Policy CO3, as proposed, requires Anglian Water to consider alternative locations outside of the designated green wedge or green corridor when considering development on site. In many cases this is unlikely to be feasible or viable due to the specific requirements of such sites. It is also unclear on what basis development proposed by Anglian Water would be appropriate, or otherwise, within the proposed designations leading to uncertainty about investment planning and the future ability of this WRC to manage long term growth in Chelmsford.

This is a material matter for consideration at the hearing because once designated the green wedge would be expected to have a level of permanence similar to Green Belt meaning that it could only be reviewed as part of a future Local Plan Review. If the policy was found not to be effective any such review could result in delays to future investment and create further uncertainty.

The Council considers that the Local Plan policies (S11 and S12, CO1 and CO3) when read as a whole would not prevent essential infrastructure as defined in paragraph 8.55 (as amended) coming forward within a designated green wedge. The Council considers that the evidence (documents E094A and E094B) submitted with the Local Plan continues to support the designation of this land as green wedge.

While Anglian Water is generally supportive of Policies S11 and S12 we consider that these do not, even when read as a whole, establish that the principle of infrastructure proposed by Anglian Water is acceptable, or will be the case when proposals are considered in practice.

To help inform the merits of the inclusion of this area within the green wedge Anglian Water commissioned The Landscape Partnership to prepare an assessment of the land within Anglian Water's ownership and whether it fulfils the purposes of green wedge as outlined in submitted evidence. The full report has been included with our representations on the Pre-submission Local Plan.

The Landscape Partnership's report concludes at para 3.6.2 on page 24 that there is *"little justification to the spatial extent of the proposed extension of Parcel CE4...to encompass all land within river corridors regardless of quality"*.

A summary of the key findings of our appraisal in relation to the Green Wedge Policy Objectives set out in the Council's Green Wedge review document *Green Wedges and Green Corridors: Defining Chelmsford's River Valley*, dated February 2017, (the Study) are presented in the following table:

<b>Study Objective</b>	<b>Comments</b>
Objective 2: to protect the character of Green Wedges through particular attention to the quality of development on their fringes.	The area of land (in Anglian Water's ownership) is currently bound by the existing green wedge designation. As such the extension of land to the north would not be necessary to meet this objective.
Objective 3: to maximise public	The Study provides no evidence of

enjoyment where compatible with the protection of landscape character, biodiversity and cultural heritage.	biodiversity or historic value within the northward extension. The land uses within the land parcels (in Anglian Water's ownership) provide no opportunity for public access.
Objective 4: to conserve and manage the river banks and their margins to protect and enhance existing biodiversity, along with wider biodiversity and landscape management where appropriate.	The northward extension would serve no purpose in enhancing the conservation and enhancement of the river bank. Any enhancement to biodiversity within field margins could be achieved without the proposed designation.
Objective 5: to promote the Green Wedges as part of the City's transport network, providing interconnected, car-free routes	The nature of land (in Anglian Water's ownership) affords no opportunity for enhancement to the existing network of (public) access routes.

Policy CO1 states that green wedges are to be protected and enhanced as valued and multi-faceted landscapes for their openness and function as important green networks for wildlife, leisure and recreation and for increased public access and enjoyment. However the identified land is not open, does not form part of green network for wildlife, leisure and recreation and provides no opportunity to enhance public access or enjoyment.

In the Council's response to Anglian Water's representations<sup>1</sup> it is stated that removing a large parcel of land (most of the whole of Parcel CE4) from the proposed green wedge would undermine the integrity of the proposed designation as a linear landscape feature.

This is not consistent with our report, which found (para 3.4.3, page 17) that the presence of the embanked A12 provides a significant physical barrier to the east meaning Parcel CE4 makes little contribution to the setting of the countryside beyond. It also concludes that the physical connection between Parcel CE4 and the countryside beyond the A12 is protected by the extent of the existing Green Wedge designation. It is therefore unnecessary to include the land in Anglian Water's ownership as part of the green wedge to provide a connection to the wider countryside.

Chelmsford WRC and the adjacent land is also currently identified as countryside and is adjacent to the existing green wedge. Therefore it is unclear how the removal of this land would undermine the integrity of the green wedge designation as at the time of the original designation it was not considered necessary to include the Anglian Water land and surrounding area. There have been no changes in circumstances since then that would warrant this northern extension of the Green Wedge.

---

<sup>1</sup> Appendix of Topic Paper 5: Natural Environment and Green Belt (document TP005)

Strategic Policy S13 also states that the main river valleys are identified as valued landscapes. 'Value' was not a consideration in the Chelmsford Borough Local Development Framework 2001- 2021, Adopted 20th February 2008, Policy CP9, which set out how Green Wedges should be defined. Rather, it sought to maintain the open character of the river valleys together with their nature conservation value.

There is no established definition of the term 'valued landscape' which appears in the paragraph 170 of the revised NPPF. Case law has established that to be considered as such it would require the land to have some demonstrable attribute other than popularity (Appeal reference APP/C1625/A/13/2207324). No evidence has been provided as to what these attributes might be at the site.

Paragraph 170 of the revised NPPF has been extended to require that planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and unlike paragraph 109, goes on to state that this should be in a manner commensurate with their statutory status or identified quality in the development plan. The Anglian Water site has no statutory status in landscape and has not been identified in the development plan for the quality of its landscape. As such, the policy cannot be considered to be referring to 'valued' landscapes within the terms of paragraph 170 or the old paragraph 109.

Notwithstanding this, the Council's Green Wedge and Green Corridors Study provides no methodology as to how 'value' has been assessed, no appraisal has been made regarding the value that might be attached to the AW land within Parcel CE4; and no justification has been provided for its inclusion within the Green Wedge as a valued landscape.

The Council's Study seeks to extend the green wedges concept in the adopted Core Strategy to include the extent of river valleys within Chelmsford City administrative area. Our position is that the evidence provided by the Council's Green Wedge and Green Corridors Study does not justify the identification of land in Anglian Water's ownership as a valued landscape which should be designated as a green wedge as proposed in the Local Plan.

Based upon the available evidence it is considered that the land in Anglian Water's ownership does not fulfil the purposes of green wedge as identified by the Council and could create uncertainty for future infrastructure provision. The green wedge designation should not be extended as set out in the submitted plan and it should remain as countryside as set out in the adopted Core Strategy. Policy CO1 of the Local Plan states that proposals in the countryside outside of designated areas will be assessed and development will only be supported where it would not adversely impact its identified value. Therefore it would continue to allow development proposals to be considered in relation to any identified landscape impacts on the wider rural area.

A map showing the land in Anglian Water's ownership is attached to this statement as Appendix 2.

**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?**

The first paragraph of Policy CO3 of the Pre-submission Local Plan identifies a number of limited exceptions which would be acceptable within the designated green corridors and green wedges. This policy requires Anglian Water as an infrastructure provider to demonstrate a functional need to locate new or improved infrastructure within a designated green corridor or green wedge. This differs from the other uses which are listed in the first paragraph of Policy CO3.

Chelmsford City Council's appointed consultants consider that Policy CO3 does not inhibit the principle of additional development being located within designated green wedges and green corridors, only inappropriate development<sup>2</sup>. It is our view that the wording as drafted would suggest that infrastructure provided by Anglian Water is considered to be inappropriate development within a green wedge or green corridor location unless evidence can be provided to the contrary by the applicant.

It is unclear on what basis it would be determined that a need for such a location had been demonstrated to allow for planning permission to be granted. To be effective it would need to be clear to both City Council as decision maker and the applicant the basis on which any decision would be made.

Therefore the wording of Policy CO3 as drafted could unintentionally prevent Anglian Water to bring forward new and improved infrastructure in these locations which serve the growth aspirations outlined in the wider development plan.

The Council has proposed changes to the wording of Policy CO3 as outlined in the Schedule of Additional Changes – June 18 (document SD02) to address Anglian Water's comments on this issue. However the wording as proposed differs somewhat from that proposed by Anglian Water. We are generally supportive of the Council's proposed wording although it is considered that it should not be limited to buildings as currently drafted. We would therefore ask that the policy be amended further to encompass all development which infrastructure providers including Anglian Water would propose.

It is therefore suggested that the first paragraph of Policy CO3 is amended as follows:

**'A) New buildings **or structures****

Planning permission will be granted for new buildings **or structures** where the development does not conflict with the purposes of the Green Wedge or Green Corridor designation, and is for: i. a local community facility where there is a demonstrated need; or

---

<sup>2</sup> Appendix of Topic Paper 5: Natural Environment and Green Belt (document TP005)

- ii. a local community facility that supports the role and function of the Green Wedge or Green Corridor; or
- iii. agriculture and forestry or where it supports the sustainable growth and expansion of an existing, authorised and viable business where it can be demonstrated that there is a justified need; or
- iv. local transport infrastructure and other essential infrastructure or development ~~can demonstrate a requirement for~~ **which supports existing or potential utility infrastructure** where a Green Wedge or Green Corridor location **is appropriate and the benefits of which override the impact on the designation**; or'

Chelmsford City Council has proposed changes to the supporting text of Policy CO3 of the Pre-submission Local Plan to address comments made by Anglian Water (reference PS1235).

As outlined in the Statement of Common Ground with Anglian Water (document SOG06) submitted by City Council on behalf of both parties we have reached agreement in relation to the supporting text of Policy CO3. The wording set out in the Statement of Common Ground with Anglian Water address our comments in relation to paragraph 8.55 of the Pre-submission Local Plan.

## **Climate change and other environmental matters**

### **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?**

Anglian Water is generally supportive of the wording of policy NE3 in relation to surface water management and the provision of SuDS which reflects comments previously made by Anglian Water as part of the earlier consultation stage.

However Policy NE3 as drafted does not consider the risk of sewer flooding and how this should be addressed by applicants as part of the planning application process.

Chelmsford City Council considers that as the Local Plan is intended to be read as a whole this issue is addressed by Policies S11 and S12 of the Pre-submission Local Plan. Policy S11 refer to the range of infrastructure including foul drainage and sewage treatment which is required to serve new development. Similarly Policy S12 states that new development will be required to demonstrate that infrastructure capacity is available or can be delivered by the development.

Anglian Water is generally supportive of Policies S11 and S12 of the Local Plan. However these policies apply to all types of infrastructure and not just foul drainage and sewage treatment.

To be effective it is suggested that the policy should include an explicit reference to foul drainage and sewage treatment as a relevant consideration for applicants when preparing a flood risk assessment and/or drainage strategy to be submitted with a planning application.

It is therefore suggested that Policy NE3 is amended to include the following additional text (to follow point C):

'D) All development will be required to demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development'

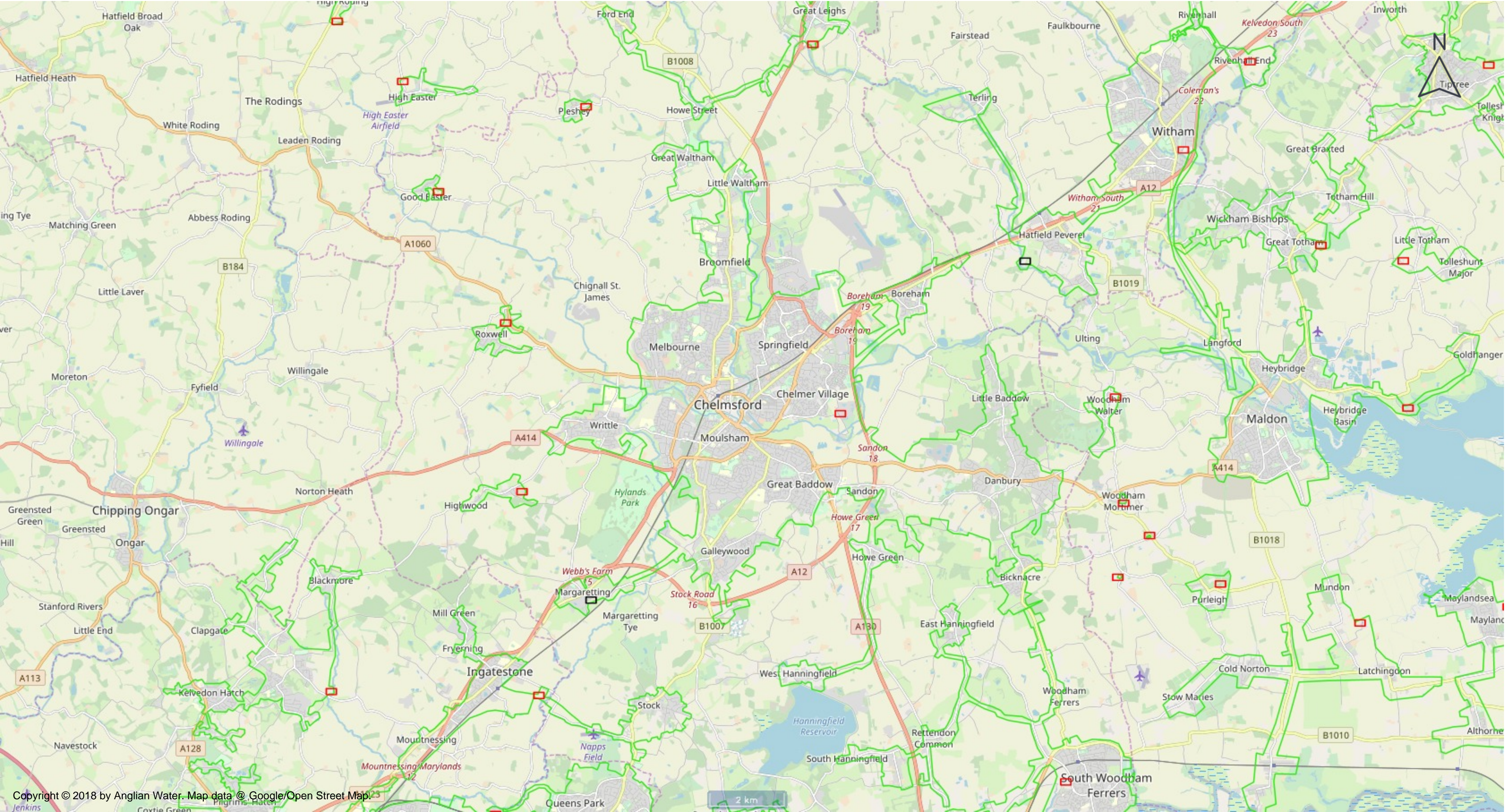


## **Appendices**



### **Appendix 1 – Map showing extent of Chelmsford WRC catchment**



# Appendix 1 - Chelmsford WRC catchment

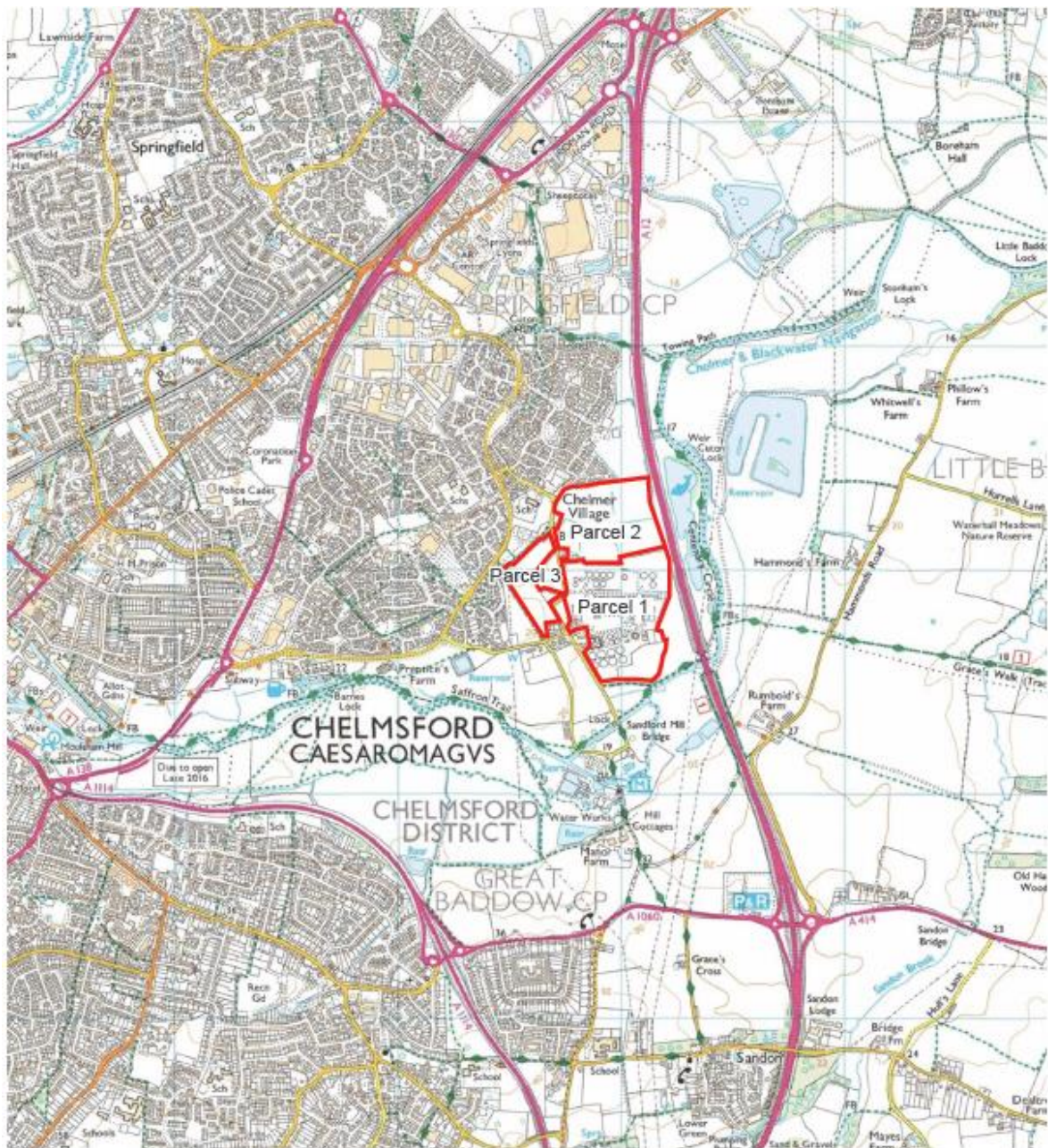


Legend

-  Sewer Catchment Area
-  Sewer Treatment Works



**Appendix 2 – Map showing extent of Anglian Water’s land ownership (extract from The Landscape Partnership report)**



Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationery Office.  
Licence number: AL 100002205. © CROWN COPYRIGHT.

## Key



Site boundary

E17889 AW Treatment Works, Chelmsford

## Location plan

Figure 01  
Scale 1:25,000 @ A4

December 2017



the **landscape** partnership