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CHELMSFORD LOCAL PLAN REVIEW 2022–2041

EXAMINATION IN PUBLIC

HEARING STATEMENT – MATTER 7

City, Town and Neighbourhood Centres and Community Facilities

Issue 2 – Questions 7.8 and 7.16

Land west of Seven Ash Green, Springfield, Chelmsford

Prepared by Savills on behalf of Mr J Bolingbroke

October 2026

Examination	Chelmsford Local Plan Review 2022–2041
Matter	Matter 7 – City, Town and Neighbourhood Centres and Community Facilities
Issue	Issue 2 – Is the approach to delivering and protecting community facilities justified and effective?
Questions answered	7.8 and 7.16
Policies	Strategic Policy S5; Policy DM21 (Protecting Community Facilities); Policies Map (Open Space layer)
Representor	Mr J Bolingbroke
Agent	Savills (UK) Ltd
Representation	Regulation 19 Pre-Submission representation, 18 March 2025 – Stakeholder: 1325693 / comment ID: PSQ25-5521, PSQ25-5522 & PSQ25-5524
Session	Thursday 19 November 2026 (Draft Hearing Programme IN04)
Date of statement	21 October 2026

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Summary

The Open Space notation on land west of Seven Ash Green is unsound. The land is a private, fenced horse paddock with no public access, and its inclusion contradicts the Council's own open space methodology. The Plan can be made sound by removing the notation from the Policies Map and clarifying the scope of Policy DM21.

1. Introduction

1.1 This statement is submitted by Savills on behalf of Mr J Bolingbroke, owner of land west of Seven Ash Green, Springfield, Chelmsford ("the Site"). It responds to Questions 7.8 and 7.16 insofar as they concern the protection of open space under Policy DM21 and the corresponding Open Space notation on the Policies Map.

1.2 The Site is privately owned agricultural land used for horse grazing. It is enclosed by fencing and all access gates are locked. There is no public right of way across it, no permissive path and no managed public access.

1.3 The Site is nonetheless shown as Open Space subject to Policy DM21 on the adopted (2020) Policies Map, and that notation is carried forward unchanged in the submitted Plan.

1.4 Mr Bolingbroke's Regulation 19 representation (18 March 2025), and his Preferred Options representation (19 June 2024), stated that the Site is in private ownership and not accessible to the public. The same point was made on behalf of the landowner's interests in 2017 and 2018 (Barton Willmore) and in a correction request to the Council dated 15 April 2026 (Carter Jonas). This statement develops that representation; it introduces no new site and does not seek an allocation.

1.5 The Council's email of 12 June 2026 declined to amend the notation, stating that even if the land is inaccessible "it would still be considered as a piece of natural and semi-natural greenspace, regardless of its accessibility", and invited the landowner to raise the matter with the Inspectors. We do so here.

2. Question 7.8 – Is the approach to protecting community facilities justified and effective?

2.1 Policy DM21 Part B protects "existing open space, sports and recreational buildings and land". The reasoned justification confirms that the open space to which the policy applies is shown on the Policies Map, and that the policy is concerned with public open space. The approach is justified only if the land shown on the Policies Map is in fact open space of public value. In the case of the Site it is not.

The 2024 Open Space Study

2.2 The submitted notation rests on the Chelmsford City Council Open Space Study 2024. Paragraph 2.2 of that Study states: "Only sites publicly accessible are included in the audit (i.e. private sites or land, which people cannot access, are excluded.)"

2.3 The Site has been subsumed within site ID 219, “Chelmer Valley LNR”, mapped as an “accessible natural site over 20 hectares” (Figure 5.2) and listed as an accessible natural site (Figure 5.3). On the Study's own test, the Site should have been excluded. Its inclusion is an error of fact, not a planning judgement.

2.4 There is no indication that the Site was visited or its accessibility verified for the 2024 Study. The inclusion appears to have been carried over from the 2016 Study without checking.

The 2016 Open Space Study

2.5 The 2016 Study (2016–2036) first placed the Site within the Chelmer Valley LNR area of Accessible Natural Green Space. Its description – “well managed with hard surfaced paths, benches, grassland, scrub, trees and ponds” – does not describe a fenced horse paddock.

2.6 The 2016 methodology also required exclusion. It covered “all forms of public open space” (para 1.2.2); natural green space had to be “partly or wholly accessible for informal recreation” (para 5.1.22); and “every effort was made to exclude” spaces that cannot be entered and used by the community (para 5.1.25).

2.7 Appendix 8 of Part 2 of the 2016 Study lists sites excluded for reasons including “No access to site”, “Site removed as its private property”, “Now used as horse paddock”, “Site currently being used by horses. No public access” and “No public access. Gate leading into site has padlock”. Each describes the Site. Applied consistently, the methodology would have excluded it.

The Council has known since 2017

2.8 In a 2017 pre-application response, a Council officer acknowledged that the land “is no longer publicly accessible as the gate has been locked and the field is used for horse grazing”, and suggested the matter be raised with the policy team. It was, at every subsequent stage of plan-making.

2.9 The Council's June 2026 suggestion that it is unclear when access ended does not assist it. The Site was inaccessible well before the 2024 Study. In any event a designation must rest on up-to-date evidence (NPPF 2023, para 31); a known, current lack of access cannot be ignored because an audit failed to record it.

Effectiveness

2.10 Retaining the notation also makes DM21 ineffective. Part B tests whether a facility is “surplus to requirements” or whether its loss is “replaced by equivalent or better provision”. Those tests cannot sensibly be applied to land that has never provided public open space: there is no provision to assess or replace. A policy that will be applied artificially, or that decision-makers must reason their way around, is not effective.

3. Consistency with national policy

3.1 Policy DM21 Part B closely follows the NPPF's protection of existing open space (NPPF December 2023, para 103, against which the Plan is examined; the same protection is carried

forward in subsequent versions of the Framework). Read with the preceding paragraph on access to a network of high quality open spaces (para 102), that protection concerns open space the public can use for sport and recreation.

3.2 The NPPF Glossary defines open space as “all open space of public value … which offer important opportunities for sport and recreation and can act as a visual amenity”. Public value is the threshold. Section 336 of the Town and Country Planning Act 1990 likewise defines open space as land laid out as a public garden or used for public recreation (or a disused burial ground).

3.3 In *Robinson v SSCLG* [2016] EWHC 634 (Admin) the High Court held that the open space policy applies only to land of public value. Where land was privately owned, in agricultural use and without any formal arrangement for public access or use, it would have been “most surprising” to treat it as open space of public value. The Site is materially the same: a private horse paddock with no public access and no identified feature of public value.

3.4 The Council's position that the Site remains “natural and semi-natural greenspace, regardless of its accessibility” is therefore inconsistent with national policy. Visual amenity alone does not make land open space; if it did, every private field on an urban edge could be protected as such. Landscape and visual effects are properly addressed by other policies of the Plan.

3.5 The Open Space Studies apply Natural England's Accessible Natural Greenspace guidance. That guidance defines accessible greenspace as land provided for public access, or over which there is a public right of access, available at any reasonable time; it expressly excludes private land with permissive access only. The Site does not meet even the permissive threshold.

3.6 Protecting private land with no public access as if it were public open space would also, in effect, confer Local Green Space-type protection without applying the tests in NPPF paragraphs 105–107 (2023). That route is not available through an open space notation.

4. Question 7.16 – Are modifications needed for soundness?

4.1 Yes. Two modifications are required. The first is essential; the second ensures the error does not recur.

MM1 – Policies Map

4.2 Remove the Open Space (DM21) notation from the land west of Seven Ash Green, Springfield, being the privately owned paddock within the area currently mapped as part of Open Space Study site ID 219 (Chelmer Valley LNR). The Local Nature Reserve notation on adjoining land is unaffected.

4.3 This is a Policies Map change consequential on correcting the evidence base. It requires no change to the Plan's spatial strategy or housing figures.

MM2 – Reasoned justification to Policy DM21

4.4 Add the following to the paragraph explaining that open space is shown on the Policies Map (underlined text added):

> "In the case of open space these are shown on the Policies Map. The open space protected by Part B of this policy is land of public value that is publicly accessible for sport or recreation, consistent with the Council's Open Space Study. Where land shown as open space is demonstrated to be private land with no public access, it will not be treated as open space for the purposes of this policy."

4.5 MM2 aligns the policy with the NPPF Glossary and *Robinson*, and makes DM21 effective in the rare cases where the mapping is wrong.

4.6 The Council has the power to correct an incorrectly drawn Policies Map (*Bond v Vale of White Horse DC* [2019] EWHC 3080 (Admin)). The examination is the proper and proportionate place to do so, and the Council itself directed the landowner here.

5. Conclusion

5.1 The Open Space notation on the Site is not justified: it contradicts the 2016 and 2024 Open Space Studies' own exclusion of private, inaccessible land, and has been known by the Council to be wrong since 2017. It is not consistent with national policy, which protects open space of public value, and it renders DM21 ineffective in its application to the Site.

5.2 The Plan can be made sound by removing the notation from the Site on the Policies Map (MM1) and clarifying the scope of DM21 (MM2). Mr Bolingbroke wishes to participate in the Matter 7 session and will be represented by Savills.

5.3 The landowner has obtained Counsel's opinion (Cornerstone Barristers, June 2026) confirming that the designation is unsound. In accordance with the Examination Guidance Note it is not appended, but it can be provided to the Inspectors on request.