

INDEPENDENT EXAMINATION OF THE CHELMSFORD DRAFT LOCAL PLAN

INSPECTOR'S MATTERS, ISSUES AND QUESTIONS

WEEK 1 HEARING SESSIONS

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Introduction

These matters, issues and questions are for **WEEK 1** of the hearings and should be read in conjunction with the Inspector's Guidance Note and draft programme which can be found on the examination website.

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 1 – Compliance with statutory procedures and legal matters

Main issue – *Whether the relevant procedural and legal requirements have been met.*

1. Has the Council met the duty to cooperate? Is this clearly evidenced? In particular:
 - a. Have all the relevant strategic matters in relation to this duty been clearly identified?
 - b. 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?
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)?
3. Has the Plan been prepared in accordance with the Local Development Scheme, including in terms of timing and content?

4. Is the Plan period clearly set out within the Plan and is it justified?
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:
 - a. Is the methodology within the appraisal appropriate and justified? Does it adequately assess the likely significant effects of policies and proposals?
 - b. 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? Is it clear why alternatives have not been selected? (Also refer to Matter 5 – Spatial strategy)
 - c. Is it clear how the SA has influenced the Plan? Is there anything in the SA which indicates that changes should be made to the Plan?
6. Have the requirements for Appropriate Assessment (AA) under the Habitats Regulations been met? In particular:
 - a. 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. To what extent are the Habitats Regulations Assessment (HRA) and AA documents legally compliant with this judgement?
 - b. Is it clear how the results of the HRA and AA have influenced the Plan? Is there anything in the documents which indicate that changes should be made to the Plan?
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?
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.
 - a. 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?
 - b. 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. Does this mean that the NCAAP is to be kept as a development plan document and its policies omitted from the superseded policies list? If so what is the purpose of including the extract in Appendix D?

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?

Matter 2 –Strategic priorities, vision and spatial principles

Main issue – Whether the strategic priorities, vision and spatial principles have been positively prepared, are justified and consistent with national policy and can realistically be achieved.

10. Does the Plan set out a suitably positive vision for the future development of the area? Are proposed changes AC12 and AC13 necessary for reasons of soundness?
11. Have the strategic priorities within the Plan been positively prepared and are they suitably framed? Do they reflect the HMA strategic objectives? Are the proposed changes set out in AC5-AC11 necessary for soundness?
12. Does Strategic Policy S1 accord with paragraph 154 of the Framework which states that local plans should only include policies that provide a clear indication of how a decision maker should react to a development proposal, identifying what will or will not be permitted and where? How will the spatial principles ‘*underpin spatial planning decisions*’ (paragraph 4.3 of the Plan)? Are they justified and consistent with national policy?

Matter 3 – Objectively assessed housing need

Main issue - Whether the identified objectively assessed housing need is soundly based, supported by robust and credible evidence and is consistent with national policy.

Context

The OAHN Study Update (2016) (EB048) identifies the OAHN figure for Chelmsford as being 805 homes per year (18,515 for the period 2013-2036). This uses the 2014-based sub-national population and household projections.

The Office of National Statistics (ONS) published the latest 2016-based household projections on 20 September 2018. These supersede the previous 2014-based household projections.

The current National Planning Policy Framework (2018) (the revised Framework) states that the policies in the previous 2012 National Planning Policy Framework (the Framework) will apply for the purpose of examining plans submitted on or before 24 January 2019 (the transitional arrangements). The government also indicates that where plans are being prepared under these transitional

arrangements, relevant planning practice guidance (PPG) in place prior to publication of the revised Framework will continue to apply.

When considering the use of household projections to help establish housing need, the previous relevant version of the PPG states:

'Wherever possible, local needs assessments should be informed by the latest available information. The National Planning Policy Framework is clear that Local Plans should be kept up-to-date. A meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued.'

Questions

13. Does the identified HMA, comprising Braintree, Colchester, Chelmsford and Tendring Council areas, provide a robust and appropriate basis for assessing housing needs? Is the exclusion of the Maldon Council area justified?
14. The OAHN Study Update (EB048) (OAHN Update) identifies a 671 dwellings per annum (dpa) 'demographic starting point' for Chelmsford. Is the use of the 2014-based sub-national household projections for this 'starting point' appropriate? In the light of the latest 2016-based household projections, do these represent a meaningful change in the housing situation and what bearing, if any, do they have on the assessment of the OAHN and the soundness of the plan?
15. The OAHN Update concludes that for Chelmsford there is a need for a market signal adjustment, due to house prices and private rents being well above the national average and affordability being substantially above the national average. A market signals uplift of 20% is recommended which when added to the base point of 671 dpa equates to 805 dpa. Is this uplift justified and based on robust evidence?
16. In relation to London's housing needs, the OAHN Update concludes that only an insignificant uplift to the HMA's housing need is justified. Is this approach reasonable and based on robust evidence? Is there alternative evidence demonstrating a need to consider accommodating London's housing needs?
17. The OAHN Update uses two different economic forecasting models, the East of England Forecasting Model (EEFM), and Experian. Whilst the Update concludes that both forecasts are reasonable, for the purpose of assessing housing need the EEFM is recommended. It concludes that the jobs-led housing need over the plan period is 706 dpa for Chelmsford. Is the

approach identified robust and is the identified need reasonably aligned with the forecasts for jobs growth?

18. In relation to affordable housing the SHMA Update (2015) identifies the need for 179 new affordable homes per year which equates to 22% of the OAHN figure. As such the study does not recommend an uplift for affordable housing. Is the SHMA's methodology for assessing affordable housing needs robust and in line with Government guidance and are the identified needs justified? Are the conclusions of the OAHN update robust in this regard?
19. Overall is the OAHN Study conclusion that the OAHN for Chelmsford should be the higher of the two adjusted figures (market signals or jobs led) at 805 dpa, justified?
20. Does the OAHN assessment take adequate account of factors including migration trends, any suppressed household formation rates and forecast jobs growth? Does alternative evidence, such as that contained within Barton Willmore's '*Technical Review of Councils' Housing Needs Evidence Base*' (March 2018), commissioned by Gladman Developments Ltd, justify a higher OAHN?
21. Should the starting point for assessing housing needs be the Government's standard methodology?
22. Have the needs of particular groups (eg older people and those requiring specialist support) been appropriately taken in to account in the OAHN?
23. Have the housing needs for gypsies, travellers and travelling showpeople been adequately assessed in accordance with national policy and have they been based on robust evidence?
24. The GTAA (EB05a) concludes there is a need for 6 additional pitches over the GTAA period to 2033 for Gypsy and Traveller households that meet the planning definition; a need for up to 17 additional pitches for Gypsy and Traveller households that may meet the planning definition – although if the ORS national average of 10% were to be applied this could be as few as 2 additional pitches; and a need for 18 additional pitches for Gypsy and Traveller households who do not meet the planning definition.

Matter 4 – Objectively assessed economic development need

Main issue - Whether the objectively assessed economic development need (OAEN) is soundly based, supported by robust and credible evidence and is consistent with national policy.

25. Is the Plan clear on defining what the OAEN is? Whilst the Plan in paragraph 6.25 refers to needing 725 new jobs per year over the Plan period *'to meet objectively assessed jobs need'* it does not specifically state that this is the OAEN. If it is, how has the level of need been determined, is it justified, based on credible evidence and consistent with national policy and guidance?

26. The Plan states that 725 new jobs per year equates to the provision of 55,000 sqm of new business employment floorspace and 13,400 sqm of new retail floorspace during the Plan period. How has this conversion of jobs to floorspace been assessed and is it robustly justified?

27. Does the OAEN reflect the economic growth ambitions of the area? Is there reasonable alignment with the OAHN?

Matter 5 Spatial strategy

(Please note that this matter relates to the overall spatial strategy set out in Strategic Policy S9 but not the specific site allocations. These will be discussed at a later hearing session)

Main issue – *Whether the spatial strategy and overall distribution of development has been positively prepared and is justified by a robust and credible evidence base*

Context

Strategic Policy S9 defines the settlement hierarchy and spatial strategy for locating the identified growth needs within the Chelmsford area. It seeks to focus development in the most sustainable locations by making the best use of previously developed land in Chelmsford Urban Area, providing sustainable urban extensions around Chelmsford and South Woodham Ferrers and development around key service settlements outside the Green Belt. It identifies 3 Growth Areas (GA) where the majority of development will be focussed. Excluding existing commitments, the Plan proposes the following distribution of development:

- GA1 Central and Urban Chelmsford
 - 3,405 new homes
 - 5 travelling showpeople plots
 - 9,000 sqm of office/business floorspace
 - 11,500 sqm of food retail floorspace
- GA2 North Chelmsford -
 - 4,550 new homes
 - 10 traveller pitches

- 14 travelling showpeople plots
- 45,000 sqm of office/business floorspace
- GA3 South and East Chelmsford
 - 1,130 new homes
 - 5 travelling showpeople plots
 - 1,000 sqm of flexible business floorspace
 - 1,900 sqm of food retail floorspace

The policy also includes provision for windfall development and Special Policy Areas.

Questions

28. Does the proposed settlement hierarchy reflect the role and function of different settlements and is it justified by robust and up-to-date evidence? Should the hierarchy include smaller settlements (smaller villages and hamlets) within the Plan area? Would this approach be effective, justified and consistent with national policy?
29. How have settlement boundaries been defined and are they justified, effective and based on robust evidence?
30. Were alternative options for the distribution of development considered during the Plan's preparation and were they subject to SA? Is it clear why alternative spatial strategies were discounted? (Also refer to Matter 1)
31. Is the focus of development within the 3 Growth Areas soundly based and supported by robust evidence? Is there an over-reliance on strategic sites within these locations?
32. Does the spatial strategy maximise the use of previously developed land in the plan area and is this based on a robust and up-to-date evidence base? Will it promote the vitality of the main urban areas in the area and support thriving rural communities as set out in the core planning principles in the Framework?
33. Is the approach to future development within settlements outside the defined Growth Areas appropriate and is it positively prepared, justified by the evidence and consistent with the advice in the Framework in this regard?
34. The policy indicates that growth sites at any settlement within the hierarchy can be allocated through neighbourhood plans if they are in accordance with the Plan's spatial principles and strategic policies. Is this approach justified?

35. The strategy states that strategic employment growth will be directed to strategic site allocations at North East Chelmsford and East Chelmsford. Is this approach justified and based on robust and credible evidence?
36. How has the location and distribution of traveller pitches and travelling showpeople plots within the spatial strategy been determined and is this based on robust evidence?
37. Is the reference to phasing of development according to deliverability and identified need within the policy, justified and consistent with national policy?
38. The policy refers to 'Strategic Growth Sites'. Are these clearly defined in the supporting text or should reference be made to Table 3 in the Plan to aid clarity?
39. Are the Special Policy Areas identified within the policy justified and do they accord with other policies in the Plan and the Framework?
40. Overall is the spatial strategy within the Plan justified? In particular:
- a. Does it identify an appropriate balance between providing for economic development and new homes, supporting the role of the settlements and having regard to the effect on such factors as climate change, agricultural land, the environment, the transport network and other infrastructure and local services and facilities?
 - b. Will it achieve the Council's vision, does it meet the strategic priorities and spatial principles and will it deliver sustainable development in accordance with national policy?

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