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# **Report to Chelmsford City Council**

**by Claire Sherratt DipURP**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 25<sup>th</sup> October 2013**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO CHELMSFORD CITY COUNCIL CORE  
STRATEGY AND DEVELOPMENT CONTROL POLICIES FOCUSED REVIEW  
DEVELOPMENT PLAN DOCUMENT (LOCAL PLAN)**

Document submitted for examination on 9 April 2013

Examination hearings held between 2 and 3 July 2013

File Ref: PINS/W1525/429/7

## **Abbreviations Used in this Report**

|       |   |
|-------|---|
| AA    | Appropriate Assessment  |
| FRDPD | Chelmsford City Council Core Strategy and Development Control Policies Focused Review Development Plan Document |
| CS    | Core Strategy   |
| DPD   | Development Plan Document   |
| LDS   | Local Development Scheme  |
| LP    | Local Plan  |
| MM    | Main Modification   |
| NPPF  | National Planning Policy Framework  |
| PPTS  | Planning policy for traveller sites   |
| SA    | Sustainability Appraisal  |
| SCI   | Statement of Community Involvement  |
| SCS   | Sustainable Community Strategy  |

## **Non-Technical Summary**

This report concludes that the Chelmsford City Council Core Strategy and Development Control Policies Focused Review provides an appropriate addendum to the Chelmsford City Council Core Strategy and Development Control Policies development plan providing a number of modifications are made to it. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan.

The modifications can be summarised as follows:

- Clarification that the examination of the Core Strategy and Development Control Policies Focused Review Document relates only to those policies identified and amended by the Council. Accordingly, the remaining Core Strategy and Development Control Policies as adopted in 2008 have not been tested for soundness as part of the Focused Review Examination;
- Changes to Policy DC1 to ensure that the types of development referred to as not inappropriate development in the Green Belt are consistent with the NPPF, particularly in relation to the material change of use of land;
- Clarification about how Policy DC6 (Transport Assessments) will be implemented, in particular how harm is to be quantified. The wording, therefore, has been changed to reflect paragraph 32 of the NPPF;
- Changes to Policy DC12 (infilling in the countryside) to ensure sufficient flexibility to consider development consisting of more than one infill dwelling where this may be appropriate, taking into account the context and character of the development pattern; and
- Inclusion of a Position Statement addressing how, prior to the adoption of a new Local Plan, Gypsy and Traveller applications will be assessed.

## Introduction

1. This report contains my assessment of the Chelmsford City Council Core Strategy and Development Control Policies Focused Review Development Plan Document (FRDPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) makes clear at paragraph 182 that to be sound, a Local Plan (LP) should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The Focused Review Submission Document (published March 2013) differs slightly in the wording of the 'Introductory' sections to the draft version published for consultation in November 2012. It is on the basis of the draft version that the consultation responses were made. The purpose and scope of the FRDPD is relevant to my examination. As such, the basis for my examination is the Focused Review Draft Submission Document (November 2012) which is the same as the document published for consultation in November 2012.
3. My report deals with the main modifications that are needed to make the FRDPD sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that go to soundness have been subject to public consultation and I have taken the consultation responses into account in writing this report.

## The purpose and scope of the Focused Review

5. The Draft Submission Document contains explanatory text in the 'Introduction' setting out the 'Purpose and Scope' of the FRDPD. At paragraph 2.5 it states that it considers that Chelmsford's development plan as a whole is sound and consistent with the requirements of the NPPF and that Chelmsford's vision and strategies to deliver future growth remain robust. At 2.7 it states that the purpose of the FRDPD is to ensure that the Local Development Framework (LDF) is consistent with current Government advice. Only those policies that clearly do not comply with the advice within the NPPF form part of the scope of the FRDPD.
6. It follows from the introductory text that those policies that have not been singled out to be included and amended as part of the FRDPD are considered by the local planning authority to be consistent with national policy and sound. However, those policies are not being examined. As such, it is not possible to determine whether they meet the objectively assessed development and infrastructure requirements of the area. Indeed no evidence is before me to carry out such an assessment. It would therefore be misleading to suggest

that, as a consequence of this examination, the policies that have not been amended by the FRDPD have been considered with regard to their consistency with the NPPF or their soundness.

7. The purpose and scope of the FRDPD must be clearly set out having regard to the limitations of the examination. The Council confirms that the policies that have been identified for review are those policies to which the Council can reasonably make amendments without the need to prepare further evidence base material and without necessitating a full review of the Council's development plan and those which can allow continuity in decision-making on a day-to-day basis. It is the Council's intention that the FRDPD is the first of a two stage approach; the second stage being a full review of Chelmsford's LDF to produce a consolidated Local Plan (LP) that extends the LP period to 2036 with new housing and employment targets and allocations. This is not evident from the FRDPD.
8. Following discussions at the Hearing, the Council suggested a revised form of wording to replace paragraphs 2.5 - 2.7 and 2.15. These modifications make it clear that the FRDPD only concerns those policies that could be altered to reflect the Framework without the need to prepare further evidence. All other policies will remain as adopted in 2008 until they are reviewed as part of a full review. It clarifies that the policies that are not amended have not been tested for the purposes of the FRDPD. Suggested changes to the Non Technical Summary explain that the Focused Review is only the first stage of a review process and what the second stage would entail as previously set out.
9. These modifications essentially change what may have been understood to be the purpose and scope of the FRDPD. However, no prejudice would arise as the scope of the FRDPD is not widened; indeed it is reduced. Furthermore, the modifications relating to this matter have been the subject of further publicity and consultation.
10. The examination proceeds on this basis.

## **Assessment of Duty to Co-operate**

11. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the preparation of the FRDPD. This is considered in the context of the limited scope and purpose of the FRDPD referred to above.
12. Liaison with neighbouring authorities and prescribed bodies has formed part of every stage of the Focused Review and it is considered that the City Council has undertaken appropriate and meaningful consultation with these bodies. In doing so, the Council has been clear that the Focused Review is a discrete review that does not seek to revisit the City Council's housing and employment targets and allocations and as such does not raise any issues of strategic importance.
13. Given those limitations, no strategic cross boundary issues arise at this stage. The Council has thus complied with its duty to co-operate in so far as it relates to the FRDPD in isolation.

## **Assessment of Soundness**

### **Main Issues**

14. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified four main issues upon which the soundness of the FRDPD depends.

### **Issue 1 – Is the Council's approach to the Focused Review sound?**

15. The Framework allows, at paragraph 153, for Plans to be reviewed in full or in part. In principle the Council is therefore entitled to carry out a partial review of a Plan.
16. To be positively prepared the plan should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements. The FRDPD does not review the evidence base or seek to up-date development and infrastructure requirements. For this reason it was argued in representations made that the Council's approach could not be found sound.
17. Statements within the submission version of the FRDPD that 'the remainder of the development plan is sound and consistent with the Framework' are not supported by any up-to-date evidence. Without evidence to substantiate such statements within the FRDPD, representations made argued that the Council's general approach could not be considered to accord with the duty to co-operate or be sound.
18. Concerns were expressed (in representations made) that notwithstanding the suggested modifications, some of the specific policies that are strategic in nature (including policies CP1 and CP5) should not be included in the FRDPD given that the Council had yet to update its evidence base. For example, Policy CP5 continues to confirm that urban growth will be contained by defining the physical limit of the Urban Areas of Chelmsford and South Woodham Ferrers and the Defined Settlements. This strategy is obviously based on the evidence and expected growth relevant to the existing Plan covering the period up to 2021 (adopted in 2008).
19. Subject to the suggested modifications, the FRDPD does not attempt to re-assess the evidence base and the objectively assessed need at this time. Nor does it seek to extend the time period over which the existing CS policies relate. The Full Review, for which preparation has commenced, will look forward to 2036. In this context and in light of the modifications to clearly set out the scope and purpose of the FRDPD, the strategic policies that are included in the examination of the FRDPD addendum could not be misinterpreted to suggest that the housing requirements contained within the existing Plan have been considered as part of the Focused Review – they are based on a strategy which seeks to meet development and infrastructure requirements deemed to be appropriate at the time of its adoption and for the period of the adopted Plan only.
20. The Council's ability to demonstrate the availability of a five years supply of deliverable sites was challenged in representations made to the examination. Paragraph 49 of the NPPF is clear that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority

cannot demonstrate a five-year supply of deliverable housing sites. Given the limitations of the FRDPD, this is not a matter that can reasonably be considered under the limited remit of the Focused Review. For the time being, it would be a matter to be addressed through a planning application until a consolidated LP is in place.

21. In essence, rather than wait until it is in a position to carry out a Full Review, the Council is attempting to do what it can at this stage to bring the existing adopted Plan in line with the NPPF. The minor changes to the wording of the strategic policies do not fundamentally change the Council's strategic approach which clearly remains relevant to the existing adopted Plan only. The modifications clarify that the changes proposed as part of the Focused Review do not delay the need to review the development and infrastructure requirements of the City.
22. To conclude, a number of main modifications are necessary to clarify the purpose and scope of the FRDPD to ensure soundness (**MM1, MM2, MM3 & MM4**).

## **Issue 2 – Is the approach to managing development in the Green Belt consistent with the National Planning Policy Framework?**

### *Material change of use of land*

23. Previous national policy in relation to Green Belt development defined material changes of use as inappropriate unless they maintained openness and did not conflict with the purposes of including land within the Green Belt (Paragraph 3.12. of PPG2). This is retained as criterion C of Policy DC1 which confirms that the making of a material change of use of land where the use concerned would have no material effect on the openness of the Green Belt would not be inappropriate development.
24. However, that approach has not been carried through into the NPPF. Instead, the NPPF approach is to define what is capable of being not inappropriate development within the Green Belt with all other development being regarded as inappropriate by necessary implication. Accordingly, there is no definition within Chapter 9 of the NPPF of what constitutes inappropriate development, or any criteria to ascertain whether a proposed development is or is not appropriate. Paragraph 89 of the NPPF provides that a particular form of development (the construction of new buildings) in the Green Belt is inappropriate unless one of the exceptions identified in the Paragraph applies. Paragraph 90 defines "*other forms of development*" which are potentially not inappropriate. The effect of Paragraphs 87, 89 and 90, when read together is that all development in the Green Belt is inappropriate unless it is either development (as defined by s.55 of the Town and Country Planning Act) falling within one or more of the categories set out in Paragraph 90 or is the construction of a new building or buildings that comes or potentially comes within one of the exceptions referred to in Paragraph 89.
25. Any development in the form of a material change of use outside the categories identified in paragraph 90 must by definition be inappropriate development. Very special circumstances will have to be shown for a change of use to Green Belt land not falling within one of the classes identified in paragraph 90 of the NPPF. This approach accords with the suggested

modification to delete references to the material change of use of land generally. I find further support for this approach in the recent judgement of *Fordent Holdings Ltd v SSCLG & Cheshire West and Chester Council* [2013] EWHC 2844 (Admin), issued since the hearing sessions concluded.

26. To conclude, in order to ensure that the Focused Review is consistent with national policy, as intended, a main modification is necessary to ensure the soundness of the Plan (**MM5**).

#### *Infilling*

27. Policy DC12 relates to infill development in the countryside, including the Green Belt. Such development is supported through the application of Policy DC12. However, the supporting text to Policy DC12 clarifies, at paragraph 3.24 of the FRDPD, that infilling is defined as filling the small gaps within existing groups of dwellings. For the purposes of this policy a gap is normally regarded as 'small' if it is capable of accommodating no more than one property. Concerns were expressed that, notwithstanding the inclusion of the word 'normally', this text is overly restrictive and fails to have regard to the individual characteristics that may be applicable to each case.
28. A modification is suggested to clarify that *'in assessing the number of properties that could be accommodated within these small gaps, the City Council will have regard to the character and context of the development pattern of the immediate area'* and that *'where a site lies within the Metropolitan Green Belt, the development must not conflict with the purposes of including land within the Green Belt'*. Whilst the reference to gaps normally only being of sufficient size to accommodate one dwelling is retained, the suggested modification ensures that this is applied flexibly where the prevailing character and context of the area permits. This will ensure the policy is effective in delivering infill development in the Green Belt. (**MM7**)

### **Issue 3 – Are the changes to various countryside policies consistent with the National Planning Policy Framework?**

29. Unlike previous national policy guidance, the NPPF no longer makes any reference to the need to protect the countryside for its own sake. Instead one of the Core Planning Principles set out in paragraph 17 is *'that planning should take account of the different roles and characters of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'*. This wording is reflected in the FRDPD submission document.
30. Concerns are raised about the loss of policies that seek to protect the countryside for its own sake. In particular Policy CP5 is amended to delete a reference to the protection of the countryside by 'the restriction of inappropriate development in a rural area'. The existing Policy contains an explanation that this is to be achieved by the refusal of planning permission for development within the rural areas beyond the Green Belt other than for certain categories of development.
31. It is perceived that the Council may have less control over development in the



countryside as a result. However, whether or not a development has sufficient regard to the intrinsic character and beauty of the countryside will be a matter of judgement for the decision maker in any case. The NPPF is clear that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The revised wording proposed in the FRDPD reflects the precise wording of the NPPF and is therefore consistent with it. The relevant changes to the various countryside policies ensure that

the policies can be afforded full weight and will therefore be effective.

32. A further area of concern relates to infill development in the countryside which I have already addressed in relation to the Green Belt above. For the reasons previously set out a modification is required to ensure the policy is effective and can be applied flexibly to individual circumstances (**MM7**).

#### **Issue 4 – Is the Focused Review consistent in its approach to Gypsy and Traveller provision and meeting the needs of the settled population**

33. No changes are proposed to Policy DC34 that relates to the provision of gypsy and traveller accommodation. Although a Position Statement was included at the Issues and Options stage of the preparation of the FRDPD, it was deleted from the draft Submission Document. The Council intends to review the accommodation needs of the gypsy and traveller community as part of the Full Spatial Strategy Review. To ensure a consistent approach, it should be clear in the FRDPD that the accommodation needs of the gypsy and traveller population are to be reviewed as part of the consolidated Local Plan (LP) alongside new housing and employment targets and allocations and how applications for gypsy and traveller accommodation will be determined in the interim period (**MM8**).

#### **Other Matters**

34. The precise wording of Policy DC6 (Transport Assessments) is not sufficiently clear about the circumstances when development should be refused on transport grounds. The precise wording therefore requires modification to reflect paragraph 32 of the NPPF which states that '*Development should only be prevented or refused on transport grounds where the residual impacts of development are severe.*' (**MM6**).

## Assessment of Legal Compliance

35. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

| <b>LEGAL REQUIREMENTS</b>   |  |
|---|--|
| Local Development Scheme (LDS)                                    | The FRDPD is identified within the approved LDS March 2013 which sets out an expected adoption date of September 2013. The FRDPD's content and timing are compliant with the LDS.                  |
| Statement of Community Involvement (SCI) and relevant regulations | The SCI was adopted in January 2013 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM) |
| Sustainability Appraisal (SA)                                     | SA has been carried out and is adequate.   |
| Appropriate Assessment (AA)                                       | The Habitats Regulations AA Screening Report (February 2013) sets out why AA is not necessary.   |
| National Policy   | The FRDPD complies with national policy except where indicated and modifications are recommended.  |
| Sustainable Community Strategy (SCS)                              | Satisfactory regard has been paid to the SCS.  |
| 2004 Act (as amended) and 2012 Regulations.                       | The FRDPD complies with the Act and the Regulations.   |
|   |  |

## Overall Conclusion and Recommendation

36. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.
37. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Chelmsford City Council Core Strategy and Development Control Policies Focused Review Development Plan Document satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Claire Sherratt*  
Inspector

This report is accompanied by the Appendix containing the Main Modifications

## Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the Focused Review Draft Submission Document (November 2012), and do not take account of the deletion or addition of text.

| Ref | Page | Policy/<br>Paragraph   | Main Modification  |
|-----|------|--|--|
| MM1 | 1    | 1.Non Technical Summary – What is the Focused Review?              | In light of the requirements of the NPPF, the City Council has undertaken a review of its Development Plan Documents and has identified a number of policies within its Core Strategy and Development Control Policies Development Plan Document that require amendments in order <u>for these policies</u> to be consistent with the advice contained within the NPPF. <del>The City Council is not proposed to review any other of its Development Plan Documents nor is it planning to review or revisit any of its housing and employment targets and allocations. Instead, it is undertaking a</del> <b>Focused Review</b> <del>which involves amending a selected number of policies to accord with current Government advice.</del>   |
| MM2 | 1    | 1.Non Technical Summary – What is the Scope of the Focused Review? | Delete whole subsection:<br><br><del>The purpose of the Focused Review is to ensure that the City Council's Local Development Framework is consistent with current Government advice – this is the sole purpose of the review. Only those policies that clearly do not comply with the advice within the NPPF form part of the scope of the Focused Review. Again, for Chelmsford City Council this does not include any amendments to its housing and employment targets and allocations.</del><br><br>Replace with:<br><br><u>The purpose of the Focused Review is to identify those policies that can be readily amended to be consistent with the provisions of the National Planning Policy Framework without the need to prepare further evidence in respect of those specific policies. This is the first stage of a Review process, and the second stage will involve a Full Review of the City Council's Local Development Framework to produce a consolidated Local Plan that extends the Plan period to 2036 with new housing and</u> |

| Ref | Page | Policy/<br>Paragraph                                  | Main Modification  |
|-----|------|---|--|
|     |      |   | <p><u>employment targets and allocations.</u></p> <p><u>When adopted these amended policies will only replace the previous versions of these policies contained within the adopted Core Strategy and Development Control Policies Development Plan Document 2008. All other policies will remain unchanged until a Full Review of the Local Development Framework is undertaken. The unamended policies have not been tested for the purposes of the Focused Review Examination 2013.</u></p>  |
| MM3 | 7    | 2. Introduction<br>- Purpose and Scope<br>(2.5 - 2.7) | <p>Delete paragraphs 2.5-2.7</p> <p><del>2.5 In light of the requirements of the NPPF, the City Council has undertaken a review of its Development Plan Documents. It is considered that Chelmsford's development plan as a whole is sound and consistent with the requirements of the NPPF. Chelmsford vision for the future growth of the area and the strategies to deliver this remain robust, such that any revisions or amendments of the Spatial Strategy does not fall within the scope of this review. The Council is, therefore not seeking to revisit or review such issues as its housing and employment targets and allocations.</del></p> <p><del>2.6 As the purpose of the Council's other adopted Development Plan Documents is to allocate land in accordance with the Spatial Strategy and they do not contain specific policies, the content of these documents do not form part of this consultation. As such, the Council consider that all of these other adopted Development Plan Documents accord with national policy.</del></p> <p><del>2.7 The purpose of the Focused Review is to ensure that the Local Development Framework is consistent with current Government advice this is the sole purpose of the review. Only those policies that clearly do not comply with the advice within the NPPF form part of the scope of the Focused Review. On this basis, the Council is limiting the review to policy amendments to a small number of its Core Strategy and Development Control Policies that need to be more appropriately aligned with the requirements of the NPPF.</del></p> <p>Replace with:</p> <p><u>2.5 Following the publication of the NPPF, the City Council has identified a number of policies within the</u></p> |

| Ref | Page | Policy/<br>Paragraph   | Main Modification   |
|-----|------|--|---|
|     |      |  | <p><u>adopted Core Strategy and Development Control Policies Development Plan Document 2008 that require amendment to remain consistent with the requirements of the NPPF, which could be taken without the need to prepare further evidence in respect of those specific policies.</u></p> <p><u>2.6 This Focused Review sets out the proposed amendments to these policies which are listed in paragraph 2.8. When adopted these amended policies will be identified as being adopted in 2013, following this Focused Review, and they will replace the previous versions of these policies contained within the adopted Core Strategy and Development Control Policies Development Plan Document 2008.</u></p> <p><u>2.7 All other policies in the adopted Core Strategy and Development Control Policies Development Plan Document will remain as adopted in 2008, until they are reviewed as part of a Full Review of the City Council's Local Development Framework. The unamended policies have not been tested for the purposes of the Focused Review Examination 2013.</u></p> |
| MM4 | 9    | 2.Introduction - Policy Alternatives (2.15)                      | <p><del>The purpose of the Focused Review is to ensure that the Council's development plan aligns with the advice contained within the NPPF. Accordingly, The objective of each policy amendment is to be NPPF compliant. However, to achieve this there are potentially a wide range of policy alternatives and as part of the Focused Review, alternative options were evaluated and discounted. A further explanation and assessment is given in the Focused Review Sustainability Appraisal Report.</del></p>   |
| MM5 | 16   | Policy DC1 – Managing Development in the Metropolitan Green Belt | <p>Changes to Criteria B and C</p> <p><b>B.</b> the following forms of development are also appropriate in the <u>Metropolitan Green Belt</u> provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt:</p> <p>vii) <u>engineering or other operations</u>; or</p> <p>viii) <u>local transport infrastructure which can demonstrate a requirement for a Green Belt location</u>; or</p> <p>ix) <u>the extension or alteration of an existing dwelling or building in accordance with Policy DC47</u>; or</p>  |

| Ref | Page | Policy/<br>Paragraph                               | Main Modification   |
|-----|------|--|---|
|     |      |  | <p>x) the re-use of a building in accordance with Policy DC57; or</p> <p>xi) development brought forward under a Community Right to Build Order.</p> <p>Criterion C is deleted completely.</p> <p><del>C. the carrying out of an engineering or other operations, or the making of a material change to the use of the land, where the use concerned would have no material effect on the openness of the Metropolitan Green Belt or on the fulfilment of its purposes.</del></p> <p>Insert following paragraph at the end of the Policy:</p> <p><u>Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.</u></p> <p><b>Please Note:</b> Criterion A to remain unchanged.</p>   |
| MM6 | 21   | Policy DC6 – Transport Assessments                 | <p>All developments which are likely to generate significant amounts of vehicle movement or fall within the thresholds set out in Appendix E will be required to submit a Transport Assessment. Transport Assessments should identify opportunities for sustainable transport and measures to manage the existing network and mitigate any impacts identified.</p> <p><del>Development will be refused where no measures are proposed to mitigate the impacts identified or where the mitigation measures proposed do not outweigh the harm caused by the increase in movement as a result of the development.</del></p> <p><u>Development will be refused on transport grounds where the residual cumulative impacts of development are severe and no appropriate mitigation measures can be achieved.</u></p> |
| MM7 | 27   | Policy DC12 – infilling in the Countryside<br>3.24 | <p>3.24 Infilling is defined as filling the small gaps within existing groups of dwellings. For the purposes of this policy a gap is normally regarded as 'small' if it is capable of accommodating no more than one property. <u>However, in assessing the number of properties that could be accommodated within these small gaps, the City Council will have regard to the character and context of the development pattern of</u></p>   |

| Ref | Page | Policy/<br>Paragraph  | Main Modification  |
|-----|------|---|--|
|     |      |   | <u>the immediate area. Additionally, where a site lies within the Metropolitan Green Belt, the development must not conflict with the purposes of including land within the Green Belt.</u> The City Council will carefully assess the impact of any proposals for residential infilling to ensure that gaps in the development pattern which positively contribute to the existing setting of a hamlet or group of dwellings are not lost.  |
| MM8 | n/a  | 4.1 – 4.4<br>Position Statement –<br>Gypsy and Traveller<br>Accommodation | <p>Insert Position Statement on 'gypsy and Traveller accommodation'</p> <p>Delete paragraphs 4.1-4.4</p> <p><del>4.1 – Policy DC34 of the Core Strategy and Development Control Policies sets out the Council's strategy for new Gypsy and Traveller pitches in the period to 2016. The policy provides the framework for the allocation of two new Gypsy and Traveller sites of 10 pitches each within the Site Allocations Document and/or the North Chelmsford Area Action Plan.</del></p> <p><del>4.2 – The adopted North Chelmsford Area Action Plan makes provision for 10 new pitches. The means to deliver this site is being secured through planning applications for major new residential development in north east Chelmsford.</del></p> <p><del>4.3 – The Government published its Planning Policy for Traveller Sites in March 2012 and this forms part of the National Planning Policy Framework (NPPF). In response, the City Council is reassessing its evidence base with regard to the accommodation needs for Gypsy and Travellers and if necessary will undertake further up to date assessments working collaboratively with neighbouring local planning authorities.</del></p> <p><del>4.4 – It is envisaged that an updated evidence base will be used to support any required revisions to Policy DC34. Due to the time required to undertake these assessments it is more appropriate that any required amendments to Policy DC34 is contained within a full review of the Council's Core Strategy which is planned for 2015/2016.</del></p> <p>Replace with:</p> <p>4.1 Following the Government's publication of Planning Policy for Traveller Sites in March 2012, the Essex Planning Officers' Association (EPOA) has</p> |



| Ref | Page | Policy/<br>Paragraph | Main Modification  |
|-----|------|----------------------|--|
|     |      |                      | <p>commissioned on behalf of all Essex local planning authorities a new Gypsy and Traveller Accommodation Assessment (GTAA) for the period 2013-2033. This new assessment is anticipated to be completed in the Autumn of 2013 and will provide an up-to-date evidence base to inform a Full Review of the Chelmsford City Council's adopted development plans.</p> <p>4.2 In the intervening period up to the adoption of a new Local Plan, the City Council will use the national Planning Policy for Traveller Sites and the National Planning Policy Framework as material considerations in the determination of planning applications for Traveller accommodation.</p> |
|     |      |                      |  |