



Report to Chelmsford Borough Council

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE
CHELMSFORD BOROUGH COUNCIL CORE STRATEGY AND DEVELOPMENT
CONTROL POLICIES
DEVELOPMENT PLAN DOCUMENT**

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ABBREVIATIONS

| | |
|----------|--|
| AA | Appropriate Assessment |
| AAP | Area Action Plan |
| ALT | Prefix to the Alternative Development Sites that are listed and numbered in the Regulation 32 consultation document CD/CFD/036 |
| BART | Beaulieu Area Rapid Transit |
| CBC | Chelmsford Borough Council |
| CS | Core Strategy |
| DC | Development Control |
| DEEP | Draft East of England Plan |
| DfT | Department for Transport |
| DPD | Development Plan Document |
| ECC | Essex County Council |
| EH | English Heritage |
| HA | Highways Agency |
| LDF | Local Development Framework |
| LDM | Local Delivery Mechanism |
| LPA | Local Planning Authority |
| NCAAP | North Chelmsford Area Action Plan |
| P&CP Act | Planning & Compulsory Purchase Act 2004 |
| PPG | Planning Policy Guidance |
| PPS | Planning Policy Statement |
| PPS1 | Planning Policy Statement 1- Delivering Sustainable Development |
| PPS12 | Planning Policy Statement 12-Local Development Frameworks |
| PPS3 | Planning Policy Statement 3-Housing |
| RSS | Regional Spatial Strategy |
| s | Section |
| SA | Sustainability Appraisal |
| SAC | Special Areas for Conservation |
| SEA | Strategic Environmental Appraisal |
| SPA | Special Protection Area |
| SPD | Supplementary Planning Document |
| SHMA | Strategic Housing Market Assessment |
| SofS | Secretary of State for Communities and Local Government |
| SRA | Strategic Rail Authority |
| SSSI | Sites of Special Scientific Interest |
| TCAAP | Town Centre Area Action Plan |

1 Introduction and Overall Conclusion

- 1.1 Under the terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a development plan document (DPD) is to determine:
 - (a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document.
 - (b) whether it is sound.
- 1.2 This report contains my assessment of the Chelmsford Core Strategy and Development Control Policies DPD in terms of the above matters, along with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act.
- 1.3 My role is to consider the soundness of the submitted Chelmsford Core Strategy and Development Control Policies DPD against each of the tests of soundness set out in PPS12. In line with national policy, this DPD is presumed to be sound unless it is shown to be otherwise by evidence considered during the examination. The changes I have specified in this binding report are made only where there is a clear need to amend the document in the light of the tests of soundness in PPS12. None of these changes should materially alter the substance of the overall plan and its policies, or undermine the sustainability appraisal and participatory processes already undertaken.
- 1.4 My report firstly considers the procedural and conformity tests, and then deals with the relevant matters and issues considered during the examination in terms of the tests of coherence, consistency and effectiveness. My overall conclusion is that the Chelmsford Core Strategy and Development Control Policies is sound, provided it is changed in the ways specified. The principal changes which are required are, in summary:
 - a) Adding a "future employment area" symbol to the Key Diagram in recognition of the intention to create a strategic employment area as part of the proposed new neighbourhood north-east of Springfield.
 - b) Removing references to Supplementary Planning Documents (SDPs) from Core Strategy and Development Control policies and relocating them to the supporting text where not already included. (see Annexe 1)
 - c) Adding a clearer statement of action that would be taken should monitoring show that the objectives of the CS are falling short.
 - d) Updating the components of housing supply contained in Policy CP2 to reflect the Borough Council's "Revised Urban Capacity

Study 2007 Refresh", together with the consequential changes to the Housing Trajectory (Appendix B).

- e) Adding an "Infrastructure Trajectory" on the timing, funding stream, risk assessment and linkage between the key elements of infrastructure and the main drivers of growth proposed in the CS.

1.5 The report sets out all the detailed changes required, including those suggested by the Council, to ensure that the plan meets all the tests of soundness.

1.6 As a background to the main issues I identify for consideration in this report it would be useful to outline the key drivers of development and growth that are promoted in the Core Strategy and on which the focus of that consideration will be concentrated.

1.7 The CS describes the vision for the Borough as being:

"The Borough of Chelmsford will be at the leading edge for economic, social and environmental excellence at the heart of Essex, where people choose to live, work and visit because of the ever-improving quality of life available to all, now and for future generations."

1.8 That strategic vision and the objectives that support it are not seriously disputed. The key elements of the strategy involve the provision of an additional 14,000 new dwellings during the period of the plan (2001-2021)(Policy CP2). For the most part the additional housing will be provided within the 2 main built up areas of the district at Chelmsford and South Woodham Ferrers. But since the capacity of the 2 main settlements is finite, it is proposed to build 2 new neighbourhoods to the north of Chelmsford to provide some 4,000 new homes on greenfield land. To support, complement and stimulate that growth the strategy plans to deliver about 20,600 additional new jobs (BD/CFD/091, page 18). And, in recognition of the central role that Chelmsford plays within the sub-region as county town and a proposed Key Centre for Development and Change it is proposed to expand the retail accommodation within the Town Centre by building about 100,000m² net additional mainly comparison shopping floorspace (Policy CP23).

1.9 This significant expansion in housing, employment and shopping will require a substantial investment in new or improved infrastructure involving new roads, park and ride facilities and a wide range of community facilities. A new railway station is also proposed as an adjunct to the larger of the 2 new neighbourhoods (Policy CP4).

1.10 On 16 May 2007 I held a Preliminary Meeting to explore the Highway Agency's concerns that the development proposals contained within the Core Strategy had not been tested for their impact on the A12 Trunk Road and to establish whether this could represent a "show

stopper” for the examination. The discussion that took place at the meeting and the position papers that preceded it removed my concerns (Meeting Note-BD/CFD/075vii). I go into this in more detail when dealing with the topic of infrastructure later in my report.

- 1.11 References to documents throughout this report, unless otherwise stated, are to the Borough Council's Local Development Framework Reference Document List, Version 6, dated 8 October 2007.

2 Procedural Tests

TEST 1-Consistency with Local Development Scheme

- 2.1 The Chelmsford Core Strategy & Development Control DPD is contained within the Council's Local Development Scheme (LDS), the updated version having been approved by the Secretary of State on 23 January 2007. I find that Test i of paragraph 4.24 of PPS12 is met.

TEST 2-Compliance with Statement of Community Involvement or with the relevant Regulations

- 2.2 The Council's Statement of Community Involvement (SCI) has been found sound by the Secretary of State and was formally adopted by the Council in February 2006 before the examination hearings took place. It is evident from the documents submitted by the Council, including the Regulation 28 and 31 Statements and its Self Assessment of Soundness (CD/CFD/012, 033 and 034) that the Council has prepared the DPD in compliance with the Statement of Community Involvement (CD/CFD/003). Accordingly, I find that Test ii of paragraph 4.24 of PPS12 is met.

Test 3 – Sustainability Appraisal

- 2.3 Alongside the preparation of the DPD it is evident that the Council has carried out a parallel and thorough process of sustainability appraisal. As part of the preparation for the CS, Integrated Strategic Environmental and Sustainability Appraisals were undertaken in 2004 on a range of spatial options (BD/CFD/114) and fifteen private sector development options were subjected to Sustainability Appraisals by the Council's consultants (BD/CFD/115). This appraisal led eventually to the selection of one preferred option. This option was the subject of a Sustainability Appraisal (CD/CFD/009) that was carried out in 2005 as part of the submitted Core Strategy. I am satisfied that the likely environmental and social impacts of the Core Strategy, and of the various options that were considered but discounted, have been properly appraised. None of the Council's proposed changes, which I support, are of such significance as to fall outside the scope of the Sustainability Appraisal.

- 2.4 In accordance with the Habitats Directive, I am satisfied that an Appropriate Assessment has been undertaken and that there would be no significant harm to the conservation of the Crouch and Roach Estuary SPA and Ramsar Site and the Essex Estuaries SAC as a result of the policies and proposals within this DPD. As a result of the same Appropriate Assessment I am also satisfied that there would be no significant harm to the conservation of the Blackwater and Colne Estuaries and Ramsar Sites SPAs, the Dengie SPA and Ramsar Site and the Foulness SPA and Ramsar Site, all of which lie outside the District, as a result of the policies and proposals within this DPD. I find that Test iii of paragraph 4.24 of PPS12 is met.
- 2.5 Accordingly I am satisfied that procedural tests i, ii and iii have all been satisfied.

3 Conformity Tests (tests 4-5)

- 3.1 Introduction
- 3.2 The main issues to be addressed under these tests are whether the spatial strategy is consistent with national policy, in particular, Planning Policy Statement 1-Delivering Sustainable Development and Planning Policy Statement 3-Housing and whether the strategy is in general conformity with the emerging Regional Spatial Strategy (RSS14).

Test 4-Conformity

Test 4a – Is it a spatial plan that is consistent with National Guidance?

- 3.3 The policies of the strategy have regard to the objectives of PPS1 in seeking to secure integrated and inclusive forms of sustainable development in line with the Borough Council's social, economic and environmental objectives. Its policies seek to ensure high quality development through inclusive design and the efficient use of resources.
- 3.4 A large number of respondents, however, criticise the CS for failing to reflect the latest policy guidance set out in Planning Policy Statement 3-Housing (PPS3), published on 29 November 2006. Notwithstanding that the Core Strategy was submitted for examination on the 7 November 2006, that is **before** the publication of PPS3, the Borough Council, as part of its on-going monitoring and updating work, has continued to bring its housing strategy into line with the latest PPS3 (Topic Paper 2-Housing-BD/CFD/090, paragraph 3.1). I go into this in more detail when dealing with the issue of housing supply later in this report. For purposes of this test, however, I am satisfied that the CS is in conformity with PPS3 and other national planning guidance.

- 3.5 The Core Strategy is clearly a spatial plan that seeks to build on the attributes of the town as the capital of Essex while seeking to protect the district's key environmental assets and distinctive local character.

Test 4b – General Conformity with the Regional Spatial Strategy

- 3.6 The tests of soundness require that the CS should be in general conformity with, and help deliver, regional spatial strategy. RPG9 for the South East remains extant and includes Essex. However Essex is now included within the East of England in the Draft Revision of the East of England Plan-RSS14 (CD/REG/01) and for which the Secretary of State published her Proposed Changes on 19 December 2006 (CD/REG/03). The CS has been prepared in the context of the emerging RSS14. The East of England Regional Assembly (EERA) has raised no conformity issues on the submitted Core Strategy & Development Control DPD (LDF0003535/273 & 498-528).
- 3.7 Again, a large number of representations criticise the failure of the CS to provide for an additional 2,000 dwellings as recommended in the Secretary of State's proposed changes to the emerging East of England Plan. The CS, in the reasoned justification to Policy CP2-the Borough-Wide Spatial Strategy, acknowledges the Panel's recommendation to increase the District's housing allocation from 14,000 to 16,000 new dwellings over the period of the plan-June 2006 (CD/REG/02). This would have the effect of raising the average annual number of dwellings from 700 to 800 units. The reasoned justification explains that, in the light of this increased housing requirement, the Borough Council would need to test the phasing of its greenfield allocations through its first review of the DPD and the appropriate Area Action Plan.
- 3.8 The preparation of the CS began in 2004, based on an allocation of 14,000 dwellings for the District in the draft of the East of England Plan-December 2004 (CD/REG/01). Accordingly, I find the Borough Council's response is appropriate. Its approach follows the advice set out in Mrs Bailey's letter of 29 November 2006 accompanying the publication of PPS3. Had the Borough Council sought to incorporate the increased housing requirement it would have entailed a fresh round of consultation and an inevitable delay in putting in place an effective policy framework for housing quickly.
- 3.9 Other respondents suggest that I should recommend that the CS be changed to include the proposed increased minimum housing target. This, as explained at the first hearing session of the examination, I was not prepared to do. Such a recommendation would have the effect of pre-judging the outcome of any round of public consultation on the proposed change.

-
- 3.10 Nevertheless, the Council's Updated Housing Trajectory (BD/CFD/119ii), updated to a baseline of 31 March 2007, and the Revised Urban Capacity Study 2007 (BD/CFD/094) now estimate a housing supply in excess of 16,000 new dwellings is attainable during the period of the plan with no increase in the number of dwellings to be provided on greenfield land from that envisaged in the submitted CS.
- 3.11 This could be seen by some as securing the SofS's proposed changes to the RSS housing targets by the back door and without going through the consultation process. However, the SofS, in prefacing her proposed changes to the emerging RSS (CS/REG/03), requires that the revised housing targets should be treated as minima which LPAs should seek to exceed where more can be delivered through brownfield capacity and, where appropriate, increased densities.
- 3.12 It is precisely by that route, that the increase in supply would be secured (paragraph 3.7, Topic Paper 2-Housing). According to the revised housing trajectory (BD/CFD/119ii) the RSS target of 14,000 new dwellings would be achieved by 2016/2017. Provided land is released sequentially in accordance with Policy CP3 (Phasing of Development) to ensure previously developed land is developed first I see no anomaly within the CS. Moreover, the implementation strategy set out in PPS3 (paragraph 64) suggests that where actual performance is within 10 and 20% of the rates set out in trajectories this would be acceptable and would call for no specific action. There is nothing to suggest that divergence would apply only to under-provision.
- 3.13 Apart from housing, the CS sets out a series of policies to reflect other requirements of the emerging RSS. I deal with them in more detail below. The policies range over: the need to concentrate development in Key Centres for Development and Change to achieve sustainable development, protection of the Green Belt, Job Growth, Affordable Housing, Inter Urban Transport and Transport Investment Policies. I find that the CS meets Test 4b.

Test 4c – Whether the Spatial Strategy has properly had regard to other relevant plans, policies and strategies.

- 3.14 The extent to which the DPD has been prepared to take account of other relevant plans, policies and strategies is set out in Section 1 of the CS. It is comprehensive in its scope. Although Braintree District Council considers that the aims, policies and proposals in the adopted Braintree District Local Plan Review have not been properly taken into account, I find that not to be the case. I consider this in more detail below under infrastructure. Under this test (4c), there is no evidence to suggest that proper regard has not been had to other relevant plans, policies and strategies.

- 3.15 My conclusion on the conformity tests is that the plan meets all 3 components of the tests.

Test 5-Whether the Strategy has had regard to the Authority's Community Strategy.

- 3.16 The Borough Council's Community Strategy goes under the title of "The Community Plan" (CD/BCD/012). The Plan was published in 2006 and it shares the same overall vision and strategic objectives for the borough as that set out in the CS. The inter-relationship between the 2 documents is confirmed in the "Strategic Objectives and Themes" section of the CS (page 17). The CS shares and is closely aligned to the 7 priorities set out in the Community Plan. I am satisfied that the CS meets this test in having had regard to the Community Plan in its preparation.

4 Tests 6-9 - Coherence, Consistency and Effectiveness

Introduction.

- 4.1 The main issues under these tests are whether the Core Strategy proposes the most sustainable solution for the long term planning of the District with regard to the main components for growth; whether proper consideration was given to relevant alternatives; whether development in the Green Belt would have represented a more sustainable strategy; whether the proposed infrastructure to support the district's growth targets is adequate, achievable and affordable; whether the infrastructure can be put in place in time; whether a Green Wedge policy is justified; whether the strategy is founded on a robust and credible evidence base; whether clear mechanisms for implementation and monitoring are in place and, finally, whether the CS is reasonably flexible to enable it to deal with changing circumstances.
- 4.2 **Whether the Core Strategy proposes the most sustainable solution to accommodate the main elements of growth – (A) Housing, (B) Employment and (C) Shopping.**
- (A) Housing - (Policies CP2 (Borough Wide Spatial Strategy), CP3 (Phasing of Development), CP15 (Meeting the Housing Needs of Communities), DC33 (Affordable Housing) and Appendix B (Housing Trajectory))**
- (i) Housing Supply**
- 4.3 Before moving to the proposed spatial distribution for new housing, I need to comment on the components of housing supply proposed in the CS since it is criticised on a number of counts.

- 4.4 As already mentioned, the emerging RSS14 sets a housing target for the District of 14,000 new homes for the period of the plan. A breakdown of the components of housing supply to meet the target is set out in Policy CP2 of the CS. The trajectory/phasing of the supply is found in Appendix B. The latter was based on data available for the period April 2001 to March 2006 (Topic Paper 2-Housing, BD/CFD/09, paragraph 3.3). As part of its on-going monitoring of its housing stock, however, the Council undertook an updating exercise, completed in July 2007, which produced revised figures that are set out in paragraph 3.7 of that paper. At Session 4 of the Hearings it was confirmed that the total for completed dwellings in that table should have been given as a net figure (4,098 and **not** 4,160). The up to date supply estimate is as follows:

| | |
|--|--------|
| Completed Dwellings (April 2001 – March 2007) | 4,098 |
| Existing Commitments | 3,833 |
| Future housing development in existing settlements (UCS) | 4,239 |
| New Neighbourhoods (greenfield) | 4,000 |
| Total | 16,170 |

- 4.5 The revised break down shows the same requirement for 4,000 new dwellings to be provided in new neighbourhoods on greenfield land. However, because the figures for completed dwellings, existing commitments and development anticipated on previously developed land were all lower in the submitted CS the total estimated supply on the basis of the updated data is now some 15% higher (up from 14,000 to 16,170).
- 4.6 Respondents criticise both the original and updated housing figures and argue that they are flawed and render the CS unsound. The Borough Council replies to the criticisms in its Housing Topic Paper. I find that the Council's defence of its latest supply figures as set out in its paper is basically sound. I will deal with the main criticisms in turn.

(ii) Whether the housing policies of the CS are compliant with PPS3.

- 4.7 I have dealt with this point under Test 4 above. The Council is committed to an early review of the CS. I find that there is no issue of substance where the CS fails to be in general conformity with PPS3.

(iii) Whether the evidence base fails to meet the requirements of PPS3.

- 4.8 The requirement that Local Development Documents should be informed by a Strategic Housing Market Assessment (SHMA) is being addressed through a jointly commissioned SHMA with Braintree District Council and Colchester Borough Council. The Practice Guidance for these Assessments was not published until 30

March 2007 and the requirement did not come into force until 1 April 2007. Consultants (Fordham Research) have been commissioned to take the work forward. I am presented with no evidence to suggest that this on-going work falls short of the objectives of PPS3 or renders unsound the policy approach adopted in the CS.

- 4.9 I am satisfied that the Council's updating/refreshing of its Urban Capacity Study (BD/CFD/094) provides a sound and up to date assessment of the potential for the District's urban areas to provide additional housing land. Both the original and updated studies were criticised on a number counts. Namely, whether the sites identified are truly available, whether a discount allowance needs to be built into the supply figures to anticipate delays/non-deliverability; whether landowners had been consulted and whether windfalls had been included, contrary to PPS3.
- 4.10 Mr Wells, the project manager for the study on behalf of the consultants (Halcrow Group) between 2004 and 2007, confirmed that the study had been undertaken in accordance with best practice. The sites are identified on an OS base. The study was drawn up on a conservative basis with some 50% of the original number of sites surveyed having been dropped from the study. On top of that a number of retained sites have been removed because they were not sustainable. The figure that emerged from the study is based on quite detailed design assumptions for the identified sites. Latest monitoring suggests that UCS sites are being developed at densities higher than the estimates attributed to them in the study. Schemes are coming in at 30% above estimates (Council evidence Session 7, 2nd October 2007).
- 4.11 Some 70% of the potential urban capacity derives from 9 sites in the town centre. Where higher or lower outcomes were possible the lower figure was always adopted confirming a cautious approach. This, in effect, provided a form of discounting within the study. Although the Council maintains that no allowance was made for windfalls in the study, it was criticised on the grounds that 585 of the 4,239 estimate for new dwellings to be built in existing settlements were derived from "homogenous residential areas". It was argued that, according to the PPS3 definition, this element of supply would be windfalls by another name because they were not derived on a site-specific basis. In this case, whether or not those dwellings are technically windfalls is academic since the supply of housing proposed in the CS still comfortably exceeds the RSS target for the District.
- 4.12 Nevertheless, the Council is of the view that, in addition to the "homogenous residential areas" estimate there will still be a number of unidentified and unanticipated sites emerging as windfalls during the plan period. This has occurred historically and it sees no reason why that should not continue for some years into the future. It anticipates that "windfalls" will continue to produce

an additional 80 net new dwellings/pa. This source could potentially provide an additional 500 new dwellings over a 5 year period to the updated supply figures set out in the above Table (BD/CFD/121). It was confirmed that the study had included consultation with developers, landowners and stakeholders for both the 2004 study and the refresher study carried out in 2007. The figures in the study are confirmed as net.

- 4.13 The Council's and its consultant's defence of the UCS was not seriously challenged. I was impressed with the very comprehensive and detailed work that had gone into the study and I am satisfied that it represents a robust and credible base on which to plan the District's housing supply. In the interest of coherence, the CS should reflect the up to date position and, accordingly, the updated components of housing supply as set out in Topic Paper 2-Housing (paragraph 3.7) should be incorporated in Policy CP2. Changes will also be required to the text of the table and reasoned justification to bring it up to date.

- 4.14 **In order to make the Core Strategy sound the following change should be made:**

Replace the components of Housing Supply in the Table in Policy CP2 with those shown in Topic Paper 2-Housing at paragraph 3.7, as amended for completed dwellings (BD/CFD/090). These updating changes will require consequential amendments to the supporting text of Policy CP2. I set out in full the changes that are required in Annexe 1 to this report.

(iv) Whether the CS places an over-reliance on previously developed land (PDL)

- 4.15 A number of respondents suggest that the CS places an over-reliance on previously developed land. This allegation is plainly unsupportable. The strategy follows the key objective laid down in PPS3 that requires LPA's, in preparing their plans, to continue to make effective use of previously developed land. The CS exceeds the national target to provide 60% of new housing on previously developed land. On the basis of a RSS target of 14,000 new dwellings for the plan period, the most recent study indicates about 87% of new dwellings will be provided on previously developed land.
- 4.16 If and when the 16,000 dwelling target is adopted, some 75% of dwellings would be built on previously developed land. In either scenario, that represents a laudable achievement which underpins the sustainability credentials of the plan. I was presented with no convincing evidence to suggest that the strategy would fail to provide a varied range of sites to accommodate dwellings of

different sizes, prices, tenures and mix of households. The CS will secure that variety through strategic objective BC1 (Balanced Communities) and Policies CP7 (Area Action Plans), CP15 (Meeting Housing Needs), DC3 (Managing Development Density) and DC33 (Affordable Housing).

(v) Whether the affordable housing provisions are adequate/too onerous

- 4.17 The Council is updating its evidence base to support the implementation of its affordable housing policies through an emerging Strategic Market Housing Assessment (SMHA), which it commenced in May 2007 (BD/CFD/090). Policies CP15 and DC33 provide the basis for securing affordable housing. Policy CP15 requires "a proportion of housing provided on threshold sites to be affordable". It gives no percentage apart from rural exception sites which may be "100%". Policy DC33 requires provision of 35% affordable housing on sites with a capacity of 15 dwellings or more or having an area of 0.5ha or larger.
- 4.18 The thresholds reflect the 15 dwelling national minimum site size set out in PPS3 (paragraph 29). The 35% figure is based on a Housing Needs Survey (HNS) carried out in 2002 and updated in 2004 and the recommended regional target in the Panel's Report on the emerging RSS and the SofS's recommended changes (CD/REG/03, Policy H3). The 2004 HNS update identified an annual affordable housing need for some 1,268 (gross) households.
- 4.19 With an annual target of between 700 and 800 dwellings of all types and tenures it is obvious that the need for affordable housing exceeds the target supply by some 181% or 158% depending on the annual supply used. Since it would be impractical and uneconomic for all housing to be subsidised the figure of 35% seems a reasonable target for affordable housing.
- 4.20 Where the constraints of a site or the costs associated with development are shown to be extraordinary Policy DC33 allows for a lower percentage to be sought. The Three Dragons Report (BD/CFD/129) confirms that although S106 contributions are relatively high, leaving a lower pro-rata land value, the absolute land value is enhanced significantly over the range of development scenarios examined in the study. It goes on to say that clearly the uplift in land value can be very significant and a 35% affordable housing target in greenfield and village infill scenarios, even unsupported by grant, is viable. It concludes that, overall, a 35% target, combined with a standard charge approach is reasonable based on the viability testing exercise used in the study. In the circumstances, I have no reason to believe that the target of 35% is either unrealistic or non-viable.
- 4.21 The Council's Strategic Housing Market Assessment is a joint enterprise with the adjoining authorities of Braintree and

Colchester. The data collected from the SHMA will be used to inform, review and update the CS policies.

- 4.22 The Council is also drafting an Affordable Housing Supplementary Planning Document (SPD), which when finalised will be used to inform and advise developers on the detailed application of Affordable Housing Policy. With an undertaking by the Borough Council to update the housing policies of the CS in the light of the SHMA, I see no flaw in the approach taken to this aspect of housing. Given the timing of the publication of the Government's final advice on conducting SHMA's (30/3/07), the Council is moving as rapidly as possible to being able to identify the breakdown in affordable housing and providing an overall plan wide target as required by paragraphs 22 and 29 of the PPS. This updating of the housing policies should be undertaken as necessary as part of its first review of the plan. For the avoidance of doubt I make this a recommendation.
- 4.23 It would not be appropriate for the CS to identify particular locations for specialist housing of any type as suggested by some respondents. That will have to await the findings of the SHMA and any other assessments that may be undertaken and would be addressed in later stages of the LDF process.
- 4.24 The Council proposes a change to the 2nd paragraph of Policy DC33 to make clear that it is intended to ensure adjoining land is looked at comprehensively where it might be suitable for development and so prevent it coming forward as a windfall site in a piecemeal way. Given the shortage of affordable housing in the District, the need to maximise its supply and the need to look at developable land comprehensively in order to maximise its potential, the paragraph is justified.
- 4.25 An additional paragraph is also proposed to the supporting text to explain the meaning of "extraordinary costs". Both changes improve the coherence of the policy and I support them. Coherence would be further improved through an addition to the Glossary to explain that the definition of Affordable Housing is that used in the latest edition of PPS3. With the inclusion of these changes, I find both policies meet Tests 4, 7, 8 and 9.
- 4.26 Policy DC34 (Rural Housing Need) deals with rural exception sites. There is no basis for it to be amended to provide "off site" affordable housing since it would defeat the object of the policy. It is the local need arising in rural defined settlements that justifies a "Rural Exception Site Policy" (paragraph 30, PPS3). The policy is sound and meets Test 4.
- 4.27 **The following should be noted and acted upon:**

- 1. Any updating of the housing policies found necessary as a result of the Borough Council's**

Strategic Housing Market Assessment should be incorporated in the first review of this Development Plan Document.

2. In the Glossary of the CS add: "Affordable Housing" to the list of terms with an explanation that its definition is as set out in Annex B to PPS3-Housing (November 2006).

(vi) Whether the CS allocates sufficient land to meet the RSS housing target for the period of the plan and whether it would represent a flexible supply.

- 4.28 The updating of the components of housing supply (BD/CFD/090, paragraph 3.7) and revised housing trajectory (BD/CFD/119ii) is accompanied by a schedule of Major Sites (BD/CFD/120). The latter demonstrates a 5 year supply of developable sites that are available, suitable and achievable from a base date of 31 March 2007 (BD/CFD/121).
- 4.29 In the light of that evidence I am satisfied that a 5 year supply of land is available in accordance with PPS3 advice. So far as PPS3 requires a flexible and responsive 5 year supply of land to be maintained, the Council relies on the Plan, Monitor, Manage approach. It proposes to make adjustments as necessary as part of its Annual Monitoring Report Review process. If necessary it will also bring into play the provisions of Policy CP3 (phasing of development). Given, the increase in supply identified in the revised housing trajectory there is no need for additional greenfield land to be identified to meet the existing or proposed RSS requirement for the District.
- 4.30 Since a significant proportion of the District's housing supply is proposed on greenfield land to the north of the District, prior to the start of the hearing sessions, I asked the Council to provide me with an indication of the capacity of that area to provide sufficient constraint free land to meet the 4,117 dwellings allocated to the area in the CS.
- 4.31 The Council responded by providing constraint maps showing a possible general disposition of land for housing and supporting facilities for the 2 new neighbourhoods (BD/CFD/119). New Hall, a Grade I listed building and land with planning permission for mineral extraction are the 2 most significant constraints to development to the North East of the District.
- 4.32 On the topic of listed buildings, a Statement of Common Ground (SCG) was prepared between the Borough Council and English Heritage. The SCG does not rule out the principle of large scale development in the vicinity of New Hall, provided that any erosion

of the setting of the listed building and its relationship with the surrounding countryside are balanced by compensatory measures (SG/HD/CFD/07). The potential impacts and the necessity for compensatory measures will only become evident through the preparation of a master plan. A number of representors fear that the setting of New Hall would be harmed by the CS proposals. However, with sensitive and imaginative design, development here could result in opening up views and improved access to the surroundings of this attractive building and its gardens. That would be an improvement over the present position.

- 4.33 The Essex County Council, as mineral authority, would require the prior extraction of minerals should mineral-bearing land be required for development. Any change to the already agreed phasing of working would need planning permission. At this stage it is not known whether mineral-bearing land would be needed for development.
- 4.34 The Council confirmed that, if the number of dwellings planned for the North East neighbourhood were to be constrained as a result of the need to provide an appropriate setting for New Hall, or for any other reason, it would be possible to increase the number of dwellings in the new North West neighbourhood. This would provide increased flexibility within the strategy. If that happened it would reinforce the need for the Cross Valley link road.
- 4.35 Looked at in the round, I find that the CS provides for a sufficiency of land to meet either of the emerging RSS targets of 14,000 or 16,000 new dwellings. The latter target provides for a potential increase in housing supply of some 14% over that that was in place at the time the CS was submitted. In my view this represents an adequate flexibility in housing supply.
- 4.36 On the question of delivery, the house builders present when this issue was discussed were unanimous in stating that they saw no reason to doubt that the industry would have the capacity to deliver the housing requirement provided the land is made available and is unencumbered. It was confirmed that the large new greenfield developments would be divided up and developed by different builders to meet delivery targets.

(vii) Whether the proposed spatial distribution of housing is soundly based

- 4.37 In preparing the CS the Council asked its consultants to carry out sustainability appraisals on a wide range of options for the provision of additional housing to meet the emerging RSS target. It was an iterative process on which the Council carried out consultation with the public at each stage. Topic Paper 1-The Borough Wide Spatial Strategy (BD/CFD/089) describes the process. It has been criticised by a large number of representors who suggest alternative

sites to support those criticisms and offer them in preference or as additions to those proposed in the CS.

- 4.38 The first round of consultation on the embryo CS (2003) was carried out on 15 options, 7 of which were in the Green Belt, for mainly housing development. Some of the larger sites included land for employment and supporting community uses. These were put forward by private landowners and developers. They were subjected to a Sustainability Appraisal (SA) in 2004 (BD/CFD/115). The exercise was not conclusive in preferring any one of the options tested. Perhaps unsurprisingly, it pointed to a preference for those sites that could support a range of services and facilities, either in isolation, or in association with existing or proposed residential development, in accessible locations that are not environmentally sensitive, as representing the most sustainable options.
- 4.39 Concurrently, the Council put forward a range of spatial options (13 in number) for testing by its consultants (BD/CFD/114). A key conclusion of that assessment was that the continued intensification of Chelmsford, including development within the town centre, represented the most sustainable form of development. However, it recognised that urban intensification would not, by itself, deliver sufficient housing to meet the RSS target.
- 4.40 Following intensification of the urban area, the SA identified option 2A, involving new neighbourhood areas to the North East and North West of Chelmsford, as the most sustainable next logical step to accommodate housing growth. The assessment was based on the assumption that the larger sites would be able to provide a more comprehensive range of services and facilities due to their size and critical mass. They were also identified as being close to employment locations, having good transport links and being large enough to secure internal trips.
- 4.41 At the Regulation 26 consultation stage (CD/CFD/014), only 3 options were included. That selection followed the Council's Regulation 25 consultation (BD/CFD/040 and 041) which indicated strong support for protecting the Green Belt (BD/CFD/074). The Council undertook a thorough and exhaustive approach to establish whether development should take place in the Green Belt. It decided that the RSS targets could be achieved without any major encroachment into the Green Belt. There is no evidence to suggest that development in the Green Belt would be more sustainable than the Council's preferred option to provide new neighbourhoods to the north of Chelmsford. The only exceptions to that decision were to be those sites within the Green Belt that are to be dealt with as Special Policy Areas, for example, Writtle College and the proposed employment site at Temple Farm (see below).
- 4.42 I see no justification for identifying additional Special Policy Areas in the Green Belt, for instance Bakers Lane. The latter is a lane with a straggle of development along it that predates the creation of the

Green Belt. It, and similar sporadic development, lack cohesion, and do not justify being treated as discrete settlements in the Green Belt.

- 4.43 Following the Regulation 25 consultation, the Council adopted Option 1, which provides for 2 new neighbourhoods to the north of Chelmsford (north west and north east) for some 1,000 and 3,000 dwellings respectively. This was the option that was strongly supported by those responding to the consultation. The response to the consultation, from 1046 households, gives a statistical confidence of +/- 3.01% at the 95% level. According to Marketing Assistance, the consultants who carried out the analysis of the questionnaires for the Council, this represents a high level of statistical reliability (paragraph 1.4, BD/CFD/086).
- 4.44 An integrated Strategic Environmental and Sustainability Appraisal on the CS and DC Policies DPD (CD/CFD/010) was published in November 2006. It concluded that the policies of the CS and DC DPD should move future development in the Borough towards the goal of sustainability.
- 4.45 The CS, so far as it proposes 2 new neighbourhoods to the north of Chelmsford, is criticised on a number of counts. The main criticisms are that:
- (a) this option is not as sustainable as other alternatives,
 - (b) it is too reliant on new and costly infrastructure;
 - (c) it would generate too much traffic for the local and regional road network to handle;
 - (d) it would harm the setting of New Hall, a Grade I listed building;
 - (e) a new neighbourhood to the north-west of the town would not be justified now that employment at Broomfield Hospital had peaked.
 - (f) South Woodham Ferrers' regeneration proposals would be thwarted

I deal with each point below:

(a) Whether the CS puts forward the most sustainable option

- 4.46 A Regulation 32 consultation was carried out on 71 Alternative Development sites (CD/CFD/036). The sites ranged in size between, at the upper end, the 820ha former Boreham Airfield site, to sites of less than a hectare. Some 12 sites were of more than 30ha; others were not defined.
- 4.47 A number of the respondents who promote alternative sites of strategic significance have had their sites considered and then rejected in the stages leading to the submitted CS. They seek to get them re-instated either as additions or in place of those

identified in the CS. Others promote their sites for the first time. In either case respondents criticise the process by which the preferred option was arrived at on a number of grounds, for example, that it gave too little weight to sites in the Green Belt or by arguing that the sustainability credentials of their sites are equal, if not more sustainable, than those in the CS.

- 4.48 Insofar as criticisms are made of the selection/consultation process, I have no hesitation in dismissing them. The Council describes it as being the most extensive and successful public consultation exercise it has ever undertaken. It is justly proud that it has received national and regional awards for its use of innovative and imaginative techniques. I have no reservation in accepting that the Council's search for the most sustainable general location for housing has been comprehensive, inclusive, and fair in its process.
- 4.49 I am satisfied that the preferred option (2 new neighbourhoods to the north of built-up area of Chelmsford) contributes most effectively to a number of sustainable objectives to fulfil the Council's strategic vision for the District. It provides: an opportunity and encouragement to reduce the use of private cars, directly related to improved accessibility to existing and proposed services and facilities; an encouragement to a greater use of public transport and well related to neighbourhoods of deprivation within Chelmsford; an opportunity to strengthen existing services and facilities in parts of the town that are at present deficient; and the opportunity to promote new facilities through increases in catchment population. The new North East neighbourhood also includes the prospect of providing a new railway station, which would assist in reducing the use of private cars and encourage a greater use of public transport. Also, where small pockets of sand and gravel deposits exist on affected land they would be worked by the developer with the secondary benefit of burying existing overhead power lines underground for the improvement of the landscape thereabouts.
- 4.50 Additionally, and importantly, in my view, the proposed new neighbourhoods would also stimulate, through their critical mass and associated investment in infrastructure, that part of the borough strategy that seeks to regenerate and develop an enhanced commercial gateway in North Chelmsford around the Boreham Interchange, linked to the new rail station. The proposed North West neighbourhood would be close to the major employment facility at Broomfield Hospital (see below at (e)). If the proposed cross-valley link were built, its relationship with the North East neighbourhood would be improved as would its access to the new commercial gateway/transport interchange nucleus that is proposed as an adjunct to it. These are laudable aims and they represent a confluence of factors that will best meet the emerging RSS vision for Chelmsford as a Key Centre for Development and Change.

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- 4.51 Apart from 2 sites, none of the alternative sites of strategic scale, say those capable of providing 500 dwellings or more, promoted at the examination sit so comfortably within the borough's vision and strategic objectives for the District. The 2 exceptions that come closest to sharing the locational advantages of the preferred option are the former Boreham Airfield site, also known as Great Holts (PRUPRIM-ALT34-820ha), and North-West Chelmsford site (Persimmon/Taylor Woodrow - ALT64-265ha).
- 4.52 The **Former Airfield site** is large enough to provide the critical mass for a large new neighbourhood but is not as well related to the existing built-up area. A significant disadvantage with this site is that it would become a detached neighbourhood and could not as readily be integrated with Springfield both in providing and sharing facilities with that part of town and the internal connections by public transport, cycling and walking. It would not be as well related to the proposed new station and it would be farther from the higher level facilities available in the town centre by sustainable means of transport. None of the transport infrastructure proposals within the scheme put forward on this site have been agreed with the Highway Authority.
- 4.53 The Airfield site also contains some of the richest reserves of sand and gravel in the region with 20m tons so far un-worked, underlying some 300ha of land. This reserve represents some 40% of the Essex sand/gravel land bank. Extant planning permissions, granted in 1987, provide for the phased extraction of the reserves over a period of 33 years with completion estimated in 2030. While I accept that the mineral workings could be re-phased, I would anticipate that that need could be a determining factor in the phasing, design and lay-out of any future neighbourhood, considerations that could raise difficulties in securing a cohesive and comprehensive development. Factors that would not be as significant a constraint with the submitted CS proposal. Moreover, while it would not represent an absolute embargo on development, the intended use for the airfield land, post mineral working, has long been earmarked for recreation use (Policy R9, 1997, Adopted LP).
- 4.54 The **North-West Chelmsford site** is also large enough to provide the critical mass for 3 new neighbourhoods. It would also achieve some of the objectives of the CS in respect of that part of housing supply that needs to be accommodated on greenfield land. Indeed, the northern neighbourhood of this extensive alternative site, which would extend in a 5km arc round the north west of the town, is in the general locality of the area of the North West neighbourhood identified on the Key Diagram. However, the major part of it would not relate as well or closely to the infrastructure proposals (the North East By-pass, railway station, Cross Valley link and the Bus Based Rapid Transit). That lack of proximity would not allow it to contribute as effectively to the economic regeneration of North East Springfield as a commercial gateway. Nor have the traffic

implications of the scheme been fully tested. These disadvantages are sufficient reason to rule it out as an alternative to the CS proposals.

- 4.55 A suggestion was made that the inset boundary for the North Chelmsford Area Action Plan shown on the Key Diagram and the Proposals Map should be extended. I see no reason to do so. There is no substantive evidence to suggest that the greenfield part of the RSS requirement cannot be provided satisfactorily within the area of North Chelmsford falling within the inset boundary. Equally, there is no justification for extending the inset boundary to a wider area to include a proposal that could potentially provide for some 5,900 new dwellings, a figure that would be far in excess of the RSS requirement. With the major part of that requirement expected to come from the urban areas (Updated Housing Trajectory-BD/CFD/119(ii)), this alternative would result in an unnecessary and unjustified development on greenfield land. The description of the new neighbourhood to the North West neighbourhood to the West and North west of Broomfield in Policy CP7 is a broad enough location to satisfy PPS12 guidance (paragraph 2.10).
- 4.56 Apart from the 2 sites already discussed, I have already mentioned that a number of alternative sites of strategic significance were considered at the preliminary testing of the options. Falling into that category, but subsequently dropped, include sites at Runwell/Battlesbridge (7000 dwellings) which was submitted at an earlier stage, Lathcoats Farm (ALT66-580 dwellings), North Wickford (ALT58-1785-2535 dwellings), Baddow Meads (ALT42-750 dwellings), Howe Green (ALT6-2500-3500 dwellings), North of South Woodham Ferrers (ALT67-1080-1800 dwellings), Great Baddow (ALT39-620 dwellings), Sandon (ALT57-1000 dwellings) and Skeggs Farm, Writtle (ALT62-37.24ha, say 500 dwellings).
- 4.57 Other sites of that size that were put forward at the statutory consultation stage included land at Sandon Quarry (ALT5-67ha), Main Road, North of Rettendon (ALT22-133ha), land either side of the A1114, Great Baddow (ALT39-42ha), Roselawn Farm, Broomfield (ALT65-36.24ha), Runsell Lane, Danbury (ALT37) and South Woodham Ferrers (ALT36). This is not an exhaustive list of the larger sites that were advertised under Regulation 32, since some 18 locations were put forward without boundaries. However, it does indicate the wide range of sites that were promoted around the District. For the reasons already given, in no case do the sites meet the vision and objectives of the CS to match the North Chelmsford preferred option.

(b) Whether the new neighbourhoods are too reliant on new and costly infrastructure

- 4.58 I deal with this issue in greater detail below. Suffice to say here that the infrastructure proposals to support the new neighbourhoods are, indeed, ambitious but they have been

scrutinised and costed by those responsible for their provision. The proposals are subject to on-going work. With the establishment of the Chelmsford Tomorrow Local Delivery Mechanism, a partnership of the key service delivery authorities and agencies (Topic Paper 5-Infrastructure, paragraph 6.1), I am satisfied that the infrastructure necessary to take the CS proposals forward will be in place to meet the targets and phasing identified in the housing trajectory.

(c) The CS housing proposals would generate too much traffic for the local and regional road network to handle.

- 4.59 As I have already mentioned in my introduction, this was raised by me as a concern before the Pre-Examination Meeting, which I explored with the principal agencies responsible for transportation matters at a Preliminary Meeting held on 16 May 2007. Those agencies (HA, ECC and CBC) stated their positions in papers prepared for the meeting (BD/CFD/75i to vi), in discussions (BD/CFD/75vii) and subsequent Statements of Common Ground (SCG/HD/CFD/02 to 04). They confirmed that, provided area wide sustainable travel planning is undertaken to manage demand is integral to the development process, as required by DfT Circular 02/07, there was no sustainable objection to the main components of growth contained within the CS. Although a number of representors sought to criticise the proposals on the grounds of complexity and cost, there is no substantiated evidence to contradict the common view of the 3 key agencies.
- 4.60 Moreover, there is no reason to doubt the Borough Council's claim that it has taken a truly spatial approach to the delivery of infrastructure. It points out that much of the strategic infrastructure identified in the CS is identified in Service Providers Plans and Strategies, i.e. Regional Transport Strategy, the Local Transport Plan, Rail Industry Plans, especially as they apply to North East Chelmsford. I see that approach as being wholly in conformity with emerging Policy SS2 of the RSS, as proposed for change by the SofS (pages 86-87-CD/REG/03), in locating significant growth where public transport is at its best and has the most scope for improvement.
- 4.61 It is evident that, in preparing the CS, the Borough Council has not only had regard to other plans and strategies it has been, and continues to be, instrumental and influential in their deliverability. While critics maintain that the range and complexity of infrastructure proposals required to take the CS forward throws doubt on their delivery, I am impressed by the comprehensive and inclusive approach the Borough Council has brought to bear on all the main parties involved in its delivery. It leaves me with the confident expectation that the infrastructure proposals are realistic and achievable and will be in place to deliver the new neighbourhoods as programmed.

(d) Whether the new North East Neighbourhood would harm the setting of New Hall, a Grade I listed building.

4.62 I have already commented on this issue at "Housing-(A) (vi) above.

(e) Whether a new neighbourhood to the north-west of the town would be justified now that employment at Broomfield Hospital has peaked.

4.63 Broomfield Hospital is the largest employer in the Borough (BD/CFD/118). As a large District Hospital it already generates and attracts significant numbers of workers and visitors. The Borough Council has identified a shortage of local housing to meet the needs of the hospital. The Broomfield area has a surplus capacity in Secondary School places. The Borough Council's assessment that the area is capable of accommodating an early release of greenfield land utilising capacity within existing infrastructure is not disputed.

4.64 Additional employment opportunities that would be created at the former Mid Essex Plant site at Essex Regiment Way would not be particularly accessible for residents of the North West neighbourhood unless the cross-valley route is built. Nevertheless with a total workforce of some 2,820 full time equivalent personnel on the hospital site in a location with very good public transport links to the higher level facilities available in the town centre, it represents a good general location for new housing. As the consultant, Entec, suggests in its report on the spatial options (BD/CFD/114) development here should make provision for a high level of key worker housing to serve the hospital. This combination of factors strongly suggests that a North West extension to the urban area represents a sensible and sustainable location for a new neighbourhood.

(f) South Woodham Ferrers

4.65 Concerns were expressed that the CS did not take sufficient account of the Council's regeneration proposals for South Woodham Ferrers. The CS confirms that the key focus for change within South Woodham Ferrers up to 2021 will be on securing improvements to the town centre and other parts of the urban area. This will be through the redevelopment of a small number of 'brownfield' sites to provide additional housing, retail and business opportunities, and by securing environmental improvements to important public areas. To this end, the Council is working in partnership with the South Woodham Ferrers Development and Regeneration Steering Group to prepare an Urban Framework Supplementary Planning Document to guide these regeneration initiatives. This document was put out to consultation in July 2007. The settlement, although the second largest urban area in the District, is remote at some 15km in distance from the higher order facilities and services available in Chelmsford town centre. Accordingly it is not as sustainable a

location for a large expansion in housing compared with North Chelmsford and would tend to be car reliant. I see no reason for the regeneration proposals for South Woodham Ferrers to be prejudiced by the CS proposals.

- 4.66 My conclusion on the proposed housing strategy is that it meets Tests 6 and 7.

(B) Employment

Whether Policies CP2 (Borough Wide Strategy) and CP22 (Securing Economic Growth) should contain an employment land figure and/or indicative job targets

- 4.67 The emerging RSS does not set out job growth targets at the district level. Instead it allows for a growth of 9,600 jobs in "the rest of Essex", which includes Chelmsford together with Harlow, Uttlesford, Braintree, Maldon and Rochford, out of a total of 421,500 for the region. This equates to 0.88 jobs/dwelling across the region. The Panel's Report on the Draft East of England Plan (DEEP) (Policy E2) recommends that the growth for the region for the plan period should be increased to 440,000 jobs of which 25,000 is allocated to "the rest of Essex". Based on the recommended increase in dwelling numbers proposed for the region, this equates to a ratio of 0.87 jobs/dwelling. So, again, no indication of job numbers or land area is allocated to the sub-region's districts.
- 4.68 The SofS proposes changes to the DEEP's target for job growth to increase it across the region to 452,000. This proposes a target for Central and North Essex of 42,000 (Chelmsford, Harlow, Uttlesford, Braintree and Maldon) with the majority of growth proposed at Stansted (11,000) and Harlow (10,000). This equates to 0.89 jobs/dwelling across the region and 0.84 jobs/dwelling for Chelmsford's sub-region.
- 4.69 The economic/employment strategy of the CS is based on a formidable body of research and studies that were commissioned by the Borough Council to establish the district's ability to take its place as a Key Centre for Development and Change. That status is confirmed in Policy CH1 of the SofS's proposed changes to the DEEP, reflecting its important regional role (Topic Paper 3-Economy/Employment-BD/CFD/091, paragraphs 3.24-3.50). That evidence base has not been challenged. I regard it as credible and robust. It confirms the vibrancy of the district's economy and its ability to create new jobs. The District has already shown the greatest increase in jobs in the sub-region for the first 5 years of the plan period (+8,223 or 11.9%). It had already secured 75% of the RSS's indicative job growth of 11,000 for the 21 years of the plan period in the first 5 years (BD/CFD/091, paragraph 4.6).

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- 4.70 The Council's forecast for potential job growth over the period of the plan is estimated at some 20,600. This represents a ratio of 1.47 jobs/dwelling for an increase in dwellings of 14,000 or 1.29 jobs/dwelling if an increase of 16,000 is assumed (BD/CFD/091, paragraph 4.7). This is well in excess of the emerging RSS jobs/dwellings ratio for the region. There is no evidence to suggest that the Council's estimate of job growth is overly optimistic or unachievable or that it requires additional employment locations to be identified.
- 4.71 Given the absence of indicative figures for the district in the emerging DEEP I see no need for the CS to articulate job growth figures nor, indeed, areas of land allocated for employment uses. More than half of the potential growth in jobs for the remainder of the plan period is forecast to take place through redevelopment in the Town Centre (+8,100-paragraph 4.7). A significant proportion of that component could be in mixed-use development that would be difficult to quantify in land area terms. The size and location for the new business park associated with the new North East neighbourhood is yet to be determined. This creates another difficulty in allocating employment targets by floorspace or land area. Furthermore, I agree with the Borough Council that to specify land areas as well as job targets would be over-complicated particularly where that growth takes place in sectors of the economy (hotels/restaurants, financial services, tourism and retail) that cannot easily be equated to floorspace. I find the policy is consistent with national and regional policy and it meets Test 4.

Whether Policy CP22 sets out a clear framework for the delivery of new jobs and a clear employment strategy.

- 4.72 The policy sets out a series of objectives that will guide the planning process. It contains 8 goals for securing "high value" businesses, examples of which are given as financial, ICT, and media sectors, premium retailing, and encouraging small to medium sized commercial activities within the local economy. The aims include encouraging diversification and modernisation of existing businesses, the creation of new enterprises, improving access to local residents, directing major new retail, office and leisure investment to the town centre and promoting the economic regeneration of North Springfield as a commercial gateway.
- 4.73 The examples of "high value" employment given in the supporting text to Policy CP22 together with the employment types identified in Policy DC54 indicate the type of employment opportunities that the plan seeks to encourage. I see no advantage in attempting to define the term, but a link between the 2 policies should be included to improve coherence within the DPD.
- 4.74 Policy CP22 is supported by 6 Development Control policies. Policy DC52 will protect existing employment sites. Policy DC53 seeks to secure a range of unit sizes within the Employment Areas. Policy

DC54 will promote employment clusters of high value employment uses; the policy identifies 9 locations where those activities would be appropriate. Policy DC55 does the same for Class B1 uses. In all but 2 cases these relate to 13 existing employment sites. The exceptions are 2 proposed new locations at Essex Regiment Way and employment areas within the New Neighbourhoods. Finally, Policy DC56 provides for development for industrial and warehouse use (Class B2 and B8) at 20 existing Employment Areas and one new location (Temple Farm).

- 4.75 As well as suggesting some editing and corrections to names of estates listed in the policies, the Council proposes a change to Policy DC55 to better describe the employment areas proposed in connection with the new neighbourhoods. The proposed change will add clarity and provide consistency with Policies DC54, CP22(vi) and the proposed change to the Key Diagram. The latter inserts a strategic employment symbol on the Diagram in NE Chelmsford. Complementary changes to Policy CP22 are also proposed to make it clearer and to secure consistency within the plan. I support the proposed changes.
- 4.76 Taken as whole, the employment policies of the CS and DC DPD, are comprehensive and create a clear framework and strategy for the delivery of new jobs for a wide range of businesses by size and type within the district. It will provide an adequate supply of employment sites with a good spread around the District. I see the employment strategy as being sufficiently flexible to enable it to deal with changing circumstances. I consider Tests 7 and 9 are met.
- 4.77 **In order to make the Core Strategy sound the following change should be made:**

Add at the end of the penultimate sentence in the 2nd paragraph of the supporting text to Policy CP22 the following:

"manufacturing and service industries (see also the employment types listed in Policy DC54 for further examples of "high value" business/jobs). However, this focus is seen..."

Other Matters relating to Employment Issues

- 4.78 The CS and DC employment policies provide for a range of sites that together provide in excess of the indicative job targets for the Borough set out in the SofS's proposed changes to the RSS (see above). The strategy identifies the town centre as the primary employment location. It also includes promoting and enhancing the economic regeneration of North East Springfield as a commercial gateway. There is no evidence to suggest that a new rural business park is needed in the District. The Council's evidence base

suggests a wide range of employment opportunities exist or are planned.

- 4.79 Policy CP22 seeks to maintain high and stable levels of economic growth and employment. This reflects one of the main objectives of Government policy (PPS1, paragraph 4). The basis for criticising that objective is unfounded.
- 4.80 Policy CP22 also seeks to enhance and protect the role of small and medium sized commercial enterprises and Policy DC53 ensures the provision of a range of unit sizes to ensure that the needs of businesses are met. New start-ups will be encouraged through the provision of flexible accommodation. The policies acknowledge the importance of small and medium sized businesses to the Borough's economy within which 76% of businesses employ fewer than 10 people.
- 4.81 I find no substance in the criticism that the CS fails to recognise the regional role of Chelmsford, indeed, Policy CP23 aims to reinforce the regional role of Chelmsford. It will secure and consolidate this through expanding the town's role as a regional and sub-regional shopping attraction, the creation of major employment opportunities and building on the Borough's role as a centre for civic, financial, cultural and leisure facilities and as a centre of excellence for education and health. These strands of the strategy are supported by proposals to improve the District's infrastructure to enable the drivers of growth and consolidation to take place. Test 7 is met.
- 4.82 It is clear that the established BAE (TES) site in Great Baddow makes a valuable contribution to the Borough's employment base. It provides high value business uses within buildings on a site of some 5ha. This site, together with 8 others, is identified as an Employment Policy Area, where the retention and creation of employment uses will be encouraged, particularly where employment in key sectors can be developed (DC54). On present evidence, there is no justification for proposing development of some 7ha of the Green Belt to provide for additional employment or residential development to meet RSS growth targets. Detailed matters relating to the future development of this site would be considered as part of the Site Allocation DPD.
- 4.83 The CS strategy is proposing to focus future growth in the North Chelmsford at a commercial gateway to the town. This fully accords with RSS policy, which seeks to concentrate development at those locations which make the most of existing infrastructure and the potential for improvements or extensions to it (Policy S2 as proposed for change-CD/REG/03, page 87). The new employment areas will be close to the regenerated employment areas in North Springfield and the proposed new rail station.

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- 4.84 That location is further bolstered by its proximity to the trunk road (A12) and the planned improvements to the strategic road/public transport network. As is the case for housing, this concentration of development, its scale and critical mass is expected to act as a formidable economic generator. I am in no doubt that it will best meet the aims of RSS Policy T1 (as proposed for change) to manage travel behaviour and the demand for transport with the aim of reducing traffic growth. The CS proposals are capable of providing improvements to the local infrastructure and transport services to support both existing and proposed development in a sustainable way.
- 4.85 Neither the TES site at Great Baddow nor any of the suggested alternative greenfield employment proposals, including Great Holts, would perform as well in meeting these important sub-regional objectives. With access via West Hanningfield Road, which also serves residential properties, the TES site is not as well located. A significant expansion of the site is not justified. I also note that the opportunity to expand employment use on a developed part of the TES site was passed over in recent years in favour of residential development.
- 4.86 For the same reasons as Great Holts falls short as a general location for new housing, it would perform less well than the CS proposals for employment in being detached from North Springfield and relate less well to the CS transport initiatives and its regeneration objectives for that neighbourhood. To date there is no persuasive evidence to suggest that additional land is required to deliver the RSS employment growth targets for the District.
- 4.87 To reinforce the sustainability of this part of the employment strategy, a research report (May 2006) by Savills on behalf of Countryside Properties concludes that the North East of Chelmsford has the potential to be the 4th best Science and Business Park in the UK, measured on 19 different factors. That study strongly suggests that the proposed NE Chelmsford commercial gateway would be an eminently suitable location for providing the employment clusters mooted by the RSS and Policy DC54.
- 4.88 The proposed new designated employment areas at Essex Regiment Way and Temple Farm, West Hanningfield, are cited by a number of representors as setting precedents for, and justifying development on greenfield land/Green Belt for employment purposes. Those comparisons are not justified.
- 4.89 **Essex Regiment Way (9.5ha)** is previously mineral worked land and currently has mineral processing plant located on it. Planning permission has recently been granted for use of part of it in connection with a car auction business. This decision sets the seal on the use of the site for business purposes. It is well related to the strategic road network and these factors weigh in favour of its use for employment development. The Council confirmed that the

car auction planning permission requires provision of a bus shuttle service to Chelmsford Town Centre a facility that could be used by other businesses moving to the site. This would add significantly to the sustainability credentials of the site as a strategic employment area. It would represent a worthwhile addition to the employment base with a forecast capacity of some 600 jobs, probably connected with warehousing.

- 4.90 **Temple Farm (13.5ha)** lies within the Green Belt, but has been in employment use for many years. Substantial parts of the site are degraded by unauthorised uses and activities, which require significant environmental improvement. It is the Council's intention to up-grade the site and bring about that improvement. The site lies close to the B1007 junction with the A12 Trunk Road so it, too, is well related to the strategic road and public transport network with an estimated journey time to the Town Centre of 12 minutes.
- 4.91 More importantly the evidence suggests that the CS's employment proposals will provide more jobs than the emerging RSS current indicative target for the District (BD/CFD/091 and HD/CFD/SRS6). For that reason there is no justification for the CS to provide for more at present. It would be sensible for the current proposals to be allowed time to bear fruit before contemplating any significant increase. If the RSS, when finally approved, should propose a target number of new jobs for each district, that could be taken into account in any review of the CS or in response to the Annual Monitoring Report. I find that the employment policies within the CS meet tests 4, 7 and 9.

(C) Shopping

- 4.92 The CS proposes an addition of some 100,000m² net of Class A1, mainly comparison, retail floorspace within Chelmsford Town Centre. This will result in a doubling of the ground level retail and service floorspace at present found in the centre (BD/CFD/092, paragraphs 4.1 and 5.1). An Area Action Plan for the redevelopment of sites in the Town Centre was submitted concurrently with the CS.
- 4.93 By any standard this represents a large and ambitious increase in retail floorspace. The CS seeks to use retail development to regenerate derelict and underused land in order to maintain and enhance the centre's high-order retail role against competing centres and to promote the town as the "Capital of Essex" and reinforce its sub-regional role as a Key Centre for Development and Change. The ability of the Town Centre to absorb this scale of expansion is not challenged, although significant changes and improvements to the centre's road layout and car parking arrangements will be necessary to unlock that increase in capacity.
- 4.94 The quantum of retail development proposed is supported by GVA Grimley's retail study 2005 (BD/CFD/037). The conclusions and

recommendations of that study are re-affirmed in studies carried out by CACI Property Consulting (Review and Impact Assessment - BD/CFD/055 and 056), Mouchel Parkman & Chapman Taylor (Chelmer Waterside-BD/CFD/059 and 060), Turley Associates (HD/S5/4) and Colliers CRE (BD/CFD/140).

Whether the infrastructure proposals contained within the CS are attainable and realistic; whether they can be put in place in time

- 4.95 The main issues relating to infrastructure proposals included in the CS are: (A) The widening of the A12; (B) the North East By-pass; (C) the junction of the North East By-pass with the A12-the Boreham Interchange; (D) the new rail station; (E) the Cross Valley Link and (F) Strategic Flood Protection measures.

Introduction

- 4.96 Delivery of the infrastructure proposals contained within the CS will be through a partnership of the key service delivery authorities and agencies under the umbrella of the "Chelmsford Tomorrow Local Delivery Mechanism" (LDM). At my request, and in response to questions raised by me in connection with the 16 May 2007 Preliminary Meeting, the 3 responsible agencies produced an infrastructure trajectory (BD/CFD/075vi). This document gives helpful additional information on the timing, funding stream, risk assessment and the linkage between the key elements of infrastructure and the main drivers of growth proposed in the CS. Its inclusion would improve the coherence of the CS. The trajectory should be added to the DPD to follow the Infrastructure Priority List.
- 4.97 A number of representors made the point that the cost, complexity and scale of the main elements of infrastructure made their delivery so risky that it rendered the whole CS unsound. I do not subscribe to that view. The infrastructure proposals are, indeed, ambitious. However, if a step-change in the delivery of housing, jobs and shopping, as required by national and regional policy, is not accompanied by a commensurate increase in investment in infrastructure, growth will not take place in a sustainable way.
- 4.98 There will always be a risk that schemes will be subject to delay and delivery. The Council's view that its strategy is predicated on planned infrastructure with development growth to be brought forward together in a planned fashion rather than in a piecemeal and uncoordinated manner is not challenged. The main criticism is that details of the schemes are not available and their impact on the local road network has not been adequately tested. Those schemes include: The Local Transport Plan (CS/ESX/004), which includes the North East By-pass and Cross Valley Link, Chelmsford Park & Ride, the Boreham interchange to provide the link between the new By-pass and the A12, the new Chelmsford North East Railway Station, the widening of the A12 (as yet unprogrammed) and the Beaulieu Area Rapid Transit (BART).

- 4.99 The Council has done its best to identify the risks and to deal with them through its LDM approach to delivery. Again, I am impressed with the comprehensive approach that has been taken to manage and minimise risks to delivery of infrastructure (BD/CFD/093, paragraph 6.1). I note that, subject to the final approval of the RSS growth targets, the SofS is considering providing extra funding for infrastructure under Growth Area Support in the East of England (HD/CFD/SRS2, Appendix 1). Added to which the Government has recently announced its intention to introduce a Community Infrastructure Levy to provide new funding for community infrastructure (December 2007). Those provisions are likely to be in place during the plan period. If this funding materialises, it would further reduce the risk in the provision of infrastructure. With this commendably comprehensive and inclusive approach from all the principal partners to the infrastructure package I am satisfied that its component parts can be in place in time to support the main elements of growth.
- 4.100 All of these factors contribute to under-pin and strengthen the spatial distribution proposed in the CS. None of the alternative strategic sites can offer a comparable concentration of committed infrastructure proposals linked with the regeneration of existing neighbourhoods as well as offering excellent employment opportunities as occurs in the Broomfield/Springfield areas of the Borough (BD/CFD/084). In no other part of the District is the prospect as good in assisting in the development of more sustainable transport systems within the town while capitalising on its strategic links to London and other regional centres (SofS's proposed new policy CH1-Chelmsford Key Centre for Development and Change). Notwithstanding that the SofS's changes remain to be ratified the sustainability credentials of the strategy are irrefutable.

(A) Widening of the A12

- 4.101 The widening of the A12 is shown as a proposal on the Key Diagram of the CS. That widening is unprogrammed in the emerging RSS. The present estimate for its implementation is between 2015-2021. The Highways Agency (HA) was originally concerned that the CS's proposals had not been tested for their impact on the A12. In response to that concern I raised a number of questions at the Preliminary Meeting (16 May 2007). The HA's updated view, having discussed the transportation issues with the ECC and CBC is that it is possible to develop measures, that may include access control, that will facilitate the delivery of the CS growth targets without specifically requiring the widening of the A12 around Chelmsford (SCG/CFD/02). I am satisfied, therefore, that the widening of the A12 is not a prerequisite to the growth targets contained within the CS.

(B) The North East By-pass

- 4.102 This is to be a county road. The preferred route for the new by-pass would divert the A131 south of Great Leighs and connect with the Boreham interchange on the A12, a distance of about 7.9km. The completion of the by-pass is an integral part of the Council's spatial strategy. The proposed new North East neighbourhood would be linked to the new by-pass. The proposed road is rated as Category B in the Borough Council's Table of infrastructure schemes, which range between "essential or prerequisite" (Category A), "complementary infrastructure" (Category B) or "desirable" (Category C)-(BD/CFD/093, Appendix 2).
- 4.103 The source of funding for the road is to be through DfT and developer contributions to standard charges. At present the road is planned for delivery in 2016. I understand that would not prevent part of the southern section of the by-pass being provided earlier to cater with new housing development and a connection to the Boreham interchange on the A12.

(C) The Boreham Interchange

- 4.104 The HA, the ECC and the Borough Council agree that a long-term solution for the Boreham Interchange is integral to unlocking the proposed growth in North East Chelmsford. This junction provides an interchange between the local road network (A130, A138 and the B1137) and the A12 Trunk Road. The by-pass will add another connection to the junction.
- 4.105 During the hearing into transportation issues the ECC, who will be responsible for preparing the layout plans, was not prepared to make public its proposals for the interchange. This failure to publicise its plans was criticised as indicating unsoundness as there was no opportunity to independently scrutinise this part of the CS (Policy CP4).
- 4.106 The ECC's reason for not making its proposals public was that, until issues of the final alignment have been resolved, it wishes to reduce potential uncertainties relating to blight. I agree that it would not be in the public interest to publish that information before consultation on the options has taken place. The ECC intends to consult on options for the layout early in 2008, followed by a decision on final alignment shortly after. Examination of the CS is not the place to go into matters of detailed junction design. I am satisfied that, with the agreement of the HA, ECC and the CBC, the 3 agencies responsible for the scheme, there will be no insurmountable obstacles to delivery of the interchange within the timescale envisaged in the infrastructure trajectory. (SCG/HD/CFD/02 and the tripartite response to Tomalin Highway Planning's Supplementary Questions).

- 4.107 One representor argued that no modelling work has been disclosed to show that the Boreham interchange could be constructed without at the same time creating unacceptable conditions elsewhere on the network. As already mentioned, my Preliminary Meeting was set up to explore the robustness of the evidence base, particularly as it applies to infrastructure. In response to a series of questions from me the Borough Council, the ECC and the HA, have produced details of the work that has been carried out to test the infrastructure components of the CS. The response to my questions are set out in documents BC/CFD/75i-vii, 134, 135, 136 and BD/ESX/015.
- 4.108 A model was developed in 2006 by consultants SIAS to assist the ECC and the Borough Council to assess the impact of the CS development proposals on the highway network. The modelling techniques were based on S-Paramics micro-simulation with 2001 as the base year. This was updated in 2007 to a 2006 base year (BD/ESX/015). An evaluation of the Core Strategy Strategic Modelling is set out in a document of that name (BD/CFD/135).
- 4.109 The 2 lead authorities responsible for ensuring the safety and efficiency of the strategic and local road network are satisfied that an interchange at Boreham is capable of being constructed to serve the anticipated growth contained in the CS. Criticism of the evidence base implies that the ECC, as Highway Authority, and the Highways Agency would agree to a strategy that could not be incorporated into the local road network efficiently and safely. I do not support that implication.
- 4.110 It is clear that development beyond 1000 units in any new neighbourhood will require improvements to the Boreham interchange (BD/CFD/134, page 11) however the detailed design of any addition to the interchange can properly be left to the emerging AAP for North Chelmsford. As to concerns that the local network will be unable to deal with additional traffic generated by the new development, any design would be based on managing demand (DoT Circular 02/2007, paragraph 23). In that respect the new neighbourhoods are to be sited in an eminently sustainable location where there is scope for infrastructure improvements, improvements to public transport, and where cycling and walking can be encouraged. I am satisfied that the proposals meet the Government's requirements on infrastructure provision and integration of transport and land use policies (paragraphs B3-B5, B9-B14 of PPS12). I find the evidence base both robust and credible.

(D) The New Railway Station

- 4.111 The proposed new railway station is criticised on the grounds of lack of viability, an absence of a delivery framework and of any reference to it in Policy CP24 (Promoting Chelmsford as a Regional Transport Node).

- 4.112 The new rail station is shown in the infrastructure trajectory as being started in 2014 (BD/CDF/075vi). It is rated as a medium to high risk-Category B. It would be entirely funded by the private sector. Given the criticisms of its viability, I asked questions of the parties who would be responsible for its provision to substantiate it and indicate how it had been costed and found to be viable.

The Railway Operation Case

- 4.113 In response a Statement of Common Ground (SCG) was produced by the 7 parties whose support would be essential to complete the building of a new station (SCG/HD/CFD/03). The parties are: the DfT, Network Rail, "One", the Train Operating Company currently responsible for services on the Great Eastern Main Line, the HA, CBC, ECC and Countryside Properties (a developer with land interests in North East of Chelmsford).
- 4.114 The SCG confirms that the principal parties have been involved in discussions for building a new station here since 1998. The prospective developer produced a business plan in 2004 and it has been accepted by the Strategic Rail Authority (SRA) and passed to the DfT. That process examined revenue forecasts, potential revenue surplus above operating costs, consideration of the most appropriate track layout and other technical issues. The same year the SRA accepted the station into its Single List of Enhancements. This defines the station as a project that the rail industry considers appropriate for rail industry resource to be expended in its future development.
- 4.115 In short, the station has been the subject of a detailed audit against the rail industry's criteria. It has satisfied those criteria. All parties involved in its delivery agree that it is feasible, viable and can be implemented and that it will contribute to the aims of the LDF process. That agreement represents a convincing endorsement of the place of the new rail station within the CS.

The Private Funding Case

- 4.116 Countryside Properties, a prospective developer of any new North East Neighbourhood, has produced a costs estimate summary, based on a scenario of between 3,500-4,000 dwellings. The estimate is based on a land take of some 337ha gross (88ha net) providing 35% Affordable Housing at an average density of 40-45 dwellings/ha (BD/CFD/134, page 9). A break down of costs/profits indicates that a scheme of that scale, and in that general location, would be financially viable based on present day costs.
- 4.117 The costs estimate summary includes provision of a comprehensive range of supporting facilities, namely: a new railway station, road works, improved transport links with the town centre, Green Travel measures, neighbourhood including school facilities, open space,

sports and leisure facilities, parkland setting for New Hall, stamp duty land tax, Design Fees, Professional Fees, Sales and Marketing cost, land costs, developers profit and finance costs. The costs estimate summary excludes land for a new Business Park, which would occupy an additional 13ha. The developer's estimate of costs was drawn up with the advice from a range of specialist consultants that would contribute to the production of a scheme of this size and complexity. It has not been challenged.

- 4.118 In order to probe the criticisms that placed doubts about the delivery of the new railway station, I asked the Borough Council what means it proposed to use to ensure that the railway station would be built. The Council confirmed that it intended to make its delivery a requirement, through a S106 agreement, when outline planning permission for the new North East neighbourhood is granted. The developer's agent who was present at that particular hearing session did not disagree with the Council's response.

The effect of the new rail station on the Braintree line

- 4.119 Braintree District Council considers that a new railway station in North East Chelmsford (Policy CP4) does not have regard to the aims, policies and proposals in the adopted Braintree District Local Plan Review, which supports the use and improvement of sustainable transport. The District Council is concerned for its impact on the branch Braintree line.
- 4.120 When seeking the views of the parties responsible for the new station on its viability and impact I asked them to address the concerns of the District Council on the Braintree line. A SCG was prepared in response. In it "One", the train operating company that currently operates both the rail service on the Great Eastern Main Line and the Braintree branch line, agrees with the conclusions derived from a modelling exercise undertaken by consultants Mayer Brown Ltd. That estimates that only about 1% of the station's new passengers would be abstracted from the Braintree branch line. The rail operating company regards this "as reassuring with regard to building business on the Braintree line" (SCG/HD/CFD/03, Appendix C).
- 4.121 Similarly, based on the assumptions and outputs put forward in respect of the new station, the ECC does not consider the loss of 1% of passenger traffic would affect the viability of the branch line (BD/CFD/134, page 8, paragraph 8). The ECC, as Highways and Transportation Authority for Chelmsford and beyond, has also assessed the traffic problems that might be associated with the new station. It has concluded that the benefits would far outweigh the disadvantages (Session 6-27 September 2007).

(E) The Cross Valley Link.

- 4.122 This is shown on the Key Diagram as a new road link between the 2 new neighbourhoods and Broomfield Hospital. It is rated as Category C, or desirable, in terms of the Categorisation of Strategic Infrastructure (BD/CFD/093, Appendix 2). The proposed road gave rise to a substantial number of representations questioning its traffic justification and environmental impact on the river valley across which it would pass.
- 4.123 The route is identified in the ECC's Local Transport Plan (CS/ESX/004) as providing a strategic link to Broomfield Hospital that would complement the north-eastern by-pass in its function as an inter urban link to Braintree and beyond. It is expected to facilitate a reduction in congestion in the Broomfield corridor. It would be funded by DfT and developer contributions.
- 4.124 There is no doubt that the route would provide a convenient connection between the proposed 2 new neighbourhoods as well as linking Broomfield Hospital as a major employer, the new rail station, any new park and ride facility and the proposed new strategic Business Park. The traffic justification for the route is still awaited. If that is favourable, an alignment would still need to be agreed and assessed for its impact on the river valley, its landscape and nature conservation interests. The advantages that a cross-valley route could bring to the implementation of the strategy as a whole are sufficiently strong to justify its retention in the CS as a key infrastructure requirement under Policy CP4. The policy meets Tests 2 and 7.

(F) Strategic Flood Defence Measures

- 4.125 A Chelmer Flood Risk Study undertaken by the Environment Agency in 2006 (BD/CFD/067) identified flood risk reduction in Chelmsford as necessary and urgent for the protection of residential, retail and other commercial development and for future development on brownfield land in Chelmsford town centre. The regeneration of the latter is key to the long-term sustainability of the town centre. If on-site storage of flood water were to be a requirement in order to mitigate the effect of flooding it might make development uneconomic or impossible.
- 4.126 The preferred option for dealing with the threat of flooding is for the creation of embankments and flood storage areas upstream on the Rivers Can, Wid and Chelmer. It would restore a 1:100 Standard of Protection to land in Zone 3 on the basis of the revised flood risk maps. No technical or environmental "show stoppers" have been identified by the Environment Agency (EA) to prevent the scheme progressing (HD/CFD/SRS10). The scheme is rated category A (pre-requisite) in the Council's Strategic Infrastructure Table (BD/CFD/093, Appendix 2)

4.127 The delivery period given for the flood protection measures is 2006-2011. The estimated cost of a scheme is between £16M-£32M with the EA and standard charges contributing to its funding (CS, page 65-Infrastructure Priority List), although the Council will also pursue other sources of funding. A joint working protocol to progress a scheme of protection has been agreed between the EA and the Borough Council. Provision is made for schemes to be designed and brought forward before the completion of the flood alleviation scheme, but they will have to be "safe through design" and subject to conditions and/or legal agreements which may control phasing and occupation. Where this occurs, a contribution to the scheme will be linked to any planning permission. Given these safeguards I see no major obstacle to the provision of housing/shopping or other commercial development in the town centre.

4.128 Policy CP10 does not reflect national policy (PPS25) in that it fails to state that the siting of new development should be tested sequentially. While the policy does not have to repeat national policy it should indicate for the benefit of developers the process by which a scheme of development will be assessed. A change to the wording is required to bring it into line with PPS25. With that amendment included the policy and the CS will meet Tests 4 and 7.

4.129 **In order to make the Core Strategy sound the following changes should be made:**

(1) Add: the updated infrastructure trajectory (submitted by the Borough Council at the hearing on the 27 September 2007) and attached at Appendix 1 to document BD/CFD/075vi to follow the "Infrastructure Priority List" appearing on pages 64-66 of the CS.

(2) Policy CP10 (Protection from Flooding).

Insert a new sentence at the start of the policy as follows:

"In considering proposals for development the Borough Council will follow a sequential risk-based approach, including the application of the "exception test" where some continuing development is necessary for wider sustainable reasons. The Borough Council will...."

Other infrastructure matters

4.130 The CS is criticised for not including the River Chelmer and Blackwater Navigation as a Key infrastructure requirement under Policy CP4 (and Policy DC18). It is argued that the AAP proposals for the Town Centre would add to the surface water flows into the 2

rivers and, since the current grant funding for maintenance and improvement could not be guaranteed, there would be a risk of flooding in the adjoining flood plain area.

- 4.131 Only if flooding puts life or property at risk does it become a problem. It is the function of a flood plain to store flood water and it is the function of the planning system to promote and enhance that function (PPS25, paragraph C4). The Council confirms that the situation will be kept under review through the Annual Monitoring Report.
- 4.132 A new navigable link between the Springfield Basin and the River Chelmer is a requirement under Policy REC9 of the Adopted Local Plan. A similar provision is sought for inclusion in Policy DC18 of the CS. The Draft TCAAP mentions the cut as "desirable" (pages 82 and 83). It would undoubtedly improve the setting of any retail development and this is recognised in the TCAAP. However, the Council is reluctant to make it a requirement. Since the proposal has not been the subject of any recent cost estimate it would not be reasonable to include it as a key infrastructure requirement under Policy CP4. I am of the view that its provision would best be dealt with in the context of the AAP.
- 4.133 With regard to its infrastructure proposals I conclude that the CS meets Tests 4, 6, 7, 8 and 9.

Whether the CS conforms to Circular 05/2005 with regard to delivering sustainable development

- 4.134 Concerns are expressed that Policies CP4 (Securing Infrastructure) and CP18 (Providing Community and Social Facilities in Major New Development) are not framed as being in compliance with Circular 05/2005. I see no need for the policies to state that self-evident fact. Any proposals by this LPA to seek contributions to infrastructure arising from development proposals will need to be in conformity with national guidance. That applies not only to the CS and DC policies but also to the Council's emerging Supplementary Planning Document (SPD) on Planning Contributions mentioned in the supporting text of Policy CP4.
- 4.135 The Council's response to this issue is contained in Topic Paper 5-Infrastructure (BD/CFD/093). That paper confirms that where contributions are sought for development proposals contained in the CS/DC DPD the process will fully meet the Circular's 5 tests of compliance. The emerging SPD proposes to establish a procedure for seeking contributions through pooled standard charges that would be levied on 3 layers of infrastructure, namely: site, community and strategic related. I have no evidence to suggest that either the CS/DC DPD or the emerging SPD will conflict with government guidance.

- 4.136 Nor do I have evidence that the elements of infrastructure contained within the CS would not be viable. The estimated costs, phasing and source of funding are contained in the Council's infrastructure trajectory. Paragraph B10 of the Circular sets out the circumstances where contributions may be reviewed where viability is at risk. However, evidence sought by me on the viability of the major elements of infrastructure proposed to support the 2 new neighbourhoods suggests that the CS is sound in this respect.

Whether the policies seeking to protect Green Wedges (Policy CP9 and Policy DC10) are sound

- 4.137 The CS seeks to protect the existing open valleys of the rivers that run through the District as "Green Wedges". Representations support and oppose the policies in equal measure. The opponents of the policy cite PPS7, paragraph 25 in requiring the removal of the policies as contrary to national guidance. The PPS says that local landscape designations should only be maintained where criteria based planning policies cannot provide the necessary protection. Where they are retained LPA's are asked to state what requires extra protection and rigorously consider the justification for retaining the policies.
- 4.138 The historic character and landscape of the District, its town centre and the surrounding urban area have been defined and shaped by its rivers, their valleys and flood plains. Those valleys have been, and will continue to be, essential in maintaining that distinctive local character that is such an important and attractive feature of the district. Their loss or erosion should not be countenanced.
- 4.139 The rivers and their valleys act as green lungs providing important amenity, recreation, nature conservation habitats, corridors for wildlife and attractive open riverscape features that give definition and contrast to the townscape through which they run. In my view, the river valleys represent crucial and irreplaceable landscape features that are important and distinctive in making Chelmsford what it is. Accordingly, I see the policies as being necessary to give coherence to, and recognition of, the importance that river valleys and flood plains make in defining the urban landscape and its connection with the rural hinterland. They are deserving of special protection, which could be diminished or eroded in a general criteria based policy. The need for special protection is justified by the intense pressure to develop any open land in, or adjacent to, the built-up areas of the District.
- 4.140 Because the emerging RSS makes no provision for the policy does not lessen the need and justification for it. It is justified in its local context. The supporting text to the policy explains the special place that the river valleys have within the District and the need for special protection.

- 4.141 The policies identify the river valleys as important features in the landscape linking the town with the countryside. The valleys are shown diagrammatically on the key diagram. This complies with PPS12, paragraph A1, which says that Key Diagrams should only indicate the general location of those parts of the spatial strategy where broad areas are to be protected. It would not be appropriate for the CS to define the land affected by the policy. That will be carried through in AAP's and Site Allocation DPDs. Representations that are made because landowners/developers fear that a particular piece of land may be affected by the policy are premature pending definition of the Green Wedges in AAP's and/or other DPDs.
- 4.142 Supporters of the policies criticise Policy DC10 on the grounds that the Green Wedges, once defined, should not be used for development of infrastructure such as Park and Ride facilities or new roads. Under the policy these would be permitted if no other suitable site outside a Green Wedge or Green Belt is available. It would be neither reasonable nor appropriate for the policy to exclude essential development in the public interest. The policies are sound and they are necessary. They meet Test 4.

Whether the CS is founded on a robust and credible evidence base

- 4.143 The evidence base is challenged as not having been complete on submission and as being inadequate to support the CS. At the Preliminary Meeting (16 May 2007) the Council submitted a list of further work that it was carrying out in readiness for the hearings and to support the emerging TCAAP and NCAAP. The Council also identified Transportation work areas that it was carrying out in preparation for the hearings that started in September 2007. This work included the preparation of an infrastructure trajectory, work connected with infrastructure required in connection with the North East study, park and ride, sustainable travel plans and Waterside Development in the town centre (BD/CFD/075vi, paragraphs 16-19).
- 4.144 In the Council's view the evidence base that has been assembled to support its CS is unparalleled in its coverage. It maintains that it has worked in genuine partnership with the County Council and other key stakeholders to put the evidence base in place. Every aspect of the existing and proposed infrastructure is supported and underpinned by a sound and credible evidence base, including Sustainability Appraisal, to secure the integration of proposed development growth. I have no reason to disagree with that assessment of what is undoubtedly a very comprehensive evidence base. Nevertheless, under the new system for examining LDFs, LPAs must ensure that the evidence base to support its plans is complete and up to date at the time of submission.
- 4.145 So far as the evidence base is criticised as being different from that supporting the CS as submitted in November 2006 I feel a pragmatic view has to be taken. With a complex and wide ranging

set of proposals such as make up the CS it would be unreasonable to expect the Council to halt its preparations, particularly where time is of the essence, on refining and developing its proposals in readiness for the next stage of the planning process. It would also be counter-productive if I were to be kept ignorant of data revealed through the Council's Annual Monitoring Reports.

4.146 In this case much of the additional information submitted was at my request and, in the case of the updated UCS, it has provided information that was essential to understanding the up to date position on housing supply in the District. Thus I take the view that provided the work that has been carried out since submission does not lead to changes to the policies or content of the CS of such significance that they would require publicity then they would meet the spirit and intent of the 2004 Act and the regulations.

4.147 As to whether the CS examination needs to go into detail of precise location and design of different parts of the infrastructure I suggest that that is not necessary at this stage and can be left to the closer and more detailed scrutiny that will take place in considering AAPs as they are worked up for the next stage in the planning of the area.

4.148 I find that the updating and testing of the evidence base does not invalidate it. Indeed, it ensures that any decision made on the CS is based on the most up to date evidence and information. That can only be for the better. I conclude that the evidence base supporting the CS is credible and robust. It meets Test 7.

Whether the CS provides satisfactorily for the delivery and monitoring of its effectiveness

4.149 The Monitoring and Implementation framework is set out in Section 4 of the CS. It is further explained in the Council's Subject Response Statement 9-Monitoring and Review (HD/CFD/SRS9). The monitoring framework will follow the process favoured by government of "plan, monitor and manage" in securing key spatial objectives of the spatial strategy. Implementation will be progressed through the production of development briefs and master planning. I have no evidence to suggest the monitoring provisions will fail in that objective. The monitoring framework will be underpinned by the Council's Annual Monitoring Report, which will test the CS policies against a series of indicators and targets at national, regional, sub-regional and local level.

4.150 The monitoring framework will record the outcomes of planning contributions (Policy CP4) and the Local Delivery Mechanism (BD/CFD/093, paragraph 6) and, if successful in achieving Growth Area status, recording funds secured under that initiative and the development outcomes to which it will be applied.

- 4.151 In all but 2 cases the representations made under this test do not challenge the soundness of the monitoring and implementation provisions of the CS. Instead they seek to use the test as another means of challenging a point made under other issues.
- 4.152 One valid concern, however, is that the monitoring provisions should be more explicit in identifying what action would be taken in the event that the objectives of the plan are not being achieved or, perhaps, are being exceeded. The Council accepts that the CS could be more coherent in explaining what action would be taken in those situations. A change should be made to meet the point.
- 4.153 The second point is that the monitoring of Strategic Objective ECP5 (Support essential commercial transport movements related to borough business activity on road and rail networks) could have some output indicators. One suggestion is that the number of major commercial development schemes approved with designated route agreements for operational freight transport movements could be recorded. Another could be to record the number of commercial development schemes approved generating operational Heavy Goods Vehicle movements that are approved within 5km of a rail freight interchange. Both indicators should be included at paragraph 4.28 of the Monitoring section of the CS.

- 4.154 **In order to make the Core Strategy sound the following change should be made:**

(A) Add the following text at the end of Paragraph 4.4:

"The Council will assess the performance of development against the Policy Targets and Output Indicators through the Annual Monitoring Report (AMR) process. Where targets are not met, the relevant AMR will set out the actions or interventions that the Council will make to address the issues which may include the formal review and subsequent amendments of the policy or strategy."

(B) Add the following as Output Indicators at paragraph 4.28 of the Monitoring section of the CS dealing with "Strategic Objective ECP5":

"(i) Number of major commercial development schemes approved with designated route agreements for operational freight transport movements. (Local)

(ii) Number of commercial development schemes generating operational Heavy Goods Vehicle movements approved within 5km of a rail freight interchange. (Local)"

Whether the CS is reasonably flexible to enable it to deal with changing circumstances

4.155 The CS is criticised as inflexible because it is high risk with much of the planned growth relying on new infrastructure and greenfield land for its delivery.

4.156 I have already dealt above with the point that the CS represents a "high risk" strategy in my introduction to "infrastructure considerations".

4.157 As already mentioned, the Council proposes to deal with changing circumstances through the Government's recommended approach of "plan, monitor and manage". Much of the new housing development in the early years of the plan will take place within the built up area with minimum reliance on new infrastructure. This is likely to give the Council and its partners time to "bed down" and implement its Local Delivery Mechanism and take remedial action if monitoring suggests that delivery of its CS goals are being delayed or otherwise thwarted by changing circumstances. I have already dealt with flexibility in relation to housing supply above.

4.158 I conclude that the CS meets Test 9.

5 Development Control Policies

- 5.1 As a general comment on the Development Control Policies section of the DPD, GO-East expressed disappointment at the number and scope of the DC policies. I share that disappointment. PPS12 (paragraph 2.28) says that a LDF should contain "a limited suite of policies". The number of policies in the submitted DPD scarcely meets that description. I would imagine that if the Council were starting the process afresh, the Development Control section of the document might well have looked rather different. I would expect later revisions to reduce the number of policies. Having said that, the number and scope of the policies does not render the DPD unsound. I deal below only with those issues relating to the DC policies that have not already been considered above in tandem with the policies of the CS and where they relate to their soundness. I deal with the policies under the groupings and sequence in which they appear in the plan.

Managing Growth

Policy DC1 (Metropolitan Green Belt)

- 5.2 Policy CP5 of the CS seeks to contain urban growth by protecting the Metropolitan Green Belt in accordance with national and regional policy. Policy DC1 details the application of that policy. It provides for affordable housing as rural exception sites for local needs (Policy DC34).
- 5.3 PPG2 allows for limited expansion of villages in the Green Belt when they are inset in the Green Belt. PPS3 is silent on the provision of rural exception sites in the Green Belt. Nevertheless the LPA as the plan making authority is able to review the Green Belt boundary in drawing up this plan. It has decided to make provision for rural exception sites where they meet the strict criteria laid down in Policy DC34. Similarly, the policy provides for development of Park and Ride facilities if no suitable site outside the Green Belt is available. These are legitimate exceptions in this review of the Green Belt. The replacement or extension of a dwelling will be permitted when complying with Policies DC12 and DC51 which lay down strict criteria for replacement and extension of dwellings outside the urban areas and defined settlements. The restrictive nature of the policies is necessary and reasonable in order to protect the Green Belt. The policy meets Tests 4, 7 and 9.

Policy DC2 (Controlling development in the countryside beyond the Green Belt)

- 5.4 The policy accords with PPS7 in seeking to protect the countryside for its own sake and for its intrinsic character. The policy provides for rural exception sites where they accord with the requirements of Policy DC34. Park and Ride facilities are, again, cited as exceptions.

There is no justification for adding to the exceptions allowed under the policy. Proposals for development falling outside those exceptions would be determined in accordance with the policy unless material considerations indicated otherwise (S38 (6) of the P&CP Act 2004). The policy meets Tests 4 and 9.

Policy DC3 (Managing Development Density)

- 5.5 This policy is criticised as being inconsistent with PPS3 in that it places a ceiling of 60 dwellings/ha on housing densities outside of the town and neighbourhood centres. The application of the policy will be guided by a SPD that is to be produced. The ceiling is reasonable in the context of this District. Paragraph 47 (PPS3) allows LPA's to set a range of densities in its plans. It is difficult to imagine a situation where densities above 60 dwellings/ha would be appropriate in a district where, outside the main town and district centres, it is mainly of rural character interspersed with village and/or low-rise suburban development. However, it would be up to a developer to show, perhaps through an exceptional design, where higher densities might be acceptable. In that case it would be open to the LPA to permit a scheme as an exception under the policy, as a material consideration. No change to the policy is justified. The policy meets Test 4.

Policy DC5 (Securing Mixed Development in Major Developments)

- 5.6 The Council proposes a minor change to this policy, which would define major developments as those that need to be identified in statistical returns to the Department of Communities and Local Government. I support the amendment, which makes clear the subject matter of the policy. There is no reason to withdraw the policy pending the adoption of the emerging Area Action Plan for North Chelmsford. The policy meets Tests 2 and 7.

Policy DC6 (Assessment of proposals against a modal hierarchy)

- 5.7 This policy repeats matters already covered in Policy CP8 (Promoting Accessibility). It is unnecessary and can be omitted without weakening the plan. The policy should be deleted and the non-repetitive parts of its reasoned justification moved to support Policy CP8.

- 5.8 **In order to make the Development Control section of the DPD sound the following change should be made:**

- (1) Delete Policy DC6**
- (2) Relocate the non-repetitive parts of the 2 paragraphs of supporting text to below Policy CP8 (for detailed changes to text - see Item 8, in Annexe 1).**

Policy DC7 (Criteria for Transport Assessment)

- 5.9 The thresholds used in the policy are based on guidance set out in an ECC document "Now We're Moving", which lays down policies for development control and processes within the County (CS/CFD/005, Appendix G, Policies 5 and 6). The policy is also compliant with DfT Circular 2/2007 which promotes the use of Transport Assessments and Transport Plans to manage demand from new developments. The thresholds have a sound evidence base.
- 5.10 The Borough Council proposes a minor change to the supporting text of the policy to make it clear that the assessments under the policy will be undertaken against criteria prepared by the ECC and the HA. I support that clarification and the proposed change. The policy meets Test 4, 7 and 9.

Policy DC8 (Vehicle Parking Standards)

- 5.11 The policy seeks to lay down more stringent car parking standards in Chelmsford Town Centre (70% of the Appendix C standards). These standards are for guidance. It would be open to a developer to negotiate exceptions to the policy on the basis of their experience of stores in other town centres. Town centres provide opportunities for shared use including different demand peaks between the day, evening and night-time economies. The Council has produced a parking strategy for the Town Centre to guide the substantial expansion proposed for the centre under the CS (BD/CFD/133). The effect of applying the parking standards to new development in the Town Centre will be kept under close scrutiny through the monitoring process in order to ensure that its attraction, vitality and viability is enhanced and maintained.
- 5.12 There is no justification for the policy to depart from national guidance that requires parking standards to be set as maxima. The Council confirms that the standards are being reviewed and changes could be introduced in any review of the LDF. The higher standards of minimum provision for 2 wheeled vehicles reflect their higher accreditation in providing more sustainable means of travel than the private car. The policy meets Tests 4, 7 and 9.

Policy DC9 (Health Assessments)

- 5.13 The emerging East of England Plan requires LDDs to provide for planned improvements to health facilities linked to growth. The consideration of health impacts is also an integral part of the SEA process. A policy requiring such assessments is therefore justified. The policy suggests that the design of housing layouts should take into account the extent to which they encourage walking and cycling. That is regarded as unreasonable by some respondents. I disagree. If sustainable development is to be meaningful it must be

taken into account at the outset of the concept of a scheme and should be a guiding principle throughout the design process.

- 5.14 However the Council proposes to change the policy by raising the threshold for the need for this assessment from 10 to 50 dwellings to bring it into line with the current Essex Local Authority Agreement. I support the proposed change (for the detailed wording-see Annexe 2, Policy DC9) on the grounds that it will make the policy consistent with the approach to be taken across the county. With that amendment the policy meets Tests 4, 6 and 7.

Policies dealing with Environmental Protection and Enhancement

Policy DC10 (Green Wedges)

- 5.15 I have dealt with this policy above in connection with Policy CP5 (Containing Urban Growth).

Policy DC12 (Replacement of Dwellings in the Countryside)

- 5.16 The control over the size, location and impact on their surroundings of replacement dwellings in the countryside is in conformity with national policy expressed in PPS7. It meets Test 7.

Policy DC13 (Infilling in the countryside)

- 5.17 This policy is also in conformity with PPS7 in that it seeks to preserve the countryside for its own sake and for its intrinsic character. PPS7 no longer makes provision for infilling. The policy will limit proposals to those that are in sustainable locations and would not detract from the character and appearance of the countryside. PPG2 explains that residential development in the countryside, outside villages, is inappropriate development in the Green Belt. The policy is correct to identify that fact. The policy meets Test 7.

Policy DC14 (Garden Extensions in the countryside)

- 5.18 This policy is not essential given the general policy for the protection of the countryside (CP5). In the interest of moving towards providing "a limited suite of policies" it should be deleted.

- 5.19 **In order to make the Development Control section of the DPD sound the following change should be made:**

Delete Policy DC14 and its supporting text.

Policy DC15 (Sites of Biodiversity and Geological Value)

- 5.20 The Council proposes minor changes to the policy by remedying a typographical error and amending the text to make it clear that development should not harm the integrity of sites of European and International importance (for the precise change to the wording of the policy-see Annexe 2, Policy DC15). With these changes the policy meets Test 4.

Policy DC16 (Protected Trees and Hedges)

- 5.21 The policy is flexible in that it provides for the situation where a scheme of development may involve the removal of a protected tree or hedge and provides for its replacement. It is not unreasonable to require a replacement of a specimen of appropriate size, type and location. The policy meets Test 9.

Policy DC18 (Development adjacent to watercourses)

- 5.22 The justification for requiring river bridges to have a minimum headroom of 2.3m above the normal water level is explained in the supporting text of the policy.

Policy DC20 (Listed Buildings)

- 5.23 The Council proposes a change to the text of the policy, which as drafted, is ambiguous. It will make it clear that development or works to either the interior **or** exterior of a listed building that fails to either preserve or enhance its special character or setting will be refused planning permission or consent. A change is also proposed to the supporting text to explain that the Council, advised by English Heritage, will draw up site specific guidance for the protection of listed buildings in the town centre and North Chelmsford. The presumption against demolition is enacted in Government policy it need not be repeated. The precise changes to the wording of the policy and supporting text are set out in Annexe 2, Policy DC20. With the removal of the ambiguity the policy meets Test 4.

Policy DC24 (Areas of Flood Risk)

- 5.24 Strategic flood issues are dealt with in Policy CP10 (Protection from Flooding). This development control policy details how applications for development in areas at greatest risk from flooding (Zones 2 and 3) will need to be supported by Flood Risk Assessments (FRAs) and what matters the FRAs should consider. A proposed change to the supporting text would update it to reflect the latest guidance in PPS25. The precise change in wording is set out in Annexe 2, Policy DC24. With these changes the policy meets Tests 4 and 7.

Policy DC25 (Renewable Energy)

5.25 The final paragraph of the policy is framed too simplistically in stating that there will be a presumption against such development in the Green Belt. It is likely to be inappropriate development, but there could be exceptions. To conform to national policy, the final paragraph should be removed and the supporting text expanded to say that proposals to develop in the Green Belt are likely to represent inappropriate development in which case they will be considered against Government policy as expressed in PPG2 and PPS22. With this change the policy would meet Test 4.

5.26 **In order to make Policy DC25 sound the following change should be made:**

(A) Delete the final paragraph in Policy DC25, namely: "There will be a presumption against development of such facilities in the Metropolitan Green Belt" AND

(B) Add a new paragraph to follow the 2nd paragraph of the supporting text to read:

"Development proposals for renewable energy facilities in the Metropolitan Green Belt are likely to be regarded as "inappropriate development". In that case proposals will be considered on their individual merits and in accordance with Government policy as expressed in PPG2-Green Belts and PPS22-Renewable Energy (or their replacements)."

Policy DC26 (Energy Efficient Design and Use of Materials)

5.27 This policy is criticised for being too prescriptive, too onerous and overly restrictive. The Council proposes a change to the policy to clarify the extent to which the thresholds set out in criterion i) would apply and, in respect of criterion ii), the standards which would be applied are to be brought up to date to reflect the latest Government guidance.

5.28 PPS22 allows LPAs to include policies in their LDFs that require a percentage of energy to be used in new residential and commercial/industrial development to come from renewable sources. The guidance goes on to say that the requirement in policies should only be applied to developments where the installation of renewable energy generation equipment is viable. Since this is stated in Government policy I see no need for it to be repeated in this policy. If the requirement rendered a scheme non-

viable it would obviously not come to fruition, but I would expect such examples to be subject to negotiation.

- 5.29 The policy is looking forward and anticipates more stringent standards in energy efficiency being needed in order to combat the effects of climate change and the increasing cost of energy in all its applications. The Council is preparing SPDs to advise planning and building practitioners on the application of the policy ("Sustainable Development-Guidance on Sustainable Design and Construction Techniques"-BD/CFD/146 and "Meeting the 10% target for renewable energy in housing"-BD/CFD/147).
- 5.30 The policy makes an important contribution towards one of the key strategic objectives of the CS that seeks to manage growth in a sustainable and joined up way in order to meet the needs of the growing community at the same time as complying with Government and regional objectives. With such a significant increase in building associated with the CS it is important that the impact of that development on the environment is kept to a minimum. In discussing this policy in a hearing session, the Council was able to show that it is already successfully implementing the policy. It produced an impressive list of major developments that have been granted planning permission since January 2006 where Good or Higher EcoHomes ratings have been secured (BD/CFD/148).
- 5.31 I find the policy, when changed as proposed to reflect the latest Government guidance (rating 3 as set out in the "Code for Sustainable Homes") meets Tests 4, 7 and 9. See Annexe 2, Policy DC26 for the precise change to wording.

Policy DC27 (Water Efficiency and Sustainable Drainage Systems-SUDS)

- 5.32 Although the policy is generally well supported, it was criticised as not being practicable to apply in all circumstances. The HA, the Water Companies and Local Building Control are cited as reluctant participants in securing SUDS in development schemes. I do not see that the policy needs to be amended to take account of such (exceptional) cases. Applications should be considered against the policy and any exception dealt with as a material consideration (P&CP Act 2004, S38(6)). The evidence presented to me during the examination is that the Borough Council has shown a refreshing eagerness to involve the agencies responsible for overseeing development at all levels. It has also been successful in that endeavour.
- 5.33 GO-East argues that the policy impinges on matters that are dealt with under the building regulations in seeking developments to incorporate measures that reduce demand for water. PPS1 (paragraph 30) anticipates that spatial planning will go beyond traditional land use planning to bring together other policies and

programmes which influence the nature of places and how they can function. There is certainly a potential overlap between the 2 arms of planning and building control. However, given the major issue that water supply represents in the East of England, which is acknowledged as being the driest region in England, I see no objection to the identification of the conservation of water as an important issue. I would expect the emerging SPD on sustainable development to be drawn up without conflicting with, or duplicating the requirements of, the Building Regulations. The policy meets Tests 4 and 8.

Policy DC28 (Contaminated Land)

5.34 The EA suggests that the supporting text should more accurately reflect advice in PPS23-Planning & Pollution Control in that the initial investigation should be a desktop study to be carried out before an application is submitted and that further investigations should be based on the conclusions of that study.

5.35 PPS23 stresses the importance of pre-application discussions where land is suspected to be contaminated. Given the likely cost of any field investigations and the PPS advice, neither the prospective developer nor the LPA are likely to expect other than an initial desk study before embarking on follow up investigations. There is no need for that to be spelt out. The policy meets Test 4.

Policies to secure Balanced Communities

Policy DC33 (Affordable Housing)

5.36 I deal with this policy under the general topic of housing supply above.

Policy DC35 (Agriculture Workers Dwellings)

5.37 The policy states that an occupancy condition imposed on a planning permission for an agricultural workers dwelling will not be removed within 10 years of its completion. A new agricultural dwelling would only be granted planning permission where the LPA has been persuaded that the farming enterprise is capable of being sustained for **a reasonable period** (paragraph A2, PPS7). With this in mind and the concern that such proposals should be carefully scrutinised to avoid speculation, a term of 10 years before consideration would be given to the removal of the condition is reasonable. The policy meets Test 9.

Policy DC36 (Gypsy and Travellers Accommodation)

5.38 The policy has been based on the Essex-wide Gypsy and Traveller Needs Assessment. Policy CP15 identifies the need for Gypsy and Traveller Accommodation. It is appropriate that the criteria based policy against which proposals would be considered is in the

Development Control part of the DPD. It follows the same approach with the specialist accommodation for old people and affordable housing. The absence of a statement in the policy to protect sites from development for other purposes does not make it unsound. Such proposals would be dealt with on their merits in the normal way. The policy meets Tests 4, 7 and 9.

Policy DC37 (Specialist Residential Accommodation)

- 5.39 The main urban areas and Defined Settlements will be defined on the Proposals Map and are identified in the CS under the Settlement Hierarchy (paragraph 2.43). It is not appropriate to identify locations for specialist accommodation in the CS. That will await the outcome of the SHMA and preparation of AAP's and the Site Allocations DPD that will follow the adoption of the CS.
- 5.40 It is in the interest of sustainable development that accommodation for the elderly and those with special needs should be located within those settlements that provide good access by public transport to everyday needs such as shops, libraries, entertainment, leisure, health facilities and the like. For those with sufficient mobility it should include access to those facilities by walking and cycling. This will also ensure these groups are included within the main community and not socially isolated. The SA's that considered the options for the emerging CS were carried out in accordance with Government guidance.
- 5.41 The protection of existing sites is justified where high land values may lead to the loss of a facility that would lead to difficulty in replacement, particularly where there is an increasing need for such accommodation with a growing elderly population. There is no justification for this type of accommodation being dealt with differently from the housing needs of the wider community. The policy meets Tests 2, 3, 6 and 7.

Policy DC38 (Accessible and Adaptable Development)

- 5.42 This policy seeks to ensure that developments are accessible and adaptable to changing needs. That is an important and worthwhile aim in securing sustainable development. My comments in respect of Policy DC27 above with regard to the overlap of responsibilities between planning and building regulations also apply here.
- 5.43 The policy is wholly in accord with PPS1 in that Government policy describes good design as ensuring attractive, usable, durable and adaptable places as a key element in achieving sustainable development. It is indivisible from good planning.
- 5.44 In order to secure more sustainable forms of development, particularly in housing the Government is proposing a "Code for Sustainable Homes", which would incorporate elements of The Lifetime Home Standard. The Council is right to seek the highest

standards in building design. The Government is moving towards making the code for sustainable homes mandatory.

- 5.45 Meanwhile, the policy should be rendered more flexible by the substitution of "seek to" in place of "shall" in the second paragraph. With some 6% of households in the Borough having a physically handicapped member and 4% of households who describe themselves as frail elderly, the target of 3% of dwelling being designed to allow for full wheelchair access is reasonable.
- 5.46 Also in the interest of maintaining flexibility the words "or appropriate" should be inserted after "practicable" in the Council's proposed change to the supporting text of the policy. Hopefully, those changes will encourage the more enlightened developers to adopt the highest standards of design in the knowledge that in the long run it will prove cost effective in energy and water consumption and result in a more sustainable and saleable product.
- 5.47 With these changes the policy meets tests 4, 7 and 9.
- 5.48 **In order to make the Development Control section of the DPD sound the following change should be made:**

- (1) Amend the second sentence of the 2nd paragraph of Policy DC38 to read:**

"All new housing developments should seek to meet the Lifetime Homes Standard with a minimum of 3% of new dwellings on developments of 30 dwellings or more built to full wheelchair standards."

- (2) Amend the Council's proposed change to the first 2 sentences of the supporting text to Policy DC38 to read:**

"Developers will be required to show in the design and access statement how the design has taken account of the Lifetime Homes Standard, or conversely, why it is not practicable *or appropriate* to meet them. Lifetime Homes are not specifically properties for people...."

Policies Promoting Quality of Life

Policy DC41 (Protecting and Enhancing Open Space/Indoor Facilities)

- 5.49 The thrust of the policy accords with the aims of PPG17 in protecting playing fields. There is no need for the policy to repeat Government policy. It would be applied by the LPA in any application to develop a playing field. The policy meets Test 4.

Policy DC42 (Public Open Space for New Residential Development)

- 5.50 The policy is based on Public Open Space needs identified in an assessment undertaken in accordance with PPG17-Planning for Open Space, Sport and Recreation (BD/CFD/027). That study was based on existing open space and local needs/aspirations gathered at the level of parishes and neighbourhoods. The strategic open space standards to be applied to new development are based on that assessment supported by a proposed standard charge regime deriving from recommendations of another report "Planning Obligations-Infrastructure Standard Charges (BD/CFD/054). It is Government policy to allow local deficiencies to be remedied through planning obligations where the quantity or quality of provision is inadequate or under threat or where new development increases local needs (PPG17, paragraph 33).
- 5.51 The emerging SPD on Planning Contributions is based on the 5 tests contained within Circular 05/05 Planning Obligations. The cumulative impact of single dwellings in a neighbourhood would make demands on local and Borough wide infrastructure. I am satisfied that contributions to public facilities/infrastructure based on a single dwelling are justified.
- 5.52 Insofar as the standards are based on hectares per thousand of population and the policy relates to dwellings there could be some unfairness arising if there is a difference in occupation rates. However, the policy adopts a well-established method of calculating contributions based on population and so long as the method of calculating contributions is open and clear and regularly kept under review through the monitoring process I find the policy sound. The policy meets Test 7. The Council produced a note for the hearing session showing how the standards in Appendix D were derived. Since there appears to be no other document showing the method of calculation, it would improve the policy's coherence to add the explanatory note at the end of the appendix.
- 5.53 **In order to make Policy DC 42 sound the following change should be made:**

Add the content of the Note prepared for Session 12 – 9 October 2007-Policy DC42 – "Public Open Space for New Development" at the end of Appendix D.

Policy DC43 (Provision for Walking, Cycling and Public Transport as part of new development)

- 5.54 The policy repeats the aims of Policy CP8 (Promoting Accessibility). It is redundant and should be deleted. The non-repetitive parts of its supporting text should be incorporated into that for Policy CP8.

5.55 In order to make the Development Control section of the DPD sound the following change should be made:

Delete Policy DC43 and move the non-repetitive parts of its supporting text to the reasoned justification for Policy CP8 (for detailed changes-see item 8, Annexe 1).

Policy DC44 (Ensuring Transport infrastructure contributes to the Public Realm)

5.56 The Council proposes to delete this policy as being redundant in that it duplicates the aims of Policy CP20. I support the proposed change-see Annexe 2, Policy DC44.

Policy DC47 (Promoting Art in New Development)

5.57 This is not a mandatory requirement, but an expression by the Council that it will seek to give meaning and interest to a place through a piece of art. It is a laudable aim, which I imagine the majority of enlightened developers would be happy to consider. The threshold of 10 dwellings or more or 1000 sqm or more is reasonable but, again, because there is no compulsion would be negotiable. The Council proposes a change to the policy to make that clear. The change to the policy is set out in Annexe 2, Policy DC47. The policy meets Test 7.

Policy DC48 (Private Amenity Space)

5.58 In the pursuit of high quality and inclusive design it is acceptable for a policy setting out the LPA's objectives on this aspect of design to be included in its DC DPD. The Council is producing a SPD on "Making Places", which includes guidance on the standard of private amenity space that would be appropriate in respect of different sizes of flat and house developments. The standards will reflect the context of the development. PPS1 underlines the importance of good design in making a positive contribution to making places better for people to live in. The provision of amenity open space for all development including individual buildings contributes to the creation of sustainable development. A minor change is proposed to both the policy and supporting text to make it clear that the policy applies to other amenity space than that that would be classed as a garden. With that clarification (for precise wording see Annexe 2, Policy DC48) I find the policy sound. It meets Test 7.

Policy DC49 (Achieving High Quality Development)

5.59 The policy confirms that buildings over 13m high will be supported in parts of Chelmsford Town Centre or specific sites outside Chelmsford Town Centre. The Council confirms that this reference is intended to relate to "allocated sites in the new neighbourhood

areas". The reference to "growth areas" and "specific sites" should be made clearer to improve the coherence of the policy.

- 5.60 The impact of tall buildings on Conservation Areas and Listed Buildings is already adequately covered by Policies DC19 (Conservation Areas) and DC20 (Listed Buildings). That protection needs no repetition here. Subject to the suggested change the policy meets Tests 4 and 9.

- 5.61 **In order to make Policy DC49 sound the following change should be made:**

Amend the proposed minor changes to the introductory paragraph of Part B of Policy 49 set out in Annexe 2 to read as follows:

"B. In addition to the above criteria, the Borough Council will support proposals for buildings above 13m high in parts of Chelmsford Town Centre or within allocated sites in the new neighbourhood areas provided:....."

Policies to secure Economic Prosperity

Policy DC52 (Employment Areas)

- 5.62 The Council's Employment Land Review (BD/CFD/050) provides no evidence to suggest that there is a surfeit of land already in use for employment purposes within the District. Indeed, in order to meet regional targets, promote and reinforce Chelmsford's role as the capital of Essex and as a Key Centre For Development and Change and to provide work opportunities for the proposed increase in population, 3 additional locations for employment development are proposed as part of the strategy. Accordingly, at this time there is no reason to either increase or reduce the number of industrial/business parks proposed in the CS and DC DPD. Monitoring will determine if and when the employment allocations would need to be reviewed. Definition of the existing and proposed employment areas will form part of the emerging AAPs and Site Allocations DPD.
- 5.63 The policy confirms that within the employment areas development for purposes falling outside Classes B1, B2 and B8 of the Use Classes Order 1987 (as amended) will be refused. The character and existing uses making up the existing Employment Areas fall within the 3 use classes. Employment uses falling outside of those classes would be dealt with on their merits as exceptions to the policy as material considerations (S38(6) of the P&CP Act 2004). Those exceptions do not need to be spelt out in the policy. The policy conforms with the strategic aim of ensuring that a range of sites and premises are protected to meet sectoral requirements and

to meet indicative job targets (DEEP, Policy E2). The policy meets Tests 4, 7 and 9.

Policy DC54 (Promotion of Employment Clusters)

- 5.64 The traffic implications of the new employment areas have been factored into the modelling exercise to test the impact of new development on the Borough's infrastructure. The proposals are supported by the ECC as Highway Authority and the Highways Agency, provided schemes are subjected to demand management as recommended in DfT Circular 02/2007 (BD/CFD/075vi, paragraph 20 and SCG/HD/CFD/02). The proposal to provide a new Employment Area in North East Chelmsford is to be recognised in a proposed change to the policy (see also above my comments under "Employment" in the CS section of the report). The policy meets Test 6.

Policy DC55 (Location of Business Development)

- 5.65 The sites identified for the location of business development under the policy are for Class B1 uses. Uses falling outside of that class would be dealt with as exceptions on the same basis as for Policy DC52 – see above. Again, as discussed in respect of Policy DC52, there is no need to increase the number of locations identified in the policy for employment purposes. The justification for the inclusion of Essex Regiment Way is set out in "Other Matters Relating to Employment Issues" above in the CS section of the report.
- 5.66 There is nothing in the policy that would limit office development to Chelmsford Town Centre although it is clearly the most accessible and sustainable location for office development in the Borough. The Council confirms that the policy is to be applied flexibly. It does not preclude major office development within any of the employment areas listed, including the new employment area(s) within the new neighbourhoods, if it can be demonstrated that the development is not appropriate in the town centre and can be accommodated within an identified employment area. . The policy meets Tests 2, 3, 4, 6, 7, 8 and 9.

Policy DC56 (Industrial and Warehouse Development)

- 5.67 The justification for including Temple Farm as an employment site is dealt with above under "Other Matters Relating to Employment Issues". There is no basis for removing either Rignalls Lane or Rivermead Industrial Area from the list of employment sites. Both sites form part of the employment base of the District and provide valuable job opportunities and contribute to the range of premises in terms of size, quality, quantity, employment sectors and location as required by Policy E2 of the emerging RSS. Expansion of the list of sites is not justified for the reasons given under Policy DC52. Through Policy CP10, as proposed for amendment, and Policy DC24,

the plan provides for the sequential test to be applied in the selection of land for employment purposes to accord with PPS25 (Development and Flood Risk). That provision needs no repetition here. The policy meets Tests 5, 6 and 7.

Policy DC57 (Employment Uses within Rural Areas)

- 5.68 No amendment is justified to widen the uses that would be permitted on existing rural employment sites. Any exception to the policy would be considered on its merits as a material consideration under S38(6) of the P&CP Act 2004. The policy meets Test 9.

Policy DC60 (Farm Diversification)

- 5.69 The Council proposes a minor change to criterion vii) of the policy to clarify the circumstances under which the removal of obsolete buildings would be secured in the interest of improving the appearance of an agricultural holding. The change better reflects PPS7 in dealing with alternative uses for existing buildings in the countryside. The policy as proposed for amendment Test 9 (see Annex 2, Policy DC60 for the proposed change in wording).

Policy DC62 (Telecommunications)

- 5.70 Criterion iv) of the policy goes further than is required of evidence to confirm that a proposal conforms to the International Commission on Non-Ionising Radiation (ICNIRP) guidelines where cumulative exposure may be involved. A minor change to that criterion should be made to bring it into line with PPG8 (paragraph 99) advice. With this amendment the policy meets Test 4.

- 5.71 **In order to make the Policy DC62 sound the following change should be made:**

Amend criterion iv) of Policy DC62 to read:

- iv) evidence is provided to confirm that the proposal conforms to the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines. Where appropriate the ICNIRP certificate will take account of the cumulative impact of all operators equipment located on the mast/site."**

Policies DC65 (Park and Ride) and DC66 (Public Car Parking Provision)

- 5.72 The detailed siting and design of Park and Ride and Public Car Parks is a matter to be considered at the next stage of the planning process in the preparation of AAP and Site Allocations DPDs. Such matters are not appropriate for inclusion in these borough wide policies. The policies are sound.

Policy DC67 (Transport Infrastructure)

- 5.73 The policy adds little to the objectives of Policies CP4 (Securing Infrastructure) and CP8 (Promoting Accessibility). In the interest of moving towards securing "a limited suite of policies" the policy should be deleted.

- 5.74 **In order to make the Development Control section of the DPD sound the following change should be made:**

"Delete Policy 67 and its supporting text.

Policy DC68 (Neighbourhood Centres)

- 5.75 The Council has indicated that it would be appropriate to add some clarification to the supporting text to encourage the provision of accommodation for services which offer an important community support role such as policing, creches and other social services within the centres. An explanation of the role that neighbourhood centres would be expected to perform would improve coherence between the policy and its objectives. To that end, a change should be made to the supporting text.

- 5.76 **In order to make the Policy DC68 sound the following change should be made:**

Amend the 2nd paragraph of the supporting text to Policy 68 by inserting the following additional wording after the 2nd sentence:

"...creating a mix of uses. In this context, the Council will actively encourage the provision of accommodation for services which offer an important community support role such as local policing, creches and other social services provision within the centres. These may most effectively be created in the form of "one stop shops", or provided as part of bigger retail developments, where alternative non-retail uses may not ordinarily be allowed. This would support the initiatives in the community plan which seek to co-ordinate and support the provision of local services and hence promote community wellbeing. The impact of changes of use..."

Policy DC69 (Car Parking in South Woodham Centre)

- 5.77 There is no conflict between this policy and the Urban Capacity Study. Some of the larger car parks in this settlement are identified as having the potential for mixed development, including residential and other town centre uses. That approach is sustainable as well as making an effective use of land and could be achieved without any net loss in car parking. The refreshed urban capacity study is an up to date borough wide assessment that was completed in 2007 (BD/CDF/094). There is no conflict with Policy CP2 (Borough Wide Strategy). The policy meets Test 6.

6 Proposals Map (PM)

- 6.1 It is not the purpose of the PM at this stage to show site-specific detail. That will be done as part of the Site Allocations and the North Chelmsford AAP DPDs. When those documents have been adopted, the detailed policy boundary of sites will be incorporated within the Local Development Framework **Proposals Map**, which will follow the adoption of the Core Strategy DPD. That process will apply to any of the policies that require a boundary to be shown on a map, for instance the Great Leighs Racecourse Special Policy Area. The line of proposed roads will remain diagrammatic until a route is finalised and adopted, for example the North East By-Pass.
- 6.2 Panel A on the submitted PM shows those notations on the adopted PM (1997) that will be retained and those that will be deleted. A number of representations were made on the basis that the submitted PM fails to carry forward notations from the 1997 PM. In its final adopted form it will give definition to only those policies that comprise the CS and DC Policies DPD. Insets on the PM indicate where policies and proposals contained in the Site Allocations Document and Area Action Plans will be shown. It does not show any changes to the Green Belt, but it indicates by means of inset boundaries, where development or other changes may be promoted in later stages of the LDF process. These are mainly in the AAP areas, villages with existing or new Defined Settlement Boundaries and Special Policy Areas. The urban areas of Chelmsford and South Woodham Ferrers will also be subject to detailed policy and site allocation proposals. The submitted PM follows the guidance for the production of PMs laid down in PPS12.
- 6.3 The PM shows an inset to the north of Chelmsford wherein the new neighbourhoods will be located. Criticism that the PM is not sufficiently flexible to deal with changing circumstances or provide sustainable extensions at North West Chelmsford are unfounded. The boundary of the **inset** extends from the northern edge of the built up area to beyond Great Waltham, a distance of some 5.5km. From east to west it extends from the edge of Boreham to beyond Melbourne, a distance of some 8km. That broad area of land, even allowing for constraints, should provide ample scope for providing the new neighbourhoods proposed in the CS as extensions to the town.
- 6.4 The Council accepts that those settlements that will have new Defined Settlement Boundaries (Chatham Green, Edney Common and Good Easter) could be more clearly distinguished on the PM. At present the 3 settlements are indicated by an inset boundary as are all other villages that are so defined. However, the settlements have no distinctive inset notation to show that a new boundary is being proposed. A new notation would be helpful to avoid confusion. I agree and support the proposed changes (see Annexe 2-Proposals Map for the proposed change). With that change incorporated the PM meets Tests 4, 6, 7 and 9.

7 Minor Changes

- 7.1 Apart from changes that I see as necessary in the interest of making the DPD sound (see Annexe 1), there are other minor changes proposed by the Council to the submitted CS and DC DPD. These are proposed to clarify, correct, avoid duplication and update various parts of the text. Although these changes do not address key aspects of soundness, I endorse them on a general basis in the interests of updating, clarity and accuracy. A full list of these changes is shown in Annexe 2.

8 Overall Conclusions

- 8.1 I conclude that, with the amendments I recommend, the Chelmsford Borough Council's Core Strategy and Development Control Policies DPD satisfies the requirements of s20(5) of the 2004 Act and the associated Regulations, is sound in terms of s20(5)(b) of the 2004 Act, and meets the tests of soundness in PPS12.

Ian Broyd
INSPECTOR

Annexe 1

1. Reference is made to emerging Supplementary Planning Documents in the wording of a number of policies within the DPD. Since the emerging Supplementary Planning Documents referred to in those policies have not been tested as part of the public examination of the Core Strategy and Development Control Policies DPD, references to them should be removed from policies where they occur and relocated to the supporting text, if not already included there.

Specifically, the following changes are required to make the DPD consistent with national planning policy:

Policy CP4 (Securing Infrastructure): Remove the final paragraph of the policy and relocate it as the 2nd paragraph in the supporting text.

Policy CP14 (Environmental Quality & Landscape Character): Delete the last sentence of the policy ("Within the countryside....on Landscape Character.")

Policy CP25 (Supporting South Woodham Ferrers Town Centre): Remove the final paragraph of the policy ("In the case of South Woodham Ferrers....within South Woodham Ferrers Town Centre.") and relocate it as the 2nd paragraph in the supporting text.

Policy DC3 (Managing Development Density): Remove the final sentence of the policy ("More detailed guidance.....on Urban Site Guidance.") and relocate it at the start of the second paragraph of the supporting text. The first 2 sentences of the 2nd paragraph in the supporting text will then read:

"More detailed guidance on density and accessibility criteria is given in the Supplementary Planning Document on **Making Places**. The guidance details six types of location, each of which..."

Policy DC33 (Provision of Affordable Housing): Delete the final paragraph of the policy ("Further detailed guidance on the application of this policy.... on Affordable Housing)."

Policy DC34 (Rural Housing Need): Delete the final paragraph of the policy. Add an additional sentence following the final sentence of the last paragraph in the supporting text to read:

"The SPD covers issues of how local need and connection is identified and affordability is defined and secured."

Policy DC42 (Public Open Space for New Residential Development): Remove the final paragraph of the policy and relocate it to become the penultimate sentence of the final paragraph of the supporting text. Amend the final sentence to read:

"The SPD will set out the arrangements for securing commuted payments and ongoing maintenance through planning obligations."

Policy DC46 (Site Planning), DC48 (Private Amenity Open Space): Remove the final paragraph of the policy and relocate it as a second paragraph in the supporting text.

General

2. For ease of reference, paragraph numbering should be continuous throughout the document with every paragraph given a number.

A compendium of the changes included in the report that are required to make the Core Strategy and Development Control Policies DPD sound is as follows:

3. Policy CP2:

Changes to Policy CP2 and its supporting text should be made as follows (changes are shown in *italics*):

- A) Amend the first sentence and table within the 3rd paragraph of Policy CP2 to read:

"Provision is made for a *minimum* increase of 14,000 dwellings (net) in the Borough in the period 2001-2021 to meet the full range of housing need and lifestyle choices for our communities and the provision of a proportion of 9,600 new jobs in accordance with Policy H1 and Policy E2 of the Draft East of England Plan. The Borough-wide Spatial Strategy makes provision for:

| | |
|---|---------------|
| Completed Dwellings (April 2001 – <i>March 2007</i>) | <i>4,098</i> |
| Existing Commitments | <i>3,833</i> |
| Future housing development <i>in existing settlements (UCS)</i> | <i>4,239</i> |
| <i>New Neighbourhoods (greenfield)</i> | <i>4,000</i> |
| Total | <i>16,170</i> |

- B) Delete the first 2 paragraphs of the supporting text to Policy CP2 and replace them with the following:

"The Borough-wide Spatial Strategy is shown on the Key Diagram, which sets out the broad policy objectives, directions for growth and the settlement hierarchy. *The*

Borough-wide Spatial Strategy sets out a sequential approach to the development of land, with the focus on using previously developed land within existing built up areas.

Provision is made within the Spatial Strategy, in accordance with the Draft East of England Plan, published in December 2004, for a minimum additional 14,000 new dwellings to be built in the Borough from 2001-2021 at an average rate of 700 completions per year. The Report of the Panel following the Examination in Public of the Draft East of England Plan published in June 2006 identifies 16,000 new homes to be built in the Borough from 2001-2021 at an average rate of 800 completions a year, although this figure is yet to be finalised. However, the Borough Council's Housing Trajectory, as set out at Appendix B, indicates that a total of 16,170 new dwellings will be delivered in the Plan period. In the light of these figures the Borough Council will continue to test the phasing of its "greenfield" allocations through its first review of this Development Plan Document and the appropriate Area Action Plan. In order to inform this process, the Borough Council produces and monitors a Housing Trajectory which is set out at Appendix B. This will be updated through the Borough Council's Annual Monitoring Report.

The starting point for assessing the Borough's housing requirement is quantifying the numbers of dwellings completed within the LDF period to date and the numbers of dwellings that are committed through "live " planning permissions and allocations which amount to 7921 dwellings. Furthermore, as part of the Borough Council's commitment to make the best use of previously developed land within existing built-up areas, a Revised Urban Capacity Study has been undertaken independently by Halcrow Group Ltd which was published in August 2004 and subsequently "refreshed" in June 2007. The 2007 Urban Capacity Study estimates a capacity for 4,239 additional new dwellings in the Plan period.

Housing and employment allocations will be made in the Site Allocations DPD and the North Chelmsford Area Action Plan in accordance with Policy CP2. Housing completions on windfall sites will amend the strategy outlined above in accordance with the findings of the Borough Council's Annual Monitoring Report and may contribute towards achieving any additional housing requirement as set out in the approved East of England Plan."

- 4. Any updating of the housing policies found necessary as a result of the Borough Council's Strategic Housing Market Assessment (2007) should be incorporated in the first review of this Development Plan Document.**

5. Policy CP10 (Protection from Flooding)

Insert at the start of the policy as follows:

"In considering proposals for development the Borough Council will follow a sequential risk-based approach, including the application of the "exception test" where some continuing development is necessary for wider sustainable reasons. The Borough Council will...."

6. Policy CP22 (Securing Economic Growth)

Add at the end of the penultimate sentence in the 2nd paragraph of the supporting text to Policy CP22 the following:

"manufacturing and service industries (see also the employment sectors listed in Policy DC54 for further examples of "high value" business/jobs). However, this focus is seen..."

7. Infrastructure Trajectory

Add: the updated infrastructure trajectory (submitted by the Borough Council at the hearing on the 27 September 2007) and attached at Appendix 1 to document BD/CFD/075vi to follow the "Infrastructure Priority List" appearing on pages 64-66 of the CS.

8. Policy CP8, Policy DC6 & Policy DC43

- (1) Delete Policies DC6 and DC43 and their supporting text.**
- (2) Delete the supporting text to Policy CP8 and replace it with the following:**

"Creating development that is accessible by different modes of transport, especially walking and cycling with public transport users (rail, bus and taxi) is essential to promoting sustainable development and reduce car dependency. An important policy tool to achieve this is the modal hierarchy (a prioritised list of transport modes).

To help with this, the modal hierarchy set out in the policy will be used to ensure that if not all modes can be satisfactorily accommodated, those towards the top of the hierarchy are considered first and given greater priority. In general, therefore, pedestrians will be considered first, followed by other modes in the order of ranking. This will not mean that higher ranking modes have priority in all decisions, but that no decision is made without thoroughly considering the effect on walking and other high priority modes.

Transport management will be based on promoting modes which minimise environmental impact and promote social inclusion. This means giving greater priority to walking, cycling and public transport, and to meeting the needs of people with mobility impairment. It is thus important that developments are well located in relation to existing walking, cycling and public transport networks, and where appropriate provide enhanced facilities, as this will ensure that there is the maximum potential to use these modes as attractive alternatives to car use. Proposed new routes will be defined on the Proposals Map.

For major developments and visitor attractions it is important to promote as far as possible the use of public transport as an integral part of development proposals (e.g. bus stops, shelters and direct access for passengers) in order to promote the principles of sustainable transport."

9. Policy DC14

Delete Policy DC14 and its supporting text.

10. Policy DC25

(A) Delete the final paragraph in Policy DC25: "There will be a presumption against development of such facilities in the Metropolitan Green Belt" AND

(B) Add a new paragraph to follow the 2nd paragraph of the supporting text to read:

"Development proposals for renewable energy facilities in the Metropolitan Green Belt are likely to be regarded as "inappropriate development". In that case proposals will be considered on their individual merits and in accordance with Government policy as expressed in PPG2-Green Belts and PPS22-Renewable Energy (or their replacements)."

11. Policy DC38

Amend the second sentence of the 2nd paragraph of Policy DC38 to read:

"All new housing developments should seek to meet the Lifetime Homes Standard with a minimum of 3% of new dwellings on developments of 30 dwellings or more built to full wheelchair standards."

Amend the Council's proposed change (see Annexe 2) to the first 2 sentences of the supporting text to Policy DC38 to read:

"Developers will be required to show in the design and access statement how the design has taken account of the Lifetime Homes Standard, or conversely, why it is not practicable *or appropriate* to meet them. Lifetime Homes are not specifically properties for people....."

12. Policy DC42

Add "The content of the Note prepared for Session 12 – 9 October 2007-Policy DC42 - Public Open Space for New Development" at the end of Appendix D.

13. Policy DC49

Amend the proposed minor changes to the introductory paragraph of Part B of Policy DC49 set out in Annexe 2 to read as follows:

"B. In addition to the above criteria, the Borough Council will support proposals for buildings above 13m high in parts

of Chelmsford Town Centre or within allocated sites in the new neighbourhood areas provided:....."

14. Policy DC62

Amend criterion iv) of Policy DC62 to read:

- v) evidence is provided to confirm that the proposal conforms to the International Commission on Non-Ionising Radiation Protection guidelines. Where appropriate the ICNIRP certificate will take account of the cumulative impact of all operators equipment located on the mast/site."**

15. Policy DC67

Delete Policy 67 and its supporting text.

16. Policy DC68

Amend the 2nd paragraph of the supporting text to Policy 68 by inserting the following additional wording after the 2nd sentence:

"...creating a mix of uses. In this context, the Council will actively encourage the provision of accommodation for services which offer an important community support role such as local policing, creches and other social services provision within the centres. These may most effectively be created in the form of "one stop shops", or provided as part of bigger retail developments, where alternative non-retail uses may not ordinarily be allowed. This would support the initiatives in the community plan which seek to co-ordinate and support the provision of local services and hence promote community wellbeing. The impact of changes of use..."

17. Monitoring and Review Framework

(A) Add the following text at the end of Paragraph 4.4:

"The Council will assess the performance of development against the Policy Targets and Output Indicators through the Annual Monitoring Report

(AMR) process. Where targets are not met, the relevant AMR will set out the actions or interventions that the Council will make to address the issues which may include the formal review and subsequent amendments of the policy or strategy."

(B) Add the following as Output Indicators at paragraph 4.28 of the Monitoring section of the CS dealing with "Strategic Objective ECP5":

"(i) Number of major commercial development schemes approved with designated route agreements for operational freight transport movements. (Local)

(ii) Number of commercial development schemes generating operational Heavy Goods Vehicle movements approved within 5km of a rail freight interchange. (Local)"

18. Glossary:

In the Glossary of the CS add "Affordable Housing" to the list of terms with an explanation that its definition is as set out in Annex B to PPS3-Housing (November 2006).

Annexe 2

Note and Preamble to this Annexe: This schedule has been produced by the Borough Council, but I fully endorse it, except in a few instances where I propose amendments. These appear in Annexe 1, which lists my proposed changes. My changes have been incorporated in the following schedule.

Ian Broyd
INSPECTOR

Core Strategy and Development Control Policies DPD Final Schedule of Suggested Minor Amendments to the Submission Document (November 2007)

Core Strategy and Development Control Policies

Note:

The Suggested Minor Amendments are shown by order of the DPD (Section One, Section Two, Section Three etc). Amendments proposing new text are shown in **CAPITALS** and those proposing the deletion of text in **[square brackets]**. Where it is considered helpful the full text of any policy/ paragraph that is suggested for amendment is also specified. The **Reason for Amendment** section outlines why the amendment(s) are being suggested.

Paragraph 1.4

| |
|---|
| In final sentence amend final words to read 'diagram on page 3' Reason for Amendment For clarification and consistency |
|---|

Paragraph 2.56

| |
|--|
| Insert 'SPECIAL' before 'Policy Areas' twice in this paragraph. As such, the full paragraph will read: |
|--|

| |
|--|
| 'In line with the former Chelmsford Borough Local Plan, SPECIAL Policy Areas will be defined for two sites wholly enclosed by the Green Belt, at Writtle College and at the Essex and Suffolk Water site, West |
|--|

Hanningfield. The functional operation of these sites requires a less restrictive policy, and the proposed SPECIAL Policy Areas at these sites will therefore not be part of the defined Green Belt. '

Reason for Amendment

For clarification and consistency

Key Diagram

Amend route of North East Chelmsford By-pass to reflect Highway Authority's approved route

Reason for Amendment

For updating.

Additional Park and Ride Area of Search symbol next to proposed new railway station

Reason for Amendment

For updating.

Add 'SPECIAL' in front of 'Policy Areas' in Key

Reason for Amendment

For clarification and consistency.

Indicate a 'Future Employment Area' symbol as part of the proposed new neighbourhood in NE Chelmsford.

Reason for Amendment

This will improve the clarity and consistency of the Core Strategy DPD by ensuring this proposed 'Future Employment Areas' is shown on the Key Diagram.

Indicate Edney Common, Chatham Green and Good Easter as proposed Defined Settlements

Reason for Amendment

For clarification and consistency with the Spatial Strategy - Settlement Hierarchy.

Core Policies

CP2 – The Borough-Wide Spatial Strategy

Create a new fifth paragraph to the Supporting Text of Policy CP2 to read, 'THE AREA ACTION PLAN WILL ALSO CONTAIN DETAILED POLICY GUIDANCE TO ENSURE THAT ADVERSE EFFECTS ARISING FROM DEVELOPMENT ON THE HISTORIC ENVIRONMENT OF THE NORTH CHELMSFORD AREA, AND SPECIFICALLY CONCERNING THE SETTING OF NEW HALL, ARE MINIMISED AND THAT COMPENSATORY MEASURES ARE TAKEN TO THIS END'.

Reason for Amendment

To improve the clarity of the Core Strategy.

CP4 – Securing Infrastructure

In the Supporting Text, after the second sentence ending (LDV) add a new sentence, WHERE APPROPRIATE, STANDARD CHARGES WILL BE POOLED IN ORDER TO ALLOW INFRASTRUCTURE TO BE SECURED IN A FAIR AND EQUITABLE WAY'.

As such, the second and new third sentences will read as follows,

'In order to secure and co-ordinate the delivery of strategic infrastructure, the Borough Council will work in partnership with other delivery bodies, authorities, developers and other agencies through an informal Local Delivery Vehicle (LDV).

WHERE APPROPRIATE, STANDARD CHARGES WILL BE POOLED IN ORDER TO ALLOW INFRASTRUCTURE TO BE SECURED IN A FAIR AND EQUITABLE WAY.'

Reason for Amendment

This minor amendment seeks to improve the clarity of the Policy, by stressing that the pooling of funds raised through Standard Charges will allow infrastructure to be secured in a fair and equitable way.

CP6 – Promoting Urban Renaissance

Add 'HISTORICAL CHARACTER' after 'environmental quality' in the last sentence of the Policy. As such, the full sentence will read:

'The Borough Council will require development proposals to enhance the image, vitality, safety, environmental quality, HISTORICAL CHARACTER, employment opportunities and social inclusiveness of these areas.'

Reason for Amendment

To improve the clarity of the DPD.

CP7 – Area Action Plans

Insert "HISTORIC FEATURES" after "public open space " in final paragraph. As such, the full sentence will read as follows:

'This will require the integration of the means of access, public open space, HISTORIC FEATURES, landscaping and habitat creation, recreational facilities and educational provision, community facilities, including the provision of primary health care and housing of mixed size and tenure within the new neighbourhood and adjoining communities.'

Reason for Amendment

To improve the clarity of the DPD.

CP9 – Protecting Areas of Natural and Built Heritage Importance

The following amendments are suggested:

(1) Amend the title of Policy CP9 to refer to read 'PROTECTING AREAS OF NATURAL AND BUILT HERITAGE AND ARCHAEOLOGICAL IMPORTANCE'.

(2) Insert 'HISTORIC LANDSCAPE CHARACTER' after 'BIODIVERSITY' in the second sentence of the first paragraph.

(3) In the first sentence of the second paragraph of the Policy, add 'HISTORIC PARKS AND GARDENS' after Listed Buildings'.

As such the full Policy will read as follows:

**'PROTECTING AREAS OF NATURAL AND BUILT HERITAGE AND
ARCHAEOLOGICAL IMPORTANCE**

The Borough Council is committed to protecting and enhancing the Borough's important natural and historic environment. The Borough Council will therefore seek to sustain biodiversity, HISTORIC LANDSCAPE CHARACTER, archaeological and geological conservation by ensuring sites of international, national, regional and local importance are protected and enhanced.

The Borough Council will designate and keep under review Conservation Areas in order to protect or enhance their special architectural or historic interest and will seek to protect the character and setting of Listed Buildings, HISTORIC PARKS AND GARDENS and Protected Lanes. Areas of land within the Chelmsford area that have the function of maintaining the open character of river valleys and associated flood plains and afford the opportunity to protect and enhance sites of nature conservation importance will be designated as Green Wedges. The Borough Council will also seek to ensure that the open rural character of the undeveloped coastline within the Coastal Protection Belt is protected.'

Reason for Amendment

These minor amendments seek to improve the clarity of the Policy.

CP11 – Energy Efficiency, renewable Energy and Recycling

Add SPD symbol to policy banner.

Amend policy title as follows, 'ENERGY AND RESOURCE EFFICIENCY, RENEWABLE ENERGY AND RECYCLING'.

Reason for Amendment

To correct an omission.

CP13 - Minimising Environmental Impact

Substitution of the word [natural] with 'WIDER'.

Reason for Amendment

To improve the clarity of the Core Strategy DPD.

CP14 – Environmental Quality and Landscape Character

In the final sentence of the Supporting Text, replace the word 'Landscape' with 'ENVIRONMENT'.

As such, the Supporting Text will read as follows,

'In order to assess the impact of development upon the character of landscapes and settlements, a Borough-wide Landscape Character Assessment has been produced as part of the evidence base and will inform a forthcoming Supplementary Planning Document on Landscape Character. This will enable the sensitivity of landscapes and the characteristics of local places to be fully considered in the context of individual planning applications. In addition, the Borough Council has published a Historic ENVIRONMENT Characterisation in 2006, which will inform the completion of the wider Supplementary Planning Document on Landscape Character.'

Reason for Amendment

This amendment will improve the clarity of the Supporting Text by reflecting the correct title of the Evidence Base document.

CP15 – Achieving and Managing the Mix, Type and Size of New Housing

Add SPD symbol to policy banner.

Reason for Amendment

To correct an omission.

CP18 – Providing New Community and Social Facilities In Major Development

In line two of the supporting text, add 'THE' before 'major' and delete [the] after 'major'

Reason for Amendment

This amendment corrects an error in the document.

CP19 – Improving links between developments

Add SPD symbol to policy banner.

Reason for Amendment

To correct an omission.

CP20 – Achieving Well Designed High Quality Places

Add the following to the end of policy CP20 'ALL NEW DEVELOPMENT MUST BE BASED ON THOROUGH SITE APPRAISAL AND BE SENSITIVE TO ITS CONTEXT.'

Reason for Amendment

To improve the clarity and consistency of the DPD.

CP22 – Securing Economic Growth

Amend Policy CP22 as follows,

- (1) Delete [and small to medium sized commercial activities] and insert 'AND' between businesses' and 'premium' from the second sentence.
- (2) In criterion vi) delete [and Area Action Plans] and replace with ', CHELMSFORD TOWN CENTRE AREA ACTION PLAN AND NORTH CHELMSFORD AREA ACTION PLAN'
- (3) Delete the word [key] from criterion vi)
- (4) In third paragraph of Supporting Text insert 'CHELMSFORD AND' after 'North East'. As such, this paragraph will read, 'This will be reinforced by the enhancement and economic regeneration of the North East CHELMSFORD AND Springfield area to provide a commercial gateway to the town.'
- (5) In the second paragraph of supporting text insert 'SEE ALSO POLICY DC54' after 'sectors' and before 'and' in the fourth sentence.

The Policy will therefore read as follows,

'The Borough Council will actively seek to maintain high and stable levels of economic and employment growth in the Borough. Support will be given to proposals that secure job growth within 'high value' businesses AND premium retailing, within the Borough's economy. This will be secured by:-

- i) encouraging development that enables the economy to diversify and modernise through the growth of existing businesses and the creation of new enterprises;
- ii) improving access to a range of employment opportunities for the Borough's residents in order to meet local employment needs and maintain viable and sustainable communities;
- iii) directing major new retail, office and leisure investment to Chelmsford Town Centre;
- iv) enhancing the role of Chelmsford as a regional employment centre stimulating and supporting proposals which attract significant new employment opportunities to the central urban area of Chelmsford;
- v) supporting proposals which achieve the renewal and improvement of business sites and premises throughout the urban areas of Chelmsford and South Woodham Ferrers and Defined Settlements;
- vi) identifying new allocations of land in the Site Allocations DPD, CHELMSFORD TOWN CENTRE AREA ACTION PLAN AND NORTH CHELMSFORD AREA ACTION PLAN which are designed to attract further economic investment in employment sectors;
- vii) enhancing and protecting the role of small and medium sized commercial enterprises within the Borough's economy, including rural businesses.

Reason for Amendment

These minor amendments seek to improve the clarity of the Policy by including specific references to the LDF's Area Action Plans. The word 'key' is suggested for deletion from criterion vi) as this is considered too narrow for the Policy. The reference to DC54 will improve the clarity of the Core Strategy DPD by specifically referring to further examples of "high value" businesses provided in the Development Control section of the DPD.

CP24 - Promoting Chelmsford's role as a Regional Transport Node

Insert 'NORTH CHELMSFORD AREA ACTION PLAN' between 'Plan,' and 'Essex' in third sentence of Policy CP24.

As such, the full sentence will read:-

'The Borough Council in conjunction with the Local Highways Authority, transport operating companies and other partner bodies will promote and implement the necessary transportation infrastructure and interchange improvements through the Chelmsford Town Centre Area Action Plan, NORTH CHELMSFORD AREA ACTION PLAN, Essex Local Transport Plan and the Spatial Strategy.'

Reason for Amendment

This will improve the clarity of the Core Strategy DPD, by identifying that the North Chelmsford Area Action Plan has a key role in reinforcing Chelmsford as a Regional Transport Node.

CP25 - Supporting Local Shopping Centres

Amend the Policy as follows:-

Delete [an Urban Framework], insert 'A' between 'adopt' and 'Supplementary' and insert 'A PLAN FOR SOUTH WOODHAM FERRERS' between 'Document' and 'to'.

As such, the final paragraph will read,

'In the case of South Woodham Ferrers, the Borough Council will work with the Town Council to prepare and adopt A Supplementary Planning Document "A PLAN FOR SOUTH WOODHAM FERRERS" to support further investment within South Woodham Ferrers Town Centre.'

Reason for Amendment

This minor amendment updates the references to the SPD 'A Plan for South Woodham Ferrers', which was published for consultation in July 2007.

Infrastructure Priority List

In Chelmsford Town Centre Area Action Plan – Strategic – Delete [Mitigation] and replace 'PROTECTION' to read 'Flood Protection Measures'

Reason for Amendment

For clarification and consistency.

In Chelmsford Town Centre Area Action Plan – Community – Delete [New Arts/Culture Multi-Purpose Venue] and replace with 'UPGRADED CHELMSFORD LEISURE CENTRE'.

Reason for Amendment

For clarification and consistency.

Development Control Policies

DC3 - Managing Development Density in Different Locations

(1) Add 'AND CONTEXT' at the end of the first sentence in the last paragraph of the policy. (2) Remove the last sentence in the last paragraph of the policy and place it at the beginning of the 2nd paragraph of the supporting text. Delete on 'Urban Site Guidance' and replace with 'MAKING PLACES' before 'Supplementary Planning Document'. Amend the 2nd sentence to take account of the change as follows:

The first 2 sentences of the 2nd paragraph of the supporting text will then read:

"More detailed guidance on density and accessibility criteria is given in Supplementary Planning Document on Making Places. The guidance details six types of location.... "

Reason for Amendment

To improve the clarity of this Policy, to update the title of the SPD and to comply with national policy.

DC5 - Securing Mixed Use in Major Developments in the Town Centres and Principal Neighbourhood Centres

Insert a new first sentence to the Supporting Text of Policy DC5 to read as follows,

'FOR THE PURPOSES OF THIS POLICY IT IS CONSIDERED THAT THE DEFINITIONS OF MAJOR DEVELOPMENTS AS SET OUT IN DEPARTMENT OF COMMUNITIES AND LOCAL GOVERNMENT STATISTICAL RETURNS SHOULD BE USED, I.E. 10 RESIDENTIAL UNITS, 1,000SQ M OF FLOORSPACE (OF WHATEVER USE) OR SITES IN EXCESS OF 1 HA.'

Reason for Amendment

This amendment to the supporting text of Policy DC5 to explain the definition of 'Major' improves the clarity of the Policy and its Supporting Text.

DC7 - Criteria for Transport Assessments

Suggested wording amendment to supporting text: "AND CRITERIA PREPARED BY ESSEX COUNTY COUNCIL AND THE HIGHWAYS AGENCY FOR THEIR RESPECTIVE AREAS OF RESPONSIBILITY" to be added after "practice advise"

Reason for Amendment

To improve the clarity of the Core Strategy DPD and ensure it more accurately takes into account latest guidance or advice.

DC9 - Health Impact Assessments

(1) Replace [10] with '50' in the first sentence of the second paragraph.

As such, the full sentence will read,

'For residential development in excess of 50 units and non-residential development in excess of 1,000 sq m this will take the form of a Health Impact Assessment, which will measure wider impact upon healthy living and the demands that are placed upon health services and facilities arising from the development. Where significant impacts are identified, planning permission will be refused unless measures to meet the health service requirements of the development are provided and/or secured by planning obligations.'

(2) Insert a new penultimate sentence in the Supporting Text after 'required.' and 'The Borough' as follows, 'THE CURRENT ESSEX LOCAL AREA AGREEMENT (LAA) ALSO GIVES A TARGET FOR THE INTRODUCTION OF HEALTH IMPACT ASSESSMENTS (HIAS) FOR DEVELOPMENTS OVER 50 UNITS AND REQUIRES THE BOROUGH COUNCIL TO PROMOTE HEALTHY LIVING ENVIRONMENTS AND MAKE POLICY PROVISION TO SECURE HEALTH SERVICES PROVISION.'

As such, the Supporting Text will read as follows, 'Most development has a potential impact upon the health services and facilities that are provided in the Borough. Likewise, through the design of new development, healthy living can be promoted. The extent of these impacts needs to be assessed to ensure that adequate health and services continue to be provided for the community as a whole. For developments which have relatively little impact upon health services, an initial assessment may be sufficient to satisfy the requirements of this policy. For developments where an initial assessment indicates more significant health impacts, a comprehensive Health Impact Assessment will be required. THE CURRENT ESSEX LOCAL AREA AGREEMENT (LAA) ALSO GIVES A TARGET FOR THE INTRODUCTION OF HEALTH IMPACT ASSESSMENTS (HIAS) FOR DEVELOPMENTS OVER 50 UNITS AND REQUIRES THE BOROUGH COUNCIL TO PROMOTE HEALTHY LIVING ENVIRONMENTS AND MAKE POLICY PROVISION TO SECURE HEALTH SERVICES PROVISION. The Borough Council will liaise with the East of England NHS and Mid Essex Primary Care Trust when assessing the scope and scale of likely impacts.'

Reason for Amendment

These amendments to the DPD seek to maintain its consistency with the current Essex LAA which also gives a target for the introduction of HIAS for developments over 50 units, and which requires Essex local authorities to embed that target within their Local Development Framework documents.

DC15 - Sites of Biodiversity and Geological Value

Replace [conservation] by 'COMPENSATION' in criterion (iii). Add the following sentence at the end of Policy DC15 "DEVELOPMENT PROPOSALS

MUST AVOID ANY ADVERSE AFFECTS ON THE INTEGRITY OF EUROPEAN AND RAMSAR SITES AND WHERE POSSIBLE ENHANCE THE BIODIVERSITY INTEREST OF INTERNATIONALLY DESIGNATED SITES FOR NATURE CONSERVATION". (see also amendments made to the SA/SEA and AA.)

Reason for Amendment

For clarity and consistency.

DC20 - Listed Buildings

In the second line of the first paragraph of the Policy delete [or works affect both the exterior and interior of buildings] and substitute 'OR WORKS AFFECTING THE EXTERIOR OR INTERIOR LISTED OF BUILDINGS,' and also delete in the third line the words [on the list of buildings of special architectural or historic interest unless they] and replace with 'FAIL TO'.

As such, the first sentence would read:

'Planning permission and/or listed building consent will be refused where development proposals OR WORKS AFFECTING THE EXTERIOR OR INTERIOR OF LISTED BUILDINGS FAIL TO preserve or enhance the special character and/or setting of those buildings.'

The following suggested additional text is also proposed to the Supporting Text of this policy as a new third paragraph: 'SITE SPECIFIC GUIDANCE WILL BE PREPARED BY THE BOROUGH COUNCIL IN CONJUNCTION WITH ENGLISH HERITAGE TO SUPPORT PROPOSALS FOR THE PRESERVATION AND ENHANCEMENTS OF LISTED BUILDINGS IN THE BOROUGH, AND PARTICULARLY THOSE WITHIN CHELMSFORD TOWN CENTRE AND NORTH CHELMSFORD.'

Reason for Amendment

These suggested amendments to the policy wording relating to works to a listed building are intended to make it clear that works affecting either the interior or exterior are covered. The present wording could be read as suggesting that only works which affect the interior and exterior at the same time are covered. This is clearly not meant to be the case, as both aspects are as important, whether considered together or separately. The suggested amendment to the supporting text will improve the clarity of the DPD.

DC21 - Scheduled Ancient Monuments

That Policy DC21 be reworded as follows:

'PLANNING PERMISSION WILL BE REFUSED FOR DEVELOPMENT WHICH WOULD ADVERSELY AFFECT A SCHEDULED ANCIENT MONUMENT, OR OTHER NATIONALLY IMPORTANT SITES AND MONUMENTS, OR THEIR SETTINGS.'

Reason for Amendment

This would reflect the advice in PPG16 and therefore improve the clarity of the DPD.

DC22 - Registered Parks And Gardens

Add "OR THEIR SETTINGS" between 'gardens' and 'included' in the middle of the policy.

Reason for Amendment

To improve the clarity of the DPD.

DC24 - Areas of Flood Risk

The Supporting Text should be updated to reflect the latest PPS25 advice, as follows:-

(1) First bullet point to read 'the area liable to flooding AND THE FLOOD RISK VULNERABILITY OF THE DEVELOPMENT;'

(2) In seventh bullet point, delete [and]

(3) Insert four additional bullet points, 'SAFE ACCESS AND EGRESS IN TIMES OF FLOOD;', 'FLOOD PLANS;', 'THE AVAILABILITY OF FLOOD WARNING; and' and 'EMERGENCY ACCESS AND EVACUATION IN FLOOD CONDITIONS'.

As such, the bullet point list would read as follows:-

the area liable to flooding AND THE FLOOD RISK VULNERABILITY OF THE DEVELOPMENT;

- . the probability of it occurring, both now and over time;
- . the extent and standard of existing flood defences and their effectiveness over time;
- . the likely depth of flooding;
- . the rates of flow likely to be involved;
- . the likelihood of impacts to other areas, properties and habitats;
- . the effects of climate change;
- . the nature and currently expected lifetime of the development proposed and the extent to which it is designed to deal with flood risk;
- . SAFE ACCESS AND EGRESS IN TIMES OF FLOOD;
- . FLOOD PLANS;
- . THE AVAILABILITY OF FLOOD WARNING; and
- . EMERGENCY ACCESS AND EVACUATION IN FLOOD CONDITIONS

Reason for Amendment

These amendments seek to update the Supporting Text of this Policy in accordance with the latest Government advice in PPS 25, and to provide additional guidance for developers/applicants.

DC25 - Renewable Energy

In last sentence of the first paragraph of Supporting Text, delete [to reducing].

Reason for Amendment

To delete duplicate wording.

DC26 - Energy Efficient Design and Use of Materials

It is recommended that the following amendments be made:

In criterion i) at the end after "...predicted energy requirements" insert ", INCLUDING ALL STREET AND/OR PRECINCT LIGHTING AND LANDLORDS LIGHTING AND/OR HEATING"

Replace criterion ii) with,

'ALL NEW DWELLINGS TO ATTAIN A MINIMUM RATING OF LEVEL THREE AS SET OUT IN THE "CODE FOR SUSTAINABLE HOMES" (OR ITS SUCCESSOR), AND ALL NON-RESIDENTIAL BUILDINGS SHALL HAVE A MINIMUM BREEAM (OR ITS SUCCESSOR) RATING OF "VERY GOOD".'

Reason for Amendment

These amendments seeks to improve the clarity and consistency of the DPD and more accurately take into account the latest Government guidance, by including reference to the "Code for Sustainable Homes".

DC33 - The Provision of Affordable Housing

Amend as follows:-

(1) Delete [in close proximity to] in second paragraph of the Policy. As such, the second paragraph would read as follows:

Where a site falls under the site/size threshold, the Borough Council will take into consideration the existence of other sites which are adjacent to and which have or are likely to come forward for residential development within the life of the Development Plan Document in order to ensure that the effect of the proposal would not result in the development of allocated or windfall sites in a piecemeal or uncoordinated manner. In such circumstances the Borough Council will aggregate such developments for the purpose of calculating the affordable housing provision. Proposals that would under-develop sites in order to avoid making the affordable housing contribution will be refused planning permission.

(2) Create a new penultimate paragraph in the Supporting Text to read:
'THE REFERENCE TO EXTRAORDINARY COSTS MEANS UNFORESEEN AND UNEXPECTED COSTS WHICH CAN BE DEMONSTRATED TO THE SATISFACTION OF THE BOROUGH COUNCIL, COULD NOT REASONABLY HAVE BEEN IDENTIFIED OR FORESEEABLE AT SITE ACQUISITION OR WHEN A DEVELOPMENT APPRAISAL/VALUATION OF A SITE WAS UNDERTAKEN.'

(3) Delete [at least] from the second sentence of the fourth paragraph of the Supporting Text. As such, the new sentence will read 'Therefore, the policy requires 35% affordable housing provision on suitable new residential sites.'

Reason for Amendment

These suggested amendments seek to improve the clarity of the Policy and its Supporting Text, by removing imprecise terms and providing additional guidance to developers/applicants in order to aid their understanding on the application of the policy.

DC38 - Accessible And Adaptable Developments

Minor amendments are suggested to the Policy and Supporting Text for clarification and to improve flexibility.

Amend the second sentence of the 2nd paragraph of Policy DC38 to read:

"All new housing developments SHOULD SEEK TO meet the Lifetime Homes Standard WITH a minimum of 3% of new dwellings on developments of 30 dwellings or more ["should be" deleted] built to full wheelchair standards."

Delete the first two sentences of the Supporting Text and insert,
'DEVELOPERS WILL BE REQUIRED TO SHOW IN THE DESIGN AND ACCESS STATEMENT HOW THE DESIGN HAS TAKEN ACCOUNT OF THE LIFETIME HOMES STANDARD, OR CONVERSELY, WHY IT IS NOT PRACTICABLE **OR APPROPRIATE** TO MEET THEM.'

As such, the second sentence of the 2nd paragraph of the policy will read as follows:

"All new housing developments SHOULD SEEK TO meet the Lifetime Homes Standard WITH a minimum of 3% of new dwellings on developments of 30 dwellings or more built to full wheelchair standards."

As such, the Supporting Text will read as follows:-'

DEVELOPERS WILL BE REQUIRED TO SHOW IN THE DESIGN AND ACCESS STATEMENT HOW THE DESIGN HAS TAKEN ACCOUNT OF THE LIFETIME HOMES STANDARD, OR CONVERSELY, WHY IT IS NOT PRACTICABLE OR APPROPRIATE TO MEET THEM. Lifetime Homes are not specifically properties for people with mobility problems and are not wheelchair standard accommodation. Nationally it is estimated that 2.3% of all people with disabilities are permanently dependent on wheelchairs for mobility. To meet these special needs, at least 3% of new dwellings on development of 30 dwellings or more should be built to full wheelchair standards as set out in the Housing Corporation's "Wheelchair Housing Design Guide". Further guidance is contained in the supplementary Planning Document on 'Making Places'.'

Reason for Amendment

This proposed amendment to the Supporting Text updates the supporting text by identifying the recently introduced requirement for a Design and Access Statement.

DC42 - Public Open Space For New Residential Developments

In second sentence of Supporting Text, delete [Appendix C] and replace with 'Appendix D'.

Reason for Amendment

For clarification and consistency.

DC44 - Ensuring Transport Infrastructure Contributes to a Quality Public Realm

It is suggested that Policy DC44 and its Supporting Text be deleted.

Reason for Amendment

The matters covered in this policy are addressed by Policy CP20. This suggested amendment will therefore avoid the unnecessary duplication of policies.

DC47 - Promoting Public Art in New Development

Delete the last two sentences of Policy DC47 [Funding and the type of artist's commission will be negotiated in relation to the nature and value of the development. The Borough Council has an adopted public art strategy and guidance for developers.] and insert as a new paragraph at the end of the Supporting Text.

As such, the Policy will read as follows,

'The Borough Council will seek the provision of public art in association with all developments of 10 or more dwellings or for more than 1,000 sq m floorspace or that have significant impact upon the public realm or a high degree of public access, for installation within the development site or on public or street space in the vicinity of the development.'

As such, the Supporting Text will read as follows:-

'Work by artists in association with development can give meaning to a place and enrich our experience of the built environment. The Borough Council seeks artist commissions that add cultural value to the architecture, landscape design and sense of place. Public art may be integrated with the building or landscape. In some cases, the Borough Council may negotiate off-site installation of public art in public space. Public art does not necessarily have to be a permanent fixture; artists can make locally relevant work through film, sound, performance and publication throughout the planning and development process, working with land owners, designers, the local community and building occupiers. The Borough Council will encourage developers to make a financial and design commitment to public art from the outset of the development process. FUNDING AND THE TYPE OF ARTIST'S COMMISSION WILL BE NEGOTIATED IN RELATION TO THE NATURE AND VALUE OF THE DEVELOPMENT. THE BOROUGH COUNCIL HAS AN ADOPTED PUBLIC ART STRATEGY AND GUIDANCE FOR DEVELOPERS.'

Reason for Amendment

It is considered that guidance on securing and implementing public art is more appropriately contained in the Supporting Text. These amendments therefore seek to improve the clarity of the Core Strategy DPD.

DC48 - Private Amenity Space

(1) In Policy DC48 delete [garden] and replace with 'AMENITY' in the first sentence. As such, the full policy will read, 'All new dwellings will be

required to have a high degree of privacy and the use of private AMENITY space appropriate for the type of dwelling and its location. Further guidance on the appropriate garden size and privacy criteria is set out in the Supplementary Planning Document on Making Places.'

(2) In the second sentence of the Supporting Text, insert 'AMENITY' between 'outdoor' and 'space'. As such, the full sentence will read. 'The degree of privacy and size of private outdoor AMENITY space relate to location and the type of accommodation.'

Reason for Amendment

It is considered that these amendments provide greater clarity as to the purpose of the Policy and its Supporting Text, as the term 'amenity space' can include a range of spaces, not just private gardens.

DC49 - Achieving High Quality Development

The following amendments are suggested to the Policy:

In Part A, in criterion ii) insert " AND THE CHARACTER AND APPEARANCE OF" between the words "in" and "the"

In Part B of Policy DC49 delete [specific allocated sites outside Chelmsford Town Centre] and replace with '**IN ADDITION TO THE ABOVE CRITERIA, THE BOROUGH COUNCIL WILL SUPPORT PROPOSALS FOR BUILDINGS ABOVE 13m HIGH IN PARTS OF CHELMSFORD TOWN CENTRE OR WITHIN ALLOCATED SITES IN THE NEW NEIGHBOURHOOD AREAS PROVIDED:.....**'

As such, Part B of the Policy will read as follows:

IN ADDITION TO THE ABOVE CRITERIA, THE BOROUGH COUNCIL WILL SUPPORT PROPOSALS FOR BUILDINGS ABOVE 13m HIGH IN PARTS OF CHELMSFORD TOWN CENTRE OR WITHIN ALLOCATED SITES IN THE NEW NEIGHBOURHOOD AREAS PROVIDED:

- v) the location is suitable for higher intensity development; and
 - vi) the base of the building reinforces surrounding scale and urban form, provides containment of space and has active frontages; and
 - vii) the building visibility from adjoining spaces contributes to townscape; and
 - viii) the building visibility from longer range views causes no visual intrusion; and
 - ix) the building does not create an adverse microclimate of wind or shadow; and
 - x) there is adequate ancillary space within the building for facilities such as storage or plant; and
 - xi) the height to width ratio creates acceptable massing and proportions.
- Planning permission will be granted for large scale commercial developments provided the siting, scale, form, skyline and elevations contribute to the townscape of the area, car parks and service bays are hidden from street views, active street frontages are provided and monolithic or uniform buildings are avoided.'

Reason for Amendment

This minor amendment will improve the clarity of the Policy.

DC52 - Employment Areas

The following amendments are recommended to Policy DC52:

In criterion i), after "it can" add "BE".

In criterion i), replace "or" with "AND"

Reason for Amendment

To correct a drafting error in the Core Strategy and to provide clarity to the purpose, intent and implementation of the Policy.

DC54 - Promotion of Employment Clusters

The following amendments are recommended to Policy DC54:

Amend the list at the end of the Policy as follows:

a) Amend "New Street Industrial Area" to read "New Street Industrial AreaS"

b) Amend "West Hanningfield Industrial Area" to read "West Hanningfield BUSINESS PARK"

c) Amend "Essex Regiment Way, Broomfield" to read "Essex Regiment Way, Broomfield/LITTLE WALTHAM"

d) Delete [Employment Area(s) within New Neighbourhoods] and insert:

"NORTH EAST CHELMSFORD FUTURE EMPLOYMENT AREA"

On the Key Diagram, indicate a "Future Employment Area" symbol as part of the proposed new neighbourhood in North East Chelmsford.

Reason for Amendment

To improve clarity and for consistency with a suggested amendment to the Key Diagram.

DC55 - Location of Business Development

The following amendments are recommended to Policy DC55:

Under the title "New Designated Employment Areas":

a) Amend "Essex Regiment Way, Broomfield" to read "Essex Regiment Way, Broomfield/LITTLE WALTHAM"

b) Delete [Employment Area(s) within New Neighbourhoods] and insert:
"NORTH EAST CHELMSFORD FUTURE EMPLOYMENT AREA OTHER APPROPRIATE AREAS IDENTIFIED IN THE SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT AND NORTH CHELMSFORD AREA ACTION PLAN"

Reason for Amendment

For clarification and for consistency with Policy DC54 and Policy CP22 vi) and with a recommended change to the Key Diagram.

DC56 - Industrial and Warehouse Development

The following amendment is recommended to Policy DC56:

Under the title "New Designated Employment Areas":
Under "Temple Farm, West Hanningfield" add:
"OTHER APPROPRIATE AREAS IDENTIFIED IN THE SITE ALLOCATIONS
DEVELOPMENT PLAN DOCUMENT AND NORTH CHELMSFORD AREA
ACTION PLAN"

Reason for Amendment

For clarification and for consistency with Policy CP22 vi).

DC60 - Farm Diversification

(1) Insert the following additional text to criterion vii) 'ON THE HOLDING THAT ARE DERELICT OR OTHERWISE CLEARLY INCAPABLE OF AN APPROPRIATE BENEFICIAL USE'

As such, the criterion will read,

vii) the proposal re-uses or adapts any farm building which is available and includes the removal of any redundant buildings ON THE HOLDING THAT ARE DERELICT OR OTHERWISE CLEARLY INCAPABLE OF AN APPROPRIATE BENEFICIAL USE; or'

(2) Add the following sentence to the second paragraph of the Supporting Text:

'THE DIVERSIFICATION OF A FARMING OPERATION CAN OFTEN PROVIDE THE OPPORTUNITY TO IMPROVE THE APPEARANCE OF THE HOLDING AS A WHOLE, INCLUDING THE REMOVAL OF ANY OBSOLETE OR DERELICT BUILDINGS. THE COUNCIL CONSIDERS IT IMPORTANT TO SEEK TO SECURE SUCH IMPROVEMENTS, ESPECIALLY IN OPEN, VISIBLE LOCATIONS, WHERE THIS WOULD NOT PREJUDICE THE ONGOING VIABILITY OF THE HOLDING.'

As such, the full paragraph will read as follows:

'The Borough Council is keen to ensure that agricultural businesses can be sustainable, efficient and competitive. The Borough Council will therefore encourage well-conceived proposals relating to the diversification of farm businesses where it is required for the efficient operation of an existing farm enterprise, promotes economic activity and maintains or enhances the environment. THE DIVERSIFICATION OF A FARMING OPERATION CAN OFTEN PROVIDE THE OPPORTUNITY TO IMPROVE THE APPEARANCE OF THE HOLDING AS A WHOLE, INCLUDING THE REMOVAL OF ANY OBSOLETE OR DERELICT BUILDINGS. THE COUNCIL CONSIDERS IT IMPORTANT TO SEEK TO SECURE SUCH IMPROVEMENTS, ESPECIALLY IN OPEN, VISIBLE LOCATIONS, WHERE THIS WOULD NOT PREJUDICE THE ONGOING VIABILITY OF THE HOLDING.'

Reason for Amendment

The Policy seeks to promote the diversification of farm holdings, in line with PPS7, especially where this could result in environmental improvements. It is accepted, however, that the requirement in criterion vii) to remove "redundant buildings" (i.e. those not required for the proposed use) in all cases is both onerous and possibly counter-productive to the long-term viability of the agricultural holding. However the Borough

Council feels that the removal of buildings that are derelict or clearly unusable for agriculture would be a legitimate output for any diversification scheme to seek to achieve. Accordingly, the Policy can be amended at criterion vii), with mention also made of the issue in the supporting text to improve clarity.

DC64 - Secondary Frontages In Chelmsford And South Woodham Ferrers

In criterion ii) delete [in all] and replace with 'IN EACH OF THE'...

As such the criterion ii should read:

"the proportion of non-Class A1 units IN EACH OF THE other Town Centre secondary frontages should not rise above 40% of total frontage;"

Reason for Amendment

For clarification and consistency.

DC66 - Public Car Parking

In the final sentence of Policy DC66 delete [standards] and replace with 'ENVIRONMENTAL AND SAFETY STANDARDS'.

As such, the full sentence will read as follows,

'All public car, cycle and powered two-wheeler parking must be designed to the highest ENVIRONMENTAL AND SAFETY STANDARDS.'

Reason for Amendment

This amendment seeks to improve the clarity of the Policy by including reference to a specific standard that can be sought with correct terminology.

Appendices

Appendix A - Evidence Base

Insert 'CHELMSFORD BOROUGH' at the start of Evidence Base document number 22 in Appendix A. As such, the title will appear as follows:-

'CHELMSFORD BOROUGH Historic Landscape Characterisation'

Reason for Amendment

To correct a minor error.

Appendix B - Housing Trajectory

Appendix B to be updated in light of monitoring cycle to 31 March 2007 and following discussions during the Examination.

Reason for Amendment

This will ensure that the Core Strategy DPD contains the most up to date information available.

Appendix C - Vehicle Parking Standards

(1) Amend Maximum Vehicle Parking Standards USE CLASS A1 - Shops by deleting [may] and inserting 'WILL'. As such, the full standard will read as follows:-

'USE CLASS A1 - Shops Standard:1 space per 20m². An absolute maximum standard of 1 space per 14m² WILL be applied to food retail developments.'

(2) Amend USE CLASS B1 by deleting [is likely to be] and inserting 'WILL BE'. As such, the full standard will read as follows,

'USE CLASS B1 - Business

Standard:1 space per 30m². A Transport Assessment (including a Travel Plan) WILL BE required for new or extended development of 2,500m² or above.'

(3) Amend Design and Layout, Minimum garage size for cars from '4.8m x 2.4m' to '5.0m x 2.5m'.

Reason for Amendment

These minor changes seek to clarify the application of these particular Parking Standards. The amendment to the Design and Layout table is to correct an error in the Submission DPD. EPOA is reviewing car parking standards, particularly with regard to housing (PPS3) and whether lower standards should be applied in areas covered by the Chelmsford Town Centre Area Action Plan. Any resultant changes will be incorporated into the LDF at the First Review of the Core Strategy in 2008.

Appendix D – Open Space Standards

Amend the title of the Table on page 166 to read 'LOCAL OPEN SPACE' and not [Strategic Open Space].

Reason for Amendment

To correct a typographical error

Proposals Map

The following amendments are suggested:

(1) Panel C be retained at this stage but be deleted from the final Adopted Proposals Map.

(2) A distinctive notation be added to the Proposals Map and Key to indicate those settlements to be subject to new Defined Settlement Boundaries (Chatham Green, Edney Common and Good Easter).

Reason for Amendment

These amendments aim to ensure consistency between the Core Strategy DPD text and the supporting Proposals Map and to reflect national

guidance on the preparation of LDF documents. They also provide clarity and seek to avoid any potential confusion.

Integrated SA/SEA/AA Documents

The following amendments are recommended to the accompanying SEA/SA to be undertaken by the Council's consultants ENTEC:

(1) Para 4.1 of the Appropriate Assessment should be amended to acknowledge that the Dengie SPA and Ramsar Site is in the Borough of Maldon, not Colchester and that the Colne Estuary SPA and Ramsar site is in the Borough of Colchester, not Maldon.

(2) Para 4.4 should be amended to state "SEA WALL MANAGEMENT/ MAINTENANCE".

(3) In Table 5.1 the commentary should read 'SITES' rather than [site] and/or specify the site or sites being referred to. The title should be amended to read Crouch and Roach SPA and Ramsar Site. (See also suggested minor amendment to Policy DC15.)

Reason for Amendment

These minor amendments seek to correct and clarify the supporting SEA/SA/AA documents.