



**Land at Skeggs Farm
and South of Writtle**

**Matter 9: The
Environment
Countryside Strategic
Policy S13 and Policy
C01**

Hearing Statement

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Dimension Partnership
Ltd**

On behalf of:
Bovis Homes Ltd

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Matter 9: The Environment Countryside Strategic Policies S13 and C01

Green Wedges and Green Corridors

Question 85: Strategic Policy S13 also states that the main river valleys are identified as valued landscapes and designated as green wedges and green corridors. This is reiterated in Policy C01.

Introduction

- 1.1 This hearing statement has been produced to inform the examination of the emerging Chelmsford Local Plan (the 'draft LP') prepared by Chelmsford City Council ('the LPA'), in particular Matter 9 the relating to the Environment.
- 1.2 EDP has been commissioned by Bovis Homes Ltd to review two emerging policies (S13 and C01) in the draft LP with specific regard in the context of potential residential development on land at Skeggs Farm and South of Writtle referred to as 'the potential development site' within this report, the location of the land is illustrated at **Appendix EDP 1**.

Summary of Matters to be addressed

- 1.3 This representation particularly addresses the Inspectors' questions 85 a), b) and c) having regard to the evidence base, National Planning Policy Framework (NPPF) 2012, and site related observations and landscape studies.

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Section 2

Consideration of Questions 85 (a), (b) and (c) Overview

- 2.1 The following 'local' landscape designations are proposed to land between Writtle and Chelmsford and are referred to in Policy S13 and CO1 – Green Belt- Green Wedges, Green Corridors and Rural Areas. The policy requirements are contained at **Appendix EDP 4**.
- 2.2 The potential development site forms part of the proposed green wedge areas CW4 and CW7. It is notable that there is the acknowledgement within the evidence base that *"This landscape is not particularly remarkable as arable fields are the main land use within the wider landscape"*.¹ Furthermore, the assessment is consistent with the findings of EDP, in that it acknowledges the extensive range of detractors and urban fringe character of the landscape.
- 2.3 Paragraph 113 of the NPPF (2012) states that LPAs should *"set criteria-based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks."*
- 2.4 The policies presumes that the 'Green Wedge' areas have some value greater than other areas in the district. The 'reasonable justification' text for policy CO1 states:

*"Over one third of the Council's area falls within the Green Belt. **Although much of the Green Belt forms attractive landscapes, it is not designated for its character or beauty.** It is a national policy designation to ensure that the openness and permanence of the Green Belt is maintained to prevent urban sprawl. As such, the NPPF defines the purposes of the Green Belt and provides the limited circumstances where new development could be appropriate. (Paragraph 8.41)*

***The NPPF also states that other valued landscapes should be protected and enhanced. The main river valleys in Chelmsford, in particular, form an attractive and important leisure and recreation resource containing wildlife habitats and represent the key component of Chelmsford's strategic green infrastructure network.** They also contain floodplains that provide flood storage capacity and can contribute to the objectives of the Water Framework Directive. **The river valleys are locally valued by residents and used as corridors of movement by people and wildlife.** For the purposes of implementing this policy, the main river valleys are the River Chelmer/Chelmer and Blackwater Navigation and Can/Wid valleys. Paragraph 8.42*

1 Green Wedges and Green Corridors: Defining Chelmsford's River Valleys Appendix A (Page 124)

Inspectors Question 85 (a)

8.5 (a) Are these valued landscapes in the context of paragraph 109 of the Framework and if so is this based on robust evidence and are they clearly justification?

- 2.5 The wording of Policy S13 and CO1 proposes designation of extensive areas of agricultural land (based on published character areas) parcels as ‘valued landscape’ based on a range of factors; openness; green networks; wildlife conservation; leisure and recreation; and character and appearance. It is clear from both EDPs assessment submitted as part of our Clients Regulation 19 representations, and, as identified within the emerging evidence base that there are areas within the proposed ‘Green Wedge’ which are of less value, and, importantly well below the threshold of paragraph 109 of the Framework.
- 2.6 These policies do not constitute the protection of a local space; their implementation is to act as a spatial planning tool, and therefor are a conflation of Green Belt matters.
- 2.7 The Government’s overarching advice on planning matters as set out in the NPPF (2012) identifies a hierarchy of landscape with differing values:
- i. Greater weight is attached to ‘valued landscapes’. Paragraph 109 states that such landscape should be ‘protected and enhanced’. Valued landscapes are not defined but case law has clarified that valued landscapes are not the same as designated landscapes²; and
 - ii. Greater weight again is attached to nationally designated landscapes. The Framework’s paragraph 115 directs that “*Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.*”
- 2.8 The status of landscapes in this hierarchy affects the weight to be afforded in the planning balance to land use change, such that (at the top end) there is a ‘*presumption against*’ change for major development in National Parks except in exceptional circumstances (NPPF paragraph 115). By the same token, change to undesignated, unvalued landscapes must weigh least in the planning balance. The site is not subject to any local or national landscape designation.

What is the Landscape Value of the Site?

- 2.9 Having ‘value’ and being a ‘valued landscape’ are not one and the same. The NPPF does not define ‘valued landscapes’. However, a number of appeal decisions since the

² High Court reference CO/4082/2014. Stroud District Council v Secretary of State.

publication of the previous NPPF (in which the concept of 'valued landscapes' was introduced) have sought to clarify the position.

- 2.10 For example, the objective of paragraph 109 of the Framework was addressed by Inspector Pope³ in his decision at St Austell:

*"26. While some residents consider the appeal site to be an attractive area of countryside, all landscapes have some value. From everything that I have seen, heard and read, this [...] land is rather unremarkable and there is no cogent evidence to substantiate the LPA's argument that it forms part of a valued landscape to which para 109 of the Framework applies. There is great force in the appellant's argument **that unless some objective landscape assessment is undertaken**, arguments concerning valued landscapes could be applied to all sites where development is proposed. This in turn would be likely to frustrate the Government's objective to boost significantly the supply of housing."* (my emphasis, bold)

- 2.11 It can (and has) been argued that any piece of land can claim to be of such elevated value (for a variety of reasons) to fall under the auspices of paragraph 109; however, the matter of what comprises a 'valued landscape' has previously been considered at Appeal⁴, in the case of Inspector Spencer, he concluded:

*"I find merit in the submission that to be of value, the landscape needs to be something **more than the ordinary**. I therefore generally share the assessment of the appellant that the landscape at the appeal location has a primarily local value. Accordingly, it is my judgment, based on the evidence before me, that the appeal site does not form part of a 'valued landscape' which would benefit from specific protection in accordance with paragraph 109 of the NPPF."* (my emphasis, bold)

- 2.12 This same issue has been covered in more recent appeal decisions, including the very recent appeal decision at Cleve Park in Thornbury⁵, where the Inspector concluded on this matter as follows:

"40. At the Inquiry, though not in its reasons for refusal, the Council sought to promote the site as being a valued landscape within the terms of paragraph 109 of the Framework. I am not convinced by this argument as the landscape is ordinary. The site is pleasant agricultural land with a fair degree of public access, albeit that the public access is limited and restricted to the public footpaths. In coming to my opinion I have had regard to the conclusions of the Inspector in the Pocklington Decision (ID20) who referred to case law and Inspectors' decisions which had identified that for the purposes of the Framework the term 'valued' means something more than popular."

³ Appeal Ref: APP/D0840/A/14/2222789 (decision January 2015)

⁴ Appeal Ref: APP/X1118/A/14/2224465 (decision May 2015)

⁵ Appeal Ref: APP/P0119/W/17/3182296 (decision May 2018)

“41. That is not to say that the landscape is not valued by those who live nearby and use the footpaths. Indeed, there is no doubt, based upon the evidence of local residents, that it is valued. However, for it to be valued within the terms of the Framework, it would need to possess something, such as physical attributes, that raise it above the ordinary. This site is attractive landscape but it does not display any unusual characteristics and is not designated in any adopted plan. For the purposes of the Framework, therefore, there is no conflict with paragraph 109.”

- 2.13 It is clear then, that being outside an existing settlement boundary, and having some features of value, is not the same as possessing landscape value worthy of the ‘protect and enhance’ status afforded to valued landscapes under paragraph 109 of the Framework. As stated by Inspector Pope in the St Austell decision, unless some objective assessment is undertaken of the valued characteristics, arguments about whether a landscape should be protected could be applied to any and all land outside of settlement boundaries.
- 2.14 In consideration of the claimed ‘valued’ status of CW4 and CW7, GLVIA 3 assists in delivering a framework for an objective landscape assessment of value. Box 5.1 on page 84 of GLVIA 3 identifies eight criteria relevant to the judgements about landscape value. These criteria are reproduced in the table below, with observations alongside, based on the published Landscape Character Assessments⁶ and from field assessment. For each of the eight criteria, the overall proposed development site (including land outside of parcels CW4 and CW7) is judged, and the contribution made by its wider landscape setting, on the basis of a range from ‘good’, through ‘ordinary’ to ‘poor’, in terms of the site’s context and performance against these criteria. An Assessment against this criterion has been submitted as part of earlier representations and is reproduced at **Appendix EDP 3**.
- 2.15 Having assessed the proposed development site in accordance with GLVIA 3 Box 5.1, there is no reason to conclude that overall, it is of more than ‘ordinary’ landscape value.
- 2.16 GLVIA 3 paragraph 5.26 makes clear that *“The fact that an area of landscape is not designated either nationally or locally does not mean that it does not have any value”*. However, as set out above, there is no robust basis for such vast swathes of land to be considered a ‘valued landscape’ in the sense of paragraph 109 of the NPPF as such justification for draft Policies cannot be found in the NPPF. Thus, draft Policies are inconsistent with this national planning policy and as such the policies fails the test of soundness.
- 2.17 The strict application of the Policies might be perceived to amount to an injunction against all development that does not strictly ‘protect’ the landscape – and in this sense, appear to elevate all areas of countryside and on the edge of settlements to the status afforded ‘valued landscapes’ under paragraph 109 of the NPPF (the basic requirement for ‘protection’ being one and the same). This is an incorrect application of the national policy

⁶ EB046.2 – Landscape Character Assessment - Main Report

on valued landscapes and demonstrates that the introduction of the Policies is inappropriate.

- 2.18 In this context, the application of the ‘protect’ aspects of Policies cannot be a practical or logical interpretation of the hierarchy of values and related levels of protection intended by the NPPF, nor the required balance between landscape and the other (social and economic) dimensions of sustainable development.
- 2.19 Overall, there is no reason to conclude that much of the proposed development site (CW 4 and CW 7 as illustrated at **Appendix EDP 1**) is of more than ordinary landscape value, nor should it receive any elevated status beyond that intrinsic to all open countryside – an objective which is to be balanced with the other objectives of the Framework when read as a whole. Its intrinsic value in a landscape sense does not preclude development, nor interrupt the presumption in favour of sustainable development.
- 2.20 Arguments relating to the importance of the landscape setting and an elevated value due to the contrast of built form and countryside at the settlement edge are considered to be illogical. As almost any greenfield development is likely to be at the settlement edge, and therefore, will be located within the ‘setting’ of the settlement, the suggestion that development in such locations is, in principle, ‘unacceptable’ is non-sequitur.
- 2.21 As acknowledged that some of the land within the parcels contain important ecological habitats (Writtle Bridge Meadows LWS), however it would be disproportionate to elevate the status across the entire site/land parcel, much of which contains no notable landscape features beyond hedgerows and trees which form the boundaries.
- 2.22 Furthermore, there is no reason to believe that the vast majority of these features could not be maintained, protected and enhanced within a considered development layout. **It is acknowledged within the evidence base that the visual character across much of the land parcels are unexceptional.** Any sense of tranquillity is impeded due to the surrounding land use and built environment. In neither a topographic nor a spatial sense does the development potential of the parcels appear to conflict with the established pattern of development nor threaten the identity of settlements.
- 2.23 The policy wording introduces the concept of ‘openness’ as a demonstrable landscape characteristic. However, such considerations are not reflective of any nationally accepted standards for the assessment of landscape value, such as the GLVIA. Indeed, the methodology appears to be based on the assumption that all settlements and areas of residential development are sensitive (‘vulnerable’) to development and require protection. It seems there is an unnecessary conflation of matters between the purposes of Policy S13, CO1 and Green Belt policy.
- 2.24 As such, the draft policies fail to justify the elevated ‘value’ attributed to landscapes adjoining the settlements of Chelmsford and Writtle. For these reasons, Policy S13 and CO1

do not accord with NPPF paragraph 113, because the protection afforded by the restrictive clauses is neither justified nor commensurate with a local designation.

8.5 (b) How have green wedges and green corridors and their respective boundaries been determined? Are their designations supported by appropriate methodologies and criteria

- 2.25 The extent of the proposed policy is determined by the published landscape character assessment. As discussed above, appropriate methodologies and criteria have not been engaged. In defining boundaries, the evidence base states that:

“The eastern boundary meets the urban fringe of Chelmsford, consisting residential properties, this is a clearly defined boundary. The two main roads in the north and south are strong definable features. To the west the built extent of Writtle and Lawford Lane are clear features and set the boundaries well.”⁷

- 2.26 It seems clear from the wholesale designation of land, that this policy does not constitute the protection of a local ‘valued landscape’, by washing over all land between settlements, its implementation is to act as a further constraint to future development. Furthermore, other parcels are well contained by maturing strategic landscaping which provide separation from river corridors/flood zones and act to preserve both the separation and individual characteristics of Chelmsford and Writtle.
- 2.27 It should be noted that the evidence base does not assess the landscape sensitivity or capacity of these parcels as it does other land within the authority.

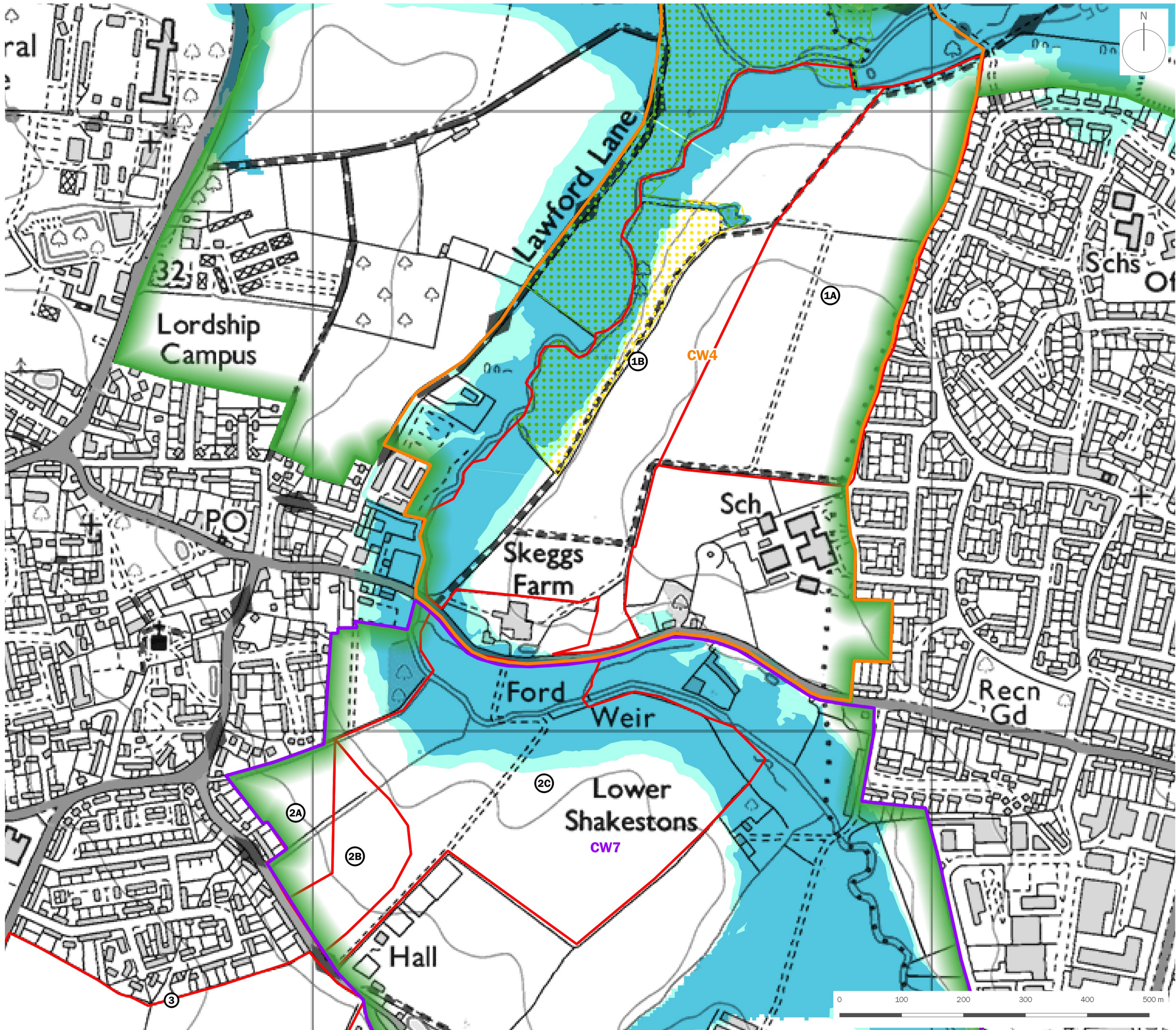
8.5 (c) Have the purposes of green wedges and green corridors been clearly defined within the Plan and does land with their boundaries meet the required purposes?

- 2.28 As discussed above, much of the land within the proposed policy area does not offer public access to allow it to meet the object of providing interconnected car free routes, nor does it exhibit high biodiversity or cultural heritage value. This is due to the extensive areas of land proposed.
- 2.29 For the reasons set out above, this land does not meet the requirements of emerging policy. Should these Policies be retained, the boundary should be redrawn as shown on **Appendix EDP 2**. Which considers the retention of the higher quality habitats with good recreational permeability, and proposes the removal of the unconstrained parcels of more limited value.

⁷ 7 Green Wedges and Green Corridors: Defining Chelmsford's River Valleys Appendix A (Page 124)

Appendix EDP 1
Site Location and Policies Plan
(edp3662/18 21 November 2018 WG/FM)

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- Bovis Development Parcels 1a to 4
- Green Wedge (as identified within the CBC Draft Local Plan Regulation 19 January 2018)
- Local Wildlife Sites

Green Wedge Areas*

- CW4
- CW7

Flood Zone (Environment Agency)

- Flood Zone 2
- Flood Zone 3

as identified within CBC/Green Wedges and Green Corridors:*/Defining Chelmsford's River Valleys, February 2017

client

Bovis Homes Ltd

project title

Land at Skeggs Farm and south of Writtle, Chelmsford

drawing title

Site Location and Policies Plan

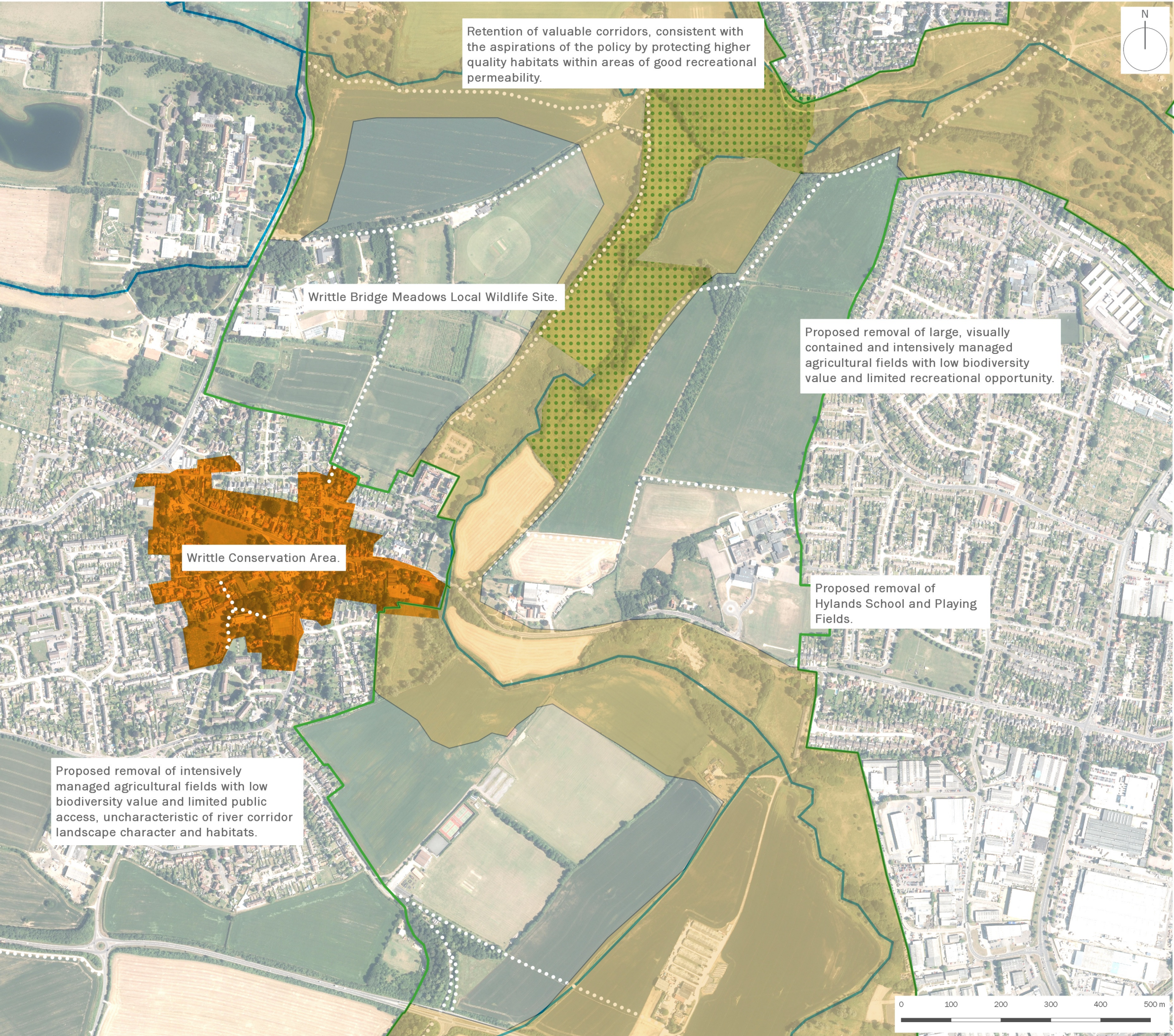
date	21 NOVEMBER 2018	drawn by	WG
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Appendix EDP 2
Proposed Policy Boundary Amends
(edp3662/19 21 November 2018 WG/FM)

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- Green Wedge (as identified within the CBC Draft Local Plan Regulation 19 January 2018)
- Proposed Revised Green Wedge
- Writtle Conservation Area
- Local Wildlife Site
- Public Rights of Way
- Water Courses

as identified within CBC/Green Wedges and Green Corridors:*/Defining Chelmsford's River Valleys, February 2017

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Appendix EDP 3 Box 5.1 of GLVIA

GLVIA Value Criteria	EDP Assessment
Landscape quality: a measure of the physical state of the landscape. It may include the extent to which typical character is represented, the intactness of the landscape and the condition of individual elements.	Ordinary – Across the site, its features are in only average condition, with a degree of degradation of character from intensive agriculture.
Scenic quality: the term used to describe landscape that appeals primarily to the senses (primarily but not necessarily exclusively to the visual senses).	Ordinary to Poor – Where development is proposed, the site's visual character is unexceptional and influenced by the strong visual connectivity with the unprepossessing urban edge of Chelmsford and fringe land use.
Rarity: The presence of rare features and elements in the landscape or the presence of a rare landscape character type.	Ordinary to Poor - The site does not fall within or contain a rare landscape type and contains no landscape features or elements of rarity, nor of acknowledged value (with the exception of the LWS).
Representativeness: whether the landscape contains a particular character, and/or features and elements which are considered particularly important examples.	Ordinary - The site contains a number of features/elements of the host landscape type, but too few to be considered especially representative
Conservation interests: the presence of features of wildlife, earth science or archaeological or historical and cultural interest can add to the value of a landscape as well as having value in their own right.	Ordinary to Poor – Except for the LWS at the site's north-east, the site has an overall low biodiversity value dominated by common and widespread habitats; no protected species are likely to be impacted by the proposals; and Development of the site would not necessarily affect the historic value or setting of any heritage asset.
Recreation value: evidence that the site is valued for recreation activity where experience of the landscape is important.	Poor – The site's intrinsic value derives from the three PRoW and their connectivity to Admirals Park to the north of the site.
Perceptual aspects: a landscape may be valued for its perceptual qualities, notably wildness and/or tranquillity.	Ordinary – The site has some value as open green space, however, this is limited due to the visual containment across much of the site, where available views are characterised by the urban edge and built form within Chelmsford; and Its tranquillity is limited due to the adjacent urban fringe land uses and busy road network.

GLVIA Value Criteria	EDP Assessment
Associations: some landscapes are associated with particular people such as artists or writers, or events in history that contribute to perceptions of natural beauty in the area.	Poor – There are no other known cultural or historical associations.

Appendix EDP 4

Key Policies: National Planning Policy Framework (2012)

General

- A4.1 Paragraph 15 states that policies in Local Plans “*should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.*” The inference here is that local policies should be worded in a positive – not restrictive - manner describing how sustainable development can be approved.

Landscape

- A4.2 Paragraph 109 states that the planning system should “*contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, geological conservation interests and soils*” and by “*minimising impacts on biodiversity and providing net gains in biodiversity where possible.*”
- A4.3 Paragraph 113 states that LPAs should “*set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.*”
- A4.4 Paragraph 114 states that LPAs should be “*planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.*”.

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Appendix EDP 5

Key Policies: Emerging Local Plan

STRATEGIC POLICY S13 – THE ROLE OF THE COUNTRYSIDE

- A5.1 The Council will ensure countryside that performs important national planning policy objectives such as the Green Belt, recognised areas of ecological, historic and functional importance will be protected from inappropriate development. Other landscapes that are locally recognised and valued for their intrinsic character and beauty are designated within the Local Plan. The general extent of the Green Belt is established and will be maintained. The main river valleys are identified as valued landscapes and are locally designated as Green Wedges and Green Corridors. The countryside outside of the Urban Areas and Defined Settlement, not within the Green Belt, is designated as the Rural Area. To ensure that future development accords with the Local Plan Spatial Principles, there are further areas within the countryside that are sensitive to change which will help shape sustainable growth in Chelmsford. The Site Allocation policies identify and address these particular sensitivities in order to shape future development proposals.

POLICY C01 – GREEN BELT, GREEN WEDGES, GREEN CORRIDORS AND RURAL AREAS

- A5.2 When determining planning applications, the Council will carefully balance the requirement for new development within the countryside to meet development identified needs in accordance with the Spatial Strategy, and to support thriving rural communities whilst upholding the following planning objectives of each of the following areas:

A) Green Belt

The openness and permanence of the Green Belt will be protected and opportunities for its beneficial use will be supported where consistent with the purposes of the Green Belt. Inappropriate development will not be approved except in very special circumstances.

B) Green Wedges

The crucial role of the main river valleys is where they permeate into the existing or proposed urban areas as Green Wedges. These form part of the wider river valley network which connects a suite of Green Infrastructure assets. They will be protected and enhanced as valued and multi-faceted landscapes for their openness and function as important green networks for wildlife, leisure and recreation, and for increased public access and enjoyment. Development which materially harms the role, function, character and appearance of this valued landscape will be resisted.

C) Green Corridors

The distinctive and valued landscape character of the main river valleys where they extend into the countryside beyond the existing or proposed urban areas and form part of the wider river valley network which connects a suite of Green Infrastructure assets will be protected as Green Corridors. Development which materially harms the character and appearance of this valued landscape will be resisted.

D) Rural Area

The intrinsic character and beauty of the Rural Area outside of the Green Belt, and not designated as Green Wedges or Green Corridors, will be assessed and development will only be supported where it would not adversely impact on its identified value.

Further detailed policies set out what development is appropriate in each area and provide the criteria by which development proposals will be assessed.

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