HS020

PEGASUS GROUP

Matter 2 Hearing Statement

On behalf of Greystoke CB (Representor ID 1329393)

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1. Introduction

1.1 Pegasus Group are instructed on behalf of Greystoke CB to address questions raised by the examining Inspectors under Matter 2 of the examination of the Chelmsford Local Plan Review (LPR).

1.2 All references to the NPPF and PPG are to those of December 2023 unless otherwise stated, given that the examining Inspectors have identified in paragraph 2 of the Examination Guidance Note (IN02) that this is the context in which the emerging LPR will be examined, notwithstanding the previous representations of Pegasus Group.

2. Maintaining effective cooperation

Q2.2 – Does the Plan give rise to any other strategic cross-boundary matters requiring effective co-operation? If so, what evidence is there in the form of SoCGs to demonstrate that the Council has maintained effective co-operation with the relevant authorities and statutory bodies on these matters?

2.1 Paragraph 25 of the NPPF requires that strategic policy-making authorities collaborate to identify the relevant strategic matters which they need to address. Paragraph 26 identifies that this should help to determine where development needs which cannot be met within one area should be met in another. The NPPF therefore requires that the objectively assessed need for development is identified and requires that this is met in sustainable locations either within the LPA or through effective engagement with neighbouring authorities.

2.2 This approach is confirmed in respect of logistics in the PPG (2a-031) which identifies that:

> ***"The logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land)."***
>
> ***"Where a need for such facilities may exist, strategic policy-making authorities should collaborate with other authorities, infrastructure providers and other interests to identify the scale of need across the relevant market areas."***
>
> ***"Strategic policy-making authorities will then need to consider the most appropriate locations for meeting these identified needs (whether through the expansion of existing sites or development of new ones)."***

2.3 However, as set out in paragraphs 4.38, 4.39 and 7.11 of the Employment Land Review (ECON002) and paragraphs 2.45 and 2.46 of the Employment Land Review Focussed Update (ECON003) the LPA has not even assessed whether there is a need for logistics as further confirmed in the evidence prepared by the LPA to the recent appeal at Land north and east of Junction of the A12 (ref: 3365696) which states:

> ***"The City Council has no robust evidence before it to determine whether there either is, or is not, a significant regional/strategic need for the type of development proposed."***

2.4 In the absence of any assessment of the need for logistics by the LPA or by neighbouring authorities, no collaboration has taken place to address this issue of critical importance as confirmed in the resultant appeal decision which states:

"The Council says that during 'Duty to Co-operate' conversations with neighbouring authorities, the issue of latent regional need, either existing or emerging, simply did not arise, and if it had been a pressing matter, it would have been discussed. The Council confirmed it had not instructed its consultants Lichfields to specifically examine the issue. However, the PPG does advise strategic policy making authorities to collaborate with other authorities to identify the scale of need across relevant market areas."

2.5 This is notwithstanding the fact that it was agreed by the LPA at the different appeal at Land at J18 of the A12 (ref: 3368272) that:

"The Council and Appellant agree that there is an unmet need for the type and amount of employment land within Chelmsford that the Appeal Proposal will make a meaningful contribution towards meeting, and that, separately, there is evidence (provided by the Appellant but not contested by the Council) of unmet demand for industrial and logistics development within the wider area, which the Appeal Proposal will also make a meaningful contribution towards meeting, with significant resultant benefits."

2.6 The fact that there was such a need, following the determination of the above appeal, was further confirmed in the appeal decision at Land north and east of Junction of the A12 (ref: 3365696) which found that:

"Ultimately, although it can be debated whether the need is acute and urgent, looking at the broader picture, I am satisfied there is an unmet need for logistics development. Indeed, the Council has accepted there is an unmet need within Chelmsford, as well as an unmet demand for industrial and logistics development in the wider area in respect of the Junction 18 scheme[72]. This was subsequently confirmed by the Inspector in that appeal[73]. The fact that it is difficult to put a precise figure on need does not mean it does not exist. Nor should any figure necessarily represent a cap on logistics development."

2.7 Therefore, as a direct consequence of the failure of the LPA to consider the need for logistics in support of the LPR, contrary to national guidance, there has been absolutely no engagement to address this issue. As such, the LPR does not accord with paragraphs:

i. 11a of the NPPF as it does not seek to meet the development needs for logistics of the area.

ii. 11b of the NPPF as it does not as a minimum provide for objectively assessed needs for logistics as well as any needs that cannot be met in neighbouring areas.

iii. 16c as it has not been shaped by early, proportionate and effective engagement on this issue.

iv. 20a as it does not make sufficient provision for employment.

v. 25 as it is not informed by collaboration on this issue.

vi. 26 as it is not informed by effective and on-going joint working on this issue.

vii. 35a as it does not seek to identify let alone meet the objectively assessed need for logistics, and it is not informed by agreements with other authorities to address the sub-regional unmet need for logistics.

viii. 35c as it is not based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred.

ix. 35d as it is not consistent with national policy.

x. 85 as it does not help create the conditions in which businesses can invest, expand and adapt through the provision of sufficient logistics, and it does not support economic growth and productivity.

xi. 86 as it does not proactively encourage sustainable economic growth or set criteria or identify sites to meet anticipated needs.

xii. 87 as it does not recognise and address the specific locational requirements of the logistics sector.

2.8 This is a fundamental failing of the LPR.

Modifications required

2.9 The LPR does not accord with the NPPF as it omits any consideration of a need which the PPG identifies as being of critical importance.

2.10 The fundamental failing can only be remedied by either:

i. Assessing the need for logistics as required by the NPPF and then collaborating with relevant bodies to ensure that this is met and allocating sites to do so as required by the NPPF.

ii. Introducing a criteria-based policy which supports the development of logistics sites in suitable locations, akin to Policy S5(1)(j)(ii) of the 2026 NPPF.

iii. Introducing text to confirm that the need for logistics and the response to this is beyond the scope of the LPR, such that proposals for logistics will be determined in accordance with national policy rather than by reference to the LPR.

2.11 Without such a modification, the LPR is unsound.

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Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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