CHELMSFORD LOCAL PLAN EXAMINATION

MATTER 10

HEARING STATEMENT
On behalf of
(1) LITTLE BADDOW PARISH COUNCIL
(2) BOREHAM PARISH COUNCIL
(3) DANBURY PARISH COUNCIL
(4) SANDON PARISH COUNCIL

Regulation 19 representation: Person ID 1360095; Comment IDs PSQ25-6174, PSQ25-6176 and PSQ25-6177

A. INTRODUCTION

1. This Hearing Statement is submitted on behalf of Little Baddow, Boreham, Danbury and Sandon Parish Councils ("Parish Councils"). The Parish Councils objected at Regulation 19 through a representation prepared by Walsingham Planning (March 2025). That representation raised substantial concerns about the landscape, historic-environment and biodiversity effects of Strategic Growth Site SGS16a, Hammonds Farm, and about the way those constraints had been treated in the site-selection exercise [Walsingham, §§2.3-2.48, 2.77-2.82, 2.95-2.97, 2.134, 4.24-4.50].

2. The Parish Councils do not suggest that every ecological, landscape or heritage detail must be resolved before adoption. Detailed species surveys, the final statutory biodiversity metric and detailed mitigation design may properly follow at masterplan or application stage. The soundness question is whether the submitted evidence demonstrates at the strategic stage that the environmental constraints and the mitigation relied upon are capable of being reconciled with the scale of development and infrastructure proposed.

3. This statement therefore concentrates on the Matter 10 questions which arise directly from the Regulation 19 objection: the treatment of Green Wedges and countryside; the historic environment; the natural environment and green infrastructure; and the 20% Biodiversity Net Gain requirement.

B. ISSUE 1 – COUNTRYSIDE AND GREEN WEDGES

Q10.4 What evidence supports the Green Wedge designation and informs Policies S11 and DM7? Is it up to date? Is the approach to identifying and protecting Green Wedges justified and consistent with national policy?

4. The Parish Councils support the legitimate purposes served by Green Wedges, including landscape, separation, recreation, biodiversity and green-infrastructure functions. The concern is whether their protection has operated as an unexplained strategic constraint which excludes potentially more sustainable land from consideration while major development is directed to sensitive open countryside beyond the A12.

5. The Regulation 19 representation challenged the consistency of the reasonable-alternatives exercise. The Council ruled out Green Belt and Green Wedge land in principle, yet selected Hammonds Farm despite its poor accessibility, high landscape sensitivity and substantial environmental constraints. The same evidence base records Hammonds Farm as having "high" landscape sensitivity and only "low to medium" capacity for development, with development likely to be conspicuous, intrusive and difficult to mitigate [Landscape Sensitivity and Capacity Assessment, March 2017; Walsingham, §§2.3-2.7].

6. The issue is not that Green Wedges should be developed. It is whether the strategic approach has been justified on a consistent evidential basis. Where land closer to the existing urban area has been excluded by policy designation, while open countryside beyond the A12 is allocated on the basis that new infrastructure may make it sustainable, the Council should demonstrate why the distinction is justified and why reasonable alternatives have been assessed on an equal footing.

7. The consequence is not merely an evidential gap. If land closer to Chelmsford has been excluded from consideration by the Green Wedge strategy without an equivalent assessment of its actual planning constraints, while Hammonds Farm has been selected notwithstanding demonstrably high landscape sensitivity and substantial infrastructure requirements, the Council has not shown that SGS16a forms part of the most appropriate strategy when considered against reasonable alternatives. The Plan is not justified in that respect.

C. ISSUE 2 – HISTORIC ENVIRONMENT

Q10.8 Does the Plan set out a positive strategy for the conservation and enjoyment of the historic environment, consistent with paragraph 196 of the Framework?

Q10.9 Are any modifications to Strategic Policies S3 or Policies DM13–DM15 needed for soundness?

8. The Parish Councils support the general objective of Strategic Policy S3. Their concern is whether the Plan can be effective when that strategy is applied to SGS16a.

9. The Regulation 19 representation identified harm to a wide range of heritage assets associated with Hammonds Farm, including the Chelmer and Blackwater Navigation Conservation Area, listed buildings, historic lanes, archaeological interests and the settings of heritage assets. The Council's own evidence identifies substantial sensitivity, including "considerable" harm to the Navigation Conservation Area [Walsingham, §§2.18-2.48].

10. This is not simply a question of the visual effect of housing which can be addressed through later architectural design. The access strategy itself requires major infrastructure through the Chelmer valley. The proposed Junction 19 route and River Chelmer crossing form part of the strategic infrastructure needed to serve the allocation. The heritage impact therefore arises from infrastructure necessary to make the allocation function.

11. Policy SGS16a simultaneously requires development to preserve or enhance the Chelmer and Blackwater Navigation Conservation Area and relies upon infrastructure whose alignment affects that landscape and heritage setting. The submitted evidence should demonstrate at strategic level that those requirements are capable of reconciliation. A conflict created by essential access infrastructure cannot simply be treated as a matter of detailed design to be resolved after the allocation has been found sound.

12. The Parish Councils do not seek to rewrite the general development-management heritage policies merely because SGS16a is controversial. If infrastructure necessary to deliver SGS16a

would itself cause harm to the historic environment which the policy requires the development to preserve or enhance, that is not a matter which can simply be deferred to detailed design. **Unless the Council can demonstrate a realistic strategic solution, the allocation contains an unresolved internal conflict and has not been shown to be effective.**

D. ISSUE 3 – NATURAL ENVIRONMENT AND BIODIVERSITY

Q10.10 Is the approach to the protection and enhancement of the natural environment and blue and green infrastructure in Strategic Policy S4 consistent with national policy and supported by evidence?

13. Strategic Policy S4 provides an appropriate framework in principle. For SGS16a, however, the question is whether the allocation demonstrates that the multiple functions placed upon its green and blue infrastructure are realistically capable of being delivered together.

14. SGS16a relies upon the same broad land resource to provide a Country Park, semi-natural recreation space, mitigation for recreational pressure, Biodiversity Net Gain, habitat creation and connectivity, SuDS and flood management, landscape mitigation, heritage setting, active-travel routes and long-term public open space [PS009; SOCG049]. The Parish Councils have not identified a submitted integrated land-use schedule which demonstrates how those functions are reconciled with the housing, employment, schools and transport infrastructure also required by the allocation.

15. Multifunctional green infrastructure is not objectionable in principle. The problem is assuming that the same land can perform all functions without demonstrating compatibility. Land intended for high-footfall recreation cannot simply be assumed to provide the same ecological function as land required for sensitive habitat creation, BNG, flood storage or ecological connectivity. The issue is therefore not whether multifunctionality is desirable; it plainly is. The issue is whether the assumed developable capacity of SGS16a survives once the land genuinely required for flood management, recreation, ecological mitigation, BNG, landscape and heritage protection, sustainable transport and other infrastructure is accounted for without double counting. On the submitted evidence, that has not been demonstrated. **If those functions cannot all be accommodated within the assumed land budget, the consequence is not a need for better drafting: it is that the proposed quantum may be overstated.**

16. The ecological context also extends beyond isolated habitats within the allocation boundary. The submitted and supplementary evidence identifies the River Chelmer, Sandon Brook, Local Wildlife Sites, ancient woodland and a wider connected landscape of woodland, meadow, wetland and pollinator habitat. The relevant plan-making issue is not whether every species survey has been completed, but whether the strategic green-infrastructure framework can maintain those ecological-network functions while still accommodating the proposed quantum. **If the allocation depends on future masterplanning to discover whether that is possible, its environmental capacity has not yet been demonstrated.**

17. The Plan also expressly recognises cumulative recreational pressure on sensitive inland receptors. Policy SGS16a responds through alternative semi-natural greenspace, circular walking routes, buffers and stewardship. The evidence reviewed by the Parish Councils does not identify a quantified inland visitor baseline, diversion assumption, carrying-capacity assessment or performance threshold showing how much pressure those measures are expected to divert. The absence of a bespoke visitor model is not itself determinative. But where alternative greenspace is relied upon as mitigation for an acknowledged cumulative effect, the Council must demonstrate that the scale, timing and management of that mitigation are sufficient to make the allocation effective. On the submitted evidence, that has not been demonstrated. **Mitigation cannot be treated as**

effective merely because it is proposed; it must be shown to be capable of addressing the pressure the Plan itself acknowledges.

18. Paragraph 7.377 refers to high-quality semi-natural greenspace of at least 12 hectares "each", together with an 8 hectares per 1,000 population standard and a minimum 2.3 kilometre circular route. The wording does not establish how many such spaces are required, when they must be provided or the occupation trigger by which they must be available. These are not drafting niceties. The greenspace is part of the mitigation relied upon to make the allocation acceptable. If its scale and timing are undefined, the Plan has not demonstrated that the recognised recreational pressure can be mitigated in step with development. **A mitigation strategy whose quantum and delivery trigger remain unresolved cannot provide the certainty required to demonstrate that SGS16a is effective.**

Q10.13 Is the requirement for the garden community developments to deliver 20% Biodiversity Net Gain (BNG), required by Strategic Policy S4 and Policy DM16, justified and deliverable? Is the 20% BNG figure for the garden communities a minimum requirement or a target? Is this clear and are modifications needed to make the policy effective?

19. This question is directly engaged by the post-Regulation 19 changes to the policy position. The submitted policy described a minimum 20% Biodiversity Net Gain for the Garden Communities. The subsequently agreed wording with the promoter qualifies delivery above the statutory minimum by reference to what can practically be delivered onsite [SOCG046]. That is not a minor drafting change. It alters the certainty of one of the environmental benefits relied upon to justify the allocation. If 20% is genuinely required, the Plan must demonstrate that it can be delivered within the land, cost and management envelope of SGS16a. If it is not genuinely required, the Plan should not continue to present it as though it were a secured minimum. **The policy cannot simultaneously rely on 20% BNG as a strategic benefit and reserve the ability to retreat from it if delivery proves difficult.**

20. The Parish Councils do not contend that a final statutory biodiversity metric must be available at Local Plan stage. The allocation-stage question is whether the capacity, viability and land assumptions make credible allowance for the land, cost and long-term management consequences of the stated requirement. No SGS16a-specific baseline metric, indicative biodiversity-unit calculation, off-site strategy, site-specific cost or habitat-delivery schedule has been identified in the submitted evidence reviewed by the Parish Councils [PS009; V003; SOCG049]. In those circumstances, the Council has not demonstrated that the 20% requirement has been properly absorbed into the allocation's capacity and viability assumptions rather than simply assumed to be capable of later delivery. **That is a material gap where the environmental case for the allocation itself relies upon enhanced BNG.**

21. That uncertainty matters because BNG is only one of several demands upon the same green and blue infrastructure land. If achievement of 20% depends upon land also relied upon for recreation, flood management, landscape mitigation, heritage protection, access or other infrastructure, those assumptions must be reconciled sufficiently to demonstrate that the allocation remains effective and deliverable. The Council cannot count the same land repeatedly to satisfy different policy requirements where those uses are not compatible. **If the assumed land budget does not survive that exercise, neither does the claimed capacity of SGS16a.**

22. The Parish Councils therefore submit that the Plan must state clearly whether 20% BNG is a mandatory minimum or a target; how the qualification concerning practical onsite delivery operates; and how any shortfall above the statutory minimum is to be treated. **Without that clarity, the Council cannot demonstrate what environmental outcome the allocation is actually required to**

achieve or whether that outcome has been tested through the capacity and viability evidence. The policy is therefore not effective in its present form.

Q10.14 Are any changes to Strategic Policy S4 needed for soundness?

23. Yes. Any modification should secure clarity and effectiveness without attempting to prescribe detailed ecological design. In particular, the policy framework should make clear: (a) the status of the 20% BNG requirement; (b) that recreation, BNG, flood/SuDS, landscape, heritage and other green-infrastructure functions must be demonstrated to be spatially compatible rather than assumed to be interchangeable; (c) that mitigation relied upon to make strategic development acceptable must be delivered when the relevant effects arise; and (d) that appropriate long-term management, monitoring and corrective mechanisms are secured. These are not peripheral matters. They determine how much land remains genuinely available for development and what cost burden the allocation must carry. **Unless those requirements are reconciled, the Council has not demonstrated that SGS16a can accommodate the proposed quantum while delivering the environmental mitigation on which its acceptability depends.**

24. The issue is whether SGS16a has been shown to be strategically feasible on the basis on which it is allocated. Its capacity depends upon the same finite land resource accommodating development, infrastructure, flood management, recreation, BNG, ecological connectivity, landscape mitigation and heritage protection, while the resulting obligations must also remain viable and deliverable. Those matters cannot be left to a future masterplan if the masterplan may ultimately reveal that the assumed quantum cannot be accommodated. **The submitted evidence has not demonstrated that the allocation survives that integrated test.**

E. CONCLUSION

25. The Parish Councils' case is not that the Plan lacks environmental policies. The problem is that SGS16a depends upon those policies and mitigation measures all being capable of operating together within the same finite site, without undermining the development quantum or viability. **The existence of policy requirements is not evidence that they can all be delivered simultaneously.**

26. SGS16a is required to accommodate an unusually extensive combination of landscape, heritage, biodiversity, recreation, flood-management and infrastructure mitigation within the same constrained landscape. Each requirement may appear capable of mitigation when considered in isolation. The soundness question is whether they can all be delivered together, on the same site, at the proposed quantum and within a viable and deliverable scheme. **The submitted evidence does not demonstrate that cumulative proposition.**

27. Where an allocation depends upon mitigation which remains unresolved, spatially unreconciled or deferred to later stages, the issue is not merely one of implementation. It goes directly to whether the allocation has been shown to be justified and effective under paragraph 35 of the Framework. **A strategic allocation cannot be found sound on the assumption that future masterplanning will resolve conflicts which may determine whether the proposed quantum can be accommodated at all.**

28. The Parish Councils therefore submit that SGS16a has not been demonstrated to be a sound strategic allocation. The Council has not shown that the proposed quantum can be accommodated once the full land, mitigation, infrastructure and environmental requirements are brought together, nor that those requirements can be delivered within a coherent and viable scheme. Those are not matters which can properly be left to future masterplanning because they go to the strategic capacity and deliverability of the allocation itself. **On the evidence presently before the Examination, SGS16a has not been shown to be justified or effective and should not be found sound.**

LITTLE BADDOW, BOREHAM, DANBURY AND SANDON PARISH COUNCILS

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