Chelmsford Local Plan Review 2022-2041 Examination

Mr D Bibby and Family and Colleagues

Respondent Reference: 1380884

Hearing Statement

Hearing Statement in response to the Inspector's questions 10.4 and 10.7 of **Matter 10** relating to Strategic Policy S 11 – The Role of the Countryside.

Matter 10: Protecting Important Assets

Issue 1 *– Does the Plan set out policies for the protection of the countryside which are justified, effective and consistent with national policy.*

1.1 Our clients raised concerns with regard to the Plan's policies for the protection of the countryside in their earlier Written Representations[1] - on the basis that they were considered to be over onerous (in isolation and, on practical application, when assessed within the context of other Plan policies).

1.2 At 10.4, the Inspector asks what evidence supports the Green Wedge designation and informs Policies S11 and DM7 - and whether it is up to date.

1.3 The Council will no doubt provide the Inspector with their response in due course, and this can be explored further at the appropriate round table Hearing session.

1.4 The follow up question asks whether the approach to identifying and protecting Green Wedges is justified and consistent with national policy?

[1] Representation references: PSQ25-6356, PSQ25-6357, PSQ25-6358 and PSQ25-6359

1.5 In response, our clients respectfully submit that it is not.

1.6 Paragraph 180(a) of the 2023 NPPF requires the protection of valued landscapes to be proportionate to their statutory status, or identified quality.

1.7 Green Wedges are not a nationally-designated landscape – and therefore any elevated degree of protection needs to be supported by evidence of their locally-identified qualities and functions.

1.8 Our clients consider that the policy goes further than necessary to protect these identified qualities – and, as presently worded, results in policies that are not sufficiently justified, or flexible.

1.9 More particularly (and as advanced in our previous Written Representations), the Plan's policy requirements are for proposals to have "no" adverse impact – meaning, in practise, that "any" adverse impact (e.g. even where negligible, limited or even moderate) could never be fully policy compliant.

1.10 In addition, the Green Wedge designations (and associated policies) are considered to go beyond what is required to prevent settlement coalescence – and cover a multitude of policy layers, that in practice equate to a significantly more onerous policy protection than the Council's countryside policies, and even their Green Belt policies.

1.11 Our clients consider the majority if not all of the policy requirements are already adequately covered by polices relating to the countryside (rural areas) – and elsewhere in the Plan where other policies require specific assessment as regards impact on landscape character, trees, ecology, biodiversity, flood risk and flood water storage etc[2].

[2] requiring additional assessment against the Council's Landscape Character Assessments, Green Infrastructure Strategic Plan and the Local Nature Recovery Strategy etc.

1.12 Further, the 2026 Framework also now contains national decision-making policies covering all of the above – which the Government confirms are material considerations (in the determination of applicants and appeals) of critical importance.

1.13 The 2026 Framework now provides a "presumption in favour of sustainable development" outside settlements and in the Green Belt in certain scenarios – which the Council's policies relevant to Green Wedges are currently considered to be insufficiently flexible to respond to proposals where they might be required to meet an evidenced unmet need on application of the "universal tilt" (and so are considered to be ineffective in terms of future practical application when assessed, as they will need to be, alongside the national decision-making policies).

1.14 As Green Wedges are not a statutory designation, the Plan's policies covering the same and essentially providing a heightened protection over Countryside and Green Belt policies are not considered to be justified – and, as above, particularly since there are considerable areas of overlap between other policy requirements that would otherwise already provide appropriate protection.

1.15 This all being the case, the Inspector is asked to require the Council to provide sufficient justification, through proportionate evidence, why the Green Wedge requires restrictions going beyond ordinary countryside (and other) protection – and whether it has assessed the different characteristics and functions of land within the designation, rather than treating the whole area uniformly.