

Chelmsford Policy Board Agenda

6 June 2019 at 7pm

**Council Chamber
Civic Centre, Duke Street
Chelmsford CM1 1JE**

Membership

Councillor G H J Pooley (Chair)

and Councillors

N Chambers, W Daden, C Finnecey, I Fuller, J Galley, M Goldman,
S Goldman, N Gulliver, G B R Knight, R Moore, R J Poulter,
I C Roberts, A Sosin, M Springett, R T Whitehead and T N Willis

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There will also be an opportunity to ask your Councillors questions or make a statement. If you would like to find out more, please telephone Brian Mayfield in the Democracy Team on Chelmsford (01245) 606923, email brian.mayfield@chelmsford.gov.uk, call in at the Civic Centre or write to Democratic Services, Civic Centre, Duke Street, Chelmsford CM1 1JE. Council staff will also be available to offer advice at the Civic Centre for up to half an hour before the start of the meeting.

If you need this agenda in an alternative format please call 01245 606923. Minicom textphone number: 01245 606444.

Recording of the part of this meeting open to the public is allowed. To find out more please use the contact details above.

CHELMSFORD POLICY BOARD

6 JUNE 2019

AGENDA

PART 1

Items to be considered when members of the public are likely to be present

1. WELCOME AND APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

3. PUBLIC QUESTIONS

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 15 minutes is allotted to public questions/statements, which must be about matters for which the Cabinet/Committee is responsible. Questions can be put under this item or, if they relate to an item on the agenda, when the Committee considers that item.

If a number of people wish to ask substantially the same questions or make the same points on a matter, they are encouraged to appoint one or more spokespersons to do so on their behalf in order to avoid repetition.

The Chairman may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

4. APPOINTMENT OF VICE CHAIR

5. TERMS OF REFERENCE OF THE BOARD

To note the attached terms of reference

6. CHELMSFORD DRAFT LOCAL PLAN UPDATE

To consider the attached report

7. PRIORITIES OF THE CHELMSFORD POLICY BOARD

To agree the Board's initial priorities, including setting up working groups, if appropriate

8. URGENT BUSINESS

To consider any other matter which, in the opinion of the Chairman, should be considered by reason of special circumstances (to be specified) as a matter of urgency and which does not constitute a key decision.

9. REPORTS TO COUNCIL

The officers will advise on those decisions of the Board which must be the subject of recommendation to the Council.

PART II (EXEMPT ITEMS)

NIL

CHELMSFORD POLICY BOARD				
Membership	Quorum	Substitutes	Politically Balanced	Frequency of meetings
SEVENTEEN	FIVE	YES	YES	SIX PER YEAR
Functions/Purpose				Delegations
<ol style="list-style-type: none"> 1. To review existing and develop new policies in relation to any function for which the City Council is responsible and to make recommendations to the Cabinet and Council, as appropriate. 2. To establish working groups to examine in detail existing policies, develop new ones and to make recommendations on new or revised policies to the Chelmsford Policy Board. The Working Groups may, where appropriate, invite non-Board members to attend their meetings. 				None
Procedures	Part 4.2 – Cabinet and Committees Procedure Rules			
Codes	Part 5.1 – Code of Conduct for Councillors			

CHELMSFORD POLICY BOARD

6 June 2019

AGENDA ITEM 6

Subject	CHELMSFORD LOCAL PLAN UPDATE
Report by	DIRECTOR OF SUSTAINABLE COMMUNITIES

Enquiries contacts: Jeremy Potter – Spatial Planning Services Manager
01245 606821 jeremy.potter@chelmsford.gov.uk

Purpose

The purpose of this report is to provide the Board with an update on the progression of the Chelmsford Local Plan and a timetable for the next steps.

Recommendation

That the Board notes the report and agrees the process of confirming the Main Modifications to the Pre-Submission Chelmsford Draft Local Plan (Publication Draft) and subsequent changes to the Policies Map as set out at Section 4 of this report.

Corporate Implications

Legal:	Compliance with Government requirements for the preparation of statutory Development Plan documents
Financial:	The preparation of a Local Plan is a major area of work, which started in 2014/15. It involves significant financial resources for Evidence Base preparation, Public Consultation, Sustainability Appraisal work, legal fees and Examination by the Planning Inspectorate. Current work is being met from the approved Budget for 2018/19.
Personnel:	None
Risk Management:	Potential risk of Government intervention if the City Council does not progress a new Local Plan.
Equalities and Diversity:	An Equality and Diversity Impact Assessment has been undertaken for the Council's emerging new Local Plan.
Health and Safety:	None
IT:	None
Other:	None

Consultees	This report has been prepared following consultation with other Directorates within the City Council.
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<p>Policies and Strategies</p> <p>The report takes into account the following policies and strategies of the Council:</p> <p><u>Local Development Framework (LDF) Documents</u></p> <p>Adopted Development Plan Documents:</p> <p>Core Strategy and Development Control Policies 2008 Focused Review of Core Strategy and Development Control Policies 2013 Chelmsford Town Centre Area Action Plan 2008 North Chelmsford Area Action Plan 2011 Site Allocations Development Plan Document 2012</p> <p>Planning Obligations SPD – Adopted and Draft SPD Duty to Co-operate Strategy – Adopted Strategy Statement of Community Involvement – Adopted Document Local Development Scheme – Adopted Document</p> <p>The Chelmsford Local Development Framework takes into account all published strategies of the City Council, together with the Sustainable Community Strategy published by The Chelmsford Partnership.</p>

1 Introduction

- 1.1 This report provides the Board with an update on the progression of the Chelmsford Draft Local Plan (Local Plan for short).

2 Context

- 2.1 The Local Plan is the statutory development plan, which sets out a spatial strategy for accommodating future development growth alongside the planning policies used to determine planning applications.
- 2.2 The Local Plan covers the period 2013-2036 and on adoption it will replace the Council's adopted development plan documents within the Local Development Framework (LDF). In order to keep the Local Plan up-to-date, there is a requirement for it to be reviewed within five years of its adoption

3 Independent Examination

- 3.1 Following three rounds of formal public consultation in the period 2015-18 and the agreement of Council at a special meeting on 19 June 2018, the Local Plan was submitted to the Secretary of State for independent examination on 30 June 2018. The Local Plan underwent three weeks of formal hearing sessions led by a Planning Inspector which concluded in December 2018.
- 3.2 Following the hearings, the Planning Inspector issued a Post Hearing Advice Note in February 2019 which is attached at Appendix 1 of this report. In this advice note, the Inspector reached an interim conclusion that, subject to making necessary main modifications which she has identified, the Local Plan could be found 'sound'. Under the delegation granted by Full Council when the Local Plan was submitted for Independent Examination, the Director of Sustainable Communities provided the Council's response to the Post Hearing Advice Note which is attached at Appendix 2 of this report. Both the Inspector's Post Hearing Advice Note and the Council's response were published on the Council's website.
- 3.3 There were also further modifications identified by the Planning Inspector at the hearings which mainly comprise detailed policy wording which are required for reasons of 'soundness'. Other minor modifications, such as typographic errors and numbering changes are categorised as Additional Modifications.
- 3.4 A six week public consultation will be required on the Main Modifications identified by the Inspector and the subsequent changes to the Policies Map. The Main Modifications are also required to be the subject of Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA).

4 Process for Agreement of Main Modifications for Consultation

- 4.1 It is proposed that the Schedules of Main Modifications to the Local Plan and subsequent changes to the Policies Map which have been agreed by the Planning Inspector, alongside the updated SA and HRA, are considered at a meeting of the Cabinet on 1 July 2019. The decision of the Cabinet would then be referred to the meeting of Full Council on 16 July 2019 for approval to publish the relevant modification schedules and supporting documentation for public consultation as soon as is practicable.

List of Appendices

Appendix 1 - Inspector's Post Hearing Advice Note

Appendix 2 - Council's response to the Inspector's Post Hearing Advice Note

Background Papers

- Pre-Submission Chelmsford Local Plan (Publication Draft) and Policies Map – January 2018
- Chelmsford adopted Local Development Framework Development Plan Documents (2008-2013)
- Development Policy Committee Agenda and Minutes - 7 June 2018
- Cabinet Agenda and Minutes – 13 June 2018
- Full Council Agenda and Minutes – 19 June 2018
- Procedural Practice in the Examination of Local Plans – The Planning Inspectorate June 2016 (4th Edition v.1)

APPENDIX 1

Examination into the soundness of the Chelmsford Local Plan

Inspector's Post Hearing Advice

Introduction

1. At this stage I consider that the Local Plan (LP) is a plan which could be found sound subject to main modifications (MMs). However, I have reached no final conclusions at this time. The MMs will be subject to consultation and I will reach my final conclusions taking representations into account.
2. During the hearing sessions a number of potential MMs were discussed and a list has been maintained by the Council. I will be commenting on this list in due course. In addition I indicated at the hearings that there were matters on which I would need to deliberate before I would be in a position to advise the Council as to whether any additional work or further MMs should be considered. This letter provides my views on those matters where I consider further MMs are necessary. It also sets out next steps and the administrative arrangements relating to all potential MMs.
3. I am only seeking comments from the Council on the contents of this letter and am not inviting any other responses. Any received by the Programme Officer will be immediately returned. I will detail my reasoning on all the main issues in my final report on the LP.

Further main modifications

Gypsy, traveller and travelling showpeople sites

4. Policy HO3 criterion A) iii requires that when considering planning applications for gypsy, traveller and travelling showpeople accommodation '*the capacity of the site does not exceed 10 pitches or plots*'. In relation to the sub-division of sites criterion B) iv states that this will be permitted if it '*does not result in a total of more than 10 pitches on a site*'. As discussed within the hearings I questioned this 10 pitch/plots restriction.
5. National planning policy for traveller sites requires that criteria based policies should be fair and effective in facilitating the traditional and nomadic life of travellers while respecting the interests of the settled community. The available evidence does not adequately demonstrate why sites should be restricted to 10 pitches or plots. Furthermore, the policy contains other criteria against which impact and scale of any proposals could be considered. For these reasons, and given the lack of evidence, criterion A) iii and B) iv are not justified and should be deleted.

Green belt

6. Paragraph 6.77 of the LP states that '*only minor and limited alterations to the green belt boundary are proposed*'. If changes are to be made to the green belt boundary, exceptional circumstances must be demonstrated. No such evidence is before me. Consequently, this wording must be deleted from the LP and set out as a MM. In addition, the green belt boundary alterations must be deleted from the policies map and set out in the proposed policies map changes document, including in map form. The Council may also wish to consider whether this results in the need for any further consequential changes to the LP or policies map.

Green wedges, green corridors and valued landscapes

7. I have considered the evidence base for the designation of green wedges and green corridors within the LP and their identification as valued landscapes.
8. In the case of green wedges the LP seeks to protect and enhance them for their openness and function as important green networks within and adjacent to the urban environment. Though set out in evidence and referred to by the Council in the hearings, their important role in preventing coalescence of urban areas is not made explicitly clear within relevant policies or the supporting text. Consequently, the Council should amend these to include this purpose, to ensure that the green wedge designation is clear and effective. This should be set out as a MM.
9. The Council has confirmed that the valued landscapes reference in the LP is in the context of paragraph 109 of the National Planning Policy Framework (the Framework). I recognise that the river valleys within and beyond the urban areas are important landscape and environmental features within the Chelmsford area, have a predominantly high sensitivity to change as set out within the Landscape Character Assessment (EB099) and are of value to local communities. However, this does not necessarily mean that they are valued landscapes in the context of the Framework.
10. Whilst I accept that the Framework does not prescribe how valued landscapes should be defined, an assessment, using suitable landscape and visual impact criteria, is a useful way of considering and demonstrating value. I note that the consultants who produced the Green Wedges and Green Corridors Review Report (EB094A and EB094B) were not tasked with assessing whether these areas are valued landscapes. No other assessment of these or any other landscape areas within the plan area has been carried out. Due to the lack of evidence, the valued landscape designation within the LP for both green wedges and green corridors is not justified.

11. As regards the green corridors, the available evidence does not adequately demonstrate why these areas require a separate landscape designation, and why they have been specifically identified when compared to the surrounding landscape. The purpose and function of these designations within the LP is not entirely clear, particularly when combined with my concerns about lack of justification for their identification as valued landscapes. Furthermore, these areas are within the open countryside and are already covered by either green belt or rural area designations. Some of the areas are also protected for their value for ecology and wildlife, heritage, and functional requirements including flood zones.

12. Consequently, in relation to my above concerns I suggest that the Council has two options:

Option 1 - To delete the green corridor designations and valued landscape references within the LP. The Council should carefully consider any implications of these changes for other relevant policies within the LP. These changes should be set out as MMs. In addition, changes to the submission policies map should be set out in a separate schedule, to include maps, as this will need to be consulted on alongside the MMs.

Option 2 - To re-visit the green corridor evidence and designations now and produce an assessment on valued landscapes. This would require a pause of the examination until the additional work and consultation on it is completed. It may also be necessary to hear evidence on these matters at a further hearing session. Inevitably this would result in a delay to the examination.

13. If the Council decides to pursue option 1, it would be able to re-visit these issues when it next updates the plan.

Sustainability appraisal

14. The sustainability appraisal (SA) refers to green corridor designations as a reason for rejecting development. Should the green corridors be removed from the LP it may be necessary to consider whether this would make any difference to the SA findings. Whilst the actual landscape attributes and effects of development on landscapes would be the same, it is not clear what affect, if any, the removal of this designation would have on such factors as the weighting to be given to protection from development? The Council may wish to consider this matter further.

15. The Council should also satisfy themselves that they have met the requirements for SA in relation to the other potential MMs, as appropriate. I will need to see a draft of any SA addendum or update and may have comments on it. This should be published as part of the future MMs public consultation.

Next steps

16. The Council should now consider their options in relation to green corridors and valued landscapes and inform me of their decision by **22 February 2019**. If option 2 is chosen, then details of the work required and timescales necessary to undertake the additional work should be clearly set out in a work programme. This should be submitted to me through the Programme Officer by the above date.
17. If the option to remove the green corridor designations and valued landscape references is chosen, the Council should prepare the further MMs highlighted in this letter and incorporate them into a consolidated schedule of all the potential MMs. The Council should also consider the need for any consequential changes to the LP and from the submission policies map that might be required in connection with any potential MMs. Any changes to the submission policies map should be set out in a separate schedule, including in map form.
18. I will need to see the draft MM schedule and may have further comments on it. I will also need to agree the final version along with any proposed map changes before these are made available for public consultation. For clarity and to avoid an excessive number of MMs, it is best to group all the changes to a single policy together with any consequential changes to the supporting text as one MM wherever possible.
19. The Council has proposed some other changes to the LP. Except for those I consider should be defined as potential MMs, any other changes which are not necessary for soundness are *additional modifications* and are a matter solely for the Council. I will advise the Council which of the changes they have advanced are actually AMs in due course. If the Council intends to publicise or consult on them it should be made clear that such changes are not a matter for me to consider. Furthermore, the MMs are put forward without prejudice to my final conclusions.
20. The general expectation is that issues raised on the consultation of the draft MMs will be considered through the written representations process and further hearing sessions will only be scheduled exceptionally.

21. I look forward to receiving the Council's response by **22 February 2019**.
If there are any queries or matters that require clarification, please
contact me through the Programme Officer.

Yvonne Wright, Planning Inspector

8 February 2019

Yvonne Wright - Planning Inspector

Director of Sustainable Communities
Civic Centre
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Essex,
CM1 1JE

21 February 2019

Dear Madam Inspector

Response to Inspectors Post Hearing Advice Letter (PHAL)

Further to your PHAL dated 8 February 2019, I write to advise that the Council has considered the contents of the letter and agreed the following actions in respect of the further Main Modifications identified.

Gypsy, Traveller and Travelling Showpeople Sites

It is agreed that criterion A) iii and B) iv of Policy HO3, which limit new or extended Gypsy, Traveller and Travelling Showpeople sites to a maximum of 10 pitches/plots, should be removed as there is currently not sufficient evidence to support this requirement, however the Council agrees the policy contains other criteria against which the impact and scale of proposals could be considered. The Council will add this change to the draft Main Modification Schedule for your consideration.

Green Belt

The wording *'only minor and limited alterations to the green belt boundary are proposed'* which appears in paragraph 6.77 of the Local Plan will be amended to make clear that no alterations to the Green Belt boundaries are proposed. To ensure the policy boundaries are co-terminus, it is proposed that the amendments to the Urban Area and Defined Settlement boundaries set out on the Submission Policies Map where they adjoin the Green Belt and have resulted in a consequential change to the Green Belt boundary, revert to the boundaries on the Site Allocations DPD Proposals Map adopted in 2012. These proposed Main Modifications ensure that the Green Belt boundaries also revert to those adopted on the Site Allocations DPD Proposals Map. The Council will add this change to the draft Main Modification Schedule and include consequential mapping changes within the Policies Map Modification Schedule for your consideration.

Green Wedges, Green Corridors and Valued Landscapes

In accordance with Option 1, Green Corridors will be removed from the Plan as a designation, and reference to Green Wedges being considered as 'valued landscapes' will be deleted. The Council will add these changes and any consequential modifications to the draft Main Modification Schedule and also include consequential mapping changes within the Policies Map Modification Schedule for your consideration.

Sustainability Appraisal (SA)

The Council's consultant will update the SA to re-assess the impact of all the main modifications. The SA update will be undertaken once the full scope of the main modifications is agreed. Once complete, the Council will make the draft SA update available for your consideration.

Next Steps

In accordance with your advice the Council are in the process of assessing the implications the above changes have on the policies, designations and maps contained within the Local Plan. These will be reflected in the main modifications, additional modifications, and policies map schedules which will be submitted to you in draft for your agreement in due course

For your information, it is the Council's intention to publish the additional modifications and policies map schedule of changes alongside the main modifications consultation as it aids clarity. It will however be made clear that these are not the subject of consultation and are not for your consideration.

I trust this approach is acceptable to you.

Yours sincerely

David Green
Director of Sustainable Communities