HS001 Matter 1

Chelmsford Local Plan

Examination Hearing Statement – Legal and Procedural Requirements

November/December 2026



Chelmsford Local Plan

Introduction

1. This hearing statement sets out the Council's response in relation to the Inspector's Matters, Issues and Questions.

2. All the evidence base documents referred to in this statement are listed at the end of the Hearing Statement, with their evidence base or examination document reference numbers as applicable.

3. Any relevant proposed modifications are included in a table at the end of each question.

Matter 1 - LEGAL AND PROCEDURAL REQUIREMENTS	
Issue 1	**Whether the Plan has been informed by a Sustainability Appraisal**
Q 1.1	**Is it clear how the preparation of the Plan and its policies have been informed by the Sustainability Appraisal (Integrated Impact Assessment January 2025 (SD008) and Integrated Impact Assessment: Additional Sites (Regulation 19) Addendum November 2025 (SD009)) at each stage and how mitigation measures have been dealt with?**

CCC Response to Q 1.1

4. It is the Council's position that it is clear how the Local Plan has been informed by the Integrated Impact Assessment (IIA). The IIA has been an iterative process used at each stage of Local Plan preparation to assess the emerging plan and other reasonable alternatives against a range of social, environmental, economic, health and equality indicators.

5. The IIA incorporates:
   - Sustainability Appraisal (SA)
   - Strategic Environmental Assessment (SEA)
   - Habitats Regulations Assessment (HRA)
   - Health Impact Assessment (HIA), and
   - Equality Impact Assessment (EqIA).

6. The IIA identifies the key sustainability issues for the Review of the Local Plan, which informed the development of an assessment framework of 14 objectives. The components of the Plan (objectives, policies and proposals) were assessed against the IIA objectives at each stage, and performance measured against a consistent qualitative scale, supported by narrative justifying the score. The intention of the IIA (as part of the wider evidence base) in identifying likely significant effects, is to assist

the Council in their decision-making and development of the Plan. The IIA has been used to inform development of the plan at each stage, and has been subject to separate consultation, as follows:

- Scoping Report – April 2022 **(IIA001)**
- Issues and Options – August-October 2022 **(IIA002)**
- Preferred Options (Regulation 18) – May-June 2024 **(IIA005)**
- Pre-Submission (Regulation 19) – February-March 2025 **(SD008)**
- Additional Sites (Regulation 19) Addendum – November 2025-January 2026 **(SD009)**

7. Following consultation, Feedback Reports were produced at each stage summarising the main issues received in the responses and how they have been taken into account. These reports are included as Appendices for early iterations of the IIA and as separate reports for the Pre-Submission IIA and the Additional Sites Addendum, as follows:
    - Feedback on Scoping Report – Appendix B of **SD008**, pages 232-261 (PDF pages 244-273)
    - Feedback on Issues and Options – Appendix B of **SD008**, pages 261-279 (PDF pages 273-291)
    - Feedback on Preferred Options – Appendix B of **SD008**, pages 280-306 (PDF pages 292-318)
    - Feedback on Pre-Submission IIA – **IIA009**
    - Feedback on Additional Sites Addendum – **IIA013**

8. In line with the SEA Regulations and extant guidance, mitigation measures have been identified where necessary within **SD008** and **SD009** to prevent, reduce and as fully as possible offset any significant adverse effects of implementing the Local Plan. This includes mitigation measures outlined in Section 8.8 of **SD008**, page 225 (PDF page 237), and measures identified in proposed policies. The Submission Topic Paper – Spatial Strategic and Strategic Sites **(TP010)** (Table 1 on page 15 (PDF page 16)) sets out these IIA Recommendations (for mitigation) and the Council's Comment/Action. Where the action includes an amendment to the Local Plan, this was incorporated into the draft Pre-Submission Local Plan document before consultation. In addition, section 8.9 sets out proposed monitoring measures which will assist in the plan implementation process.

9. No additional mitigation measures were proposed in **SD009**, as no changes to the assessment presented in the Pre-Submission IIA were identified (Paragraph 3.4.1 on page 17 (PDF page 27)).

10. The Local Plan is considered to be sound and legally complaint in this regard.

Q 1.2	**Do the Sustainability Appraisals robustly test the Plan against reasonable alternatives for the allocated sites for housing, employment and retail and other types of development?**

CCC Response to Q 1.2

11. The Council considers that the IIA has robustly tested the Local Plan against reasonable alternatives. This does not include all possible alternatives, but those which have been tested are considered by the Council to be reasonable.

12. The IIA has considered a range of reasonable alternative strategies and options through the IIA process (and through technical evidence base testing), before finalising the policies and sites in the Local Plan. This has included the assessment of different Spatial Strategy options, higher and lower growth requirements, and different housing and employment development sites. No further needs for retail provision have been identified (through the retail evidence base (ECON001, paragraph 0.6, page 3) so no reasonable alternatives were tested through the IIA (**SD008**, paragraph 3.4.23 (page 64, PDF page 76; and page 140 (PDF page 152)).

13. The approach to the establishing and considering the reasonable alternatives is set out in the IIA as follows:
    - Pre-Submission IIA **(SD008)** – Section 6 starting on page 170 (PDF page 182) and, in particular, paragraphs 6.4.25 to 6.4.45 on pages 178-182 (PDF pages 190-194), and Table 6.4 on page 182 (PDF page 194); and
    - Additional Sites IIA Addendum **(SD009)** – Section 2.3 on pages 6-11 (PDF pages 16-21).

Q 1.3	**What alternative options were considered, which were discounted and were the reasons for this clear?**

CCC Response to Q 1.3

14. The Council considers that the alternative options, which ones were discounted, and the reasons for this, are clear. Chapter 6 of the Pre-Submission IIA **(SD008)** and Chapter 2 of the Additional Sites IIA Addendum **(SD009)** sets out the process and results in detail.

Pre-Submission Consultation Stage

15. Through the Pre-Submission IIA **(SD008),** alternative strategies were explored for the quantum of housing growth and employment growth. This led to further consideration

of the distribution of this growth through alternative spatial strategy options, taking into account alternative groupings of proposed sites alongside additional sites to meet higher numbers. This approach is set out in more detail in the Pre-Submission IIA **SD008** at paragraphs 6.4.34 to 6.4.43 (pages 179-181 (PDF pages 191-193)).

16. These spatial strategy options are set out in Table 6.3 and Table 6.4 (pages 182-183 (PDF pages 194-195)) of **SD008**. In summary, the alternative options were as follows (from Table 2 of the Spatial Strategy and Strategic Sites Topic Paper **(SD010)**, page 18 (PDF page 19)):

Option	Dwellings	Employment
Option 1: Lower Growth - includes existing adopted Local Plan allocations and no further new allocations	11,687	67,146sqm
Option 2a: Transitional growth includes existing adopted Local Plan allocations, new brownfield and small site options - East Chelmsford Garden Community (Hammonds Farm) and Land adjacent to A12 Junction 18 Employment Area	16,100	162,646sqm
Option 2b: Transitional growth includes existing adopted Local Plan allocations, new brownfield and small site options – Chatham Green and Land East and West of the A12, North and North West of Howe Green, Sandon	16,100	162,646sqm
Option 2c: Transitional growth includes existing adopted Local Plan allocations, new brownfield and small site options – West and North West Chelmsford and Land East and West of the A12, North and North West of Howe Green, Sandon	16,100	162,646sqm
Option 2d: Transitional growth includes existing adopted Local Plan allocations, new brownfield and small site options - Howe Green and Rettendon Common/ Place and Land East and West of the A12, North and North West of Howe Green Sandon	16,100	162,646sqm
Option 3: Higher growth includes the sites at Option 2a and Option 2c with an increased number of dwellings at East Chelmsford Garden Community (Hammonds Farm) and West and North West Chelmsford	19,488	248,946sqm

17. The IIA **SD008** assessed each option against the IIA objectives, and then sets out the summary findings of the assessment, and the outline reasons for the selection of the preferred approach and rejection of alternatives (Table 6.5, paragraph 6.4.46 to 6.4.53, pages 185-188 (PDF pages 197-200)) **SD008**. This is followed by detailed

assessment tables relating to each of the 14 IIA objectives (pages 188-203 (PDF pages 200-215) **SD008**.

18. In summary, the conclusions on the alternative spatial strategy options are as follows (from Table 3 of the Spatial Strategy and Strategic Sites Topic Paper **(SD010)**, page 19 (PDF page 20)):

Option	Conclusion	Reason
Option 1:	Rejected	• Would not meet housing need • Would restrict employment growth • Potential for out-commuting to employment elsewhere
Option 2a:	Selected	• Makes best use of existing and proposed infrastructure capacity • Provides key infrastructure benefits • Potential to create active and sustainable travel routes for connectivity to employment • High levels of accessibility for walking and cycling
Option 2b:	Rejected	• Isolated from the strategic highway network and other key transport infrastructure • Relative isolation from services and facilities leading to reliance on the private car • Employment opportunities not accessible to wider population • Limited wastewater capacity
Option 2c:	Rejected	• Poor connectivity to the Chelmsford Urban Area • Multiple land ownership likely to create delay in delivery • Employment opportunities not accessible to wider population
Option 2d:	Rejected	• Would not consolidate existing settlement pattern • Lack of strategic highway capacity • Isolated from the strategic highway network and other key transport infrastructure • Limited opportunity for new education provision
Option 3:	Rejected	• Lack of strategic highway capacity • Relative isolation from existing residential areas leading to reliance on the private car • Lower landscape capacity than selected option

Additional Sites Consultation Stage

19. Alternative spatial approaches were tested for meeting the net additional supply included in the Additional Sites IIA Addendum **SD009**. Two options were considered to provide reasonable alternatives:

- Option 1: Allocate a number of additional small sites (less than 500 dwellings) and increase capacity at some existing small allocations that are able to deliver the required number of homes early in the plan period.
- Option 2: Allocate an additional large strategic site or sites (assume a maximum of two of 500 to 1,000 dwellings each) that is/are able to deliver the required number of homes early in the plan period.

20. This approach is set out in the Additional Sites IIA Addendum **(SD009)** (paragraph 2.3.3 to 2.3.10, pages 6-8 (PDF pages 16-18)).

21. Option 1 was selected as the preferred approach and Option 2 was rejected. The reasons for this decision are set out in **SD009** at paragraph 2.3.12 to 2.3.14 (pages 10-11 (PDF pages 20-21)). The assessment matrix is set out at Table 2-2 (Page 10 (PDF page 20)) **SD009**.

22. The Local Plan is considered to be sound and legally compliant in this regard.

Matter 1 - LEGAL AND PROCEDURAL REQUIREMENTS	
Issue 2	**Whether the Plan has been prepared in compliance with other legal requirements**
Q 1.4	**How were the Habitats Regulations Assessment (December 2024) and the Habitats Regulations Assessment: Focussed Consultation Additional Sites Addendum (November 2025) carried out and was the methodology appropriate? Do they meet the requirements of the Conservation of Habitats and Species Regulations 2017 and reflect relevant case law?**

CCC Response to Q 1.4

23. The Council commissioned consultants WSP to carry out the Habitats Regulations Assessment (HRA) for the Pre-Submission Document and the Additional Sites Document as part of the IIA process.

24. The HRA for the Pre-Submission Document is presented at Appendix N of the Pre-Submission IIA **(SD008)** (PDF page 909); and at Appendix F of the Addition Sites IIA Addendum **(SD009)** (PDF page 114).

25. The Council considers the methodology to be appropriate. This is set out in **SD008** as a four stage process (paragraph 2.1.1, page 5 (PDF page 925)), and further as an indicative process at Figure 2-1 (page 7 (PDF page 927)) **SD008**.

26. The legal basis for the HRA, relating to the Conservation of Habitats and Species Regulations 2017 (as amended), is set out at paragraph 1.2.1 to 1.2.3 (page 1-2, PDF page 921-923)) **SD008**.

27. The HRA has been prepared consistently with relevant case law, including the 'People over wind' judgement and the issues it raises for the application of avoidance and mitigation measures (section 2.8, page 14-15 (PDF page 934-935)) **SD008**. Further relevant case law is cited as follows:
    - Paragraph 2.2.1, bullet points 6 and 7
    - Footnote 15 (page 11, PDF page 931)
    - Footnote 38 (page 39, PDF page 959) repeated as Footnote 65 (page 68, PDF page 988) and Footnote 90 (page 88, PDF page 1008).

28. The Local Plan is considered to be sound and legally compliant in this regard.

Q 1.5	**What relevant designated sites were considered? What potential impacts of the Plan were factored in?**

CCC Response to Q 1.5

29. The Pre-Submission HRA **(Appendix N of SD008)** set out to consider potential effects on all European sites within 15km of the Council's administrative area, any additional sites hydrologically linked to the Local Plan's zone of influence, and any additional sites identified by Natural England following the Issues and Options Consultation.

30. The 17 European sites within the scope of the HRA are listed at Table 3-2 of **SD008** (page 19-20 (PDF page 939-940)). No further sites were considered to be hydrologically linked, and no additional sites were identified by Natural England for assessment.

31. Potential impacts of the Local Plan were first identified in the Issues and Options IIA **(IIA002)** as follows (pages 195-205):

    - Recreational pressure
    - Urbanisation
    - Atmospheric pollution
    - Water resources and flow regulation
    - Water quality
    - Flooding/water quality management
    - Effects on functional habitats or species away from European Sites

32. The 17 European sites within the scope of the HRA are listed at Table 3-2 of **SD008** (page 19-20 (PDF page 939-940)). No further sites were considered to be hydrologically linked, and no additional sites were identified by Natural England for assessment.

Q 1.6	**What were the overall conclusions of the HRA documents and how have these conclusions informed the Plan's preparation?**

CCC Response to Q 1.6

33. Overall, the HRA has concluded that the Pre-Submission (Regulation 19) Local Plan will have no adverse effects on the integrity of any European sites, alone or in combination due to the absence of effect pathways.

34. The HRA **(SD008)** concluded that (as then drafted) the Pre-Submission Local Plan **(SD001)** would have no adverse effects on the integrity of any European sites, alone or in combination (paragraph 9.2.2, page 97 (PDF page 1017).

35. The Additional Sites IIA Addendum **(SD009)** concluded that the proposed changes to the Local Plan do not affect the findings of the earlier HRA **(SD008)** and reaffirmed the HRA conclusion that the Local Plan will not have adverse effects on any European sites either alone or in combination (paragraph 4.1.2, page 15 (PDF page 133) **SD009**).

36. No specific recommendations for changes to the Local Plan were made in the HRA documents. However, it is considered that the positive conclusions support a number of Local Plan policies in the Pre-Submission Document **(SD001)**, in particular Strategic Policy S4 – Conserving and Enhancing the Natural Environment, and DM16 – Protection and Promotion of Ecology, Nature and Biodiversity. The findings also underpin Strategic Priority 3 - Protecting and enhancing the Natural and Historic Environment, and support an increase in biodiversity and ecological networks

37. The Local Plan is considered to be sound and legally complaint in this regard.

Q 1.7	**How and when has Natural England been involved in the HRA process and have their concerns been satisfactorily resolved? Are changes needed to Strategic Policies S4 and S9 in response to comments from Natural England?**

CCC Response to Q 1.7

38. Natural England was consulted at each stage of the Local Plan consultation. Natural England made responses to the Pre-Submission IIA consultation **(SD008)** (representation reference IIA-50), seeking policy wording updates and clarification on project level mitigation and weighting given to those measures.

39. The Council acknowledged that further clarity would be helpful, and commissioned an HRA Addendum **(SD020)** to provide further detail on this. This Addendum was

developed with the input and agreement of Natural England, and was included in the matters of agreement in a Statement of Common Ground with Natural England in March 2026 **(SOCG014)** (pages 11-12 and at Appendix B on page 21 (PDF pages 12-13 and Appendix B on page 22)).

40. **SD020** sets out recommended amendments to Strategic Policies S4 and S9. These have been included in the Schedule of Modifications **(SD005)** and satisfactorily resolve Natural England's concerns.
MOD Ref 48 (SD005) is required to Strategic Policy S4 to ensure the policy is effective.
MOD Ref 71 (SD005) is required to Strategic Policy S9 to ensure the policy is effective.

Modifications

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
48	61		Strategic Policy S4	*Amend last paragraph:* Contributions from qualifying residential developments within the Zones of Influence and any other mitigation measures, as defined in the adopted or subsequent revisions of the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS), will be secured towards mitigation measures identified in the RAMS.	To respond to comments from Natural England; and ensure the policy is effective
71	87		Strategic Policy S9	*Amend fifth bullet point under Green Infrastructure and Natural Environment:* Contributions towards recreation disturbance avoidance and mitigation measures for European designated sites as identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy ~~and any future iterations~~.	To respond to comments from Natural England; and ensure the policy is effective

Q 1.8	**Further to the HRA Addendum August 2025 (Appendix 2 of the Statement of Common Ground with Natural England), is additional clarification within the HRA needed regarding the Plan's approach to project level mitigation for some developments?**

CCC Response to Q 1.8

41. The HRA Addendum was the final iteration of the HRA prior to submission of the Local Plan. There is, therefore, no opportunity for additional clarification to be included within the HRA in relation to the Local Plan's approach to project level mitigation for some developments. The clarification is instead set out in **MOD Ref 48** and **MOD Ref 71** included in the response to **Q1.7.**

42. The HRA Addendum August 2025 is appended to the Statement of Common Ground with Natural England **(SOCG014)** and has also been published separately **(SD020)**. **SD020** should be read together with the Pre-Submission IIA **(SD008)** and the Additional Sites IIA Addendum **(SD009)**. Together, these documents form the Submission IIA, which as set out in response to **Q1.1** above includes the HRA.

43. The HRA Addendum August 2025 **SD020** does set out recommended amendments to Strategic Policies S4 and S9, which are addressed in the response to **Q 1.7**.

Q 1.9	**Has the Plan been prepared in accordance with the scope, timescale and content set out in the submitted Local Development Scheme (SD018)?**

CCC Response to Q 1.9

44. The Council's position is that the Local Plan has been prepared in accordance with the submitted Local Development Scheme **(SD018)**.

45. Chelmsford City Council's first LDS was adopted in 2006 and has since been subject to nine previous reviews. **SD018** was published in October 2025, and forms the tenth review which replaces all previous versions.

46. The timescale has remained broadly in line with that set out in **SD018** (paragraph 4.3, page 5-6 (PDF page 6-7). Submission of the Local Plan met the deadline stated in the LDS of 12 June 2026. Independent Examination is underway during quarter 4 of 2026, and adoption is anticipated in quarter 1 of 2027.

47. The Local Plan has been prepared in accordance with the scope and content of the LDS, in terms of the consultation stages (paragraph 3.2, page 4 (PDF page 5)), what the plan includes (paragraph 3.4, page 4 (PDF page 5)), evidence base (paragraph

5.14 (page 9 (PDF page 10)), governance arrangements (section 8, page 12 (PDF page 13)), and other documents that have informed the scope of the Local Plan as listed in Section 5 (pages 6-10 (PDF pages 7-11) of **SD018**).

Q 1.10	**Has consultation been carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement (SD019)?**

CCC Response to Q 1.10

48. The Council's position is that consultation has been carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement **(SD019)**.

49. The consultation activity and outcomes are contained within the Consultation Statement **(SD003)** submitted with the Local Plan. This was prepared to meet the requirements of Regulations 18, 19 and 22 (1) Part (c) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (under saving and transitional provisions announced in 2026).

50. Regulation 22 (1) Part (c) directs the Council to prepare a statement which sets out:
    i. which bodies and persons the local planning authority invited to make representations under Regulation 18 (of the Local Planning Regulations);
    ii. how those bodies and persons were invited to make representations;
    iii. a summary of the main issues raised in those representations;
    iv. how any representations have been taken into account;
    v. if there are representations made under Regulation 20, the number made and a summary of the main issues made in those representations; and
    vi. if there are no representations made under Regulation 20, that no such representations were made.

51. **SD003** fulfils the above requirements. It sets out an overall introduction to the Consultation Statement, including who was consulted and the methods used, and lists the feedback reports which were produced at each stage. This is followed by a detailed feedback report for each consultation stage to include a summary of consultation methods, numbers of representations received, main issues raised and a Council response, a full list of all organisations consulted, and copies of consultation materials.

52. The Council's most recent Statement of Community Involvement (SCI) **(SD019)** was published in November 2025, as required by the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The previous SCI was adopted in 2020.

53. **SD019** sets out the Council's strategy for effectively involving the public and stakeholders in planning matters. A general introduction is followed by stages of consultation for different planning matters, including preparing a Local Plan in Section 3 A) (pages 10-12 (PDF pages 11-13)). The Council has carried out all the stages listed up to Stage 4 – Submission, and is currently at Stage 5 - Examination.

Q 1.11	**Does the Plan include policies designed to ensure that the development and use of land contributes to the mitigation of, and adaption to, climate change in accordance with the legislation?**

CCC Response to Q 1.11

54. It is the Council's position that the Local Plan and the suite of policies within it ensure the development and use of land contribute to the mitigation of, and adaption to, climate change accords with Section 19(1A) of the Planning and Compulsory Purchase Act (PCPA 2004) (as amended). The policies within the Plan which relate to this are Strategic Policy S2 and Policy DM31.

55. The Council's Submission Topic Paper on Climate Change **(TP011)** sets out the Council's position at the time (May 2026) at paragraph 3.7 to 3.9, page 4. Paragraph 3.9 of **TP011** included reference to the latest Essex Open Legal Advice **(CC004-A and CC004-B)** in relation to this matter that was available at the point in time. **CC004-A** updated **CC004** which was an earlier version of the evidence which considered the application of policies against the 2023 NPPF. The advice has subsequently been updated in September 2026 and is published as Essex Open Legal Advice A (Consolidated and Re-updated September 2026) – Energy policy in plans and Building Regulations **(CC004-C)** (Estelle Dehon KC, Cornerstone Barristers, 16th September 2026).

56. The updated Advice takes account of the new NPPF (2026) and other relevant updates in case law and other matters.

57. The updated Advice at Paragraph 92, page 38 confirms the position of the previous Advice Essex Open Legal Advice (**CC004-A** at paragraph 3.9, page 4), that the obligation in Section 19(1A) of the PCPA 2004 falls on both the Local Planning Authorities (LPAs) bringing forward the plans and on the Inspectors examining them. Given the nature of this duty, against the background of the Climate Change Act 2008 net zero obligation, local authorities have the power to bring forward local plan policies which secure the mitigation of climate change needed to contribute to meeting the Nationally Defined Contribution (NDC), the carbon budgets and the 2050 target. The updated Advice at Paragraph 153, page 60 explains that the duty has been amplified by the requirements of the NPPF 2026 in that plans must take a proactive approach to mitigating and adapting to climate change and plan making must support the transition to net zero by 2050, including through securing radical reductions in greenhouse gas

emissions. This was similarly the case (as highlighted in **CC004** at paragraph 21, page 9) in the 2023 NPPF at paragraphs 157 and 158 which this Plan is being examined against.

58. The updated Advice confirms and further strengthens the previous Essex Open Legal Advice **CC004, CC004-A and C004-B** and continues to provide strong legal justification for including policies in local plans that mitigate and adapt to climate change, including those which set local energy efficiency standards (such as Policy DM31). For example, the Advice in **CC004** at Paragraph 21, page 9, explains that the energy efficiency policies [such as DM31] '*clearly fall within the proactive approach to mitigation and making communities and infrastructure more resilient to climate change*.' The Advice notes that this is in line with Paragraph 158 of the 2023 NPPF, including footnote 56 which makes clear that plans taking a proactive approach to mitigating and adapting to climate change must be '*in line with the objectives and provisions of the Climate Change Act 2008*'. The now superseded Written Ministerial Statement 'Planning – local energy efficiency standards update' (2023 WMS) was also considered in the Advice set out in **CC004** (and also in subsequent updates **CC004-A, CC004-B and CC004-C)** and at paragraph 2.3, the Advice concludes that the 2023 WMS '*cannot be interpreted to prevent LPAs from putting forward, and planning inspectors from finding sound, policies which are justified and evidenced and which use metrics other than that specified in the 2023 WMS, and/or do not require calculation by the method specified in the WMS. Additionally, local decision-makers are free to rely on local or exceptional circumstances to depart from the 2023 WMS'.* Therefore, in accordance with each iteration of Essex Open Legal Advice, it was, and continues to be, the Council's position that setting policy which includes local energy efficiency standards is legally justified and demonstrates a proactive approach to climate change mitigation and adaptation in line with legislation.

59. It is the Council's position that the inclusion of policies such as Strategic Policy S2 and Policy DM31 in the Local Plan demonstrates compliance with the duty on the Council as set out in Section 19(1A) of the Planning and Compulsory Purchase Act (2004) (as amended).

Q 1.12	**In what ways has Plan preparation and the Plan's content had regard to the aims expressed in S149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?**

CCC Response to Q 1.12

60. The Council's position is that the Local Plan has been prepared with regard to S149 of the Equality Act 2010.

61. An Equalities Impact Assessment (EqIA) was carried out as part of the Integrated Impact Assessment, to accompany each stage of Local Plan consultation. This is published as Appendix I of the Pre-Submission IIA **(SD008)** (pages 604-735 (PDF

pages 696-747)) and reviewed as part of the Additional Sites IIA Addendum **(SD009)** (paragraph 3.6.1, page 17 (PDF page 27).

62. **SD008** sets out the equality duty, the protected characteristics, and affected groups which are set out in its Introduction (pages 684-686 (PDF pages 696-698)), before setting out the process, baseline information, methodology, and finally the assessment of likely effects of the Local Plan policies and proposals.

63. **SD008** concludes on page 702 (PDF page 714) that:

'The Strategic Policies do not directly affect a number of the protected characteristics considered under the EqIA, reflecting the intention and scope of the plan as a land use document. All of the Strategic Policies and Site Allocations are assessed as having either a positive, mixed or neutral outcome in respect of the protected characteristics; consequently, the Pre-Submission Local Plan document is considered to be generally compatible with the duties of the Equality Act 2010.'

64. **SD009** concludes on paragraph 3.6.1 (page 17 (PDF page 27)) that:

'The proposed changes arising from the Additional Sites (Regulation 19) Consultation are not considered to require any changes to be made to the HIA and EqIA. This reflects the proposed continuation of the existing spatial strategy which was found to have beneficial effects in respect of HIA and EqIA, as well as the limited scale of the proposed allocations (comprising small scale site extensions and new sites) which neither individually nor together will influence the findings of these assessments.'

65. The Local Plan is considered to be sound and legally complaint in this regard.

Q 1.13	**Has the preparation of the Plan complied with the Planning and Compulsory Purchase Act 2004 (as amended) Part 2 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) in all other respects, including in terms of** **i. Having regard to the Planning Practice Guidance that the preparation of the Plan should take into account policies and proposals in Neighbourhood Plans;** **ii. Making clear which policies will be superseded if the Plan is adopted.**

CCC Response to Q 1.13

66. It is the Council's position that the Local Plan has been prepared in accordance with the Planning and Compulsory Purchase Act 2004 (the Act) and the Town and Country Planning (Local Plan) (England) Regulations 2012 (Regulations) in all respects.

67. Evidence of this is set out in the Pre-Examination Checklist **(SD007)** submitted with the Local Plan. Section 2 of **SD007** (pages 5-21 (PDF pages 5-21)) focuses on the legal requirements of Local Plan development, and summarises how the Council has met the main obligations with links to the evidence to demonstrate compliance, in terms of the following:

- Local Development Scheme
- Public consultation
- Maintaining effective co-operation
- Sustainability appraisal
- Habitats Regulations assessment
- Climate change
- Strategic Priorities
- Superseded policies
- Regulation 22 Consultation Statement
- Representations
- Supporting documents.

CCC Response to Q 1.13 i

68. National Planning Practice Guidance (NPPG) provides more practical guidance for the implementation of national planning policy. The PPG on Plan-Making sets out the requirement for preparation of a Local Plan to take proposals and policies in a neighbourhood plan into account (Paragraph: 006 Reference ID: 61-006-20190723).

69. Due to the timing of the development of Neighbourhood Plans in the Council's area, the seven adopted plans all followed adoption of the Local Plan in May 2020. The Council has worked closely alongside parish councils in developing their Neighbourhood Plans, and through informal discussion and formal consultation stages has ensured that the Neighbourhood Plans and the emerging Local Plan have been compatible with each other in terms of policy requirements.

CCC Response to Q 1.13 ii

70. The Council considers it is clear which Development Plan Documents (DPD) and policies will be superseded if the Local Plan is adopted, in accordance with Regulation 8 (5) of the Town and Country Planning (Local Planning) (England) Regulations 2012.

71. These are set out at Appendix A of the Pre-Submission Document **(SD001)** (pages 393-398 (PDF pages 393-398)).

72. Table 9 lists one DPD which will be superseded; Tables 10 and A.2 list a schedule of superseded and new Local Plan policies, including site allocation policies.

73. For completeness, due to additional site allocations proposed through the Additional Sites Document, the Council proposes the following modifications to Appendix A to update Table 10.

Modifications

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
Annex C	396		Table A.2	See table extract below	To ensure the Plan is up to date

SITE STATUS	SITE NUMBER AND NAME
~~ALLOCATED IN ADOPTED LOCAL PLAN~~	~~4 LAND NORTH OF GALLEYWOOD RESERVOIR~~
NEW PROPOSAL	1dd – LAND AT FORMER KAY-METZELER PREMISES, BROOK STREET
NEW PROPOSAL	18a – LAND NORTH WEST OF CHELMSFORD (NORTH OF HOLLOW LANE)
NEW PROPOSAL	19 – LAND WEST OF PATCHING HALL LANE
MODIFIED SITE POLICY TITLE	9a – WALTHAM ROAD EMPLOYMENT AREA, BOREHAM
NEW PROPOSAL	9b – LAND TO THE EAST OF 118 TO 124 PLANTATION ROAD, BOREHAM
NEW PROPOSAL	9c – SOUTH OF MAIN ROAD AND DUKES WOOD CLOSE, BOREHAM
NEW PROPOSAL	17c – LAND SOUTH OF ROUGH HILL COMPLEX, THE TYE, EAST HANNINGFIELD
NEW PROPOSAL	17d – LAND SOUTH AND SOUTH EAST OF EAST HANNINGFIELD VILLAGE
NEW PROPOSAL	17e – LAND SOUTH OF WINDMILL FARM, BACK LANE, EAST HANNINGFIELD

SITE STATUS	SITE NUMBER AND NAME
NEW PROPOSAL	20 – LAND TO EAST AND NORTH OF RETTENDON PLACE
NEW PROPOSAL	21a – LAND NORTH OF OLD RECTORY LODGE, MAIN ROAD, WOODHAM FERRERS
NEW PROPOSAL	21a – LAND NORTH OF OLD RECTORY LODGE, MAIN ROAD, WOODHAM FERRERS

Q 1.14	**What is the up-to-date position with Neighbourhood Plan preparation in the District?**

CCC Response to Q 1.14

74. There are seven made Neighbourhood Plans in the Council's area:

Parish	Date Made
Writtle	8 December 2021
South Woodham Ferrers	8 December 2021
Little Baddow	18 August 2023
Sandon	28 November 2023
Danbury	20 December 2024
Broomfield	3 March 2025
Boreham	3 August 2026

75. There is also one designated neighbourhood area where community support is currently being sought to revive a stalled process:

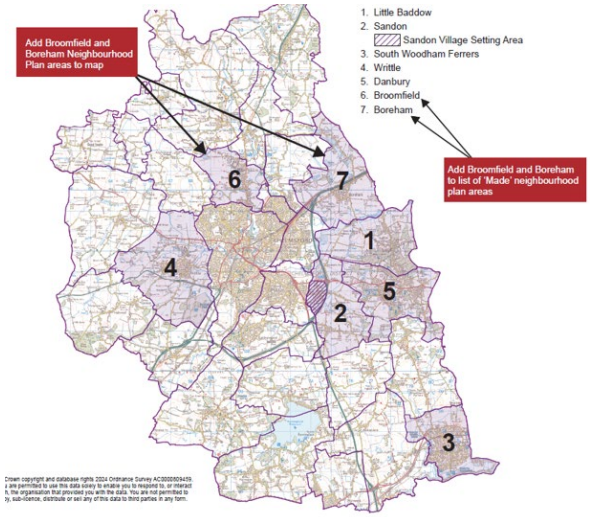
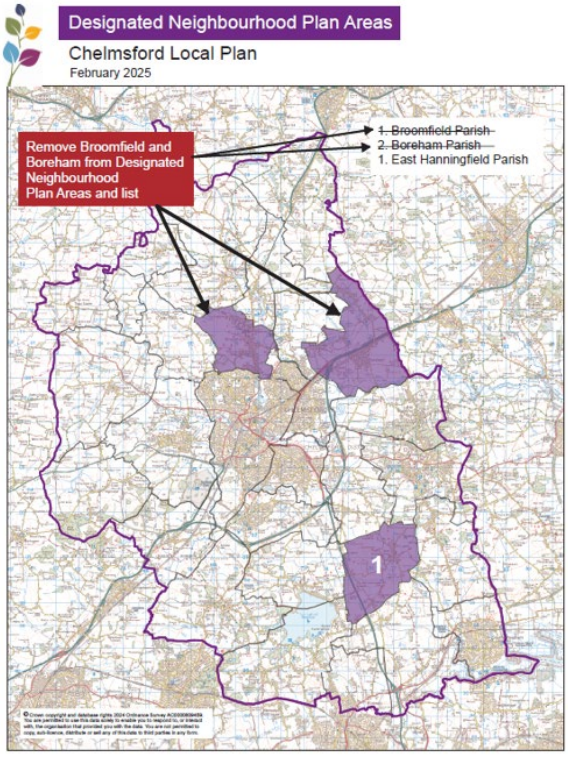
Parish	Date Designated
East Hanningfield	24 September 2019

76. Due to the most recently made Neighbourhood Plan (for Boreham) being made in August 2026, since submission of the Local Plan, the Council proposes the following modifications to ensure the Local Plan reflects the current position.

Modifications

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
16	20		Paragraph 1.48	*Amend first sentence:* Neighbourhood Plans have been 'made' (adopted) for South Woodham Ferrers, Writtle, Little	To ensure the Plan is

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				Baddow, Sandon ~~and~~, Danbury, ~~and~~ Broomfield and Boreham.	up to date
NEW MOD	193		Growth Site Policy 9a Paragraph 7.323	*Amend first sentence:* Although the development quantum and extent of the allocation is set out in the Local Plan, the 'made' (adopted) ~~The site is located in the Parish of Boreham where a Neighbourhood Plan is being prepared. It is envisaged that the~~ Neighbourhood Plan in Boreham could help shape this site allocation.	To ensure the Plan is up to date
NEW MOD		34	Growth Site Policy 9b Paragraph 2.84	*Amend first sentence:* Although the development quantum and extent of the allocation is set out in the Local Plan, the 'made' (adopted) ~~The site is located in the Parish of Boreham where a Neighbourhood Plan is being prepared. It is envisaged that the~~ Neighbourhood Plan in Boreham ~~will~~ could help shape this site allocation.	To ensure the Plan is up to date
NEW MOD		37	Growth Site Policy 9c Paragraph 2.98	*Amend first sentence:* Although the development quantum and extent of the allocation is set out in the Local Plan, the 'made' (adopted) ~~The site is located in the Parish of Boreham where a Neighbourhood Plan is being prepared. It is envisaged that the~~ Neighbourhood Plan in Boreham ~~will~~ could help shape this site allocation.	To ensure the Plan is up to date
AMEND REF 345/365	390		Map 37	*Add Broomfield Neighbourhood Plan Area and Boreham Neighbourhood Plan area to map and list of 'Made' neighbourhood plan areas.*	To ensure the Plan is up to date

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
					
AMEND REF 346	391		Map of Designated Neighbourhood Plan Areas	*Remove Broomfield Neighbourhood Plan Area <u>and Boreham Neighbourhood Plan area</u> from map and list of designated neighbourhood plan areas.* 	To ensure the Plan is up to date

Q 1.15	**Has Plan preparation had regard to the additional matters set out in Section 19 of the 2004 Act and in Regulation 10 of the 2012 Regulations?**

CCC Response to Q 1.15

77. The Local Plan has had regard to the additional matters set out in Regulation 10 of the Town and Country Planning (Local Planning) (England) Regulations 2012, as prescribed for the purposes of Section 19 of the 2004 Act.

78. Policies developed by Essex County Council (ECC) as local transport authority fall under the Local Transport Plan for Essex **(T011)** (also known as LTP3). Its successor document (LTP4) is under development by ECC, which has endorsed the Transport East: Transport Strategy which will be reflected in LTP4. In turn, the Council has worked closely with ECC throughout the development of the Local Plan. The Local Transport Plan form a key part of the Council's approach to transport and highways infrastructure which is described in Strategic Policy S9 - Infrastructure Requirements **(SD001)** (from page 86, and in particular paragraph 6.102, page 92 (PDF page 92)).

79. In relation to environmental and safety matters, the Local Plan takes account of the objective of preventing major accidents and limiting the consequences of such accidents for human health and the environment and the need to maintain distance between various types of establishment and major transport routes. Safeguarding of the living and working environments of occupiers is set out at Policy DM29 of the Pre-Submission Local Plan **(SD001)** (page 305 (PDF page 305)).

80. The Local Plan also recognises that it would be inappropriate to locate new development on or near to establishments where hazardous substances are present where this would harm public safety, as set out in Policy DM30 of **SD001** (page 306 (PDF page 306)).

81. The Policies Map includes a designation for Hazardous Substance Site Safeguarding Zone. There are three establishments identified, at Chelmsford Gas Compressor Station, Roxwell; Steele's Transport Depot, Edney Common; and Hanningfield Water Treatment Works. No development is proposed in the vicinity of these establishments, and the Local Plan does not propose to allocate any further hazardous substance establishments.

82. The final matter is the National Waste Management Plan. Essex County Council as the waste Planning Authority is responsible for planning policies relating to waste. The Essex and Southend-on-Sea Waste Local Plan **(OSP009)** forms part of the Statutory Development Plan and should be read alongside the Chelmsford Local Plan. **OSP009** includes a Strategic Objective (SO6) which demonstrates conformity with the National Waste Management Plan (pages 36 and 37, PDF pages 36 and 37)).

83. The Local Plan is considered to be sound and legally complaint in this regard.

EVIDENCE BASE LIST FOR MATTER 1	
IIA001	Integrated Impact Assessment Scoping Report 2022
IIA002	Integrated Impact Assessment Issues and Options 2022
IIA005	Integrated Impact Assessment Preferred Options (March 2024)
IIA009	Integrated Impact Assessment Pre-Submission Feedback Report (July 2025)
IIA013	Integrated Impact Assessment Additional Sites Addendum Feedback Report
SD001	Pre-Submission (Regulation 19) Local Plan Consultation Document
SD005	Schedule of Proposed Modifications (June 2026)
SD008	Pre-Submission Integrated Impact Assessment (January 2026)
SD003	Regulation 22 Consultation Statement (June 2026)
SD007	PINS Pre-Examination Checklist (April 2026)
SD009	Integrated Impact Assessment: Additional Sites (Regulation 19) Addendum (November 2025)
SD010	Schedule of Representations – Pre-Submission Local Plan and Focused Consultation Additional Sites – By Representor name order
SD018	Local Development Scheme 2023-2028 (November 2023)
SD019	Statement of Community Involvement (November 2025)
SD020	Chelmsford HRA Addendum (Clarification on Matters Raised by Natural England) August 2025
SOCG014	Statement of Common Ground with Natural England March 2026
TP010	Submission Topic Paper Spatial Strategy and Strategic Sites (May 2026)
TP011	Submission Topic Paper Climate Change (May 2026)
T011	Local Transport Plan for Essex 2011
CC004	Essex Open Legal Advice – Energy Policy and Building Regulations 2024
CC004-A	Essex Open Legal Advice A (Updated May 2025) – Energy policy in Plans and Building Regulations
CC004-B	Addendum to Essex Open Advice (October 2025)
CC004-C	Essex Open Legal Advice A (Consolidated and Re-updated September 2026) – Energy policy in plans and Building Regulations
OSP009	Essex and Southend-on-Sea Waste Local Plan



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Please call 01245 606330
Spatial Planning Services
Directorate for Sustainable Communities
Chelmsford City Council
Civic Centre
Duke Street
Chelmsford
Essex
CM1 1JE

Telephone 01245 606330
planning.policy@chelmsford.gov.uk
www.chelmsford.gov.uk

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Spatial Planning Services
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