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Date: 14 April 2026
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Your ref: 01/AF/BNP

Dear Mr Freeman,

Independent Examination of the Boreham Neighbourhood Development Plan

Thank you for your Procedural Matters and Questions Letter relating to the Boreham Neighbourhood Plan examination.

Boreham Parish Council has asked me to assist with responding to the letter. The following has been agreed by both councils.

The response is provided in two annexes:

Annex 1 addresses the Legislative Changes

Annex 2 addresses the Examiner Questions set out in your letter.

If either the City Council or Parish Council can provide further information, please let me know.

Yours sincerely,

Jenny Robinson

Jenny Robinson
Senior Planning Officer

Annex 1 Legislative Changes

Legal Compliance

Boreham Parish Council and the Neighbourhood Plan Steering Group are cognisant of the serious issues posed by climate change and the need to take measures to mitigate and adapt to the changing climate. In particular, the draft Boreham Neighbourhood Development Plan (BNDP) notes the detrimental effects of climate change (pages 18 and 51) and describes local action being taken to address detrimental impacts (page 21).

Policy 2.2.e addresses the need to mitigate impact of climate change in the design of developments and this is covered in greater depth in Policy 5 (1.b and 2.d and 2.f).

Boreham Parish Council and the Neighbourhood Plan Steering Group are cognisant of the Environment Act 2021 and supportive of the Essex Local Nature Recovery Plan. Both the Act and the Nature Recovery Plan are referenced in the 'Key Issues' and 'Objectives' sections of part 5.2.1 of the BNDP and Policy 2.2.b includes the need to have regard to the Local Nature Recovery Plan. Measures to help implement the Local Nature Recovery Plan are included in the Action Plan part 6.

The draft BNDP supports the development provisions in the current adopted Chelmsford City Council Local Development Plan, and nothing in the draft BNDP would necessarily result in less housing being delivered under any of the options currently included in the draft replacement Chelmsford City Council Local Development plan.

Basic Conditions

With regard to Basic Conditions we recognise the need to amend (if required by the Examiner) the Basic Conditions Statement and particular section 1.1. In 1.1.1 the bullet point 3 no longer applies and in 1.1.3 we will need to add a new basic condition to say:

- the making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made.

Note: this replaces (bullet point 3 as above) the former Basic Condition that the neighbourhood plan be in general conformity with the strategic policies contained in the development plan for the area.

The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026: We will need to add a further section (to be inserted at Section 3) to the Basic Conditions Statement to show where our objectives and policies meet the Basic Conditions imposed by this Act.

The final statement refers to a further Basic Condition related to the new environmental assessment framework. We will need to include this in our Basic Conditions Statement and acknowledge that until such time as a completed framework for the implementation of Environmental Assessment Reports is in place, compliance with this Basic Condition cannot be assessed. We could add that we will amend the NP as necessary to ensure compliance when the framework is available.

Annex 2: Examiner Questions

Questions for Chelmsford City Council

1. Please confirm the dates of the Regulation 16 consultation.

The Regulation 16 Consultation took place from 21 January 2026 to 4 March 2026.

Questions for Boreham Parish Council

2. Is the Parish Council satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998)?

Yes, the Parish Council is satisfied that the Plan does not breach Human Rights. Whilst not expressly including a reference to the Act, this is set out in the submitted Equalities Impact Assessment. This can be accessed via this link: [5-boreham-neighbourhood-plan-equalities-impact-assessment.pdf](#)

3. Policy 2: Is there any reason why the policy should not apply to all development (including significant changes of use)?

No. We believe that widening the application of this policy to all development would strengthen it and we would support that.

4. Policy 3.2 – views to be protected. Is it reasonable to seek to protect the views referenced in the representations of LVJ Maldon Ltd for the reasons stated?

We believe it is reasonable to seek to protect these views. Boreham is located on land rising from the Chelmer valley with some elevated locations. The lines indicating views to be protected mark lines of sight observable from footpaths and vantage points throughout the parish. It is not the intention of the policy to only protect the view from the point marked with a star. The views identified have been recognised and accepted through the adoption of the Village Design Statement in 2008.

The representations of LVJ Maldon Ltd relate to the Additional site 9a proposed in the draft Chelmsford Local Plan which has not been adopted. Boreham Parish Council has strenuously objected to this development for a number of reasons.

Only one of the two views to be protected which are referenced would actually be impacted by the development. That long view crosses the northwest corner of the proposed development. As it stands, this would require consideration of the policy by the developer but we do not agree that this would unnecessarily constrain development.

5. Policy 3.2: Applicants will need to know, with certainty, whether their application site falls within an area to which the policy applies. In this regard, how are “the Chelmer Valley” and “east of the village of Boreham” to be defined?

The intention is to protect the long views as marked on Figure 5.6. We agree that this element of the policy would be clearer if redrafted as follows:

“Any proposed development ~~within the Chelmer Valley and to the east of the Boreham village~~ must demonstrate that the proposals will not detrimentally impact the views, landscape setting and character of the area. Refer to Figure 5.6 for the views to be protected. For major development proposals (that is those of 10 or more dwellings, and/or development proposals on a site area of 1 hectare or more), or developments of any size outside the Defined Settlement Boundary, this should be demonstrated through a visual impact assessment.

6. Policy 3 2: Are there two types of views to be protected – those within the Chelmer Valley or east of Boreham; and those identified in Figure 5.6 (to which the final sentence of the policy applies)? Alternatively, what is the geographical area which the final sentence is intended to cover and why is it necessary to refer to the Defined Settlement Boundary (will not all the protected views lie outside the settlement)?

Please see the revised wording suggested in the response to question 5. The reference to the Defined Settlement Boundary was intended to convey that the requirement for a visual impact assessment does not apply to developments within the defined settlement boundary which are not major developments.

7. Policy 4: Should not the settlement boundary be aligned with that of the draft Chelmsford Local Plan?

We did consider this point and concluded that, until revisions to the Local Plan are adopted, we need to be aligned with the adopted plan. We accept that the draft Local Plan, if adopted may require some updates to the Plan. The draft Local Plan is anticipated to be submitted for Examination in June 2026, with examination hearings sessions starting in Autumn 2026 subject to confirmation from the Planning Inspectorate, and that plan adoption could be in early Spring 2027.

8. Policy 4: Should the Waltham Road industrial estate be identified as a separate employment area outside the settlement boundary?

The Waltham Road Industrial Estate is designated as an employment area by the Chelmsford Local Plan and is not included within the Defined Settlement Boundary due to its separation by the Main Anglia rail line and the A12 dual carriageway.

9. Policy 4.2: Why is it necessary to require major development to meet “a specific need within the village”?

Our objective is to maintain the identity of Boreham as a village in a rural setting. This is the expressed wish of residents of Boreham in response to questionnaires and formal and informal consultations. The character of the village has faced many challenges and its separation from Chelmsford and Springfield to the west is most important to local residents. Major development would inevitably run counter to that and therefore would only be supported if it brought benefits which addressed specific needs within the village.

10. Policy 5: Is the policy intended to apply to non-residential development such as industrial development?

Yes, the policy is intended to apply to all development. If amended, we suggest the removal in criterion 2.a) of the wording 'to live'.

11. Policy 6: Is it appropriate to refer to First Homes given that the requirement to deliver a minimum of 25% of affordable housing as First Homes, as set out in 'Affordable Homes Update' Written Ministerial Statement dated 24 May 2021, no longer applies?

The Affordable Homes Update considers First Homes to meet the definition of Affordable Homes. However the criteria for First Homes is more specific and we would wish to encourage more emphasis on the first-time buyer which is the need for families who have grown up in the village. We found that the definition of affordable homes and its use by developers does not achieve the same criteria.