

Chelmsford Policy Board Agenda



15 January 2026 at 7pm

Council Chamber, Civic Centre, Chelmsford

Membership

Councillor C Adutwim (Chair)

and Councillors

H. Ayres, P. Davey, I. Fuller, J. Jeapes, S. Manley, B. Massey, M. O'Brien, A. Sosin, A. Thorpe-Apps, R. Whitehead, S. Young and one vacancy

Local people are welcome to attend this meeting remotely, where your elected Councillors take decisions affecting YOU and your City.

There is also an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance and details are on the agenda page. If you would like to find out more, please email committees@chelmsford.gov.uk or telephone (01245) 606480

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CHELMSFORD POLICY BOARD

15 January 2026

AGENDA

1. 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. Minutes

Minutes of meeting on 6 November 2025

4. 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 20 minutes is allotted to public questions/statements, which must be about matters for which the Board is responsible. The Chair 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.

Any member of the public who wishes to submit a question or statement to this meeting should email it to committees@chelmsford.gov.uk 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting.

5. Norwich to Tilbury pylon proposal - Development Consent Order Draft Local Impact Report

6. Local Lettings Plans

7. Chelmsford Local Plan – Draft Planning Obligations Supplementary Planning Document

8. Work Programme

9. Urgent Business

To consider any other matter which, in the opinion of the Chair, should be considered by reason of special circumstances (to be specified) as a matter of urgency.

MINUTES
of the
CHELMSFORD POLICY BOARD
held on 6 November 2025 at 7pm

Present:

Councillor C. Adutwim (Chair)

Councillors I. Fuller, J. Jeapes, S. Manley, M. O'Brien, A. Sosin, C. Tron, R. Whitehead and S. Young

Also in attendance:

Cllr R. Moore

1. Apologies for Absence

Apologies for absence were received from Cllr Ayres, Davey and Thorpe-Apps. Cllr Tron substituted for Cllr Ayres.

2. Declarations of Interest

Members were reminded that they must disclose any interests they knew they had 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 became aware of the interest. If the interest was a Disclosable Pecuniary Interest they were also obliged to notify the Monitoring Officer within 28 days of the meeting. Any declarations are recorded in the relevant minute below.

3. Minutes

The minutes of the meeting on 25th September 2025 were confirmed as a correct record.

4. Public Questions

Six public questions had been received for Item 5, which can be viewed [here](#). These questions covered proposed site allocations in East Hanningfield and previously submitted comments on sites 11b and 11c in Bicknacre and whether they would need resubmitting. These were answered during Item 5, as detailed below.

The Green Sheet of amendments for the meeting was noted by the Board.

5. Chelmsford Local Plan – Focused Consultation Additional Sites (Regulation 19) Documents

The Board were asked to consider a report presenting the Chelmsford Local Plan Additional Sites (Regulation 19) Document and Integrated Impact Assessment: Focused Consultation Additional Sites (Regulation 19) Addendum and their approval was sought to publish the documents for a seven week public consultation, starting in late November 2025. The Board

were informed that the previous Regulation 19 consultation in Spring 2025, had been expected to be the third and final public consultation on the draft Local Plan before submission for independent examination in 2025, but since then, several significant events outside the City Council's control had taken place. These had included the Government cancellation of the A12 widening scheme, delays in key sites, other developments slowing down and the Government's new housing target having to be met in full, meaning the Council does not currently have five years of deliverable housing supply.

The Board heard that as a result of this the Council had identified additional housing site allocations for inclusion to improve the Five-Year Housing Land Supply, to help ensure it can be found 'sound' at examination, in addition to the expansion of an existed allocated employment site. The Board were informed that moving the Local Plan submission to mid-2026, would allow time to assess the implications of the cancellation of the A12 DCO widening scheme and to continue discussions with National Highways and Homes England, regarding a revised funding and delivery solution. The importance of only submitting a local plan for examination that the Council felt was sound and ready was emphasised to the Board and as a result, the Council had been keen to resolve the housing land supply issue.

The Board were informed that the Additional Sites Document, focused specifically on additional site allocations, key consequential plan changes arising from the inclusion of the additional sites, the additional sites development trajectories and the evidence supporting them. The Board heard that the consultation would gather feedback on the additional sites and that the consultation would be supported by a wide range of consultation and engagement activities. It was noted that following a consultation, approval would be sought by Cabinet and Full Council to submit the both the Pre-Submission and Additional Sites (Regulation 19) documents for examination by an independent Planning Inspector.

In response to the questions from the public, officers stated that;

- All proposed sites in East Hanningfield aligned with site selection criteria and contributed to the Five-Year Housing Land Supply, were all considered to be equally suitable following assessment, with no overriding constraints, were in accordance with the Spatial Strategy, were in sustainable locations and site 17e was adjacent to a site with extant planning permission.
- If members of the public had new comments to make in relation to the expansion of site 11c, then these should be submitted to the additional sites consultation in the format requested by the Planning Inspectorate, however if they only related to the original site, then the comments did not need to be resubmitted, as previously submitted comments would be submitted to the inspector in full.
- Due to GDPR and the different format of a Local Plan representation, any comments already made to the planning application on site 11c, would need to be made separately to the new Local Plan additional sites consultation
- Site 11b remained in the Pre-Submission Local Plan document and as no changes had been proposed, it would not feature in the new consultation.

In response to questions from the Board, officers noted that;

- There was coverage in the additional sites document on the A12 DCO cancellation and therefore if members of the public wished to comment upon it, they could do so on that in particular, as part of the consultation.
- In preparing the updated evidence base documents that had been prepared, additional highways work and junction modelling had been undertaken, taking into account previously modelled traffic flows from the earlier Regulation 19 Document, the additional sites being put forward for consultation and traffic from neighbouring

authorities. The latest traffic modelling was available within the evidence base on the Council's website.

- The Council were keen to discourage the resubmission of repeated comments, as previously submitted comments would be sent to the planning inspector in full, and comments were being sought on the additional sites. If members of the public wanted to comment on the additional sites and then refer to the pre submission document as it was related, or had cumulative impacts, then they would be able to do so.
- The consultation documents set out the examples of the new and expanded evidence base documents, and it was important to remember that the key test in National Planning Policy was if a traffic impact was deemed to be 'severe' rather than just having an impact. It was noted that the traffic impacts for the Additional Sites detailed were not assessed as severe and in all site policies, there were requirements to mitigate any highway impacts, including specific site policies for sites such as Rettendon Place, with specific requirements to manage impacts at Rettendon Turnpike.

RESOLVED that;

1. the publication of the Chelmsford Local Plan Focused Consultation Additional Sites (Regulation 19) Document and Integrated Impact Assessment: Focused Consultation Additional Sites (Regulation 19) Addendum attached at Appendices 1 and 2 of this report and as set out in the Green Sheet for public consultation in accordance with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) be approved.
2. Authority be delegated to the Director of Sustainable Communities in consultation with the Cabinet Member for a Greener Chelmsford to: (i) make any necessary minor amendments to the Chelmsford Local Plan Focused Consultation Additional Sites (Regulation 19) Document and Integrated Impact Assessment: Focused Consultation Additional Sites (Regulation 19) Addendum; and (ii) prepare all necessary documentation to support the planned programme of public consultation.
3. The proposed approach to the Additional Sites consultation arrangements set out in Appendix 3 be endorsed.

(7.02pm to 7.47pm)

6. Strategic Housing and Employment Land Availability Assessment (SHELAA) – Autumn 2025 Report

The Board were informed that the SHELAA provided a high-level technical desktop assessment of sites in Chelmsford promoted by developers and landowners. It identified a wide range of site characteristics; highlighted the opportunities and constraints that sites may face; and established the likelihood of future site developability and deliverability. Its purpose was not to allocate land for future development; instead, the assessment technical outcomes were considered alongside other evidence base documents to enable members and officers to make informed decisions on the policies and strategies needed and where to allocate future development.

The Board heard that the latest SHELAA Assessment had been carried out across the Spring and Summer of 2025 and had looked at a total of 398 unique sites, of which 394 had been previously submitted, three were amendments received to them and four sites were new. It was noted that to avoid double counting, the site areas and yields of 75 sites had been discounted and 33 of them had either been allocated in the Local Plan or had an approved planning permission whilst the remaining 42 sites lied wholly within another SHELAA

submission. All sites have been reassessed in relation to flooding and minerals constraints as mapping layers have changed since the last assessment. Other changes to individual site assessments have been made where representations to the Chelmsford Local Plan Regulation 19 (Pre-Submission) consultation detailed agreed errors in the previous assessment. These are set out in an appendix to the report with two typographical errors in the appendix corrected on the Green Sheet. In summary, the Board heard that the findings of the report along with other evidence base documents would help guide the determination of which sites were promoted for allocation in the Pre-Submission Local Plan Consultation to ensure an appropriate land supply was identified to meet need across the Local Plan period.

In response to questions from the Board, officers reemphasised that the document did not allocate sites, instead it was part of a detailed evidence base and aspects such as the impact on highways infrastructure would be considered by other sections of the evidence base. It was also noted that the document did not pre determine if a site would be allocated and was simply a first look at sites, after which the remaining parts of the evidence base would be applied to determine whether a site should be allocated for development of not. Officers also confirmed that the Grey Belt had not been part of the Local plan review or part of Local Plan policies so had not been a consideration in the SHELAA criteria but where relevant will be a consideration at development management stage.

RESOLVED that the Strategic Housing and Employment Land Availability Assessment (SHELAA) Autumn 2025 report be noted and authorised for publication.

(7.48pm to 8.04pm)

7. Masterplan Procedure Review

The Board were asked to consider a report detailing a revised Masterplan Procedure and their approval was sought to recommend to Cabinet, the approval and publication of the document as presented in Appendix 1. The Board heard that Masterplans were a development management tool used to ensure well-designed, high quality sustainable developments. The Board heard that the procedure had been in place since 2018, and had not been updated since 2019, despite increased housing government targets and a greater emphasis on Five Year Housing Land Supply, which the updated procedure would assist with.

The Board were informed that the revised Procedure, set out that large and technical schemes would follow the existing masterplan route, less strategic sites with less scope for master planning would utilise a Masterplan/Development Framework with proportionate detail to the proposed development and small, unconstrained and deliverable sites, would require a site brief to be prepared, identifying constraints and opportunities. It was noted that the new procedure detailed the consultation levels for each of the three new routes, along with timetables and it would be underpinned by the Council selecting the route for each site on a case- by case basis, reserving the right to change it for each site. The Board noted that the updated procedure would give flexibility proportionate to the scale and complexity of the proposed development.

In response to questions from the Board, officers noted that the revised procedure would give officers the flexibility to choose the correct route and would allow some more straightforward sites to progress quicker, rather than get held back with other ones. It was also noted that the revised procedure recognised learnings from the previous process and would help speed up sites to assist with meeting housing targets.

RESOLVED that the Updated Masterplan Procedure be recommended to Cabinet for approval and publication.

(8.05pm to 8.21pm)

8. Review of the Council's Statement of Community Involvement

The Board were asked to consider a report detailing feedback received from the consultation on the revised draft Statement of Community Involvement (SCI) and to recommend it to Cabinet for approval and publication. The Board heard that the Statement set out the Council's strategy for effectively involving the community, interested organisations, statutory stakeholders in planning and development matters which affect them. It was noted that the content had not changed significantly from the current adopted version and that at the September meeting of the Board a draft revised version had been approved for public consultation. It was noted that a four week consultation had been carried out, leading to 20 responses from 13 respondents, which mainly supported the principles of the SCI. The Board noted some minor changes as a result of the feedback, which were listed at Appendix 1, including some additional text relating to Essex County Council functions, details on postal notifications for Planning Policy consultations, links to new consultation bodies and reference to consultation on Nationally Significant Infrastructure Projects.

RESOLVED that;

1. The Statement of Community Involvement Consultation Draft – Feedback Report (October 2025) be noted and;
2. The Statement of Community Involvement as revised in line with the proposed changes set out in Appendix 1 be recommended to Cabinet for approval and publication.

(8.22pm to 8.27pm)

9. Work Programme

The Board considered a report updating them on their future work programme.

RESOLVED that the work programme be noted.

(8.27pm to 8.28pm)

10. Urgent Business

There were no items of urgent business.

The meeting closed at 8.28pm

Chair



Chelmsford Policy Board

15 January 2026

Norwich to Tilbury pylon project - Development Consent Order Draft Local Impact Report

Report by:

Director of Sustainable Communities

Officer Contact:

Ruth Mabbutt, Senior Planning Officer ruth.mabbutt@chelmsford.gov.uk, 01245 606441

Purpose:

The purpose of this report is to outline the Council's draft Local Impact Report following the acceptance of the Norwich to Tilbury Project Development Consent Order by the Planning Inspectorate and to request the necessary Officer delegations for the Council's future involvement in the forthcoming Independent Examination.

Recommendations:

1. To consider the draft Local Impact Report set out in **Appendix 1** and to recommend that the Director of Sustainable Communities in consultation with the Cabinet Member for a Greener Chelmsford finalise the Local Impact Report to enable its submission to the Planning Inspectorate by the submission date which is still to be confirmed.
2. To authorise the Director of Sustainable Communities and their appointed Officers to engage within and respond on behalf of Chelmsford City Council on all matters relating to the Examination and subsequently thereafter.

1. Introduction

Scope and Purpose of the Consultation

- 1.1. The Norwich to Tilbury Project Development Consent Order, a Nationally Significant Infrastructure Project (NSIP), has been accepted by the Planning Inspectorate for examination. The project is currently within the pre-examination process where the Examining Authority is appointed and the date for the preliminary meeting, setting out procedural decisions on how the application is to be examined, is expected to be in early 2026.
- 1.2. Chelmsford City Council is one of the host authorities to the project. The others include Essex County Council, Braintree District Council, Basildon Borough Council, Brentwood Borough Council, Colchester City Council, Tendring District Council, Thurrock Council, Suffolk County Council, Babergh -Mid Suffolk Council and Norfolk County Council. The host authorities will be automatically registered as a Statutory Party to the examination.
- 1.3. Chelmsford City Council submitted a Relevant Representation to the Planning Inspectorate on 27th November 2025 setting out the main issues it wished to be raised at examination.
- 1.4. As part of the next steps in the process, Chelmsford City Council will be invited to submit a Local Impact Report (LIR) giving detail of the likely impact of the proposed development on the authority's area.
- 1.5. The Local Impact Report must be submitted to the Planning Inspectorate by a given deadline which is yet to be confirmed. It will be considered by the Examining Authority; a panel of five Inspectors, who will examine the application on behalf of the Secretary of State for the Department of Energy Security and Net Zero (DESNEZ).
- 1.6. After the examination has been concluded, the Examining Authority will make a recommendation to the Secretary of State for the Department of Energy Security and Net Zero who will make a decision on whether or not to make a Development Consent Order (DCO) authorising the project. In coming to a decision, the Secretary of State must have regard to any Local Impact Reports that are submitted by the deadline.
- 1.7. The Examining Authority will hold a preliminary meeting before the commencement of the examination and will circulate a procedural note concerning the details and timetables in respect of various aspects of the examination. This will specify the deadline for the final submission of Local Impact Report and the period within which interested parties will have the opportunity to make comments.

- 1.8. From experience of the Longfield Solar Farm and A12 Chelmsford to Colchester Widening Nationally Significant Infrastructure Projects (NSIPs), the Local Impact Report will be required to be submitted early in the examination process, with the deadline for submission of the LIR expected to be set very soon after the preliminary meeting.
- 1.9. The Planning Inspectorate recommends that Local Authorities should ensure that any necessary internal authorisation processes are in place to meet the examination table and it is entirely a matter for local authorities to determine whether or not a Local Impact Report requires approval by Members and what form it takes (paragraph 3.7 of PINS Advice Note One Local Impact Reports).
- 1.10. In order to comply with the likely early submission deadlines, and to ensure that the Examining Authority and Secretary of State take into consideration Chelmsford City Councils views, a draft version of the Local Impact Report is presented to members now for consideration and comment. It is recommended that the Director of Sustainable Communities submits the final version of the Local Impact Report to the Planning Inspectorate at the requested date.
- 1.11. As other documentation, including the Statement of Common Ground, is also likely to be subject to early submission deadlines, it is recommended that the Director of Sustainable Communities submit all other relevant reports and representations on the Norwich to Tilbury pylon project at the requested date(s).
- 1.12. Details of the application can be found on the Planning Inspectorates website [Norwich to Tilbury - Project information](#)

2. Project

- 2.1. The project comprises the construction of a new 400kV electricity connection of approximately 180 km in length from Norwich Main substation to Tilbury substation via Bramford substation.
- 2.2. Full details of the project can be found within the Draft Local Impact Report attached at **Appendix 1**.

3. Background and Context

- 3.1. In relation to Chelmsford, the Applicant, National Grid Energy Transmission (NGET) undertook non-statutory consultations between 21st April 2022 and 16th June 2022 and 27th June 2023 and 21st August 2023. Formal statutory consultation took place from 10th April 2024 and 26th July 2024, with a further targeted consultation taking place between 25th February 2025 and 27th March 2025.

Description of route

- 3.2. Within Chelmsford, the alignment would run south-west through arable fields to the east of Great and Little Leighs until crossing the River Ter. At this point, the Order Limits are close to the River Ter SSSI. The project would then continue southwest through arable fields, passing adjacent to Lyonshall Wood Ancient Woodland before passing adjacent to Sheepcotes Ancient Woodland then crossing the A131 Braintree Road.
- 3.3. The project would then continue south-west crossing the B1008, Chatham Hall Lane and the River Chelmer between Great Waltham and Little Waltham Conservation Areas. The Order Limits interact with the Great Waltham Conservation Area and are within approximately 40m of Langley's Historic Park and Garden.
- 3.4. The project continues south-west past Sparrowhawk Wood Ancient Woodland, and Border Wood just south of Broad's Green. It would then continue south to the west of Broomfield Hospital, before turning south-west again at Bushy Wood Ancient Woodland, located adjacent to the Order Limits.
- 3.5. The project would pass south of Chignal St James and cross the River Can. It would then cross the A1060 Roxwell Road and Roxwell Brook. From here, the project would head south crossing the A414 Ongar Road and then Sandy Brook. The project heads south-east, to the south of Little Oxney Green, before diverting south-west near Gable Cottages on Margaretting Road. The project would interact with Writtle-Writtlepark Wood Ancient Woodland, and adjacent to Writtle-James Spring Ancient Woodland, heading south crossing Ivy Barns Lane. The Order Limits would pass between and adjacent to Bushey Wood and Osbornes Wood Ancient Woodlands, next to the A12 Ingatestone Bypass.
- 3.6. The project then heads south-east over the B1002 at Margaretting, crossing a railway line linking Stratford and Chelmsford. It would continue south-east past Spring Wood, crossing the River Wid, before heading south and crossing Stock Brook.

Affected authorities

- 3.7. In Essex, the land falls within the administrative areas of Braintree District Council, Basildon Borough Council, Brentwood Borough Council, Chelmsford City Council, Colchester City Council, Tendring Council and Thurrock Council. Essex County Council, Suffolk County Council and Norfolk County Council are also affected by the project.

Operation

- 3.8. Overall, the project involves the following elements.
 - A new 400kV electricity connection of approximately 180km in length from Norwich Main Substation to Tilbury substation via Bramford substation
 - A new EACN substation and a new Tilbury north substation
 - Approximately 159km of new overhead line supported on approximately 509 pylons, either standard steel lattice pylons (approximately 50m in height) or low

- height steel lattice pylons (approximately 40 metres in height) with proposed
able sealing End (CSE) compounds or existing or proposed substations
- Approximately 21km of 400kV of undergrounding cabling, some of which would
be located through the Dedham Vale
- Seven new Cable sealing End (CSE) compounds, modification works to
connect the existing Norwich substation to the Bramford substation, new 400kV
substations on the Tendring peninsula and to the south of Orsett Gold Course
- Modifications to the existing National Grid Electricity Transmission overhead
lines to facilitate the connection of the existing network into the new Tilbury
North Substation to provide connection to the Tilbury Substation
- Ancillary and/or temporary works associated with the construction of the project
- Third party utilities diversions and/or modifications would be required to
facilitate the construction of the Project
- Land required for environmental mitigation and Biodiversity Net Gain (BNG)
- Land required temporarily for construction activities including working areas for
construction equipment and machinery, site offices, welfare, storage and
temporary construction access.

3.9. The project is split into a number of works sections, of which the administration
area of Chelmsford falls within section F, with a small element within section G.

3.10. Within the Chelmsford administrative area, the project would include the
construction of pylons and overhead lines of approximately 50 metres high, with
lower height (40m) pylons proposed between Great Waltham and Little
Waltham. It includes the following elements:

- A new 400 kV electricity connection
- Cable sealing End (CSE) compounds
- Third party utilities diversions and/or modifications.
- Land required for environmental mitigation and Biodiversity Net Gain (BNG)
- Ancillary or temporary works associated with the construction of the project.
- Land would also be required temporarily for construction activities including
working areas for construction equipment and machinery, site offices, welfare,
storage and temporary construction access

3.11. The pylons would typically be spaced at 330 metre intervals, subject to site
constraints.

Lower Height Pylons

3.12. Lower lattice height pylons up to 40 metres in height are proposed between
pylons TB136 to TB142 between Great Waltham and Little Waltham. These
would have only two cross arms as opposed to three on a standard lattice
pylon, thus reducing their height by approximately 10m (to approximately 40m)
but widening them by approximately 10m.

3.13. After consideration of feedback during consultations in 2025, NGET advise that
standard lattice pylons to the south of the River Chelmer may be installed in
place of pylons TB140, TB141 and TB142. NGET seek flexibility within the

Order Limits and Limits of Deviation to install them. If full height pylons are installed, NGET may need to remove one of the three pylons, slightly changing the location of the remaining two pylons.

Construction

3.14. Should the DCO be granted, it is understood that construction of the project would commence in 2027 and continue for four years through to 2031 (including demobilisation). Prior to the grant of DCO consent, a number of pre-construction environmental surveys would be undertaken in 2026.

3.15. NGET propose the following construction working hours as set out in Requirement 6 of the draft DCO:

- Monday to Friday: 07:00 to 19:00
- Saturdays, Sundays, Bank Holidays and other public holidays: 07:00 to 17:00.

3.16. NGET state that no percussive piling works would take place outside of the hours of 07:00 to 19:00 Monday to Friday and 07:00 to 17:00 on Saturdays. Unless agreed, no Heavy Good Vehicle (HGV) deliveries would be made to site outside of the hours of 07:00 to 19:00 Monday to Friday and 07:00 to 17:00 on Saturdays. Start up and close down activities up to one hour either side of the core working hours. No night working is proposed as standard.

3.17. NGET estimate over the four-year construction phase, there would be a maximum peak day where approximately 1,720 Full Time Equivalent (FTE) employees would be working on the project. Employees would be spread across various work sites along the project.

3.18. The majority of workers would be trained specialists, with approximately 10% sourced from local labour markets.

3.19. Within Chelmsford, temporary construction compounds are proposed at:

- Off Braintree Road, near TB134, Chelmsford (TB-Main) - Main Works compound (Overhead Line)
- Land east of A131, near Sheepcotes Wood (TB-CC07) - Secondary (cable) and CSE Compound)
- PSB39, east of Cole Hill (PSC-C1) - 132 kV overhead line mitigation works compound
- Ivy Barns Lane, near Margaretting, Essex, Highway mitigation construction compound
- Church Lane, near Margaretting, Essex Highway mitigation construction compound

3.20. A number of temporary construction laydown areas would be required. These would be predominantly located at the site access points (or bellmouths) where the Primary Access Routes (PARs) meet the Order Limits. These would store stone and other materials to facilitate the construction of the access roads. It is

assumed that laydown areas would generally be stripped of topsoil which would be stored appropriately and typically surfaced with stone chippings over geogrid. They would be reinstated to their former condition following their use.

3.21. Site staff welfare units would be required at strategically placed locations. In addition, NGET advise materials may be temporarily placed adjacent to any temporary construction areas during construction, for example pylon components before being erected.

Vegetation clearance

3.22. An almost continuous haul road, accessed from temporary access points would be installed along the entire length of the alignment, this would be typically six metres wide with passing places widening to eight metres and passing bays at intervals of approximately 200 metres.

3.23. NGET advise for overhead line haul roads, vegetation clearance would comprise a 10m swathe, allowing for six-metre-wide haul roads with two metres either side for drainage. Passing places would seek to avoid hedgerow crossings, though in some instances this may not be practicable due to visibility/health and safety concerns, and a worst-case it is assumed a 12m swathe would be removed. For accesses, a 12-metre swathe is presumed, extending to 21 metres in certain circumstances.

3.24. Further vegetation clearance would be required for the siting of the proposed pylons and overhead lines. The stone working areas would typically be 60 m x 60 m (or 70 m x 70 m for angle/terminal/low-height suspension structures and 80 m x 80 m for low-height tension structures). Materials would be brought to site on HGVs and would include the steelwork for the pylons and the conductors (i.e. cabling) wrapped around large drums. The base of the pylons would involve the excavation of the soil. Piling (which may include percussive) would be required at some pylon locations, subject to the ground conditions.

Full Height Pylons

3.25. A 40m wide swathe of vegetation would be required to be removed to allow for the construction and operation (and maintenance) of the overhead line (to include all physical infringements to conductor, including conductor swing 20m either side of each overhead line centreline). An additional up to eight metres of vegetation either side of the 40m may need be managed during construction and operation (and maintenance) to allow for electrical clearance from the conductor to be maintained (assumes a generalised allowance of 0.5 m growth per year over a five-year period). A further up to 22m of vegetation either side of the 8 m would be potentially affected, which includes allowances for design flexibility. Vegetation beyond the 22m would be unaffected.

Low Height Pylons (Great Waltham and Little Waltham)

3.26. In locations where low height pylons are proposed (TB136 to TB143), vegetation removal values are increased to a 51m wide swathe of vegetation removed to allow for the construction and operation (and maintenance) of the overhead line (to include all physical infringements to conductor, including conductor swing of 25.5m either side of each overhead line centreline). An additional up to 16m of vegetation either side of the 51m may need to be managed during construction and operation (and maintenance) to allow for electrical clearance from the conductor to be maintained (assuming a generalised allowance of 0.5 m growth per year over a five-year period). A further up to 16.5m of vegetation either side of the 16m would be potentially affected, which includes allowances for design flexibility

3.27. It is understood that there may be loss of veteran trees and other higher quality trees to facilitate the construction of the project.

3.28. Hedgerows beneath the overhead line conductors would be retained in situ. Hedgerow management may be required to meet overhead line electrical clearances (dependent on the hedgerow height) and a temporary three metre section of hedgerow may require cutting to stump to facilitate the stringing of the pylons (pulling through of the bond wire). Any hedgerow within a pylon footprint would require permanent removal and any hedgerow within a working area may require temporary removal.

UKPN and other works

3.29. Works relating to works to remove, underground and divert existing low voltage/11 kV/33 kV and Openreach wooden pole UKPN infrastructure along the overhead line alignment are detailed in the NGETs description of development. It is understood that the works would be similar to those relating to the 400kV works, but at a smaller scale. The works include:

- 47 Openreach mitigation designs
- Five UKPN low voltage mitigation designs
- 89 UKPN 11 kV mitigation designs
- 21 UKPN 33 kV mitigation designs (two of which are steel lattice pylon overhead lines).

Operation

3.30. Operationally it is understood that operational and maintenance activity would require a limited workforce. During operation (and maintenance), National Grid would require infrequent access to ensure the project is appropriately surveyed, assessed and maintained. Access would typically be made by foot, 4x4 or tractor and trailer.

Decommissioning

3.31. There are currently no plans to decommission the project.

4. Policy Context

- 4.1. The project is classified as a Nationally Significant Infrastructure Project (NSIP). As such it is required to follow the Development Consent Order (DCO) process under the Planning Act 2008.
- 4.2. DCO applications are made to the Planning Inspectorate (PINS) who manage the application on behalf of the relevant Secretary of State. In this case it would be the Secretary of State for the Department of Energy Security and Net Zero who would be the final decision maker.
- 4.3. The project will be assessed against relevant national and local planning policies, including the National Policy Statements (NPS), National Planning Policy Framework (NPPF) and the statutory Development Plans for the host authorities.

National Planning Policy

- 4.4. The overarching National Policy Statement for Energy is known as the National Policy Statement for Energy (EN-1), published in 2024. This sets out the UK Government's commitment to increasing renewable generation capacity and recognises that in the short to medium term, much of the new capacity is likely to come from onshore and offshore wind.
- 4.5. NPS EN-1 should be read in conjunction with the technology specific NPS known as the National Policy Statement for Electricity Networks Infrastructure (EN-5), published in 2024. This sets out the Government's policy for electricity transmission networks in conjunction with EN1. The policy statement sets out the general principles that should be applied in the assessment of development consent application across the range of energy technologies.
- 4.6. NPS EN-3, known as National Policy Statement for Renewable Energy deals with Renewable Energy proposals.
- 4.7. The Government is reviewing the National Policy Statements and undertook consultation on changes to EN-1, EN-3 and EN-5 between April and May 2025. The extent to which the new policies are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act 2008, with regard to the specific circumstances of each DCO application.
- 4.8. The National Planning Policy Framework (NPPF) was last updated in December 2024 and provides national policy in respect of proposals under the Town & Country Planning Act 1990. It is a material consideration when considering NSIP proposals.
- 4.9. The Government published a consultation on changes to the NPPF on 16th December 2025 and CCC will consider this separately with regard to the Norwich to Tilbury project.

Local Planning Policies

4.10. Relevant adopted local planning policies and guidance, include:

- Chelmsford Local Plan 2013-2036, May 2020
- Essex County Council and Southend-on-Sea Waste Local Plan, 2017
- Essex County Council Minerals Local Plan, July 2014
- Planning Obligations SPD
- Chelmsford Surface Water Management Plan (SWMP) 2018
- Chelmsford City Strategic Flood Risk Assessment (SFRA) 2019

4.11. CCC has started its review of the local plan to consider changes to National Policy and ensure it stays up to date. The reviewed Local Plan will have a plan-period from 2022- 2041.

4.12. Following on from previous consultations in 2022 and 2024, CCC carried out consultation on the full Pre-Submission Local Plan in Spring 2025. Since then, it has emerged that CCC needs to add more land for homes and employment use into the plan to meet future needs. This is because some sites in the adopted Local Plan have not come forward, and some sites will not be built as quickly as expected. Added to this, the Government has greatly increased its calculation of housing need in Chelmsford. CCC have also proposed some focused changes to the relevant policies. The consultation runs from 20th November 2025 to 8th January 2026.

5. Overarching position on Norwich to Tilbury

5.1. The principle of the development and the acceptability of the onshore route comprise the key Local Issue for Chelmsford City Council. Detailed comments are set out within the Local Impact Report.

5.2. Chelmsford City Council (CCC) declared a Climate and Ecological Emergency (CEE) in 2019. CCC supports the transition towards a low or zero carbon economy to address the impact of climate change and improve sustainability. This includes renewable energy production where this can be appropriately located and suitably mitigated.

5.3. CCC recognises the rapidly growing need for electricity as the climate emergency requires us to help support the replacement of fossil fuels such as oil and gas as soon as possible. This does not mean however, that all proposals which may assist in reducing climate change should be approved at any cost.

5.4. CCC objects to the Norwich to Tilbury pylon project. The objection is based on the following grounds:

- I) The preferred strategic option for Norwich to Tilbury remains an integrated offshore technology that minimises onshore transmission infrastructure and does not include overhead lines and pylons.

- II) CCC recognises that this option would need to be delivered at pace and without risk to national net zero, renewable energy and decarbonisation targets, and energy security.
- III) CCC consider that the presence of overhead lines and approximately 40m - 50m high pylons would be visually harmful and would result in unnecessary harm to heritage, landscape, ecology and residential amenity across the Chelmsford City Council administrative area.

5.5. CCC is supportive of well-developed, well-designed, and coordinated projects that enable the goal of net-zero and the interim targets, as set out in the revised National Policy Statements (NPS's). CCC consider this this cannot occur at the expense of Chelmsford's natural environment, landscapes and communities that would be affected by the project.

5.6. CCC recognise the benefit Norwich to Tilbury would deliver by helping to reinforce the National Grid, thereby facilitating the UK Government meeting its renewable energy targets. CCC accepts that network reinforcement is needed to accommodate the expected growth in demand for electricity and the additional contracted / planned electricity generation in East Anglia.

5.7. CCC acknowledge that enhanced transmission infrastructure will play a central role in tackling climate change and in meeting Government targets in the lead up to net-zero by 2050. However, the shift towards the delivery of low carbon will only be successfully achieved if developments such as Norwich to Tilbury are permitted having first taken into account the very real impacts they would have upon the natural environment, landscapes and local communities that they would be sited within.

5.8. CCC recognise the timing for the project is driven by the need for capacity in the transmission system by 2030. Yet it is CCC's view that such benefit should not and cannot be secured at the expense of Chelmsford's local communities, landscapes and environments that would be affected by the project.

5.9. The project would introduce vast incongruous features of industrial character into a rural landscape, which would harmfully impact upon the landscape and historic environment. The pylons and overhead lines would be visually noticeable and prominent. Many of the effects cannot be mitigated against due to the height and scale of the project and would be permanent.

5.10. The project would have a very clear detrimental impact upon the Chelmsford City Council administration area. CCC is extremely disappointed at the lack of appropriate mitigation and compensation proposed.

5.11. The principle of development is unacceptable.

6. Other Key Local Issues and Likely Significant Effects

6.1 The following are identified as key local issues and areas of concern:

- Effect on the Green Belt, Rural Area and Green Wedge
- Great Waltham and Little Waltham
- Acceptability of the Environmental Statement

6.2 An Environmental Statement (ES) has been prepared as part of the Development Consent Order application.

6.3 This considers the project's environmental impact upon a range of matters including, but not limited to landscape and visual impact, cultural heritage, ecology, trees and biodiversity, flood risk, noise and vibration and transport and access.

6.4 The ES describes the national and local planning policies that are relevant to the assessment, but it does not assess the project. The assessment forms part of the applicants Planning Statement to the DCO application.

6.5 A full consideration of the ES is being undertaken as part of the Final Local Impact Report.

6.6 Concerns have also been raised regarding Community Benefits and Compensation, and the draft Development Consent Order.

6.7 At the time of writing of this report, Officers consider that:

Green Belt, Rural Area and Green Wedge

6.8 The project, as inappropriate development, would by definition be harmful to the Green Belt. It would result in encroachment and moderate harm to the openness of the Green Belt in both visual and spatial terms. The very special circumstances put forward by NGET would need to be considered alongside any other identified harm arising from the scheme, acknowledging that the project is inappropriate development.

Great Waltham and Little Waltham

6.9 The project would irreversibly destroy the unique and irreplaceable historic environment within Great Waltham and Little Waltham. Whilst some of the harm identified is at the low level, cumulatively there would be an extensive impact. The proposed mitigation proposed does not adequately limit the harm on the historic environment, the sensitive landscape, ecology and residents that reside within it. CCC object to the project due to lack of sufficient mitigation and appropriate compensation.

6.10 The lower height pylons would reduce the extent of visibility from Grade I listed Langley's house and its immediate gardens. Yet the wider stance and heavier frame of the lower height pylons would have a greater visual presence in the context of the southern part of Great Waltham Conservation Area and the designated and non-designated heritage assets in this area. Cumulatively the

greater harm to the other heritage assets and on landscape mean that the proposed mitigation strategy is inadequate.

6.11 The Limits of Deviation include flexibility for three of the low (c.40m) height pylons at TB140-TB142 to be increased in height to full height pylons. This flexibility offers the opportunity to reduce the three pylons to two full height pylons, moving TB141 further away from the edge of Great Waltham Conservation Area and the non-designated heritage asset Windmill House. The introduction of full height pylons and the omission of one pylon could potentially reduce the level of heritage harm and CCC request that the matter is explored further, with visualisations and plans provided for further assessment.

Environmental Statement

Ecology and Biodiversity

6.12 The ecological impact assessments have a heavy reliance on either the quality execution of surveys to be completed post DCO consent and/or the proper implementation of mitigation measures across a very large construction works area and throughout an extended construction period.

6.13 The ES chapter generally provides an appropriate assessment of likely impacts on the identified ecological receptors. This includes for both statutory and non-statutory designated sites, habitats, and protected and Priority species.

6.14 Of specific concern is the approach undertaken in respect of the tree bat roost surveys where additional survey work is required. Impacts on protected species need to be assessed with reasonable confidence and the proposed mitigation considered appropriate, prior to determination to support a lawful decision. The absence of effective post-mitigation licence monitoring makes it highly uncertain to reasonably anticipate when a mitigation proposal is likely to succeed.

6.15 NGET have proposed a Biodiversity Net Gain scheme. It is understood this would inform the area habitats, hedgerow, and watercourse compensation requirements. Additionally, the BNG scheme would deliver new habitat creation/enhancement that would provide a 10% increase in respective habitat units over the baseline habitat unit calculations as calculated via BNG Metric. Details remain unresolved regarding where off-site habitat creation would be sited and whom would be responsible for management and monitoring and need to be resolved.

6.16 The proposed loss to trees and woodland has not been appropriately justified or mitigated. A draft Arboricultural Method Statement should be produced to demonstrate what mitigation is required to appropriately protect retained trees. Appropriate arboricultural justification for any losses and/or impacts would need to be compensated for. Direct and indirect impacts that would lead to damage or loss of ancient woodland habitat or veteran trees must be avoided. There is no appropriate mitigation for the loss of irreplaceable habitats.

Health and Well Being

6.17 Visually, the siting of pylons close to residential properties would have a harmful and unacceptable impact upon the occupant's amenities, both visually and spatially, where the pylons would have an overbearing and dominant impact upon the properties. It is noted that a number of properties are sited less than 200 metres away from the proposed pylons and overhead lines and would be noticeable and potentially overbearing.

6.18 The proposed hours of construction: 07:00 to 19:00 Monday – Fridays and 07:00 am to 17:00 over weekends/holiday raise concern due to the lack of respite from noise for residents. These hours of working are not accepted by CCC.

6.19 The ES concludes that no additional mitigation is required beyond embedded measures and proposes no health and wellbeing monitoring. Given the scale and duration of construction and the socio-economic characteristics of affected communities, CCC recommends consideration of establishing of a Health and Wellbeing Monitoring Framework to promote best practice. This Framework should include baseline data on active travel, access to green space, amenity satisfaction and mental wellbeing; define clear indicators and reporting intervals; and be co-developed with local communities.

Cultural Heritage

6.20 CCC has a rich cultural heritage. Generally, the detailed heritage assessment work and the clear and concise way that it is presented within the supporting evidence is welcomed. All relevant designated heritage assets within the 2km and 3km zones are identified. The methodology for assessment is supported.

6.21 In spite of this, the project underestimates the impacts on many designated heritage assets, with additional impacts identified by CCC. There are areas with permanent significant impacts are identified at:

- Balls Farm, Great Waltham (1305428),
- Langley Registered Park and Garden (1000241),
- Southwoods Farm, Writtle (1237420 and 1237421),
- Margaretting Hall (1152104),
- the Church of St Mary, Stock (listed grade II*, 1264434)
- and White's Tyrrells Farmhouse, Stock (1236733).

6.22 No additional mitigation is proposed, but it is essential.

6.23 The greatest impacts are at the section of route between Little Waltham and Great Waltham, near to Langley and its Registered Park and Garden, where the harm to the Great Waltham and Little Waltham Conservation Areas is underestimated, resulting in moderate effects, which are significant.

6.24 The additional harm identified, together with the other harms mean that there would be a considerable impact on the historic environment which should be fully considered and are matters of great weight and importance.

6.25 The project would lead to construction impacts that would involve the considerable removal of trees, hedgerows and planting. Their removal would have a noticeable impact upon setting. Whilst in theory, replacement mitigation replanting could limit this impact, in practice, it would take many years to mature to a level where the pre-existing conditions would be reinstated. The effect would not be experienced by residents within the area as a temporary loss of planting. Maintenance and operation corridors would also involve considerable removal trees, hedgerows and vegetation permanently. The low height pylons to the Great Waltham/Little Waltham gap would need to be wider than the standard height pylons.

6.26 Landscape screening has been discounted as a means of mitigation. In certain circumstances, screening is beneficial in reducing the harm caused by the intrusion of the pylons and associated works. This may include tree planting, hedge planting or infilling, reinstatement of historic field boundaries or woodland planting. Where mitigation involves replacement of vegetation, hedgerows, walls and earthworks this should be consultation with the LPA on the detail for these works.

6.27 The mitigation proposed is wholly inadequate.

6.28 The application is supported by a suitable level of desk-based research, as listed in section 11.4.2 (APP-208). Despite the adequacy of desk-based research, the level of information submitted with the application fails to provide sufficient information on the nature, extent and significance of heritage assets in order to determine the impact on archaeological remains by the proposed scheme. The archaeological potential of the proposed scheme area is not understood to the required level, and previously unknown archaeological remains may be present within the proposed scheme area. A high percentage of the land within the scheme remains under investigated and therefore the risk of encountering high value heritage assets remains a significant risk.

6.29 The development would potentially result in a direct permanent and harmful change to a range of non-designated heritage assets. This would be a significant effect. The applicants have provided information to inform the examination via the Historic Environment chapters of the ES. Further information and documents are however required to establish an appropriate programme of evaluation and mitigation for archaeology and geoarchaeology. This information is necessary to fully inform the decision-making process, and the planning balance as set out in the relevant policies.

Landscape and Visual Impacts

6.30 The project would introduce predominantly 50 metre high lattice pylons and associated infrastructure into an undeveloped, rural landscape where intervisibility can be quite high due to the large scale flat or gently undulating

landscapes or where the scale of the pylons and overhead wires means the effect is an industrialisation of the countryside.

- 6.31 In respect of the approach to the Landscape and Visual Impact Assessment (LVIA), concerns are raised regarding several aspects of the methodology, particularly in the approach to landscape value and value of the view, as well as a downplaying of the significance of impacts.
- 6.32 The project would lead to a harmful change in the identified character and appearance of the landscape, which would lead to a change in the character and quality of the landscape. It would lead to harmful visual intrusion, through the siting of high large-scale industrialised features that cannot be fully mitigated against. The project would lead to the harmful loss of the character and beauty of the countryside.
- 6.33 The ES acknowledges that the project would have a significant negative landscape impact at both construction and operational stages over the length of the project. Where negative effects are judged not to be significant further away from the project line, the visual character of the landscape and its perceptual nature is likely to combine to significantly negatively affect the landscape over a wide area, reducing scenic beauty and tranquillity, aesthetic enjoyment, a sense of place, history and identity, and inspiration for learning throughout the landscape and visual study area.
- 6.34 The ES acknowledges that the project would have a significant negative visual impact over the length of the project. This is identified as up to 1.5km from the project line in most situations. As a result of open landscapes, multiple pylons in view and cumulative effects when passing from one visual receptor area to another along the line, it is considered the cumulative effect is likely to result in an overall significant adverse effect generally within the study area at both construction and operation.
- 6.35 There does not appear to be any compensation offered in relation to the significant residual adverse landscape and visual effects created by the pylons and overhead line along its length. It is considered that the DCO should not be granted without a substantial funded landscape and visual compensation scheme. This to recognise the long-term significant residual negative and unmitigatable operational effects on both landscape and visual receptors. The scheme should be alongside but distinct from any proposed community benefits.
- 6.36 It has been confirmed by NGET that replacement planting will be provided on a 3:1 basis of trees to be removed within the Order Limits. Environmental net gain has not been provided in relation to compensation for the residual adverse landscape and visual effects of the pylons and overhead line along its length. It is not considered that this proposed replacement / reinstatement planting and provision of BNG compensates for the proposed harm to the landscape. Whilst replacement tree planting is welcomed, it does little to compensate for the permanent significant adverse landscape effects caused by the construction

of the pylons, overhead line and CSE's and does not address any of the significant permanent adverse visual effects that would occur.

Noise and Vibration

- 6.37 The proposed core working hours would be 07:00 to 19:00 Mondays to Fridays; and 07:00 to 17:00 on Saturdays, Sundays and Bank Holidays. This excludes start up and close down activities, which could take place for up to one hour either side of the core working hours.' The hours also exclude other operations that may take place outside of the core working hours including operations commencing during the core working hours which cannot safely be stopped; surveys or monitoring; and operations requested by a third party, for example highway works to avoid disruption to the local road network at peak times.
- 6.38 The proposed working hours raise concern due to their extended nature, in particular at weekends and bank holidays. In Chelmsford normal working hours are 08:00 to 13:00 on Saturdays, with no working on Sundays or bank holidays. The proposed hours of 07:00 to 19:00 and 07:00 to 19:00 over the weekend/holiday is a significant increase and raises concern due to the lack of respite from noise for residents. These hours of working are not accepted.
- 6.39 It is essential that NGET genuinely engages with the local communities. It is important to stress that long working hours can have significant adverse effects on people's health and wellbeing. The proposed construction hours are unacceptable.

Socio-Economics, Recreation and Tourism

- 6.40 There is scope to develop a skills and employment plan and skills fund. Harmful socio-economic and recreational impacts of the project must be avoided, including the cumulative impacts of construction.
- 6.41 The construction effects would be particularly noticeable around Margaretting and Writtle, whose communities experience a high number of events including national events hosted at Hylands House. Detrimental effects on access to events and local businesses, however temporary, would be unacceptable.
- 6.42 Regard would need to be had to the impact of the project upon recreation and tourism, through ensuing that Chelmsford's valued rural landscape remains open and accessible. There is concern regarding the inclusion of Sunday and bank holidays to the core working hours in relation to socio-economic industry and enjoyment of the countryside. The proposed working hours raise concern due to their extended nature, in particular at weekends and bank holidays where residents and users of the countryside would ordinarily expect respite from operations during the weekend.

Traffic and Transport

- 6.43 The project would harmfully impact upon the local highway network and Public Rights of Way (PRoW). The effects would be particularly noticeable during the construction of the development and from the on-going maintenance and operation of the pylons, overhead lines and associated equipment.
- 6.44 The construction of the development would give rise to a wide range of public health impacts, resulting in harm to the local communities that the project would sit. Matters including construction routes, hours of operation, the formation of vehicular accesses, traffic management and associated safety operations would need to be fully considered and mitigated as part of the projects, with appropriate mitigation provided.
- 6.45 Impacts upon the local highway network and Public Rights of Way (PRoW), must be appropriately mitigated and compensated for.

Agricultural land

- 6.46 The project would lead to the loss of Best and Most Versatile land. This is significant and weighs against the project as National and Local Planning policies seek to protect this finite resource.

Cumulative effects

- 6.47 There are several developments within the area that may be affected by the project. These include, but are not limited to, the Longfield Solar Farm Development Consent Order – new solar array creating 500 MW of energy, the Countryside zest (Beaulieu Park) LLP – Garden Community and the Lower Thames Crossing Nationally Significant Infrastructure Project (NSIP). The greatest effects would be felt during the construction of the development.
- 6.48 The project has potential to give rise to intra-project cumulative effects, and these would need to be considered for all receptors, especially with regard to agriculture and soil, ecology and historic receptors which have not been considered further. Other receptors include ecology, highways, landscape and visual and noise.
- 6.49 There is particular concern regarding the cumulative noise and construction impacts arising from these developments. Cumulatively taken all together the project has potential to lead to significant adverse effects. It is crucial that residents get regular breaks, and the proposed development is well managed, controlled and integrated within existing permitted development schemes. Reasonable hours of work and good construction traffic management are one of the key measures to reduce impact.

Other Matters

- 6.50 In addition to the matters identified above, Officers have concerns regarding the following:

- Community Benefits and Compensation
- Draft Development Consent Order

6.51 The application is silent on community benefits and compensation. The project would have clear and extensive residual impacts arising that would adversely affect the local economy and environment, as well as the health and wellbeing of communities in Chelmsford, and which cannot be sufficiently mitigated or compensated through the planning regime. It is contended that while the Norwich to Tilbury Project would deliver significant benefits at a national level, this would not offset the harm at the local level. This is unacceptable and an objection is raised to the lack of appropriate mitigation and compensation.

6.52 The project would introduce vast incongruous features of industrial character into a rural landscape, which would have harmfully impact upon the landscape, historic environment and amenities of the communities within which they would sit. The pylons and overhead lines would be visually noticeable and prominent. Many of the effects cannot be mitigated against due to the height and scale of the project and would be permanent.

6.53 Reasonable compensation and benefits to the wider area including a Community Benefit Fund, Skills and Employment funds, environmental and landscape enhancement and funding for heritage should be provided. Although separate to planning, affected residents should be appropriately compensated.

6.54 Should the Development Consent Order be granted, refinement and amendment of the draft Development Consent Order is needed, especially with regard to the deliverability of Requirements.

7. Next Steps and Timetable

7.1 The timetables for the DCO have not been set. Officers are expecting the following:

- Preliminary meeting - late January or early February 2026
- Examination – January /February 2026 – August 2026
- Decision – January 2027

7.2 In the meantime, Officers on behalf of CCC continue to productively and constructively engage (NGET) to secure the best possible outcomes for the local community and environment, including acceptable mitigation and compensation for all impacts; should the application for the Development Consent Order be granted by the Secretary of State.

7.3 Officers will continue to collaborate with Essex County Council, Suffolk County Council, Norfolk County Council and all the other Host Authorities and stakeholders affected when responding to the project.

List of appendices:

Appendix 1 – Draft Local Impact Report

Background papers:

None

Corporate Implications:

Legal/Constitutional:

CCC will be a statutory consultee the DCO process. Failure to respond would reduce the Council's ability to influence the development process and the legacy of planning decisions which could have an impact on its area.

Financial:

The cost of responding to the consultation has been in officer time. CCC has a draft PPA in place meaning that appropriate fees will be paid by National Grid. Although there is no formal duty to engage with the project, failure to not engage could prejudice Chelmsford City Council's interests.

Arrangements have been made with Essex County Council Place Services for National Grid to pay fees in respect of specialist Landscape and Visual, archaeology and ecological advice.

The PPA excludes direct funding for a Barrister / high level legal representative. National Grid have agreed to provide some legal funding managed by Essex County Council through Essex Legal Services. Depending on the success of negotiations relating to mitigation and compensation matters, there could also be a need for legal support associated with the DCO examination and for drafting S106 agreements in connection with associated development within the CCC area. These costs are currently unknown.

Potential impact on climate change and the environment:

Consideration of the environmental implications and mitigation will occur as part of the DCO planning process.

Contribution toward achieving a net zero carbon position by 2030:

Chelmsford City Council (CCC) declared a Climate and Ecological Emergency (CEE) in 2019. CCC supports the transition towards a low or zero carbon economy to address the impact of climate change and improve sustainability. This includes renewable energy production where this can be appropriately located and suitably mitigated.

It is acknowledged that enhanced transmission infrastructure will play a central role in tackling climate change and in meeting Government targets in the lead up to net-zero. However, the shift towards the delivery of low carbon will only be successfully achieved if developments such as Norwich to Tilbury are permitted having first taken into account the very real impacts they would have upon the natural environment, landscapes and local

Personnel:

The cost of responding to this consultation has been in Officer time. Additional Officer time will be required to effectively engage in the process going forward.

Risk Management:

CCC risks not being able to influence the development projects and the impacts it will have on its area and local communities if it does not respond to the consultation.

Equality and Diversity:

It is the responsibility of National Grid and the Planning Inspectorate to satisfy itself that requirements for equality impacts assessments have been undertaken.

Health and Safety:

There are no Health & Safety issues arising directly from this report.

Digital:

There are no IT issues arising directly from this report.

Other:

None.

Consultees:

Development Management

Relevant Policies and Strategies:

The report takes into account the following policies and strategies of the City Council:

- Chelmsford Local Plan 2013-2036 (Adopted on 27 May 2020)
- Planning Obligations Supplementary Planning Document
- Statement of Community Involvement, 2020
- Climate and Ecological Emergency Action Plan, January 2020



**Application by National Grid Electricity Transmission (NGET) for a
Development Consent Order (DCO) for the proposed Norwich to Tilbury
Project (Application Reference: EN020027)**

Chelmsford City Council Host Authority reference F14E9CF16

Draft Local Impact Report

15th January 2026

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Glossary of acronyms and abbreviations

AONB – Area of Outstanding Natural Beauty
ACL - Agricultural Land Classification
AIL - Abnormal Indivisible Loads
ANGSt - Accessible Natural Green Space Standards
AW – Ancient Woodland
BEIS – Department of Business, Energy and Industrial Strategy
BMV – Best and Most Versatile
BNG – Biodiversity Net Gain
BPM – Best Practicable Means
B2T – Bramford to Twinstead
CIT – Carbon Interface Tool
CO2e – Carbon Dioxide Emissions
CSE Compound – Cable Sealing End Compound
CEMP – Construction Environmental Management Plan
CFA - Climate Focus Area
CoCP – Code of Construction Practice
DEFRA - Department for Environment, Food and Rural Affairs
DLUHC – Department for Levelling Up, Housing and Communities
DCO – Development Consent Order
dDCO – Draft Development Consent Order
EA – Environment Agency
ECAC - Essex Climate Action Commission
ECC – Essex County Council
EIA – Environmental Impact Assessment
ES – Environmental Statement
ECAC - Essex Climate Action Commission
ExA – Examining Authority
FRA – Flood Risk Assessment
GLENRS - Greater Essex Local Nature Recovery Strategy
GHG – Greenhouse Gas Emissions
GI – Green Infrastructure
GSP – Grid Supply Point
HA – Hectares
IEMA – Institute of Environmental Management and Assessment
IPC – Instructure Planning Commission
LEMP – Landscape and Ecological Management Plan
LIR – Local Impact Report
LLFA – Lead Local Flood Authority
LOD – Limits of Deviation
LNP - Local Nature Partnership
LPA – Local Planning Authority
LWS - Local Wildlife Site
LVIA – Landscape and Visual Impact Assessment
MAR – Minerals Assessment Reports
MLP - Minerals Local Plan
MRA – Minerals Resource Assessment
MSA – Minerals Safeguarding Assessment
MWPA – Minerals and Waste Planning Authority
NGET – National Grid Electricity Transmission
NPPF – National Planning Policy Framework
NPS – National Policy Statement
NPSNN – National Policy Statement for National Networks
NSR – Noise Sensitive Receptors
OS - Ordnance Survey
OWSI – Outline Written Scheme of Investigation

PA – Planning Act
PFRA - Essex Preliminary Flood Risk Assessment
PINS – Planning Inspectorate
PWS - Private Water Supplies
PRoW – Public Right of Way
REAC - Register of Environmental Actions and Commitments
SCC – Suffolk County Council
SoCG – Statement of Common Ground
SoS - Secretary of State
SSSI – Site of Special Scientific Interest
SVPA - Stour Valley Project Area
SuDS – Sustainable Drainage System
SWMP – Surface Water Management Plan
TA – Transport Assessment
TCPA – Town and Country Planning Act

Summary

Chelmsford City Council (CCC) declared a Climate and Ecological Emergency (CEE) in 2019. CCC supports the transition towards a low or zero carbon economy to address the impact of climate change and improve sustainability. This includes renewable energy production where this can be appropriately located and suitably mitigated.

CCC recognises the rapidly growing need for electricity as the climate emergency requires us to help support the replacement of fossil fuels such as oil and gas as soon as possible. This does not mean however, that all proposals which may assist in reducing climate change should be approved at any cost.

CCC objects to the Norwich to Tilbury proposal. Our objection is based on the following grounds:

- I) The preferred strategic option for Norwich to Tilbury remains an integrated offshore technology that minimises onshore transmission infrastructure and does not include overhead lines and pylons.
- II) CCC recognises that this option would need to be delivered at pace and without risk to national net zero, renewable energy and decarbonisation targets, and energy security.
- III) CCC consider that the presence of overhead lines and approximately 40m - 50m high pylons would be visually harmful and would result in unnecessary harm to heritage, landscape, ecology and residential amenity across the Chelmsford City Council administrative area.

CCC is supportive of well-developed, well-designed, and coordinated projects that enable the goal of Net Zero and the interim targets, as set out in the revised National Policy Statements (NPS). CCC recognise the benefit Norwich to Tilbury would deliver by helping to reinforce the National Grid, thereby facilitating the UK Government meeting its renewable energy targets.

CCC accepts that network reinforcement is needed to accommodate the expected growth in demand for electricity and the additional contracted / planned electricity generation in East Anglia and acknowledge that enhanced transmission infrastructure will play a central role in tackling climate change and in meeting Government targets in the lead up to net-zero by 2050.

CCC consider the shift towards the delivery of low carbon will only be successfully achieved if developments such as the Norwich to Tilbury proposal are permitted having first taken into account the very real impacts they would have upon the natural environment, landscapes and local communities that they would be sited within. CCC recognise the timing for the proposal is driven by the need for capacity in the transmission system by 2030. Yet this need should not be occur at the expense of the natural environment, landscape and local communities.

The proposal would comprise inappropriate development in the Green Belt and would introduce vast incongruous features of industrial character into a rural landscape, which would harmfully impact upon the landscape and historic environment. The pylons and overhead lines would be visually noticeable and prominent. Many of the effects cannot be mitigated against due to the height and scale of the proposal and would be permanent.

The proposal would have a very clear detrimental impact upon the Chelmsford City Council administration area. CCC is extremely disappointed at the lack of appropriate mitigation and compensation proposed.

CCC continues to productively and constructively engage with the applicant, National Grid Electricity Submission (NGET), to secure the best possible outcomes for the local community and environment, including acceptable mitigation and compensation for all impacts; should the application for the Development Consent Order (DCO) be granted by the Secretary of State.

1. Introduction and terms of reference

- 1.1 This report comprises Chelmsford City Council's Local Impact Report (LIR) to the Norwich to Tilbury powerline Development Consent Order (DCO).
- 1.2 The report has been prepared in accordance with the advice and requirements set out in the Planning Act 2008 (as amended) and PINS Advice Note 1 (Local Impact Reports) version 2.
- 1.3 PINS Advice Note 2 states that 'A Local Impact Report is a report in writing giving details of the likely impact of the proposed development on the Authority's area. The LIR should centre around whether the Local Authority considers the development would have a positive, negative or neutral effect on the area.'
- 1.4 This Local Impact Report (LIR) relates to the impacts of the proposed development as it affects the administrative area of Chelmsford City Council. Separate but complementary Local Impact Reports will be produced by the other Host Authorities, being Essex County Council, Braintree District Council, Basildon Borough Council, Brentwood Borough Council, Colchester City Council, Tendring District Council, Thurrock Council, Suffolk County Council, Babergh-Mid Suffolk Councils and Norfolk County Council, as to how it affects their respective administrative areas.
- 1.5 The proposal put forward by the applicant; National Grid Electricity Transmission (NGET) includes the following:
 - A new 400 kV electricity connection of approximately 180 km in length from Norwich Main Substation to Tilbury substation via Bramford substation
 - A new EACN substation and a new Tilbury north substation.
 - Approximately 159 km of new overhead line supported on approximately 509 pylons, either standard steel lattice pylons, approximately 50 m in height or low height steel lattice pylons (approximately 40 metres in height) with proposed cable sealing End (CSE) compounds or existing or proposed substations
 - Approximately 21 km of 400 kV of undergrounding cabling, some of which would be located through the Dedham Vale.
 - Seven new Cable sealing End (CSE) compounds, modification works to connect the existing Norwich substation to the Bramford substation, new 400 kV substations on the Tendring peninsula and to the south of Orsett Gold Course.
 - Modifications to the existing National Grid Electricity Transmission overhead lines to facilitate the connection of the existing network into the new Tilbury North Substation to provide connection to the Tilbury Substation
 - Ancillary and/or temporary works associated with the construction of the proposal.
 - Third party utilities diversions and/or modifications would be required to facilitate the construction of the Project.
 - Land required for environmental mitigation and Biodiversity Net Gain (BNG)
 - Land required temporarily for construction activities including, for example, working areas for construction equipment and machinery, site offices, welfare, storage and temporary construction access.
- 1.6 The Local Impact Report's primary purpose is to identify the policies in the Local Plan in so far as they are relevant to the proposed development and the extent to which the development accords with those policies.
- 1.7 The LIR expands upon the issues raised by CCC within its Relevant Representations dated 27th November 2025. It sets out CCC's key issues and concerns and contains a commentary of the matters CCC's wishes to be considered for examination. It includes commentary on the applicant's approach to mitigation and identifies areas where further information is required or is outstanding.

- 1.8 Representations are raised on the draft Development Consent Order (DCO), which will remain under consideration throughout the examination
- 1.9 Topic based headings are used as a framework to for the assessment impacts within and key issues.
- 1.10 Although the LIR gives an brief overview of the description of the site and surroundings and a general review of the details of the proposal to highlight particular features, the applicants Environmental Statement (ES) provides sufficient description and details of the proposal.
- 1.11 This LIR covers areas where Chelmsford City Council (CCC) has a statutory function or holds expertise. CCC defers to the relevant Authorities including the Local Lead Flood Authority (LLFA), Essex County Council Highways Authority and the Minerals and Waste Authority with regard to their comments to the Local Impact Report.
- 1.12 Comments on Ecology, Archaeology and Landscape and Visual effects have been prepared in consultation with Essex County Council Place Services.
- 1.13 A Statement of Common Ground (SoCG) is under preparation with the applicant (NGET) and the LIR does not intend to duplicate this. However, there may be some matters of overlap.

2. Description of Site and Surroundings

- 2.1 A full description of the site and surroundings is given in the applicants Environmental Statement. It is noted that the applicant is using the 'Rochdale Envelope' approach to provide flexibility in the development.
- 2.2 The land falls within the administrative areas of the following Local Authorities and includes Norfolk County Council, Suffolk County Council and Essex County Council.
 - South Norfolk Council
 - Mid Suffolk District Council
 - Babergh District Council
 - Colchester City Council
 - Tendring District Council
 - Braintree District Council
 - Chelmsford City Council
 - Brentwood Borough Council
 - Basildon Borough Council
 - Thurrock Council
- 2.3 The proposal has been sub divided into eight geographical sections. Chelmsford falls within sections F and G:
 - Section F – Chelmsford City Council and Brentwood Borough Council
 - Section G – Basildon Borough Council and Brentwood Borough Council (and part of Chelmsford City Council administrative area)

Description of route

- 2.4 Within Chelmsford, the Section F of the alignment continues south-west through arable fields until crossing the River Ter. At this point, the Order Limits are close to the River Ter SSSI. The proposal then continues southwest through arable fields, passing adjacent to Lyonshall Wood Ancient Woodland before passing adjacent to Sheepcotes Ancient Woodland then crossing the A131 Braintree Road.
- 2.5 The proposal continues south-west crossing the B1008, Chatham Hall Lane and the River Chelmer between Great Waltham and Little Waltham Conservation Areas. The Order Limits interact with the Great Waltham Conservation Area and are within approximately 40 m of Langley's Historic Park and Garden.
- 2.6 The proposal continues south-west past Sparrowhawk Wood Ancient Woodland, and Border Wood just south of Broad's Green. The proposal then continues south, to the west of Broomfield Hospital, before turning south-west again at Bushy Wood Ancient Woodland, located adjacent to the Order Limits.
- 2.7 The proposal then passes south of Chignal St James and crosses the River Can. It then crosses the A1060 Roxwell Road and Roxwell Brook. From here, the proposal heads south crossing the A414 Ongar Road and then Sandy Brook. The proposal heads south-east, to the south of Little Oxney Green, before diverting south-west near Gable Cottages on Margaretting Road. The proposal interacts with Writtle-Writtlepark Wood Ancient Woodland, and adjacent to Writtle-James Spring Ancient Woodland, heading south crossing Ivy Barns Lane. The Order Limits pass between and adjacent to Bushey Wood and Osbornes Wood Ancient Woodlands, where the section ends at the A12 Ingatestone Bypass.
- 2.8 Section G starts on the southern side of the A12 Ingatestone Bypass, heading south-east over the B1002 at Margaretting, and crossing a railway line linking Stratford and Chelmsford. It continues south-east past Spring Wood, crossing the River Wid, before heading south and crossing Stock Brook.

Geographical features and designations

2.9 The proposal is located primarily on agricultural farmland under arable production (mainly Grade 3). In some places including Great Waltham and Little Waltham, the proposed route passes clusters of urban and rural settlements.

2.10 The landform varies, but overall, the topography is predominantly flat and low lying with undulation in places. The proposal crosses several areas of flood risk (Flood Zones 2 and 3).

2.11 Ecological features include Sites of Special Scientific Interest (SSSI), Local Nature Reserves, Tree Preservation Orders and Ancient Woodland, including:

- Sparrowhawk Wood Ancient Woodland
- Border Wood
- Bushy Wood Ancient Woodland
- Writtle-Writtlepark Wood Ancient Woodland
- Writtle-James Spring Ancient Woodland
- Osbornes Wood Ancient Woodland
- Bushey Wood Ancient Woodland

2.12 Heritage features include Conservation Areas, listed buildings and Registered Parks and Gardens including Langley's historic park and garden in Great Waltham and Hylands House, Writtle.

2.13 The River Can, Roxwell Brook, A roads including the A1060, A414, A12 and B1002 would be affected by the site as well as railway lines.

2.14 There are a number of settlements within the Order Limits. These include:

- Great Leighs (including Little Leighs)
- Great Waltham
- Little Waltham
- Broomfield
- Chelmsford
- Chignal St James
- Roxwell
- Highwood
- Writtle
- Margaretting
- Stock

2.15 Part of the site falls within the Metropolitan Green Belt. Construction access routes would be within the Green Wedge. The remainder of the proposal would fall within the Rural Area Beyond the Green Belt.

2.16 Further detail on the specific affected features is provided within the applicants ES and under CCC's commentary to the relevant topic headings.

3. Details of the Proposal

3.1 Within Chelmsford administrative area, the proposal would include the construction of pylons and overhead lines of approximately 50 metres high, with lower height pylons proposed between Great Waltham and Little Waltham. The proposal would include the following elements:

- A new 400 kV electricity connection.
- Cable sealing End (CSE) compounds,
- Third party utilities diversions and/or modifications.
- Land required for environmental mitigation and Biodiversity Net Gain (BNG)
- Ancillary or temporary works associated with the construction of the proposal.
- Land would also be required temporarily for construction activities including, for example, working areas for construction equipment and machinery, site offices, welfare, storage and temporary construction access.

3.2 Further details of the Project are included within Chapter 4: Project Description (document reference 6.4) and shown on Figure 4.1: Proposed Project Design (document reference 6.4.F1) and Figure 4.2: Proposed Project Design – Permanent Features (document reference 6.4.F2).

Draft Order Limits and Limits of Deviation

3.3 The Order Limits are defined as the maximum extent of land within which the Proposal, as defined within the ES (Volume 6 of the DCO application), may be carried out, and include both permanent and temporary land required to build and operate (and maintain) the Project.

3.4 The Order Limits include LoD which represent the maximum deviation for permanent features, such as the overhead line, pylons, CSE compounds, new substations and underground cables. This allows for adjustment to the final positioning of Project features to avoid localised constraints or unknown or unforeseeable issues that may arise.

3.5 The proposed Order Limits are generally 100 m wide, i.e. 50 m either side of the centre line of the proposed overhead line.

3.6 The vertical Limit of Deviation (LoD) would be to any extent not exceeding 6m upwards from the pylon design heights presented within the Works Plans (document reference 2.3). The reason is to allow for variations in heights between pylons to allow extra height to clear existing features, maintaining electrical clearance to the ground.

3.7 The lateral LoD of 50 m either side of centreline and the longitudinal LoD would allow flexibility to move pylon positions in any direction for unforeseen circumstances, such as poor ground conditions or archaeological finds, and to cater for maximum conductor (overhead line) swing. Commitments to restrict the LoD for specific pylon locations are included within the Outline CoCP (document reference 7.2).

3.8 In Chelmsford, at Lions Hall Minerals Site east of the A131 and to the west of Lyonshall Wood Ancient Woodland, the LoD and Order Limits have been widened between TB128 and TB133 to allow flexibility to change the alignment to reduce effects on the Lions Hall Minerals Site should the proposal be progressed.

3.9 At the Chelmsford Bypass east of the A131 and to the west of Lyonshall Wood Ancient Woodland, the Order Limits have been widened to facilitate an alternative haul road off the proposed Chelmsford Bypass new roundabout, should the Chelmsford Bypass progress, which would sever the currently proposed construction haul road that follows the overhead line alignment.

3.10 The pylons would be typically spaced at 330 metres, subject to site constraints.

Lower height pylons

3.11 Lower lattice height pylons up to 40 metres in height are proposed between pylons TB136 to TB142 which would be sited between Great Waltham and Little Waltham.

3.12 These would have only two cross arms as opposed to three on a standard lattice pylon, thus reducing their height by approximately 10 m (to approximately 40 m) but widening them by approximately 10 m.

3.13 After consideration of feedback during consultations in 2025, NGET seek flexibility within the Order Limits and LoD to revert to standard lattice pylons at TB140, TB141 and TB142. This may also include removing the need for one of the three pylons and slightly changing the location of the remaining two pylons within the LoD.

Construction

3.14 Should the DCO be granted, it is understood that construction of the proposal would commence in 2027 and continue for four years through to 2031 (including demobilisation). Prior to the grant of DCO consent, a number of pre-construction environmental surveys would be undertaken in 2026.

3.15 Certain pre-commencement operations could take place following the grant of DCO consent and in advance of construction, including:

- Engineering investigations and surveys
- Environmental (including archaeological) investigations and monitoring
- Surveys and monitoring investigations associated with assessing ground conditions
- Diversion and laying of services, protection works comprising utilities protection works or fencing and protection slabs
- Site clearance
- Environmental mitigation measures
- Remediation associated with contamination or other adverse ground conditions
- Site set up works associated with the establishment of construction compounds and temporary laydown areas
- Temporary accesses
- Erection of temporary enclosures or temporary demarcation fencing marking out site boundaries and the temporary display of site notices or advertisements

Construction working hours

3.16 NGET propose the following construction working hours as set out in Requirement 6 of the draft DCO:

- Monday to Friday: 07:00 to 19:00
- Saturdays, Sundays, Bank Holidays and other public holidays: 07:00 to 17:00.

3.17 NGET state that no percussive piling works would take place outside of the hours of 07:00 to 19:00 Monday to Friday and 07:00 to 17:00 on Saturdays.

3.18 Unless otherwise agreed with the Local Highway Authority, no Heavy Good Vehicle (HGV) deliveries would be made to site outside of the hours of 07:00 to 19:00 Monday to Friday and 07:00 to 17:00 on Saturdays.

3.19 The following operations are identified as may take place outside the core working hours:

- Trenchless crossing operations including at landfalls and beneath highways, railway lines, woodlands, nature reserves, Sites of Special Scientific Interest or watercourses

- The installation and removal of conductors, pilot wires and associated protective netting (included but not limited to) across highways, railway lines or watercourses
- The jointing of underground cables
- The continuation of any work activity commenced during the core working hours to a point where they can securely and or safely be paused
- Any highway works requested by the Local Highway Authority to be undertaken on a Saturday or Sunday or outside the core working hours
- The testing or commissioning of any electrical plant installed as part of the authorised development including undertaking of any identified corrective activities
- The completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities
- Activity necessary in the instance of an emergency where there is a risk to persons or property
- Security monitoring
- Non-intrusive surveys
- Intrusive surveys
- Oil processing of transformers or reactors in substation sites
- Delivery to the transmission works of abnormal indivisible loads and any highway works requested by the Local Highway Authority to be undertaken outside the core working hours
- Mechanical and electrical installation works within buildings once erected and enclosed.

3.20 It is understood the core working hours exclude:

- Start up and close down activities up to one hour either side of the core working

3.21 NGET caveat that the severe weather conditions referred to means any weather which prevents work from taking place during the core working hours by reason of physical incapacity (whether for reasons of visibility, ground conditions, power availability, site access or otherwise) or being contrary to safe working practices.

3.22 NGET confirm there is no intention for night working on the proposal as standard. However, there would be occasions where night working is required, as set out in the operations that may take place outside of the core working hours above. There is also the potential for the trenchless crossing works to be undertaken at night. Parts of the trenchless crossing operations require continuous working to achieve completion of the crossing. Some road works may also need to be undertaken at night to reduce effects on local traffic.

Construction work force

3.23 NGET estimate over the four-year construction phase, there would be a maximum peak day where approximately 1,720 Full Time Equivalent (FTE) employees would be working on the proposal. Employees would be spread across various work sites along the 180 km proposal.

3.24 The majority of workers would be trained specialists, with approximately 10% sourced from local labour markets.

Public Rights of Way (PRoW)

3.25 A number of PRoWs would be affected by the construction of the proposal. NGET state that discussions with PRoW officers have been held to discuss the management of PRoWs, including managing, diverting and/or temporarily closing PRoWs.

Construction compounds and laydown areas

3.26 Within Chelmsford, temporary construction compounds are proposed at:

- Off Braintree Road, near TB134, Chelmsford (TB-Main) - Main Works compound (Overhead Line)
- Land east of A131, near Sheepcotes Wood (TB-CC07) - Secondary (cable) and CSE Compound
- PSB39, east of Cole Hill (PSC-C1) - 132 kV overhead line mitigation works compound
- Ivy Barns Lane, near Margaretting, Essex, Highway mitigation construction compound
- Church Lane, near Margaretting, Essex Highway mitigation construction compound

3.27 A number of temporary construction laydown areas would be required. These would be predominantly located at the site access points (or bellmouths) where the Primary Access Routes (PARs) meet the Order Limits

3.28 The construction laydown areas would store stone and other materials to facilitate the construction of the Project (predominantly for the haul roads). Material storage would be needed for the first 12 months of construction and would likely store material to a maximum of 4 m in height at any one time. It is assumed that laydown areas would generally be stripped of topsoil which would be stored appropriately and typically surfaced with stone chippings over geogrid. They would be reinstated to their former condition following their use.

3.29 Site staff welfare units (including Portaloos or similar) would also be required at strategically placed locations, to allow construction staff to have access to welfare facilities. In addition, NGET advise materials may be temporarily placed adjacent to any temporary construction areas during construction, for example pylon components before being erected.

Vegetation clearance

3.30 An almost continuous haul road, accessed from temporary access points would be installed along the entire length of the alignment, this would be typically 6 metres wide with passing places widening to 8 metres and passing bays at intervals of approximately 200 metres.

3.31 Vegetation clearance for the construction of the haul road and accesses would comprise:

- A typical 12 m swathe of removed vegetation (including hedgerows), allowing for up to 8 m wide haul roads and 2 m either side to allow for drainage
- A further 4.5 m either side of the 12 m swathe would be potentially affected, which includes LoD. Up to 21 m of vegetation falls within the potentially affected category

3.32 NGET advise for overhead line haul roads, the Project would seek to reduce vegetation clearance to a 10 m swathe, allowing for 6 m wide haul roads and 2m either side for drainage. Passing places would seek to avoid hedgerow crossings, though in some instances this may not be practicable due to visibility/health and safety concerns, and a worst-case it is assumed a 12 m swathe would be removed.

Overhead line

3.33 Vegetation clearance would be required for the siting of the proposed pylons and overhead lines. The working areas around each new pylon would be cleared of vegetation and fenced appropriately. Access to each pylon location would be installed. Temporary appropriate technology / material would be required adjacent to each new pylon location, on which to place plant such as cranes and piling rigs. The stone working areas would typically be 60 m x 60 m (or 70 m x 70 m for angle/terminal/low-height suspension structures and 80 m x 80 m for low-height tension structures). Materials would be brought to site on HGVs and would include the steelwork for the pylons and the conductors (i.e. cabling) wrapped around large drums. The base of the pylons would involve the excavation of the soil. Piling (which may include percussive) would be required at some pylon locations, subject to the ground conditions.

Full height pylons

3.34 A 40 m wide swathe of vegetation would be required to be removed to allow for the construction and operation (and maintenance) of the overhead line (to include all physical infringements to conductor, including conductor swing 20 m either side of each overhead line centreline6.

3.35 An additional up to 8 m of vegetation either side of the 40 m may need be managed during construction and operation (and maintenance) to allow for electrical clearance from the conductor to be maintained (assumes a generalised allowance of 0.5 m growth per year over a five-year period).

3.36 A further up to 22 m of vegetation either side of the 8 m would be potentially affected, which includes allowances for design flexibility as per the proposed lateral LoD vegetation unaffected: Vegetation beyond the 22 m would be unaffected.

Low height pylons (Great Waltham and Little Waltham)

3.37 In locations where low height pylons are proposed (at TB136 to TB143), the values are increased to a 51 m wide swathe of vegetation removed to allow for the construction and operation (and maintenance) of the overhead line (to include all physical infringements to conductor, including a conductor swing of 25.5 m either side of each overhead line centreline.

3.38 An additional up to 16 m of vegetation either side of the 51 m may then need to be managed during construction and operation (and maintenance) to allow for electrical clearance from the conductor to be maintained (assuming a generalised allowance of 0.5 m growth per year over a five-year period)

3.39 A further up to 16.5 m of vegetation either side of the 16 m would be potentially affected, which includes allowances for design flexibility as per the proposed lateral LoD

3.40 Vegetation beyond the 16.5 m would be unaffected.

Veteran trees and hedgerows

3.41 In respect of veteran trees, other higher quality trees and NGET refer measures set out in arboricultural surveys and a desk study.

3.42 It is understood that hedgerows beneath the overhead line conductors would be retained in situ. Hedgerow management may be required to meet overhead line electrical clearances (dependent on the hedgerow height) and a temporary 3 m section of hedgerow may require cutting to stump to facilitate the stringing of the pylons (pulling through of the bond wire). Any hedgerow within a pylon footprint would require permanent removal and any hedgerow within a working area may require temporary removal.

UKPN and other works

3.43 Works relating to works to remove, underground and divert existing low voltage/11 kV/33 kV and Openreach wood pole UKPN infrastructure along the overhead line alignment are detailed in the NGETs description of development. It is understood that the works would be similar to those relating to the 400kV works, but at a smaller scale. The works include:

- 47 Openreach mitigation designs
- Five UKPN low voltage mitigation designs
- 89 UKPN 11 kV mitigation designs
- 21 UKPN 33 kV mitigation designs (two of which are steel lattice pylon overhead lines).

Operation

3.44 Operationally it is understood that operational and maintenance activity would require a limited workforce. During operation (and maintenance), National Grid would require infrequent access to ensure the operational Project is appropriately surveyed, assessed, and maintained. Access would typically be made by foot, 4x4 or tractor and trailer.

Decommissioning

3.45 There are currently no plans to decommission the proposal.

4. Planning History

- 4.1 There is no relevant planning history relating to Norwich to Tilbury.
- 4.2 A scoping opinion was adopted by the Secretary of State on 10th December 2022.
- 4.3 In accordance with guidance, a Preliminary Environmental Information Report (PEIR) was prepared and consulted on 10th April 2024.
- 4.4 Further consultations were undertaken between January and April 2025.

5. Relevant National and Local Policy

- 5.1 The proposal is defined as a Nationally Significant Infrastructure Project (NSIP), under s14(1)(b) and s16 of the Planning Act 2008, and as amended by the Planning Act 2008 (Nationally Significant Infrastructure Projects) (Electric Lines) Order 2013, as it involves the installation of a new electric line above ground of more than 2 km, which would operate at 400 kV in England.
- 5.2 The grant of development consent is made through the making of a Development Consent Order (DCO) under the Planning Act 2008. The DCO includes a range of consents and powers, some of which are not relevant to planning.
- 5.3 In determining a DCO, the Secretary of State (SoS) must have regard to National Planning Statements. In addition, the Secretary of State must have regard to the following:
 - Any Local Impact Report (Section 104(2)(b) of the PA 2008)
 - Any matters prescribed (Section 104(2)(c) of the PA 2008)
 - Any other matters which the SoS thinks are both important and relevant to the SoS decision (Section 104(2)(d) of the PA 2008).

National policy

National Planning Policy Statements

- 5.4 The overarching National Policy Statement (NPS) for Energy is known as the National Policy Statement for Energy (EN-1), published in 2024. This sets out the UK Government's commitment to increasing renewable generation capacity and recognises that in the short to medium term, much of the new capacity is likely to come from onshore and offshore wind.
- 5.5 NPS EN-1 should be read in conjunction with the technology specific NPS known as the National Policy Statement for electricity Networks Infrastructure (EN-5), published in 2024. This sets out the Government's policy for electricity transmission networks in conjunction with EN1. The policy statement sets out the general principles that should be applied in the assessment of development consent application across the range of energy technologies.
- 5.6 NPS EN-3, known as National Policy Statement for Renewable Energy deals with Renewable Energy proposals.
- 5.7 The Government is reviewing the National Policy Statements and undertook consultation on changes to EN-1, EN-3 and EN-5 between April and May 2025.
- 5.8 At the time of writing, the current suite of NPS's are relevant to the proposal and under transitional arrangements, these should have effect for the purposes of the Planning Act 2008. Any emerging draft energy NPSs (or those amended but not having effect) are stated as potentially capable of being important and relevant considerations to the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act 2008, with regard to the specific circumstances of each DCO application.

The Electricity Act 1989

- 5.9 The Electricity Act 1989 at Section 9(2) places general duties on National Grid as a licence holder 'to develop and maintain an efficient, co-ordinated and economical system of electricity transmission...'.

5.10 S38 and Schedule 9 of the Electricity Act 1989 require National Grid, when formulating proposals for new lines and other works, to: ‘...have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and shall do what [it] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects’.

The Climate Change Act

5.11 The Climate Change Act 2008 forms the basis for the UK’s approach to tackling and responding to climate change. It requires that emissions of carbon dioxide and other greenhouse gases are reduced and that climate change risks are adapted to. The Act also establishes the framework to deliver on these requirements.

5.12 Through the Climate Change Act, the UK Government set a target to significantly reduce UK greenhouse gas emissions by 2050 and a path to get there. The Act established the Committee on Climate Change (CCC) to ensure that emissions targets are evidence-based and independently assessed. The Act requires the Government to assess the risks and opportunities from climate change for the UK, and to adapt to them. The CCC’s Adaptation Committee advises on these climate change risks and assesses progress towards tackling them.

5.13 The Climate Change Act originally committed the UK to reducing its greenhouse gas emissions by 80% by 2050, compared to 1990 levels. However, in 2019 this was changed to a target to reduce greenhouse gas emissions by 100% by 2050, compared to 1990 levels; this is commonly known as ‘net zero’.

5.14 There have been a succession of reports, strategies, policy and statements released by the Government over the past few years aiming to support the realisation of the 2050 net zero target and enable the transition to clean, green and home-grown energy.

Clean Power 2020

5.15 Most recently, the Government has set out an ambition for Great Britain to be supplied by Green Power by 2030. This forms part of a plan to Make Britain a Clean Energy Superpower.

5.16 To achieve the Clean Power goal of 2030, the National Energy System Operation(NESO) was commissioned to report provide independent advice on achieving this. This included:

- Clean Power 2030
- Clean Power 2030 Action Plan: a New Era of Clean Energy

The National Planning Policy Framework (NPPF)

5.17 The National Planning Policy Framework (NPPF) is material to the consideration of the proposal. When deciding DCO submissions s104(2)(d) of the Planning Act (PA) 2008 requires the Secretary of State (SoS) to have regard to any other matters considered both important and relevant.

5.18 The National Planning Policy Framework (NPPF) (as amended) has a presumption in favour of sustainable development and this document is what the Statutory Development Policies are required to be in conformity with. The proposal is also required to be in conformity with the National Planning Policy Guidance (NPPG).

5.19 The Government published a consultation on changes to the NPPF on 16th December 2025 and CCC will consider this separately with regard to Norwich to Tilbury.

5.20 The NPPF is supported by National Planning Policy Guidance (NPPG)

Development Plan

Adopted Chelmsford Local Plan

5.21 The adopted Chelmsford Local Plan 2020 and Making Places Supplementary Planning Document (SPD) set the key principles for development within Chelmsford. There are several local planning policies that are relevant to the consideration of the proposal.

5.22 Strategic Policy S1 seeks to ensure that existing and planned infrastructure is used effectively. Strategic Policy S9 seeks to set out priorities for infrastructure provision or improvements. Strategic Policy S10 sets out how infrastructure provision will be secured and mitigated.

5.23 Several other local plan policies are relevant to the consideration of proposals including:

- Strategic Policy S1 – Spatial Principles
- Strategic Policy S2 – Addressing climate change and flood risk
- Strategic Policy S3 - Conserving and enhancing the historic environment
- Strategic Policy S4 - Conserving and enhancing the natural environment
- Strategic Policy S7 – The spatial strategy
- Strategic Policy S8 – Delivering economic growth
- Strategic Policy S9 – Infrastructure requirements
- Strategic Policy S10 – Securing infrastructure and impact mitigation
- Strategic Policy S11 - The role of the countryside
- Policy DM6 - New development in the Green Belt
- Policy DM7 - New buildings and structures in the Green Wedge
- Policy DM8 - New buildings and structures in the rural area
- Policy DM10 - Change of use (Land and buildings) and Engineering operations
- Policy DM13 - Designated heritage assets
- Policy DM14 - Non designated heritage assets
- Policy DM15 - Archaeology
- Policy DM16 - Ecology and biodiversity
- Policy DM17 - Trees, Woodland and landscape features
- Policy DM18 - Flooding / SUDs
- Policy DM19 – Renewable and low carbon energy
- Policy DM23 - High quality and inclusive design
- Policy DM27 - Parking standards
- Policy DM29 - Protecting living and working conditions
- Policy DM30 - Contamination and pollution

5.24 Other relevant adopted local planning policies and guidance include:

- Essex County Council and Southend-on-Sea Waste Local Plan, 2017
- Essex County Council Minerals Local Plan, July 2014
- Chelmsford Surface Water Management Plan (SWMP) 2018
- Chelmsford City Strategic Flood Risk Assessment (SFRA) 2019
- Planning Obligations SPD

Submission (Emerging) Local Plan

5.25 CCC has started its review of the local plan to consider changes to National Policy and ensure it stays up to date. The reviewed Local Plan will have a plan-period from 2022- 2041.

5.26 Following on from previous consultations in 2022 and 2024, CCC carried out consultation on the full Pre-Submission Local Plan in Spring 2025. Since then, it has emerged that CCC needs to add more land for homes and employment use into the plan to meet future needs. This is because some sites in the adopted Local Plan have not come forward, and some sites will not be built as quickly as expected. Added to this, the Government has greatly increased its calculation of housing need in Chelmsford.

5.27 These factors combined mean that CCC not have enough allocated housing sites to meet these needs, especially for the first five years of the plan. CCC is currently consulting focused consultation under Regulation 19 on 11 additional housing sites and expanded allocations for three housing sites and one employment site. CCC also propose some focused changes to the relevant policies. The consultation runs from 20th November 2025 to 8th January 2026.

5.28 The submission Local Plan Policies are:

- Strategic Policy S1 – Spatial Principles
- Strategic Policy S2 – Addressing climate change and flood risk
- Strategic Policy S3 - Conserving and enhancing the historic environment
- Strategic Policy S4 - Conserving and enhancing the natural environment
- Strategic Policy S7 – The spatial strategy
- Strategic Policy S8 – Delivering Economic Growth
- Strategic Policy S9 – Infrastructure requirements
- Strategic Policy S10 – Securing infrastructure and impact mitigation
- Strategic Policy S11 - The role of the countryside
- Strategic Policy S14 - Health and wellbeing
- Policy DM6 - New development in the Green Belt
- Policy DM7 - New buildings and structures in the Green Wedge
- Policy DM8 - New buildings and structures in the rural area
- Policy DM10 - Change of use (Land and buildings) and Engineering operations
- Policy DM13 - Designated heritage assets
- Policy DM14 - Non designated heritage assets
- Policy DM15 - Archaeology
- Policy DM16 – Protection and promotion of ecology, nature and biodiversity
- Policy DM17 - Trees, Woodland and landscape features
- Policy DM18 - Flooding / SUDs
- Policy DM19 – Renewable and low carbon energy
- Policy DM23 - High quality and inclusive design
- Policy DM27 - Parking standards
- Policy DM29 - Protecting living and working conditions
- Policy DM30 - Contamination and pollution

5.29 Further information will be provided on the status of the Local Plan during the examination period.

5.30 Whilst many of the Adopted planning policies remain unchanged from the Adopted Local Plan, in accordance with the transition arrangements, CCC identified those policies that may be either out of date or contain elements within the policy that are out of date policies.

5.31 In those circumstances, CCC defers to the relevant policies and sections of the NPPF.

6. Overarching Position on Norwich to Tilbury

- 6.1 On 29th August 2025, the applicant National Grid Electricity Transmission (NGET) submitted an application for a Development Consent Order (DCO) under the Planning Act (2008). On 26th September 2025, the Secretary of State (c/o Planning Inspectorate) accepted the application for examination as set out in the Section 55 letter from the Planning Inspectorate.
- 6.2 CCC understands that the project comprises the reinforcement of the transmission network between the existing Norwich Main Substation in Norfolk and Tilbury Substation in Essex, via Bramford Substation, the new East Anglia Connection Node ("EACN") and the new Tilbury North Substation. CCC notes that the route is described in chapter 4 (Project Description) of the Environmental Statement (APP-130)) and is shown in the Site Location Plan and Project Sections (APP-125) and 2.1 Location and Master Key Plan (Final Issue A) (APP-008).
- 6.3 Chelmsford City Council (CCC) declared a Climate and Ecological Emergency (CEE) in 2019. CCC supports the transition towards a low or zero carbon economy to address the impact of climate change and improve sustainability. This includes renewable energy production where this can be appropriately located and suitably mitigated.
- 6.4 CCC recognises the rapidly growing need for electricity as the climate emergency requires us to help support the replacement of fossil fuels such as oil and gas as soon as possible. This does not mean however, that all proposals which may assist in reducing climate change should be approved at any cost.
- 6.5 CCC objects to the Norwich to Tilbury pylon proposal. The objection is based on the following grounds:
 - I) The preferred strategic option for Norwich to Tilbury remains an integrated offshore technology that minimises onshore transmission infrastructure and does not include overhead lines and pylons.
 - II) CCC recognises that this option would need to be delivered at pace and without risk to national net zero, renewable energy and decarbonisation targets, and energy security.
 - III) CCC consider that the presence of overhead lines and approximately 40m - 50m high pylons would be visually harmful and would result in unnecessary harm to heritage, landscape, ecology and residential amenity across the Chelmsford City Council administrative area.
- 6.6 CCC is supportive of well-developed, well-designed, and coordinated projects that enable the goal of Net Zero and the interim targets, as set out in the revised National Policy Statements (NPS's).
- 6.7 As part of the Great Grid upgrade, the proposal would assist in the decarbonisation of the UK's energy supply, in accordance with the Clean Power Action Plan 2020 and would help deliver the Governments targets of net zero by 2050.
- 6.8 CCC recognise the benefit Norwich to Tilbury would deliver by helping to reinforce the National Grid, thereby facilitating the UK Government meeting its renewable energy targets. CCC accepts that network reinforcement is needed to accommodate the expected growth in demand for electricity and the additional contracted / planned electricity generation in East Anglia.
- 6.9 CCC acknowledge that enhanced transmission infrastructure will play a central role in tackling climate change and in meeting Government targets in the lead up to net-zero by 2050. However, the shift towards the delivery of low carbon will only be successfully achieved if developments such as Norwich to Tilbury are permitted having first taken into account the very real impacts they would have on the natural environment, landscapes and local communities that they would be sited within.

6.10 CCC recognise the timing for the project is driven by the need for capacity in the transmission system by 2030. Yet it is CCC's view that such benefit should not and cannot be secured at the expense of Chelmsford's local communities, landscapes and environments that would be affected by the proposal.

6.11 The proposal would introduce vast incongruous features of industrial character into a rural landscape, which would have harmfully impact upon the landscape and historic environment. The pylons and overhead lines would be visually noticeable and prominent. Many of the effects cannot be mitigated against due to the height and scale of the proposal and would be permanent.

6.12 The proposal would have a very clear detrimental impact upon the Chelmsford City Council administration area. CCC is extremely disappointed at the lack of appropriate mitigation and compensation proposed.

6.13 CCC continues to productively and constructively engage with NGET to secure the best possible outcomes for the local community and environment, including acceptable mitigation and compensation for all impacts, should the application for Development Consent Order be granted by the Secretary of State.

7. Principle of Development and Onshore Route

7.1 The principle of the development and the acceptability of the onshore route comprise the key Local Issue for Chelmsford City Council.

Relevant policies

Adopted and Submission Chelmsford Local Plan

7.2 Policies S1, S2 and S10 apply of the Adopted and Submission Chelmsford Local Plan apply. These seek to ensure that infrastructure is used efficiently. All new development should locate development at well connected and sustainable location, locate development to avoid or manage flood risk, protect the Green Belt, respect the character and appearance of the landscapes and built environment and preserve or enhance the historic environment and biodiversity and utilise planned infrastructure effectively.

Consideration and adequacy of the DCO

7.3 Chelmsford City Council (CCC) declared a Climate and Ecological Emergency in 2019. CCC supports the transition towards a low or zero carbon economy to address the impact of climate change and improve sustainability. This includes renewable energy production where this can be appropriately located and suitably mitigated.

7.4 CCC recognises the rapidly growing need for electricity as the climate emergency requires us to help support the replacement of fossil fuels such as oil and gas as soon as possible. This does not mean that all proposals which may assist in reducing climate change should be approved at any cost.

7.5 CCC objects to the Norwich to Tilbury pylon proposal. Our objection is based on the following grounds:

- I) The preferred strategic option for Norwich to Tilbury remains an integrated offshore technology that minimises onshore transmission infrastructure and does not include overhead lines and pylons.
- II) CCC recognises that this option would need to be delivered at pace and without risk to national net zero, renewable energy and decarbonisation targets, and energy security.
- III) CCC consider that the presence of overhead lines and approximately 40 - 50m high pylons would be visually harmful and would result in unnecessary harm to heritage, landscape, ecology and residential amenity across the Chelmsford City Council administrative area.

Needs case and alternatives

7.6 CCC accept that the network reinforcement offered by the proposal is needed to accommodate the additional planned electricity generation in the East Anglia region. It would also assist in the decarbonisation of the UK's energy supply and help deliver the Government targets of net zero by 2050.

7.7 CCC previously raised concerns in responses to consultation regarding the uncertainties surrounding the timeframes for planned future connections stated by the National Grid Electricity Transmission (NGET). By way of background, an independent report, known as the Hiorns Report (The East Anglia Transmission Network Reinforcement Report by Hiorns Smart Energy Networks (2023) was commissioned jointly by Essex County Council, Suffolk County Council and Norfolk County Council. The report reviewed the need and timing for additional capacity out of the East Anglia region and considered the need against a range of credible generation scenarios to assess the robustness of the need case.

7.8 The Hiorns Report concluded that the case for the Norwich to Tilbury proposal focused solely on the contracted energy generation position to identify the maximum requirement for additional transmission capacity in East Anglia. The report identified that it is extremely unlikely that all of the contracted energy generation projects would come forward and/or connect at the volumes stated or dates contracted. As a result, the report concluded that there was scope for further analysis of potential options, including a potential offshore High Voltage Direct Current (HVDC) link, and it could not be concluded that the NGET proposal was the best option.

7.9 NGET responded to that report in April 2024 suggesting that it could not delay its reinforcement of the transmission network beyond 2030 without being in breach of its contractual and licence obligations. Whilst these obligations are acknowledged, credible alternatives such as an offshore centred approach or High Voltage Direct Current (HVDC) undergrounding, delivered at pace, to minimise onshore infrastructure in Essex should continue to be fully explored.

7.10 The application proposes predominantly 50m (approx.) high lattice pylons and overhead lines. The proposal would have very significant and harmful impacts including those upon landscape, historic environment and residential amenity. If the timing for the network reinforcement is less acute as suggested in the Hiorns report, CCC considers that alternative schemes to the proposed lattice pylons scheme, such as off-shore and High Voltage Direct Current (HVDC) undergrounding, should be explored in more detail to ascertain whether they would achieve better environmental outcomes overall than the current submitted scheme.

7.11 CCC reiterate that its preferred strategic option for Norwich to Tilbury remains an integrated offshore technology that minimises onshore transmission infrastructure and does not include overhead lines and pylons. CCC recognises that this option would need to be delivered in a timely manner, and without risk to national net zero, renewable energy generation and decarbonisation targets and energy security. The Hiorns report described the offshore solution as credible and concluded the offshore option would be less expensive than the onshore option with HVAC cables.

7.12 CCC consider the principle of the development to be unacceptable.

8. Other Key Local Issues and Likely Significant Effects

8.1 CCC's comments regarding the principle of the development and need for the proposal are set out above.

8.2 The following are identified as key local issues and areas of concern

- Effect on the Green Belt and Green Wedge
- Great Waltham and Little Waltham
- Acceptability of the Environmental Statement

8.3 Concerns have also been raised regarding Community Benefits and Compensation and the Draft Development Consent Order below.

8.4 CCC reserves the right to amend our position on matters or to raise additional topics throughout the examination as deemed necessary, in response to new materials being submitted into the examination. Matters raised in this LIR will, as appropriate, be further expanded upon in other future representations submitted separately as well as the Statement of common Ground,

Effect on Green Belt, Rural Area and Green Wedge

Relevant Policies

Adopted and Submission Chelmsford Local Plan

8.5 Policies S11 – The Role of the Countryside, DM6 – New Buildings in the Green Belt, DM7 – New Buildings and Structures in the Green Wedge, DM8 – New buildings and Structures in the Rural Area and DM10 – Change of Use (Land and Buildings) and Engineering Operations of the Adopted Local Plan apply. Policies S11 and DM6 of the Adopted Local Plan do not contain reference to the Grey Belt. The PDL test has also changed. Policy DM10 contains no reference to the Grey Belt. In such cases, reference is made to the appropriate paragraphs of the NPPF.

8.6 Submission policies S11, DM6, DM7, DM8 and DM10 also apply. The policies have been amended to reflect the guidance contained within the NPPF.

8.7 Within the Green Belt, the purpose of the policies is to prevent inappropriate development and set out the exceptions or circumstances where development may be granted.

8.8 Within the countryside and rural area, and the Green Wedge, the purpose of the policies is to set out the circumstances where development may be granted.

Context

8.9 The proposed route would enter the City Council administrative area from the northeast, south of Great Leighs, into and through land allocated as the Rural Area in the Chelmsford Local Plan. It would run adjacent to land allocated as Green Wedge north of Chelmsford with access routes extending into the Green Wedge. The route would leave the Rural Area to the southwest of Chelmsford and would enter land designated as Green Belt in the Adopted Chelmsford Local Plan. The Green Belt forms part of London's Metropolitan Green Belt.

8.10 The proposal would cross many roads and public rights of way including the northwestern edge of the Centenary Circle and the Essex Way and would be visible in long, medium and short distance views.

8.11 The proposal would introduce vast incongruous features of industrial character into a rural landscape, which would have harmfully impact upon the landscape and historic environment. The pylons and overhead lines would be visually noticeable and prominent

Consideration and adequacy of the DCO: Green Belt

8.12 The fundamental aim of Green Belt policy is to prevent urban sprawl and keep land permanently open. Openness has both visual and spatial qualities. The pylons would be between approximately 30-50 metres high, rising higher to about 56 metres accounting for the Limits of Deviation. Together with other elements of the proposal including overhead lines, any buildings, enclosures, boundary fencing or operational equipment, they do not fall within any of the exceptions in paragraph 154 of the National Planning Policy Framework (NPPF) or the relevant policies in the Adopted Chelmsford Local Plan.

8.13 Paragraph 160 of the NPPF agrees that elements of many renewable energy proposals will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances if projects are to proceed. This may include the wider environmental benefits associated with increased production of energy from renewable energy sources.

8.14 The approach is supported by paragraph 5.11.36 of National Policy Statement (NPS) EN-1 states that when located in the Green Belt, energy infrastructure projects may comprise 'inappropriate development'. Inappropriate development is by definition harmful to the Green Belt with references to the National Planning Policy Framework (NPPF).

8.15 Paragraph 5.11.37 of NPS EN-1 states that very special circumstances are not defined in national planning policy as it is for the individual decision maker to assess each case on its merits and give relevant circumstances their due weight. It states that substantial weight is given to any harm to the Green Belt when considering any application for such development, while taking account the extent to which its physical characteristics are, such that it has limited or no impact on the fundamental purposes of the Green Belt designation. Very special circumstances may include the wider environmental benefits associated with increased production of energy from renewables and other low carbon sources.

8.16 From a spatial element, the proposal would introduce substantial development into the area in terms of ground cover and built form that would diminish the openness of the Green Belt spatially. Visually, the landscapes that would be affected by the proposal are often undeveloped, rural landscapes where intervisibility can be quite high due to being either large scale flat or gently undulating landscapes or where the scale and height of the pylons and overhead wires mean the effect is an industrialisation of the countryside.

8.17 The proposal would conflict with the purposes of including land within the Green Belt. In terms of encroachment, the proposal would place a large number of pylons and associated infrastructure within an extensive number of fields within the countryside. Although maintaining some separation between them, the pylons and associated infrastructure would fundamentally alter the appearance of the fields and landscape that they would be sited within it. These would alter from a sequence of open green spaces to spaces accommodating large industrialised development that would result in encroachment, in contradiction of a Green Belt purpose.

8.18 The proposal, as inappropriate development, would by definition be harmful to the Green Belt. It would result in encroachment and moderate harm to the openness of the Green Belt in both visual and spatial terms. The proposed development would conflict with national and local planning policies. These seek to resist inappropriate development and only allow engineering operations that would preserve openness and not conflict with the purposes of including land within the Green Belt. All harm to the Green Belt carries substantial weight.

8.19 The very special circumstances put forward by NGET would need to be considered alongside any other identified harm arising from the scheme, acknowledging that the proposal is inappropriate development.

8.20 With regard to grey belt, the Adopted Chelmsford Local Plan policies are out of date and CCC refers to paragraphs 155 to 159 as appropriate. CCC defers to the ExA regarding the Grey Belt.

Consideration and adequacy of the DCO: Rural Area and Green Wedge

8.21 Paragraph 5.11.26 of NPS EN-1 states that applicants should seek to minimise the direct effect of a project on the existing use of a site and the effects on existing or planned uses near the site by the application of good design principles, including the layout of the project and the protection of soils during construction.

8.22 CCC consider that proposals within the rural area should protect the identified character, beauty and appearance of the countryside.

8.23 There are two aspects of the proposal that have potential to cause an effect on visual amenity and landscape character. These are the activities and elements of the proposal that would affect the fabric of the site landscape, and the activities and visual characteristics of the elements that would be visible from the surrounding locality.

8.24 The proposal would introduce lattice pylons ranging from 40 - 50 (approx.) metres in height, overhead lines and associated infrastructure in the countryside. Accounting for the Limits of Deviation, the height of the pylons could increase to approximately 56 metres in places. The landscapes affected by the proposal are often undeveloped, rural landscapes where intervisibility can be quite high due to being either large scale flat or gently undulating landscapes or where the scale of the pylons and overhead wires means the effect is an industrialisation of the countryside.

8.25 The proposal would lead to a harmful change in the identified character and appearance of the landscape, which would lead to a change in the character and quality of the landscape. It would lead to harmful visual intrusion, through the siting of high large-scale industrialised features that cannot be fully mitigated against. The proposal would lead to the harmful loss of the character and beauty of the countryside.

8.26 The Green Wedge is a unique designation in Chelmsford and has a multi-functional role providing opportunities for cycling and walking as well as being a wildlife corridor. It overlays both the Green Belt and the Rural Area meaning that policies relating to both the Green Belt and the countryside apply.

8.27 Within the Green Wedge, the installation of permanent access routes is a symptom of industrialisation and incursion of the development within sensitive designated areas of the countryside.

Great Waltham and Little Waltham

Relevant Policies

Adopted and Submission Chelmsford Local Plan

8.28 Policies S3 – Conserving and Enhancing the Historic Environment and S4 - Conserving and Enhancing the Natural Environment of the Adopted Chelmsford Local Plan apply. These seek to protect the historic environment and the countryside from harmful development and set out the circumstances where development may be granted.

8.29 DM8 - New Buildings and Structures in the Rural Area and DM10 – Change of Use (Land and Buildings) and engineering operations seek to protect the character and appearance of the countryside and set out the circumstances where new buildings / change of use or engineering operations may be granted.

8.30 Policies DM13 – Designated Heritage Assets and DM14 – Non Designated Heritage Assets apply to designated and non-designated heritage assets and DM15 relates to archaeology. The policies seek to

protect heritage assets from harm and set out the circumstances where development affecting these features will be granted.

8.31 Policies DM16 – Ecology and Biodiversity and DM17 - Trees, Woodland and Landscape features seek to protect these features from adverse impacts and effects and set out the circumstances where development may be granted.

8.32 Policy DM23- High Quality and Inclusive design, DM29 – Protecting Living conditions and Policy DM30 Contamination also apply. These seek to ensure that development proposals are well designed and safeguard the living environment of any nearby residential properties, ensure that the proposal is compatible with neighbouring or existing sites within the vicinity of the site and do not cause contamination.

8.33 On policy S4, - Conserving and Enhancing the Natural Environment, it is noted that BNG is now statutory. Policy DM11 contains no reference to the Grey Belt but remains consistent with the NPPF. Policy DM10 contains no reference to the Grey Belt but is still consistent with the NPPF. On Policy DM16 – Ecology and Woodland, BNG is now statutory.

8.34 The policies have been retained and amended in accordance with the NPPF and form part of the Submission Local Plan, with new Policy S14 relating to Health and Wellbeing being applicable to this proposal.

Consideration and Adequacy of the DCO

Heritage

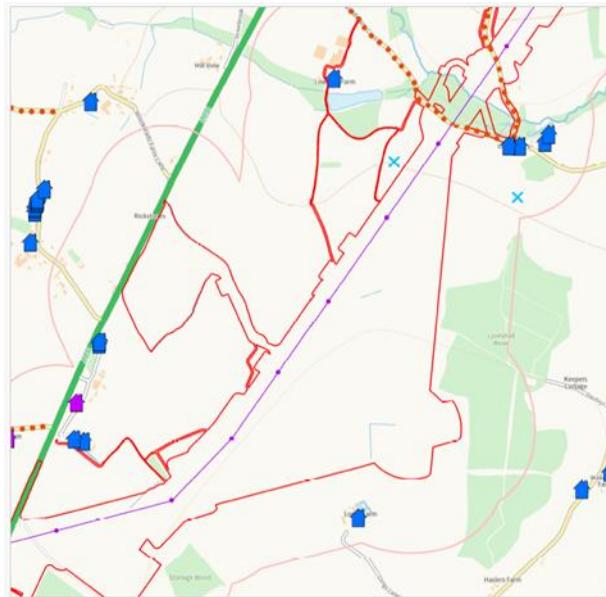
8.35 From a heritage perspective, the most sensitive area on the route is that between the villages of Great Waltham and Little Waltham, where the route would pass between two Conservation Areas, Langley's Registered Park and Garden and the setting of the Grade I listed house Langley's, the Ash Tree Corner Scheduled Monument, the Church of St Mary and St Lawrence (Grade I) and 65 Grade II listed and two Grade II* buildings within 1km, also numerous non-designated heritage assets including pillboxes associated with the GHQ defence line and various vernacular buildings. Most of these heritage assets have a rural setting which contributes to their significance.

8.36 Little Waltham and Great Waltham are both picturesque villages with high quality vernacular historic buildings set within rural landscapes. Non-significant impacts are also identified to many listed buildings within the setting which should be considered cumulatively as they form part of an area of high heritage sensitivity, along with Langley's. The proposal would impact upon a number of non-designated heritage assets within the vicinity of the route.

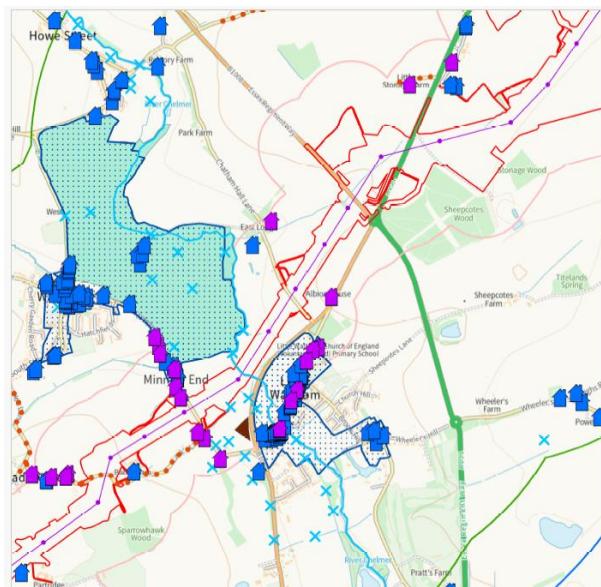
8.37 CCC assess the impacts to Great Waltham (CA55) and Little Waltham (CA56) as moderate and thus significant for the purposes of the ES, which will be set out within the Local Impact Report. There is only one other location on the entire 184km route where permanent significant impacts are identified affecting any Conservation Area. Langley's Registered Park and Garden (1000241) is the only RPG where there are agreed moderate and thus significant for the purposes of the ES.

8.38 The location of the heritage assets is shown on the following maps:

North of Little Waltham



Little Waltham



8.39 Langley has an isolated rural setting, which makes an important contribution to its significance. The introduction of pylons within the setting of the house and garden would irreversibly destroy the unique and irreplaceable historic environment, leading to significant adverse heritage impacts which are not adequately mitigated.

8.40 The proposal would also irreversibly destroy the unique and irreplaceable historic environment within Great Waltham and Little Waltham. Whilst some of the harm identified is at the low level, cumulatively there would be an extensive impact

Landscape and Visual

8.41 In landscape and visual impact terms, there are concerns regarding the wider impact of the pylons and overhead line on the historical landscape setting associated with Langley. The introduction of pylons would likely degrade the setting by forming a backdrop of pylons behind the building within the wider landscape.

8.42 The proposal would be introduced into a location where views are otherwise absent of overhead lines resulting in a major and significant adverse effects by the introduction of industrialised features. The siting of the pylons and overhead lines within the gap between the two Defined Settlements of Great Waltham and Little Waltham would lead to the introduction of high industrialised features that would be at odds with the rural character and appearance of the area.

8.43 There would be close and sometimes open views of the proposal from local receptors, from residential properties along several roads/lanes, the Public Rights of Way (PRoW) network and from scattered properties where pylons would appear very prominent and seen in full against the sky. Pylons would appear stacked behind each other in some views. The visual effect would be particularly noticeable from less vegetated sections such as Chatham Hall Road, with much of the pylon's structure prominently visible against the sky.

8.44 The scale of change would be large, and the effect would be major and significant (adverse), reducing to moderate and significant (adverse) within Little Waltham. The cumulative effect of multiple pylons and the continuous overhead linear nature of the project, means that the collective impacts would create an overall significant adverse effect at both construction and operation.

Targeted Consultation Response

8.45 In its Targeted Consultation Response, CCC presented the following three options with respect to the siting of the route between Great Waltham and Little Waltham.

- I) CCC's preferred option is that alternative mitigation in the form of underground cabling should be used for this section.
- II) Alternatively, different alignment should be chosen with further consideration being given to relocating the route to the north of Great Waltham and Little Waltham. Details of this route can be found at page 58, figure 5.13, Indicative alternative route of the Norwich to Tilbury Design Development Report June 2023.
- III) Finally, upon exhausting the above options, regard should be given to the introduction of T pylons along this part of the route. These have a visually different character and appearance that may contribute to a mitigation strategy to limit the landscape and heritage issues listed above. A full impact assessment of the use of T pylons should be undertaken to determine the suitability of this proposal.

8.46 These options have been discounted by NGET and have not been taken forward. CCC reiterates that its preferred options for Great Waltham and Little Waltham are those set out above. CCC disagrees with this discounting due to the harm that the proposal would have. To address CCC's concerns, NGET have proposed siting lower height pylons between Great Waltham and Little Waltham.

Lower height pylons

8.47 Pylons TB136 to TB142 are proposed as lower height pylons of approximately 40 metres height. Whilst the lower height pylons limit their visibility above trees when seen in the context of tree belts, they would have a similar or greater visual presence in exposed locations due to their wider stance and thicker structural sections.

8.48 The lower height pylons would reduce the extent of visibility from Grade I listed Langley's house and its immediate gardens. Yet the wider stance and heavier frame of the lower height pylons would have a greater visual presence in the context of the southern part of Great Waltham Conservation Area and the designated and non-designated heritage assets in this area. Cumulatively the greater harm to the other heritage assets and on landscape mean that the proposed mitigation strategy is inadequate.

Pylons TB140 – TB142

8.49 The Limits of Deviation include flexibility for three of the low (c.40m) height pylons at TB140-TB142 to be increased in height by up to 18m to 58 metres. This flexibility offers the opportunity to reduce the three pylons to two full height pylons, moving TB141 further away from the edge of Great Waltham Conservation Area and the non-designated heritage asset Windmill House.

8.50 The introduction of full height pylons and the omission of one pylon could potentially reduce the level of heritage harm and CCC request that the matter is explored further, with visualisations and plans provided for further assessment

Ecology and Trees

8.51 The proposal would lead to a considerable removal of trees, hedgerows and planting and has potential to impact upon Veteran trees which are irreplaceable habitats. There is deep concern regarding the amount of vegetation proposed for removal. Pylons TB139 and TB140 would be sited close to the Conservation Area, which contains valued trees which could be removed should the proposal be granted.

8.52 The proposal would represent increased and harmful pressures on woodlands, trees, hedgerows and Local Wildlife Site(s) and sufficient mitigations and buffers would need to be provided. Where harm is unavoidable arboricultural compensatory measures should be delivered to offset harm. Loss to trees and woodland that has not been appropriately justified or mitigated at this stage in time. There is no appropriate mitigation for the loss of irreplaceable habitats.

Residential Amenity

8.53 The siting of pylon TB141 adjacent to Windmill House would have a harmful and unacceptable impact upon the occupant's amenities, both visually and spatially, where the pylon would have an overbearing and dominant impact upon the property. See comments on Health and Well Being and Noise.

8.54 Whilst debates regarding the effect of Electro Magnetic Fields (EMF's) are deferred to the ExA, a precautionary approach is to site the pylons and wires as far away from possible from residential properties.

8.55 The close siting of pylon TB141 adjacent to Windmill House mean that it could be exposed to the effects of a low frequency hum known as Corona Discharge. NGET's own document "Design Guidelines for development near pylons and high voltage overhead power lines" states that it is possible for the developer to mitigate significantly the effects of noise from an existing overhead line by attention to site layout and design of new developments, for example by including landscaping or by placing the noise sensitive elements away from the line. These principles should be applied to the siting of pylon TB141 with regard to Windmill House.

8.56 In combination with the comments regarding the heritage impacts of the lower height pylons identified above, CCC request that the pylon is relocated away from the boundary with Windmill House as part of a comprehensive package of mitigation measures.

Mitigation

8.57 NGET's position that additional mitigation measures are not possible is unconvincing. There is a compelling case to find an alternative route, underground or use T-pylons for this section of the proposal. Additional mitigation options have not been fully explored, including landscaping and heritage compensation measures. It is a matter of agreement that the alternative route option between Pleshey

and Great Waltham would have a reduced impact on the historic environment and it is essential that adequate mitigation is provided.

- 8.58 The proposal would lead to construction impacts that would involve the considerable removal of trees, hedgerows and planting. Their removal would have a noticeable impact upon setting. Whilst in theory, replacement mitigation replanting could limit this impact, in practice, it would take many years to mature to a level where the pre-existing conditions would be reinstated. The effect would not be experienced by residents within the area as a temporary loss of planting.
- 8.59 Where harm is unavoidable heritage compensatory measures should be delivered. This should include repair of listed buildings and/or associated built and landscape features to offset harm to setting. This would be essential at Langley; where there are a number of structures and features within the Registered Park and Garden, as well as the outbuildings and the house. The proposal could offset harm to setting by providing funded repairs.
- 8.60 The proposed mitigation proposed does not adequately limit the harm on the historic environment, the sensitive landscape, ecology and residents that reside within it. CCC object to the proposal due to lack of sufficient mitigation and appropriate compensation.

Environmental Statement

- 8.61 The Environmental Statement (ES) is a key tool in assessing the significance of harm on an application and Chelmsford City Council's main concern is to ensure that the proposal would not lead to unacceptable significant adverse harm.
- 8.62 The policies listed at section four of this LIR apply and the consideration below sets out the relevant policies applicable to the topic headings.

Air Quality

Relevant policies

Adopted and Submission Chelmsford Local Plan

- 8.63 Policy DM29 – Protecting Living and Working Environments of the Adopted Local Plan applies. The policies have been retained in the submission Local Plan and new Policy S14 – Health and Wellbeing of the Submission Local Plan is relevant.
- 8.64 The policies seek to ensure that development proposals are well designed and safeguard the living environment of any nearby residential properties, ensure that the proposal is compatible with neighbouring or existing sites within the vicinity of the site and do not cause contamination.

Consideration and Adequacy of the DCO

- 8.65 CCC's main concern relates to the impact of the proposal upon the settlements and residents sited in proximity to the proposal.
- 8.66 There appears to be a mistake within the air quality documents. CCC believes that the monitoring station CM1 that is referred to is our Chignal St James monitoring station and not Thurrock Council's.

Ecology and Biodiversity

Relevant Policies

Adopted and Submission Chelmsford Local Plan

8.67 Policy S4 - Conserving and Enhancing the Natural Environment of the Adopted Chelmsford Local Plan apply. This seeks to protect the natural environment from harmful development and set out the circumstances where development may be granted.

8.68 Policies DM16 – Ecology and Biodiversity and DM17 - Trees, Woodland and Landscape features seek to protect these features from adverse impacts and effects and set out the circumstances where development may be granted.

8.69 On policy S4, - Conserving and Enhancing the Natural Environment, it is noted that BNG is now statutory. Policy DM11 contains no reference to the Grey Belt but remains consistent with the NPPF. Policy DM10 contains no reference to the Grey Bel but is still consistent with the NPPF. On Policy DM16 – Ecology and Woodland, BNG is now statutory.

8.70 The policies have been retained and amended in accordance with the NPPF and form part of the Submission Local Plan.

EN-1 Overarching Policy Statement for Energy EN-1

8.71 With regard to Applicant assessment, paragraph 5.4.17 of EN-1 states that where the development is subject to EIA the applicant should ensure that the ES clearly sets out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats.

8.72 On mitigation paragraph 5.4.35 states that applicants should include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:

- during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works
- the timing of construction has been planned to avoid or limit disturbance
- during construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements
- habitats will, where practicable, be restored after construction works have finished

8.73 The paragraph goes onto note that opportunities will be taken to enhance existing habitats rather than replace them, and where practicable, create new habitats of value within the site landscaping proposals. Where habitat creation is required as mitigation, compensation, or enhancement the location and quality will be of key importance. In this regard habitat creation should be focused on areas where the most ecological and ecosystems benefits can be realised.

8.74 In relation to Secretary of State decision making, paragraph 5.4.44 of EN-1 states that the Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained. Any habitat creation or enhancement delivered including linkages with existing habitats for compensation or biodiversity net gain should generally be maintained for a minimum period of 30 years, or for the lifetime of the project, if longer.

8.75 Paragraph 5.4.45 goes onto state that the Secretary of State will need to take account of what mitigation measures may have been agreed between the applicant and the SNCB and the MMO/NRW (where appropriate), and whether the SNCB or the MMO/NRW has granted or refused, or intends to grant or refuse, any relevant licences, including protected species mitigation licences

National Planning Policy Framework, 7 February 2025

8.76 The NPPF, at paragraph 192 states that to protect and enhance habitats and geodiversity plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity

8.77 Paragraph 193 states that when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁷⁰ and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Consideration and Adequacy of the DCO

8.78 CCC's main concern is that the proposal minimises the ecological and biodiversity impacts of the development and that adequate mitigation is secured.

Assessment of Impacts

8.79 The Norwich to Tilbury project entails construction of an approximately 184 km new 400 kV electricity transmission route running from Norwich Main Substation to Tilbury Substation via Bramford Substation.

8.80 Where the electricity connection will be via new 400kV overhead line and will require vegetation removal, a 40m wide swathe will be removed to facilitate construction activities. An additional up to 8m of vegetation either side of the 40m would be managed during construction, operation, and maintenance, to allow for clearance to be maintained, and an additional up to 22m of vegetation either side would potentially be affected. This adds up to a potential ecological impact corridor of 100m width.

8.81 The ecological receptors included for impact assessment within the ES comprise the following:

- International (Statutory) Designated Sites
- National (Statutory) Designated Sites
- Local (Non-statutory) Designated Sites
- Habitats
 - Ancient Woodland
 - Priority Habitats
 - Species-rich/Important Hedgerows
 - Groundwater Dependent Terrestrial Ecosystems
 - Other Habitat
- Vascular and Non-vascular Plants and Fungi
- Invasive Non-Native Species – Plants
- Protected Species/Species of Conservation Concern (Flora)
 - Protected Species/Species of Conservation Concern (Fauna) Terrestrial Invertebrates
 - Aquatic Macroinvertebrates
 - Invasive Non-Native Species – Aquatic Macroinvertebrates
 - Fish
 - Reptiles
 - Birds (Schedule 1, breeding, wintering and passage)
 - Bats (roosting, foraging and commuting)
 - Hazel Dormouse
 - Otter
 - Water Vole
 - Badger
 - Species of Principal Importance (common toad, brown hare, harvest mouse, hedgehog and polecat)
 - Great Crested Newt

8.82 The ecological impact assessments have a heavy reliance on either the quality execution of surveys to be completed post DCO consent and/or the proper implementation of mitigation measures across a very large construction works area and throughout an extended construction period.

8.83 The ES chapter generally provides an appropriate assessment of likely impacts on the identified ecological receptors. This includes for both statutory and non-statutory designated sites, habitats, and protected and Priority species.

8.84 The proposals embedded mitigation has very largely avoided a potential for significant impacts on designated sites. The predicted construction phase impacts to all Local Wildlife sites falling within the Order Limits are rated as minor, temporary, and reversible, and the residual impacts post mitigation are all appraised as negligible.

8.85 Within Chelmsford, this includes the potential for accidental encroachment into ancient woodlands at Parson's & Queen's Wood LWS and at Osborne Wood LWS, tree loss at Langley's Deer Park LWS, oversailing at Great/Little Edney Woods LWS, and removal and undergrounding of the 11 kV UKPN overhead line at Writtle-Writtlepark Woods LWS.

8.86 The findings of these assessments are not refuted, but it is critical that the proposed mitigation measures happen to specification.

8.87 The proposals embedded mitigation has aimed to avoid or otherwise limit the potential for negative impacts on habitats and protected species.

8.88 Hazel dormouse populations have been confirmed at Survey Areas 18 (King Wood), 19 (Bosmore Wood), and 20 (Bushy Wood and Osborne's Wood), which all fall within the Margaretting area of Chelmsford CC. The negligible residual impact assessments for these hazel dormouse sites are not disputed.

8.89 Some potential impacts on protected species are not yet fully measured. For some species, the practicality of applying seasonal avoidance mitigation measures (e.g. breeding birds – general and Schedule 1) is proposed to be decided on a case-by-case basis post DCO consent.

8.90 For other species including badgers and water vole, surveys have been completed but further surveys would be needed pre-construction to account for potential changes between the original survey dates and the eventual start of works.

8.91 On bats, aerial inspections and/or emergence surveys of trees rated for roosting bat potential as planned to be undertaken post DCO consent. Further assessment is required on roosting bats in trees along the project length, and this is a matter unagreed for the purposes of the Statement of Common Ground.

8.92 CCC's position is that impacts on protected species need to be assessed with reasonable confidence and the proposed mitigation considered appropriate, prior to determination to support a lawful decision. The absence of effective post-mitigation licence monitoring makes it highly uncertain to reasonably anticipate when a mitigation proposal is likely to succeed.

8.93 Of specific concern, as raised in the Relevant Representation, is the approach undertaken in respect of the tree bat roost surveys.

8.94 Where static bat detector surveys within the Order Limits recorded barbastelle bat activity above a defined threshold, robust roost survey methods were employed, including aerial backtracking surveys, and radio-tracking.

8.95 The level of tree roost survey was undertaken at only 12 discrete locations, which covers only a fraction of the overall potential for bat roost tree impacts. This creates a survey deficit which appears to be justified by the supposition that:

- I) barbastelle are a more important conservation concern than other bat species (despite the roosts of other species having equivalent legal protection); and
- II) The Natural England bat mitigation licensing process would ultimately and inevitably result in a neutral or positive impact outcome.

8.96 This approach is considered flawed because it lacks the appropriate evidence to support it.

8.97 The impacts on all protected bat species need to be assessed with reasonable confidence and the proposed mitigation considered appropriate, prior to determination, to support a lawful decision. Supposing that a greater level of roost tree survey is not feasible pre DCO, it is advised that an evidence-based, worst-case scenario estimation of the bat tree roost impact, and the design of a more confidently proportionate bat tree roost mitigation/compensation scheme.

8.98 Should the ExA decide to grant the DCO prior to the completion of the required assessments, they would need to satisfy themselves that they have complied with all relevant legislation including the Conservation of Species and Habitats Regulations 2017 as amended.

8.99 NGET have proposed a Biodiversity Net Gain scheme. It is understood this would inform the area habitats, hedgerow, and watercourse compensation requirements. Additionally, the BNG scheme would deliver new habitat creation/enhancement that would provide a 10% increase in respective habitat units over the baseline habitat unit calculations as calculated via BNG Metric. Details remain unresolved regarding where off-site habitat creation would be sited and whom would be responsible for management and monitoring.

8.100 Whilst appreciating that legal BNG obligations have not yet been introduced for NSIPs, CCC wishes to emphasise the importance of BNG being delivered on-site wherever possible. Where this is not possible, off-site but local BNG should be delivered, with biodiversity credits only purchased when on-site and off-

site delivery options have been exhausted to the satisfaction of the Council. BNG has a narrow focus on habitats, and designing BNG habitat unit creation that also provides improvements for targeted species groups would require focused planning. Assurance is sought that BNG habitats created or enhanced would have a minimum of 30 years secured for management.

8.101 The proposal would lead to construction impacts that would involve the considerable removal of trees, hedgerows and planting. Whilst in theory, replacement mitigation replanting could limit this impact, in practice, it would take many years to mature to a level where the pre-existing conditions would be reinstated. The effect would not be experienced by residents within the area as a temporary loss of planting.

8.102 Concerns are raised that most predicted habitat impacts are being regarded as temporary and ultimately of negligible significance because of the commitment to restore the habitats after the construction phase of the project. This temporary habitat loss reasoning is also applied to certain protected species/ species of conservation concern impact assessments (e.g. bat foraging and commuting).

8.103 For long-term assessments, this approach is not unreasonable in principle. Yet, the potential short-medium term impacts on local fauna species populations are under-emphasised, as is the potential that not all habitat restoration may be successful to a like-for-like standard. The 5-year post completion time limit for habitat re-establishment is minimal and it is considered that such short-term involvement in the habitat restoration is unlikely to result in comprehensive success.

8.104 If the habitat re-establishment is not as successful as assumed within the ES, then habitat and protected species (e.g. bats and breeding birds) impacts from the project would be higher than predicted resulting in more harm. With respect to habitats, a commensuration portion of the proposed BNG would comprise compensation as opposed to net gain which is not supported. The 5-year post completion time limit needs to be increased to appropriately account for such change.

8.105 If increasing the 5-year time limit for habitat re-establishment works is not feasible, then an evidence-based replacement planting failure percentage should be factored into the planned mitigation so that the 'negligible' habitat and protected species impact assessments are cushioned and more reliable.

8.106 Concerns are raised that replacement and reinstatement plantings may not be suitably managed or replaced until reliably established, given that the 5-year post completion time limit for habitat reinstatement is considered too short. Where the proposals replacement planting would be outside of NGET's land control, only 5-years post completion time monitoring would be achievable. A mutually agreed replacement planting failure percentage would need to be factored into the compensation requirement.

8.107 Commitment to ensuring a high-quality Ecological Clerk of Works (ECoW) oversight of the project is considered one of the best means of avoiding significant mitigation failures.

8.108 No objections to the other mitigation measures and compensation commitments made, which are expected to be finalised in consultation with the LPAs and secured by Requirements of any DCO made (e.g. outline CoCP and LEMP).

8.109 Separately CCC is engaging with NGET to explore whether replacement and tree compensation can be undertaken within Chelmsford, details of which are provided within the comments relating to arboriculture.

Arboriculture

8.110 Chelmsford has been combined with different Councils (section F and G within A13.6.2), meaning it is difficult to establish the specific arboricultural loss to Chelmsford.

8.111 It appears that there would be a significant and unacceptable impact upon arboriculture. It is difficult to establish where the trees are demarcated and whether individual trees are marked to be removed, managed, potentially affected and unaffected.

8.112 The Arboricultural Impact Assessment is not in accordance with BS:5837:2012. There are omissions within the report and contradictory or limited references between the report and the accompanying plans, such that a full assessment of the impacts of the proposal cannot be carried out.

8.113 CCC is concerned that the Ancient Woodland and Veteran Tree Strategy identifies a number of high-ranking trees and features within category A that would be removed, together with a large loss of high priority habitats. It is understood that two veteran trees next to Langleyes in Great Waltham may be removed. The reason for the removal of these trees is unclear, and the loss of irreplaceable habitat and the mitigation has not been adequately justified.

8.114 The proposed loss to trees and woodland has not been appropriately justified or mitigated. A draft Arboricultural Method Statement should be produced to demonstrate what mitigation is required to appropriately protect retained trees.

8.115 Appropriate arboricultural justification for any losses and/or impacts would need to be compensated for. Direct and indirect impacts that would lead to damage or loss of ancient woodland habitat or veteran trees must be avoided. There is no appropriate mitigation for the loss of irreplaceable habitats.

8.116 CCC is not convinced that NGET would be able to adhere to the standing advice from Natural England and Forestry Commission which proposes 15m buffer zones on distance between development and ancient woodlands.

8.117 Mitigation planting would take many years to mature to a level where the pre-existing conditions would be reinstated and would not be experienced by residents within the area as a temporary loss of planting.

8.118 It is acknowledged that NGET is committed to replacement planting on a 3:1 ratio using stock of native species (taking into consideration any associated risk of pest and disease). An adequate programme of maintenance and aftercare to ensure successful establishment is also expected to comply with British Standard BS:8545.

8.119 CCC has an existing tree planting scheme which is operated as part of implementing our ambition in the Council's Climate and Ecological Emergency Action Plan -, Tree planting planning advice note. The scheme seeks to secure three new trees planted for every new home in the Local Plan.

8.120 CCC is working with NGET to explore the provision of offsite planting within the Chelmsford administrative area and will report back to the ExA once further information becomes available.

Health and Wellbeing

Relevant Policies

Adopted and Submission Chelmsford Local Plan

8.121 Policies DM23- High Quality and Inclusive design, DM29 – Protecting Living conditions and Policy DM30 Contamination apply. The policies seek to ensure that development proposals are well designed and safeguard the living environment of any nearby residential properties, ensure that the proposal is compatible with neighbouring or existing sites within the vicinity of the site and do not cause contamination.

8.122 The policies have been retained and amended in accordance with the NPPF and form part of the Submission Local Plan, with new Policy S14 relating to Health and Wellbeing being applicable to this proposal.

Consideration and Adequacy of the DCO

8.123 The main considerations for health and wellbeing are the visual impact, in terms of whether or not the pylons and overhead lines would be physically overbearing to residents, the perceived health impacts and any noise nuisance arising from the long-term positioning of the pylons close to residential properties.

8.124 Proposals of this scale have the responsibility and means to ensure they achieve the best possible outcome with regard to the impact upon health and wellbeing. It is essential that NGET genuinely engages with the local communities, parish and town councils and vulnerable persons.

8.125 Visually, the siting of pylons close to residential properties would have a harmful and unacceptable impact upon the occupant's amenities, both visually and spatially, where the pylons would have an overbearing and dominant impact upon the properties. It is noted that a number of properties are sited less than 200 metres away from the proposed pylons and overhead lines and would be noticeable and potentially overbearing.

8.126 The dwellings most affected, and the pylon numbers are listed below:

•

8.127 The effect and impact of Electro Magnetic Field (EMF) are material to the consideration of the proposal; which should not be granted unless the ExA is satisfied that the proposal is compliant with all relevant legislation.

8.128 The proposed hours of 07:00 to 19:00 Monday – Fridays and 07:00 am to 17:00 over weekends/holiday raise concern due to the lack of respite from noise for residents. These hours of working are not accepted by CCC and comments relating to noise are raised with regard to noise and vibration below.

8.129 The ES concludes that no additional mitigation is required beyond embedded measures and proposes no health and wellbeing monitoring. Given the scale and duration of construction and the socio economic characteristics of affected communities (see below), CCC recommends consideration of establishing of a Health and Wellbeing Monitoring Framework to promote best practice. This Framework should include baseline data on active travel, access to green space, amenity satisfaction and mental wellbeing; define clear indicators and reporting intervals; and be co-developed with local communities.

Cultural Heritage

Relevant Policies

Adopted and Submission Chelmsford Local Plan

8.130 Policy S3 – Conserving and Enhancing the Historic Environment applies. This seeks to protect the historic environment and the countryside from harmful development and set out the circumstances where development may be granted.

8.131 Policies DM13 – Designated Heritage Assets and DM14 – Non-Designated Heritage Assets apply to designated and non-designated heritage assets and DM15 relates to archaeology. The policies seek to protect heritage assets from harm and set out the circumstances where development affecting these features will be granted.

8.132 The policies have been retained and amended in accordance with the NPPF and form part of the Submission Local Plan.

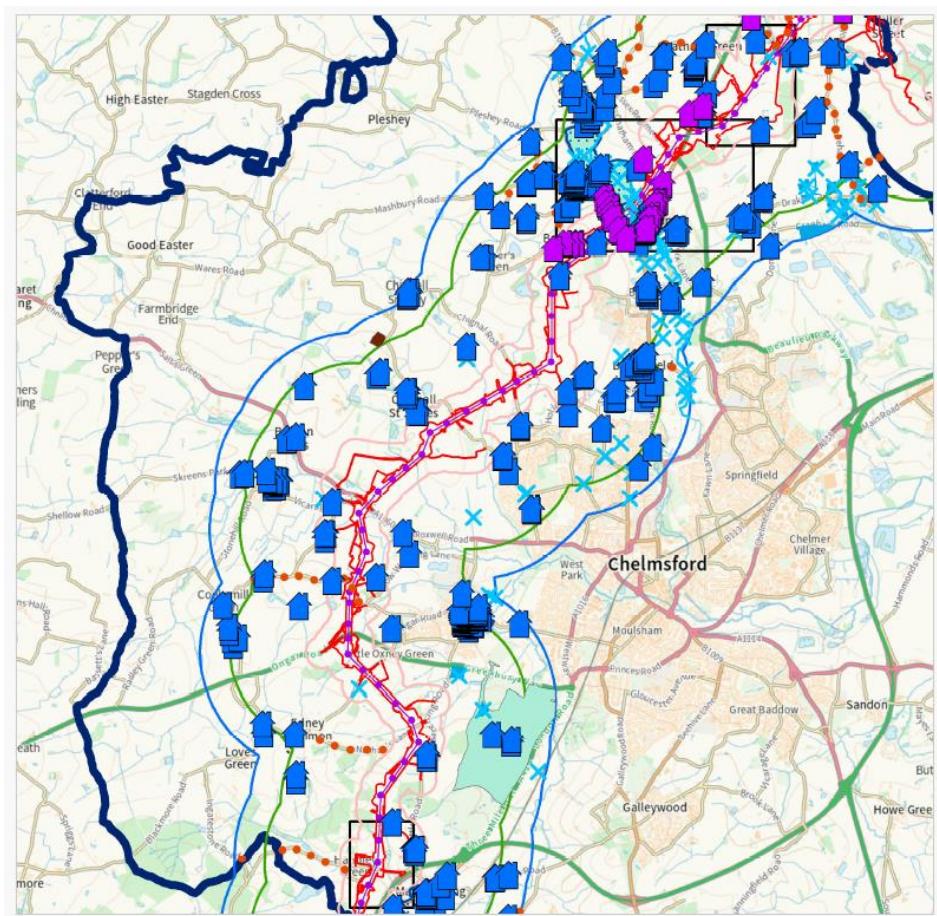
Consideration and Adequacy of the DCO

8.133 The main issues relate to the impact of the development on designated and non-designated heritage assets, protected lanes. CCC also wishes to ensure that adequate mitigation is secured.

8.134 CCC refers to its comments relating to Great Waltham and Little Waltham above.

8.135 The proposed development would introduce vast incongruous features of industrial character into a rural landscape, which would have considerable significant moderate and major adverse impacts upon the historic environment.

8.136 CCC's rich cultural heritage can be viewed on the map below:



Methodology

8.137 Generally, the detailed heritage assessment work and the clear and concise way that it is presented within the supporting evidence is welcomed. All relevant designated heritage assets within the 2km and 3km zones are identified. The methodology for assessment is supported.

8.138 In spite of this, the proposal underestimates the impacts on many designated heritage assets, with additional impacts identified by CCC. These include minor effects to three Grade II listed buildings of moderate value, moderate and significant effects on eight Grade II listed buildings of medium value, one major/moderate and significant effects on a Grade II listed building of medium value and one moderate and significant effect on a Grade I listed building of high value.

8.139 Non-designated heritage assets are not adequately considered in the assessment work. Given Chelmsford's rich historic environment, there are many non-designated heritage assets of low-moderate value, which should be identified and the impacts on their settings fully considered. The approach to discount low value heritage assets is not supported, given the potential for significant impacts.

8.140 The lack of assessment is contrary to paragraph 5.9.7 of EN-1 which states that the Secretary of State should also consider the impacts on other non-designated heritage assets (as identified either through the development plan making process by plan-making bodies, including 'local listing', or through the application, examination and decision-making process). This is on the basis of clear evidence that such heritage assets have a significance that merits consideration in that process, even though those assets are of lesser significance than designated heritage assets.

8.141 EN-1 (para) 5.9.33 goes on to say a balanced judgement should be carried out and in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

8.142 Protected lanes are identified, but their settings are not considered. This is particularly important at Larks Lane, Paulk Hall and Goodmans Lane.

8.143 Some locally listed buildings are included, but designated landscapes and other buildings and features of sufficient interest to be considered as non-designated heritage assets are not comprehensively identified and should fully inform the assessment baseline. These include the following:

- Coptfold Hall locally designated landscape
- WWII GHQ defence line (pillboxes)

Description of Construction Impacts

8.144 The proposal is predicted to lead to a high adverse magnitude of impact resulting in a temporary moderate adverse residual significance of effect, which is significant, due to changes in its setting that affect its value during the construction phase of the Project at Balls Farmhouse, Great Waltham (1305428), a Grade II listed building.

8.145 Six medium value Grade II listed buildings [+ 1 high value grade II* and three medium value grade II within the Chelmsford section of section G] and one medium value registered park and garden are predicted to experience a medium adverse magnitude of impact resulting in a temporary moderate adverse residual significance of effect, which is significant, due to changes in their settings that affect their values during the construction phase of the proposal:

- The medium value registered park and garden 'Langleys' (1000241)
- The medium value Grade II listed 'Granary and Cart Lodge at Southwoods Farm' (1237420)
- The medium value Grade II listed 'Barn at Southwoods Farm' (1237421)
- The medium value Grade II listed 'Newney Hall' (1237228)
- The medium value Grade II listed 'Surgeons House' (1237071)
- The medium value Grade II listed 'Southwoods' (1237174)
- The medium value Grade II listed 'Barn Immediately North-West of Coptfoldhall Farmhouse' (1247784).
- The high value Grade II* listed 'Church of St Mary' (1264434)
- The medium value Grade II listed 'Ingatestone [bridge] Over the River Wid (That Part in Chelmsford District)' (1207790)
- The medium value Grade II listed 'Margarettting Hall' (1152104)
- The medium value Grade II listed 'White's Tyrrells Farmhouse' (1236733)

8.146 One high value Grade I listed building, three high value Grade II* listed buildings, 60 medium value Grade II listed buildings, one high value scheduled monument and two medium value conservation areas are predicted to experience a negligible/low adverse magnitude of impact resulting in a temporary minor/negligible adverse residual significance of effect, which is not significant, due to changes in their settings that affect their values during the construction phase of the proposal.

8.147 No impacts to built non-designated heritage assets are identified but would be present.

Description of Permanent Impacts

8.148 The following medium value Grade II listed buildings [+ 1 high value grade II* and two medium value grade II within the Chelmsford section of section G] and one medium value registered park and garden are predicted to experience a medium adverse magnitude of impact resulting in a permanent moderate

adverse residual significance of effect, which is significant, due to changes in their settings that affect their values during the operation (and maintenance) phase of the proposal:

- The medium value Grade II listed 'Balls Farmhouse' (1305428)
- The medium value registered park and garden 'Langleys' (1000241)
- The medium value Grade II listed 'Granary and Cart Lodge at Southwoods Farm' (1237420).
- The medium value Grade II listed 'Barn at Southwoods Farm' (1237421).
- The medium [high] value Grade II* listed 'Church of St Mary' (1264434)
- The medium value Grade II listed 'Margaretting Hall' (1152104)
- The medium value Grade II listed 'White's Tyrrells Farmhouse' (1236733).

8.149 One high value Grade I listed building, three high value Grade II* listed buildings, 64 medium value Grade II listed buildings, one high value scheduled monument, and two medium value conservation areas are predicted to experience a negligible/low adverse magnitude of impact resulting in a permanent minor/negligible adverse residual significance of effect, which is not significant, due to changes in their settings that affect their values during the operation (and maintenance) phase of the proposal.

8.150 No impacts to built non-designated heritage assets are identified, which are further identified below.

Other Harm

8.151 There are areas with permanent significant impacts are identified at Balls Farm, Great Waltham (1305428), Langleys Registered Park and Garden (1000241), Southwoods Farm, Writtle (1237420 and 1237421), Margaretting Hall (1152104), the Church of St Mary, Stock (listed grade II*, 1264434) and White's Tyrrells Farmhouse, Stock (1236733). No additional mitigation is proposed, but it is essential.

Areas of outstanding information or findings disagreed with:

8.152 Much of the detailed heritage assessment, including the levels of significance and impacts are concurred with. There are some areas where the findings are not agreed or the evidence base is not complete, which are identified below.

Designated Heritage Assets

8.153 The following buildings are scoped into the assessment, but the level of impact is not concurred with:

- Brickfields (1122129, identified as Bishops Hall Cottage) is a small C17/C18 thatched roof cottage. Its rural setting makes a moderate contribution to its significance. Its heritage value of medium is agreed. It is not agreed that its setting does not include the development consent area. The woodland screening to the south partly mitigates the impact, but not fully. It is considered there would be a low impact, resulting in a minor effect.
- Goodmans Farmhouse (1122135) and Barn (1171336) – medium impact on setting (rather than low), due to the considerable change to the rural landscape with which it is historically associated with, existing trees do not fully mitigate the impacts, particularly in winter months. Resulting in a moderate effect, which is significant.
- Stonage Farmhouse (1172474) and Barn (1122042) – low level of harm not agreed – medium level due the change to the rural setting with which the buildings are historically associated, existing trees do not fully mitigate the impacts, particularly in winter months, resulting in a moderate effect, which is significant.

- Chatham Hall (1338512) - low level of harm not agreed – medium level due to the change to the rural setting, existing trees do not fully mitigate the impacts, particularly in winter months, as demonstrated in viewpoints HE8c and 16.16, resulting moderate effect, which is significant.



View HE8C of Chatham Hall

- Church of St Mary and St Laurence (1122058) Great Waltham is excluded. It is not agreed the setting does not extend to the order limits. The wider rural setting of the village is part of how the church is experienced and there are important views of the church tower from the north/northwest/northeast where the proposed pylons would be visible as a distant backdrop (as shown in visualisation HE15e), which would impact on how it is experienced as a rural village church. Due to the screening and distance the impact would be low to an asset of high significance, therefore resulting a moderate to minor effect, which is significant.



Views towards Great Waltham from Pleshey Road to the north (Visualisation HE15e)

- Rose and Crown, Great Waltham (1122116) – low impact on setting (rather than negligible) resulting in a minor effect, due to change to rural setting with partial screening.
- Lace cottage, Great Waltham (1122117) – medium impact (not low) due to change to rural setting with limited screening, resulting in a moderate effect, which is significant.
- Great Waltham Conservation Area (CA55) – There would be notable harm to the setting of the Conservation Area by erosion of its rural setting which makes a considerable contribution to its significance, resulting a medium level of harm (not low), which would amount to a moderate effect, which is significant.
- Little Waltham Conservation Area (CA56) – There would be notable harm to the setting of the Conservation Area by erosion of its rural setting which makes a considerable impact on its significance, resulting a medium level of harm (not low), which would amount to a moderate effect, which is significant.
- Balls Farmhouse (1305428) – high impact on setting (rather than medium) due the comprehensive change to the rural landscape setting (i.e. see viewpoint HE16) which it is historically associated with and makes a considerable contribution to its setting, resulting in a major/moderate effect, which is significant.



View from Chelmsford Road towards Balls Farm, Great Waltham (Visualisation HE16(ii)B).



View from Larks Lane to Balls Farm, Great Waltham, Pylon TB143 would form a backdrop to it.

- 1 and 2 Larks Lane, Great Waltham (122083). low impact (rather than none) due to impact rural setting, resulting in a minor effect.
- Vault West of Partridge Green Farm (1306289) – considerable change to the sense of an isolated rural setting, giving a medium impact on setting (rather than low), resulting in a medium effect which is significant.
- Coptfold Hall Barn (1247784) – medium impact (rather than low) due to impact on the rural setting with which the asset is historically associated, even with partial screening by adjacent modern farm buildings, resulting a moderate effect, which is significant.

Non-Designated Heritage Assets

8.154 With regard to non-designated heritage assets, the following impacts are identified:

Protected Lanes

8.155 Protected Lanes are identified within the evidence base, but they are considered as archaeological features and their settings not assessed. They should be considered as non-designated heritage assets and the contribution of setting to significance considered.

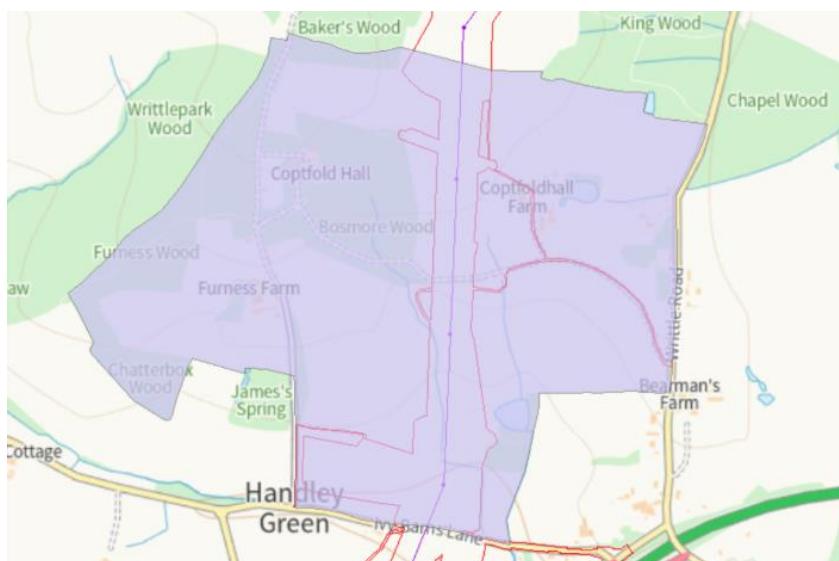
8.156 Boreham Road (Great Leighs), Newney Green (Writtle), Scurvey Hall Lane (Great Waltham) Nathans Lane (Highwood) and Ivy Barns Lane (Margaretting) are agreed to be of low value, but with a low magnitude of impact resulting due to the change to their settings', resulting in a negligible effect.

8.157 Larks Lane (Great Waltham) is agreed to be of low value, but it is considered there would be a medium impact on its significance because the pylon routes influences much of the length of the lane and how it is experienced in a rural landscape, resulting in a minor effect.

8.158 Goodmans Lane and Pault Haul Lane (Great Leighs) are considered to be of medium value because they have considerable character, a high degree of surviving features (scoring highly on the ECC protected lanes assessment - 22 and 21 respectively, 14 being the threshold for protected lane status) and have group value with the designated heritage assets at Hole Farm and Goodmans Farm. A notable amount of the experience of the assets would be affected -the impact is medium, therefore resulting in a moderate effect, which is significant.

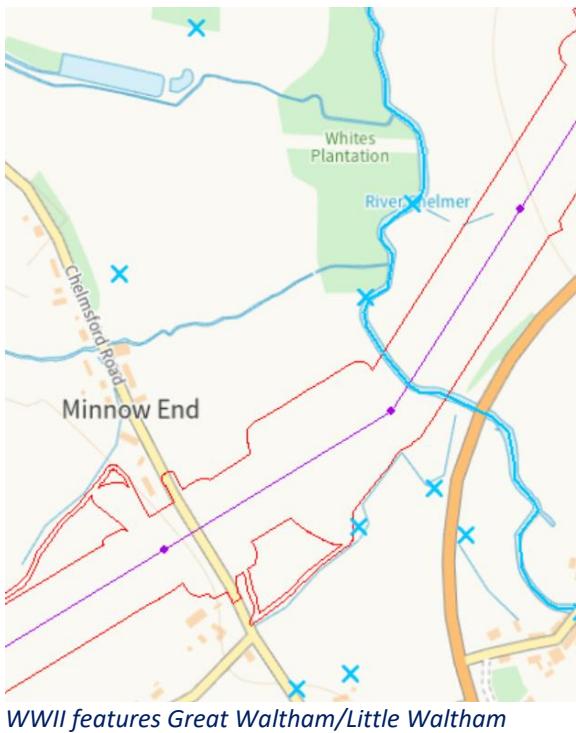
Non-Designated Landscapes

8.159 Coptfold Hall has a designed landscaped originating from the eighteenth and nineteenth centuries, including woodlands, agricultural land, gardens and historic buildings. It is included on the Essex Gardens Trust Register of Designed Landscapes and should be considered as a non-designated heritage asset in accordance with Chelmsford Local Plan Policy DM14. The proposed route passes directly through the landscape and its heritage value should be acknowledged. The landscape is considered to be of low heritage value, the impacts high, resulting in permanent significant impacts of a moderate level, together with impacts on the setting of the listed barn and non-designated farmhouse.



WWII GHQ Defences Line

8.160 A group of WWII pillboxes and archaeological remains of WWII defensive features forming part of the GHQ defence line are adjacent the proposed route between Little Waltham and Great Waltham. The assessment identifies these as being of low value individually, but a group of medium value. Their setting is not assessed, only their historic interest. It is considered the group value, intervisibility and overlapping lines of fire, together with the rural setting contribute to the setting of and significance of the pillboxes. The close proximity of the proposed route will impact on their setting, even taking account of the B1008. With a medium value and medium impact, resulting in a moderate effect, which is significant.



WWII features Great Waltham/Little Waltham

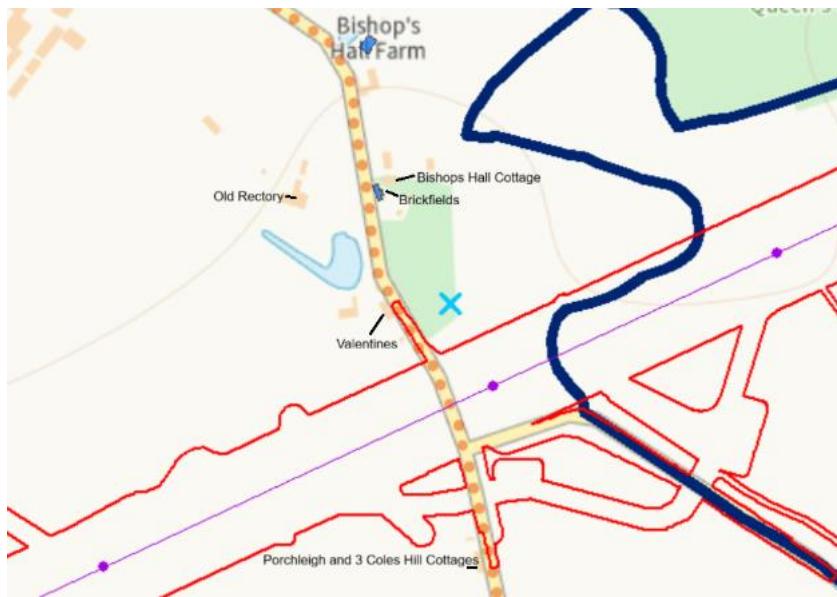
Non-Designated Buildings

8.161 In addition to those buildings on the local list, other non-designated built heritage assets within the 250m zone should also be identified and assessed. This is particularly important where the local list does not currently cover relevant parishes – Great Leighs, Great Waltham, Little Waltham, Stock, Margaretting and Roxwell.

8.162 The following non-designated heritage assets should be included within the assessment:

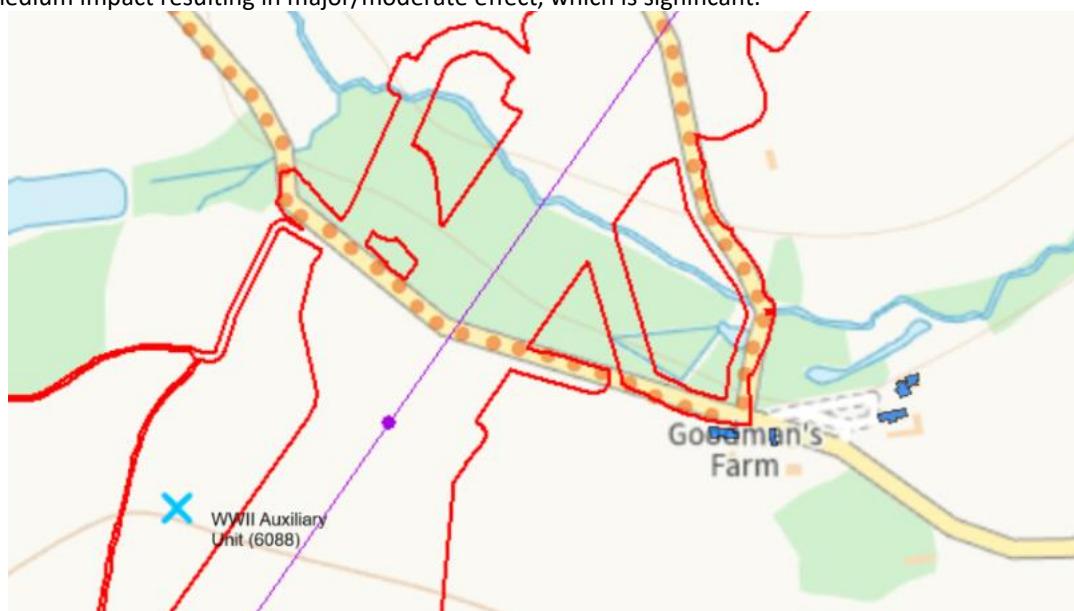
Great Leighs

- The Old Rectory, Boreham Road. Built 1869, of stock brick with stone dressings, former rectory built for Rev. William Kay. The rural setting makes a moderate contribution to its setting. Low heritage value, Low Impact of proposals, resulting in negligible effect.
- Bishops Hall Cottage, is a vernacular cottage of early nineteenth century or earlier origins, altered and extended. The rural setting makes a moderate contribution to its significance. It is of low heritage value and the impact on its setting would be low, resulting in a negligible level effect.
- Valentines, Boreham Road. Early-mid nineteenth century timber framed cottage. The rural setting makes a moderate contribution to its setting. The development consent order is directly adjacent to the site. Partial screening by trees and vegetation, but notable removal to the south for the scheme. Low heritage value, impact of proposals Moderate, resulting in a minor effect.
- Porchleigh and 3 Coles Hill Cottages. Mid-nineteenth century cottages. The rural setting makes a moderate contribution to their setting. The development consent order is directly adjacent to the site. Partial screening by trees and vegetation, but notable removal to the north for scheme. Low heritage value, impact of proposals moderate, resulting in a minor effect.



Great Leighs, Boreham Road/Cole Hill – Bricksfields (grade II listed, Bishops Hall Cottage, Valentines, The Old Rectory, Valentines, Porchleigh and 3 Coles Hill Cottages (non-designated heritage assets)

- 1 and 2 Lowleys Cottages, Goodmans Lane. Late C19 farmworkers cottages. The rural setting makes a moderate contribution to its setting. Low heritage value with a negligible impact on setting, resulting in negligible effect.
- Chatham Hall Lodge, Braintree Road. C18 and C19 Cottage. Low heritage value. Partly screened. Low impacts, resulting in negligible level harm.
- Little Stonage Farm, Scurvy Hall Lane. C18/19 farmhouse. Well screened. Low heritage value, Negligible impact resulting in negligible level harm.
- WWII Auxiliary Unit Operational Base, south of Goodmans Lane (6088). High heritage value agreed. The assigned Low impact not agreed, because the isolated and rural setting makes a considerable contribution to the significance of the asset, the order limit is 50m away therefore resulting in a medium impact resulting in major/moderate effect, which is significant.



Location of WWII Auxiliary Unit (6088) southwest of Goodmans Farm

Little Waltham

- Albion House, Braintree Road. C17 timber framed house. Medium heritage value as a good example of rural vernacular house. There would be considerable change to its setting, with a backdrop of pylons in key views from Braintree Road, resulting in a medium impact, giving a moderate effect, which is significant.
- Cresseners, Chatham Hall Lane. Early C20 cottage. Low heritage value. Low impact, resulting in a negligible effect.
- Little Waltham Church of England Primary School and School House, 146 The Street, Little Waltham. Mid C19 school and school masters' house. Low heritage value. Low impact, resulting in a negligible effect.
- The Cottage, 144 The Street, Little Waltham. C19 house. Low heritage value. Low impact, resulting in a negligible effect.
- 126 The Street, Little Waltham. C18/early C19 thatched cottage. Low heritage value. Low impact, resulting in a negligible effect.
- 98 The Street, Little Waltham. Late C19 house. Low heritage value. Low impact, resulting in a negligible effect.
- 82 The Street, Little Waltham. C19 house. Low heritage value. Low impact, resulting in a negligible effect.
- 45-47 The Street, Little Waltham. C19 cottages. Low heritage value. Low impact, resulting in a negligible effect.

Great Waltham

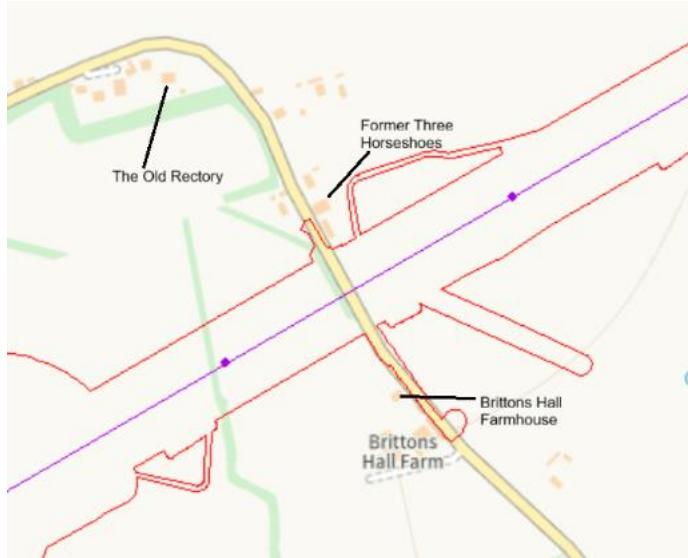
- Pond Cottage, Chelmsford Road, Minow End. C19 cottage. Low heritage value. Negligible impact, resulting in a negligible effect.
- Lake View Cottages, Chelmsford Road. C19 Cottages. Low heritage value. Negligible impact, resulting in a negligible effect.
- Park Cottages, Chelmsford Road. Early C20 Cottages. Low heritage value. Negligible impact, resulting in a negligible effect.
- Rose Cottages, Chelmsford Road. C19 cottages. Low heritage value. Low impact, resulting in a negligible effect.
- Little Bakers, Chelmsford Road. C18 Cottage. Low heritage value. Medium impact, resulting in a minor effect.
- Windmill House, Chelmsford Road. C19 former pub. Low heritage value. High impact, resulting in a moderate/minor effect, which is significant.
- Corner Cottage and Meadow View, Chelmsford Road. C19 cottages. Low heritage value. Low impact due to tree screening, resulting in a negligible effect.
- 1 and 2 Poplar Cottages, Chelmsford Road. Late C19 cottages. Low heritage value. Low impact due to distance and partial screening, resulting in a negligible effect.
- The Red House, Larks Lane. Early C20 house. Low heritage value. Low impact due to screening, resulting in a negligible effect.
- Primrose Cottage, Larks Lane. Early C19 cottage. Low heritage value. Pylons a backdrop of line in views along Larks Lane to the east resulting in a moderate impact and thus give a minor effect.
- Plum Tree Cottage, Larks Lane. Mid C19 cottage. Low heritage value. Low impact, resulting in a negligible effect.
- Yellow Cottage, Larks Lane. Early C19 cottage. Low heritage value. Negligible impact, resulting in a negligible effect.
- Walnut Tree public house. Late C19. Low heritage value. Its key relationship is with Broads Green, but pylons visible in the distance to the east, resulting in negligible impact and thus negligible effect.
- Willow Cottage, Margarete Woods Road. C16 origins. Low heritage value. Negligible harm, resulting in a negligible effect.
- WWII Pillboxes – medium heritage value agreed, impact on setting medium, resulting in a moderate effect, which is significant (as identified above).

Broomfield

- Scravels Farmhouse. C17 origins. Group with listed barn. Local list. Low heritage value. Low impact, resulting in a negligible effect.

Chignal

- Beaumont Oates, Woodhill road. C19 farm buildings. Low heritage value. Negligible impact, resulting in a negligible effect.
- Brittons Hall Farm, Mashbury Road. C18 farmhouse. Local list. Low heritage value. Permanent access road adjacent. Limited screening. High impact, resulting in a moderate/minor effect, which is significant.
- The Three Horse Shoes (formerly). C18 pub. Local list. Low heritage value. Medium impact, resulting in a minor effect.
- The Old Rectory, Mashbury Road. 1834. Local list. Low heritage value. Well screened therefore negligible impact, resulting in a negligible effect.



Non-designated heritage assets on Mashbury Road

- Pengy Mill. C17 origins. Local list. Low heritage value. Medium impact, resulting in a minor effect.

Roxwell

- The Hare Roxwell, Roxwell Road. C17/C18 pub. Low heritage value. Moderate impact, resulting in a minor effect.

Writtle

- Surgeons Farm, C19 farm buildings. Local list. Low heritage value. Low impact, resulting in a negligible effect.
- Montpelier's Farm, Margaretting Road. Local List. C16/17. Low heritage value. Low impact, resulting in a negligible effect.
- Gable Cottages, Margaretting Road. Local list. 1840. Low heritage value. Low impact, resulting in a negligible effect.
- Ropers Farm, Margeretting Road. Local list. C18/C19. Low heritage value. Low impact, resulting in a negligible effect.
- Lee Farm, Highwood Road. Local list. C18. Low heritage value. Low impact, resulting in a negligible effect.
- Range Cottage, Ongar Road West. Local List. Early C19, Low heritage value. Moderate impact, resulting in a minor effect.
- Prospect Cottage, Ongar Road West. Local list. Late C18. Low heritage value. Low impact, resulting in a minor effect.

Margaretting

- Copfold Hall Landscape. Essex Gardens Trust site – to be considered as a landscape non designated heritage asset. Low Value. High impact, resulting in a moderate effect (as identified above).
- Copfold Farmhouse, Writtle Road. C19 farmhouse. Low heritage value. Medium impact, resulting in a minor effect.
- Furze Hill, Ivy Barns Lane. C19 country house, now hotel. Low heritage value, minor impact, resulting in a negligible effect.
- Handley Green Farm and Cottages. C18/C19. Low heritage value. Medium impact, resulting in a minor effect.
- The Old Vicarage, Church Lane. Early C19 and C18. Low heritage value. Low impact due to screening, resulting in negligible effect.
- Buttsbury Hall Farm, Stock Road. C18/C19 farmhouse and farm buildings. Low heritage value. Medium impact due to considerable change to rural setting, resulting in a minor effect.

Construction Impacts

8.163 The proposal would lead to construction impacts that would involve the considerable removal of trees, hedgerows and planting. Their removal would have a noticeable impact upon setting. Whilst in theory, replacement mitigation replanting could limit this impact, in practice, it would take many years to mature to a level where the pre-existing conditions would be reinstated.

8.164 The effect would not be experienced by residents within the area as a temporary loss of planting.

8.165 Maintenance and operation corridors would also involve considerable removal trees, hedgerows and vegetation permanently. The low height pylons to the Great Waltham/Little Waltham gap would need to be wider than the standard height pylons.

8.166 There would be notable construction impacts through noise and vibration, in areas where the development is within c.300m of heritage assets, no significant heritage effects are predicted, but this would further emphasise the harmful impact of the development, albeit for a temporary period.

8.167 The use of the medium value Grade II listed 'Ingatestone [bridge] over the River Wid (That Part in Chelmsford District)' (1207790) should be specifically excluded from the construction access to avoid overloading or potential for impact damage.

Mitigation

8.168 The mitigation hierarchy is set out within Chapter 5 of the ES and further defined in Chapter 11 for the Historic environment. Mitigation is categorised as follows:

- Embedded Mitigation Measures: are those that are intrinsic to and built into the design of the Project
- Standard Mitigation Measures: comprising management activities and techniques that would be implemented throughout construction of the Project to limit effects through adherence to good site practices.
- Additional Mitigation Measures: mitigation measures over and above embedded and standard mitigation measures to reduce environmental effects. This includes, but is not limited to, mitigation required for protected species.

8.169 Mitigation generally should ensure that land take is sufficient to allow for a range of mitigation options, for instance landscaping - potentially from closing up gaps in hedges or reinstatement of historic field boundaries, to large scale woodland planting where necessary. Where harm is unavoidable heritage compensatory measures should also be delivered, for instance repair of listed buildings and/or associated built and landscape features to offset harm to setting. This would be essential at Langley, where there are a number of structures and features within the Registered Park and Garden, as well as the

outbuildings and the house, which could have funded repairs to offset the acknowledged harm to the setting.

8.170 Little Waltham and Great Waltham are both picturesque villages with high quality vernacular historic buildings set within rural landscapes. The development order comes to within c.55m and c.40m of the Conservation Areas respectively. The assessment acknowledges permanent harm to their settings' but provides limited mitigation measures. Impacts are also identified to many listed buildings within the setting which should be considered cumulatively. These impacts form part of an area of high heritage sensitivity, along with Langley and other designated and non-designated heritage assets referred to below.

8.171 Much of the detailed heritage assessment, including the levels of significance and impacts are concurred with. There are some areas where the findings are not agreed or the evidence base is not complete, which are identified below.

8.172 Additional mitigation measures are considered necessary to limit the impacts.

8.173 The proposal would lead to construction impacts that would involve the considerable removal of trees, hedgerows and planting. Their removal would have a noticeable impact upon setting. Whilst in theory, replacement mitigation replanting could limit this impact, in practice, it would take many years to mature to a level where the pre-existing conditions would be reinstated. The effect would not be experienced by residents within the area as a temporary loss of planting. The use of the bridge over the River Wid (1207790) should be specifically excluded from the construction access to avoid overloading or potential for impact damage.

8.174 CCC is disappointed at the lack of proposed mitigation. Where significant harm been identified further mitigation measures should be employed to reduced or limit or offset the level of harm. In most cases this will involve the positioning the Order Limits, associated access roads and pylons further away from heritage assets to limit the impact on the rural surroundings and how assets are experienced.

8.175 Landscape screening has been discounted as a means of mitigation. In certain circumstances, screening is beneficial in reducing the harm caused by the intrusion of the pylons and associated works. This may include tree planting, hedge planting or infilling, reinstatement of historic field boundaries or woodland planting. Where mitigation involves replacement of vegetation, hedgerows, walls and earthworks this should be consultation with the LPA on the detail for these works.

8.176 Where mitigation is not feasible a range of compensatory measures should be considered to offset the harmful impact of the development.

8.177 CCC consider there would be a considerable impact on the historic environment which is a matter of great weight and importance. The mitigation proposed is wholly inadequate for the proposal and the lack of mitigation and appropriate compensation is unacceptable.

Conclusions

8.178 Overall, the proposed development would introduce vast incongruous features of industrial character into a rural landscape, which would have considerable impacts for the historic environment.

8.179 The assessment does not adequately take account of the local heritage features, as outlined above, there would be 15 additional non-designated heritage experiencing minor permanent effects, 2 moderate/minor effects, 4 moderate effects and 1 major/moderate effects. There would be notable significant moderate impacts on the non-designated landscape at Copt Hall, the WWII GHQ defence line at Great Waltham and the Protected Lanes at Pault Hall and Goodmans Lanes.

8.180 The scheme also underestimates the impacts on many designated heritage assets, with additional impacts as outlined above, including minor effects to 3 grade II listed buildings of moderate value,

moderate and significant effects on 8 grade II listed buildings of medium value, 1 major/moderate and significant effects on a grade II listed building of medium value and 1 moderate and significant effect on a grade I listed building of high value.

8.181 The greatest impacts are at the section of route between Little Waltham and Great Waltham, near to Langleys and its Registered Park and Garden, where the harm to the Great Waltham and Little Waltham Conservation Areas is underestimated, resulting in moderate effects, which are significant.

8.182 The additional harm identified, together with the other harms mean that there would be a considerable impact on the historic environment which should be fully considered and are matters of great weight and importance. The mitigation proposed is wholly inadequate.

Archaeology

8.183 Chelmsford City Council will be guided by Essex County Council on archaeological assets within/adjacent to the site.

8.184 The proposal has potential to impact on a number of known and, as yet, unknown archaeological, geoarchaeological and palaeoenvironmental deposits.

Relevant Policies

Local Planning Policies

8.185 Policy DM15 of the Adopted and Submission Local Plan apply and relate to archaeology.

National Policy

8.186 Relevant legislation and policies for archaeology are largely as listed and described in the Applicants submission in Section 11.2 (Document reference APP-208-ES Chapter 11 Historic Environment).

8.187 At a national level, the following policy document (and parts thereof) is particularly relevant to the consideration of the impact on archaeology arising from the development scheme:

- Department for Energy Security & Net Zero, Overarching National Policy Statement for Energy (EN-1) (Updated January 2024) – Section 5.9 Historic Environment.

8.188 EN-1 section 5.9 requires impacts (both direct and indirect) to be understood, and harm avoided or minimised through design and mitigation, with loss of archaeological assets preserved by record where justified.

8.189 Paragraph 5.9.11 states 'Where a site on which development is proposed includes, or the available evidence suggests it has the potential to include, heritage assets with an archaeological interest, the applicant should carry out appropriate desk-based assessment and, where such desk-based research is insufficient to properly assess the interest, a field evaluation'.

8.190 From extensive discussions with the Applicant it was agreed that a field evaluation would be required to support the application and provide sufficient evidence to allow the determination of the impact of the scheme on archaeological remains. A programme of geophysical survey and trial trench evaluation have been carried out prior to submission of the application and are currently ongoing.

8.191 The intrusive fieldwork stage of the archaeological assessment will not be completed before the end of the examination period and the results of the evaluation will not be available for review prior to determination of the application. As such, the application fails to include sufficient supporting evidence

from the field evaluations carried out within Essex. The Applicant has failed to fully comply with the policy set out in paragraph 5.9.11 with regards to archaeology and geoarchaeology and National Planning Policy Framework (NPPF) Paragraph 207 (2024).

8.192 Relevant National Legislation and Policy for archaeology is listed in Section 11.2.15 and includes the National Planning Policy Framework, (Ministry of Housing, Communities and Local Government, 2024). Archaeology is considered within Chapter 16. Conserving and enhancing the historic environment.

8.193 The following National guidance is also considered relevant for archaeology, and should have been included in section 11.2.19 for compliance:

- National Planning Practice Guidance: Conserving and Enhancing the Historic Environment (2019)

Assessment of Impacts

8.194 The Applicant's assessment of the impacts of the project on the historic environment have been provided taking account of all proposed mitigation measures. The overall approach to mitigating the negative effects of the development is set out in document 6.5 Environmental Statement Chapter 5 - EIA Approach and Method (Final Issue A) (APP-135) of the submission. Mitigation has been split into three types by the Applicant in relation to heritage assets: embedded, standard and additional. Descriptions of these are outlined on pages 98-100 of document 6.11 Environmental Statement Chapter 11- Historic Environment (Final Issue A) (APP-208).

8.195 The level of impact upon non-designated heritage assets, specifically archaeological remains, set out in document APP-210: 6.11.A2 Environmental Statement Appendix 11.2 - Historic Environment Assessment Tables (Final Issue A) cannot be fully agreed until further assessment on archaeological and geoarchaeological remains is completed and the information made available for review.

8.196 In terms of archaeology and geoarchaeology, significant negative impacts are anticipated from the construction phase of the development where the groundworks proposed would cause truncation of potential archaeological remains. Impacts to the historic environment, specifically archaeology, are identified as direct physical and indirect effects during construction and are listed in section 11.4.23 (APP-208). They include, but are not limited to, groundworks associated with the underground cabling, pylon bases, creation of access routes, temporary construction compounds and working/storage areas. In addition, the potential impact of other associated environmental mitigation, such as ecological habitat creation or landscape planting and drainage works. It is acknowledged that standard construction methods and groundworks for ecological and drainage measures are assumed to cause removal of all near-surface archaeology within the footprint of the works 11.4.33 (APP-208).

8.197 In addition, changes to the local water and burial environment could alter the preservation of archaeological sites within and beyond the development areas.

8.198 Deeper impacts, such as at Horizontal Directional Drilling (HDD) locations and piling for pylon bases could impact geoarchaeological sediments.

8.199 The route crosses areas where known archaeological remains are recorded on the Essex Historic Environment Record (EHER) as well as areas of unknown archaeological potential. Extensive cropmark complexes, identified through aerial photography, are recorded on the EHER along the route of the undergrounding section of the project. Features include a probable barrow cemetery, Roman settlement and other occupation, with some potential for nationally significant sites.

8.200 Geoarchaeological deposits of high potential for palaeoenvironmental remains, dating and potential for Palaeolithic remains have been identified from Ground Investigation (GI) monitoring (APP-214). There is potential for the presence of deposits which may contain Palaeolithic archaeological and

geoarchaeological evidence that would contribute to national and regional research themes and priorities due to their rarity.

8.201 The application is supported by a suitable level of desk-based research, as listed in section 11.4.2 (APP-208).

8.202 Geophysical survey and archaeological trial trenching are currently ongoing. Due to access issues, the first stage of geophysical survey was not completed at the time of submission. The ES chapter concludes that “the historic environment baseline presents a reasonable basis for assessment, but further information is forthcoming.” (APP-208 Section 11.4.32). The historic environment baseline provides a reasonable basis for known archaeological remains, however potential for further archaeological remains within the Order Limits has not been fully assessed and this information would be required to provide a more comprehensive basis for assessment.

8.203 Despite the adequacy of desk-based research, the level of information submitted with the application fails to provide sufficient information on the nature, extent and significance of heritage assets in order to determine the impact on archaeological remains by the proposed scheme.

8.204 This is due to factors such as incomplete coverage of the geophysical survey and trial trench evaluation, lack of intrusive investigation to allow corroboration of the geophysical survey and lack of reporting on the trial trench evaluations that have been completed.

8.205 The archaeological potential of the proposed scheme area is not understood to the required level, and previously unknown archaeological remains may be present within the proposed scheme area. A high percentage of the land within the scheme remains under investigated and therefore the risk of encountering high value heritage assets remains a significant risk.

8.206 The assessment has followed the EIA methodology (APP-135) to determine the impact on archaeological remains listed in the Historic Environment Baseline Report (APP 209) and assigned values based largely on desk-based research. Establishing the ‘value’ and significance of below ground archaeological remains and deeply buried geoarchaeological deposits requires evaluation (geophysical survey, trial trenching, coring, and deposit modelling), as required by EN-1. For this reason the ‘value’ of many of the archaeological remains listed is unsubstantiated and the assessment methodology cannot be effectively used on all of the assets listed in the historic environment baseline report.

8.207 There is general agreement with the assessment of residual effects for archaeological remains of both designated and non-designated status where they are considered significant. However, without further information from the results of intrusive evaluation, the conclusions of the ES regarding what is significant in terms of residual effect cannot be fully determined. Specifically those archaeological sites identified through cropmarks, finds scatters and geoarchaeological deposits. This information would be required to determine an appropriate mitigation strategy.

8.208 In addition, without further evaluation in areas where there is no record of archaeological remains, the potential presence of heritage assets or their significance remains difficult to assess to the required level. Further intrusive assessment by trial trenching and geoarchaeological assessment would provide clarity on significance and reduces project risk.

8.209 A number of Protected Lanes have been identified within the Order Limits. Negative impacts are anticipated on their significance from construction; in order to provide access or for underground cabling. While reinstatement of any lost trees/hedgerow following the completion of construction will assist in offsetting this negative impact, more certainty is required about the recording and monitoring of this impact.

8.210 Section 11.8.1 (APP-208) states that mitigation would be undertaken during pre-construction works or prior to the aspects of construction that would affect the heritage asset. This could include

preservation in situ of archaeological remains, non-intrusive archaeological fieldwork and intrusive archaeological fieldwork.

8.211 The development would potentially result in a direct permanent and harmful change to a range of non-designated heritage assets. This would be a significant effect. The applicants have provided information to inform the examination via the Historic Environment chapters of the ES. Further information and documents are however required to establish an appropriate programme of evaluation and mitigation for archaeology and geoarchaeology. This information is necessary to fully inform the decision-making process, and the planning balance as set out in the relevant policies.

Management Plans

8.212 An Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation (AMS/WSI) has been completed.

8.213 The proposed approaches and commitments to archaeological investigations to be undertaken post-consent are set out in document 7.5 Outline Archaeological Mitigation Strategy and Outline Written Scheme of Investigation (Final Issue A) (APP-328). This document will form the basis of detailed Written Scheme of Investigations (WSIs) for archaeology and geoarchaeology. The document will be directly referenced in the DCO under Requirement 5 and therefore it is paramount that it is approved early in the examination process to ensure the completion of evaluation of the archaeological and geoarchaeological resource following consent and that appropriate measures are in place to successfully mitigate any archaeological or geoarchaeological remains that will be impacted upon by the scheme.

8.214 The Outline AMS/WSI requires amendments for it to be considered an adequate management plan for the archaeology and geoarchaeology. Further detail is required in the Outline WSI as it forms the foundation of later strategies, so it is clear how this work will proceed, and what is expected of the contracting unit(s) responsible for investigation. It has been agreed, with the archaeological representatives for National Grid, that detailed comments be provided separately in combination with other County Officers in order to come to agreement on the content of the Outline AMS/WSI.

8.215 The document considers that "Appropriate and proportionate geophysical (magnetometer) survey and archaeological trial trenching has been undertaken to date (Section 1.3.4). The levels of evaluation proposed prior to submission were agreed between National Grid and relevant parties during the pre-application stage. The evaluation, including geophysics and trial trenching, was not completed prior to submission. Full reporting of these investigations has not been completed. This would not be considered sufficient information to submit with an application.

8.216 The report proposes that post-consent archaeological evaluation would be limited in extent and to certain locations. These comments need to be re-considered in light of the current stage of the evaluation fieldwork. It would be expected that all areas where impact to the archaeological or geoarchaeological resource is expected would be evaluated through intrusive archaeological methods (archaeological trenching).

8.217 The document requires clarity on the scope and extent of further evaluation required prior to any agreed mitigation. Evaluation will be required in all areas of potential impact where topsoil will be removed, including (but not limited to) undergounding, pylon bases, haul roads, ecological mitigation measures and drainage measures. The evaluation would include further geophysical survey, archaeological trial trenching and geoarchaeological investigation. The Outline WSI could be supported with the addition of a figure illustrating the areas that remain to be evaluated. This will allow all parties to be clear about the scope and level of evaluation that may be required should consent be given.

8.218 The Outline AMS and WSI do not fully incorporate all potential methodologies and strategies for the post consent mitigation of the archaeological and geoarchaeological resource. The main mitigation methods proposed are agreed in principle including preservation *in situ*, excavation and strip, map and

sample excavation. It is agreed that avoidance of significant archaeological remains would be the preferred approach to mitigation.

8.219 It would not be acceptable to rely on archaeological monitoring and recording (Section 5.3.131-5.3.138) as a mitigation method during construction unless undertaken on areas that have been previously evaluated and the extent/significance of potential archaeology has been adequately understood.

8.220 With regard to preservation of sites through burial, Section 5.3.6 to 5.3.11 may need updating following current research into the most suitable methods and materials. The most up to date methods and practices for burial or sealing of remains will need to be agreed in discussion with the Historic England Regional Scientific Advisor.

8.221 The sections covering geoarchaeological evaluation and mitigation lack detail in their methodologies and outputs and need further detail as well as consideration of other geoarchaeological assessment techniques that may be more appropriate.

8.222 Geoarchaeological deposit modelling is listed as an assessment technique however a methodology for this is not provided. Section 5.3.22 refers to archaeological site investigations where geoarchaeology may be recorded and inspected. There is also reference to historic borehole records being consulted. This does not provide a robust strategy for the collection of geoarchaeological data to inform a deposit model. More details on sources and methodologies for the updating or creation of a deposit model should be included.

8.223 Should there be potential for further monitoring of ground Investigation (GI) works across the scheme this should also be included as an assessment method and details of the proposed methodology provided. Any further GI works would need to be monitored under geoarchaeological control to enable recording and incorporation into the deposit model. Commitment to this needs to be included in the Outline WSI as a mitigation method.

8.224 The evaluation methodology proposed for Geoarchaeological and Paleoenvironmental investigation (5.3.115) are boreholes or cores across the evaluation area. Any purposive borehole strategy should be guided by the updated deposit model.

8.225 Dependant on the depth, nature and extent of the geoarchaeological deposits to be investigated (which should be derived from a deposit model) there may be other more suitable geoarchaeological techniques which could better address the aims and objectives of the mitigation.

8.226 Geoarchaeological test pits and trenches should be included as potential geoarchaeological methodologies for mitigation in areas where the lateral extent and sampling methodologies would benefit from open excavations rather than borehole cores.

8.227 Section 6.1.1 makes reference to the processing of finds however no further details are provided. A section on finds processing and processes for the treatment and conservation of metal finds should be included within the Outline WSI. Finds would need to be examined by a suitable qualified specialist so that the results can be included in the evaluation reports. This information would be required for the identification of mitigation areas.

8.228 The proposals for reporting and provision of updated information need further consideration. The full reporting of the previous, current and forthcoming evaluations is considered a priority as this will be the basis for the selection of sites for mitigation. The reporting of trial trench evaluations should be included as a separate section within the outline WSI as the information required to make a balanced decision on mitigation will differ from a site that has been chosen for mitigation.

8.229 Agreement on the content of the Post-excavation Assessment Report (6.3) needs to be discussed in conjunction with both Norfolk and Suffolk archaeological advisors to ensure the requirements do not

clash across county boundaries. It would be preferable to only include Essex sites within each post ex report and not a combination across the counties unless the sites cover a landscape that crosses county boundaries such as the Stour Valley.

8.230 It is considered there would be scope to demonstrate a commitment to delivering enhanced public understanding/benefit and legacy as part of the mitigation (section 6.8) considering the significant size of the scheme and the interest in the heritage of the area. There is more opportunity for publication and outreach which should be expanded on in the Outline WSI.

8.231 With regard to the Outline Code of Construction Practice (CoCP) Standard and additional mitigation measures for archaeology set out in the Outline CoCP (APP-300). Mitigation requirements are included within Section 6 (6.1.13) of the outline CoCP with reference to the Outline AMS and WSI (APP-328) and mitigation measures listed in Table 6.1. Register of Environmental Commitments.

8.232 Historic Environment (archaeology) is covered under H01 to H05 and are agreed as appropriate.

8.233 H04 should add “The Principal Contractor(s) will be responsible for making sure staff are aware of what to do in the event of an unexpected heritage asset. This should include toolbox talks within site inductions.”

8.234 Mitigation for Protected Lanes is included under H06. In order to protect the historic features of the protected lane a permanent record should be completed prior to any changes which would allow more accurate re-instatement. The requirement for this should be included under H06 and the mode and mechanism for this process included in the final Landscape and Ecological Management Plan (LEMP). It is noted that the measures proposed by the National Grid Bramford to Twinstead project (H05) included a more robust mechanism for their protection. It is recommended that this measure is adopted. See below:

8.235 “A topographic survey will be undertaken in advance of construction of each Protected Lane (Essex) and Historic Lane (Suffolk) within the Order Limits where likely to be affected by physical works. The survey will include mapping of any historic earthwork features associated with the lane, including banks and ditches. During construction, the contractor will seek to limit the working area to the narrowest section of lane that is practicable for the works. Any historic features associated with the lane will be reinstated at the end of construction to the pre-work condition, including the replanting of hedgerows and reinstatement of historic earthworks.”

Landscape and Visual Impacts

Relevant Policies

Adopted and Submission Chelmsford Local Plan

8.236 Policy S4 - Conserving and Enhancing the Natural Environment of the Adopted Chelmsford Local Plan applies. This seeks to protect the countryside from harmful development and set out the circumstances where development may be granted.

8.237 DM8 - New Buildings and Structures in the Rural Area and DM10 – Change of Use (Land and Buildings) and engineering operations seek to protect the character and appearance of the countryside and set out the circumstances where new buildings / change of use or engineering operations may be granted.

8.238 Policies DM16 – Ecology and Biodiversity and DM17 - Trees, Woodland and Landscape features seek to protect these features from adverse impacts and effects and set out the circumstances where development may be granted.

8.239 Policy DM23- High Quality and Inclusive design seeks to ensure that development proposals are well designed.

8.240 On policy S4, - Conserving and Enhancing the Natural Environment, it is noted that BNG is now statutory. Policy DM11 contains no reference to the Grey Belt but remains consistent with the NPPF. Policy DM10 contains no reference to the Grey Belt but is still consistent with the NPPF. On Policy DM16 – Ecology and Woodland, BNG is now statutory.

8.241 The policies have been retained and amended in accordance with the NPPF and form part of the Submission Local Plan.

Consideration and Adequacy of the DCO:

Context

8.242 CCC's main concern are that the proposal does not have an unacceptable visual impact and would not harmfully affect the character and appearance of the area. Where there is identified harm, appropriate mitigation should be provided.

8.243 The proposal would introduce predominantly 50 metre high lattice pylons and associated infrastructure into an undeveloped, rural landscape where intervisibility can be quite high due to the large scale flat or gently undulating landscapes or where the scale of the pylons and overhead wires means the effect is an industrialisation of the countryside.

8.244 The proposal would introduce lattice pylons ranging from 30 - 50 (approx.) metres in height, overhead lines and associated infrastructure in the countryside. The UKPN powerlines and masts would be in region of 30 metres (approx.), with the NGET pylons ranging between 40 metres and 50 metres in height. Accounting for the Limits of Deviation, the height of the pylons could increase to approximately 56 metres in places.

8.245 In respect of the approach to the Landscape and Visual Impact Assessment (LVIA), CCC has concerns regarding several aspects of the methodology, particularly in the approach to landscape value and value of the view, as well as a downplaying of the significance of impacts.

8.246 The route planned through Chelmsford traverses rural landscapes. The Holford Rules, which advise the hierarchy for the placement of routes, state 'where possible choose routes which minimise effects on Special Landscape Areas, areas of Great Landscape Value and other similar designations of County, District or Local value'. CCC policy adheres to national policy on local landscape protection and base their policy on local landscape character assessments not designated are effectively penalised via this advice. The Holford Rules appear to have been last updated in the 1990s and would seem to be at odds with current general national landscape policy and guidance.

8.247 The treatment of undesignated landscape as blank space is compounded by adherence to Rule 5 of the Holford Rules which states that in routeing of high voltage overhead transmission lines, these should '... be kept as far as possible from smaller lines, converging routes and other poles, masts, wires, and vales to avoid a concentration or 'wirescape'. This has the effect of distributing adverse impacts over a wider area of unspoilt countryside rather than containing them in a narrower corridor.

National Planning policy consideration

8.248 Overarching National Policy Statement for Energy (EN-1) Paragraph 5.10.6 states that Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.' It is considered that the approach to the

project in relation to the use of pylons and the overhead line does not minimise harm to the landscape nor provides reasonable mitigation/compensation for the use of overhead infrastructure.

8.249 Paragraph 5.10.12 of NPS EN-1 states that outside nationally designated areas, there are local landscapes that may be highly valued locally. It is noted that County, district and local level landscape designation, as such, were not government policy in the late 1990s and 2000s, and Valued Landscape Assessments have not been carried out at a district or local level to replace local landscape designation. There are concerns this has led to harm to landscape not being minimised.

8.250 Paragraph 5.10.35 of NPS EN-1 states that the scale of energy projects means that they will often be visible across a very wide area. The Secretary of State should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project. It is considered that the significant adverse landscape and visual effects at a wide scale need to be offset through landscape enhancement or compensation at a strategic scale.

8.251 Paragraph 4.3.4 of NPS EN-1 states that to consider the potential effects, including benefits, of a proposal for a project, the applicant must set out information on the likely significant environmental, social and economic effects of the development, and show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy. It is considered that the application does not show how the residual significant adverse landscape and visual effects of the pylons and OH line will be compensated for along its length.

8.252 Paragraph 4.6.1 of NPS - EN-1 states that environmental net gain is an approach to development that aims to leave the natural environment in a measurably better state than beforehand. Projects should therefore not only avoid, mitigate and compensate harms, following the mitigation hierarchy, but also consider whether there are opportunities for enhancements. It is considered that this information has not been provided in relation to compensation for the residual adverse landscape and visual effects of the pylons and OH line along its length.

8.253 Paragraph 4.2.12 of NPS - EN-1 states that applicants should set out how residual impacts will be compensated for as far as possible. The cumulative impacts of multiple developments with residual impacts should also be considered. It is considered that the residual landscape and visual impacts compensation for the overhead line or cumulative effects has been addressed in any meaningful way within the submission.

Landscape Value

8.254 The inclusion of landscape value criteria as part of the landscape value assessment methodology, as identified in Table A13.1.4 Factors contributing to landscape value, based on The Landscape Institute's Technical Guidance Note (TGN) 02/21 Assessing landscape value outside national designations (Landscape Institute, 2021) is welcomed. Yet there is concern that this value assessment has been carried out just at a character area level rather than looking at the details of the landscape value within the Order Limits and their setting. This could result in the downplaying of specific qualities and value related to the development corridor itself.

8.255 With regard to the landscape value assessments, there are concerns that the detailed assessments identified in Annex A to Appendix 13.2: Landscape Baseline and Assessment appear to undervalue factors, particularly in relation to 'Distinctiveness', 'Perceptual' and 'Functional' criteria.

8.256 Paragraph 13.2.9 of Document 6.13.A2 Environmental Statement Appendix 13.2 Landscape Baseline and Assessment states, there are no locally designated landscapes within the 3 km Study Area', without reference to the fact that the districts through which the Project line passes no longer designate landscapes locally, in keeping with National policy from the late 1990s and 2000s. It is concerning that judgements may be being made regarding landscape value and sensitivity based on an assumption that because there are no designations, the landscape lacks value. A caveat to the statement in the documentation needs to be made.

8.257 The lack of local landscape designation does not imply lack of landscape qualities or value. The current Holford Rules advise where possible choose routes which minimise the effect on Special Landscape Areas, areas of Great Landscape Value and other similar designations of County, District or Local value.'

8.258 It is considered that administrative areas which adhere to national policy from the late 1990s and 2000s and base their policy on local landscape assessments not designation are effectively penalised via this advice. The Holford Rules were last updated in the 1990s. CCC does not use Valued Landscape Assessment to inform its local plans, except as part of landscape sensitivity assessment of specific sites.

8.259 Whilst nationally protected landscapes such as AONBs and their settings, have the benefit in landscape and visual terms of proposed cabling being substantially undergrounded, the remaining rural landscapes along the route are not identified as a constraint when it comes to alignment, even though some of these are of strong and distinctive local character that could be identified as being 'Valued Landscapes'.

8.260 The landscape value assessment was not made available until the submission of the ES and so has not, to our knowledge, informed the alignment in any meaningful way. It is considered the proposed alignment needs to be looked at again in light of this data.

8.261 Many of these landscapes have value at a local level but successive Local Plans have discarded local protections to fit with national policy. The treatment of undesignated landscape as blank space is compounded by adherence to Rule 5 of the Holford Rules which states that routes of overhead transmission lines, should '... be kept as far as possible from smaller lines, converging routes and other poles, masts, wires, and vales to avoid a concentration or 'wirescape' has the effect of distributing adverse impacts over a wider area of unspoilt countryside rather than containing them in a narrower corridor. It is considered that the Holford Rules need updating in light of these concerns.

Landscape Character

Regional character

8.262 The proposal would run through two National Character Areas NCA 86 South Suffolk and North Essex Clayland and NCA111 Northern Thames Basin. It does not appear as though the effects of the proposal on national or regional landscape character have been assessed.

8.263 This approach is questioned. It is considered the proposal is of a regional scale if not national scale and is identified as having significant negative operational landscape and visual effects along the whole length of the approximately 184Km of new infrastructure.

8.264 During the construction stage, the Landscape and Visual Impact Assessment suggests that at Construction, significant effects occur generally within 1.5 Km of the Project. This judgment is generally accepted, but towards the end of the construction period it is considered that the adverse effects, especially visual, could extend beyond this distance, especially in open landscapes as multiple pylons and overhead line runs become visible.

8.265 At the operational stage it is identified that significant landscape effects are predicted within 1.5Kms of the project line. Yet, many of the judgements suggest these impacts are moderate significant rather than major significant beyond 0.5Kms, which is questioned, particularly given that multiple pylons 50m high would be visible in sequence coupled with the overhead line and often in landscapes where intervisibility is high.

8.266 The submitted visualisations demonstrate that the landscapes that would be affected by the proposal are substantially undeveloped and rural where intervisibility is often high due to large scale flat or gently undulating landscapes or shallow river valleys, where the scale of the pylons and overhead wires

means the effect is to industrialise the countryside in places up to 2Km away. These are often landscapes without existing significant detractors.

8.267 It is considered that at the operational stage impacts are likely to be major significant rather than moderate significant beyond 0.5Kms.

Local character

8.268 The Essex Landscape Character Assessment (2003) – Braintree District, Chelmsford District, Brentwood District identifies four Landscape Character Typographies CTs along the proposal in Chelmsford. These are often landscapes without existing significant detractors:

8.269 Locally, the following areas would be affected:

- B1 Central Essex farmlands
- C5 Chelmer Valley
- D2 Brentwood Hills
- G2 Chelmsford and Environs

8.270 The ES The proposal would lead to a harmful change in the identified character and appearance of the landscape, which would lead to a change in the character and quality of the landscape. It would lead to harmful visual intrusion, through the siting of high large-scale industrialised features that cannot be fully mitigated against. The proposal would lead to the harmful loss of the character and beauty of the countryside.

8.271 The ES acknowledges that the proposals would have a significant negative landscape impact at both construction and operational stages over the length of the proposal. Where negative effects are judged not to be significant further away from the Project line, the visual character of the landscape and its perceptual nature is likely to combine to significantly negatively affect the landscape over a wide area, reducing scenic beauty and tranquillity, aesthetic enjoyment, a sense of place, history and identity, and inspiration for learning throughout the landscape and visual study area.

8.272 The Landscape and Visual Impact Assessment suggests that at construction, significant effects would occur generally within 1km - 1.5Km of the proposal. Towards the end of the construction period, it is considered that adverse effects, especially visual, could extend beyond this distance, especially in open landscapes as multiple pylons and overhead line runs become visible.

8.273 Whilst accepting that at construction stage this is likely to be the situation in many instances, it is not accepted that this would be the case at the operational stage where the outcome is generally an overhead line with 50m pylons as opposed to undergrounding, and where intervisibility is frequently quite high.

8.274 At the operational stage it is identified that significant landscape effects are predicted within 1.5Kms of the project line. Many of the judgements suggest these impacts are moderate significant rather than major significant beyond 0.5Kms, which is questioned. This is particularly true where multiple pylons 50m high are visible in sequence coupled with the overhead line and often in landscapes where intervisibility is high. CCC's position is that at the operational stage impacts are likely to still be major significant rather than moderate significant beyond 0.5Kms.

8.275 Even where the effects are deemed not significant, the character of the landscape is changed over a much wider area, with proposed overhead lines reducing the provision of what GLVIA3 (Page 18. Para 2.11) describes as:

- Opportunities for aesthetic enjoyment
- A sense of place and a sense of history which contributes to individual, local, national and European identity.

- Inspiration for learning, as well as for art and other forms of creativity

8.276 There is concern that the landscape value criteria evaluation is flawed. The baseline evaluation and judgements appear to be made solely at a district and not a site/setting level, they do not necessarily address the value of the key characteristics of the landscapes in the study area that are directly affected.

8.277 The visualisations demonstrate that within Chelmsford, the landscapes affected by the Project are often undeveloped, rural landscapes where intervisibility can be quite high due to large scale flat or gently undulating landscapes or where the scale of the pylons and overhead wires means the effect is a perceived industrialisation of the countryside up to 2Km away that can be significant in places. These are often landscapes without existing significant detractors.

8.278 With regard to the specific Landscape Character types, it is considered that:

LCA B1: Central Essex Farmlands:

8.279 The assessment now identifies that the operational effect would be significant negative up to 1.5Km which is welcomed. It is considered that the presence of the 50m high pylons and overhead lines could impact on the sense of rurality and tranquillity over a wide area. The area of Terling and Fairstead are noted as containing more frequent hedgerow trees compared to the rest of the LCA and are considered therefore more sensitive to change.

8.280 Generally, we welcome the findings of the individual judgements made for within 0.5km, between 0.5-1.5 km and beyond 1.5 km which confirm no reduction in effects from construction. Generally, the judgements in Table A13.2.50 (construction and operational) are agreed with regard to this LCA.

LCA C5: Chelmer Valley:

8.281 It is agreed that the proposal would result in Direct effects arising during construction which would include the removal of some landscape features including the disturbance to farmland (mainly arable fields) and riparian habitat associated with the River Chelmer, and the loss of some field boundary hedgerows, field trees, and hedgerow trees. These all form key characteristics of the LCA. Features such as hedgerows, riparian vegetation and hedgerow trees are present throughout the landscape and are well connected linear features. Fragmentation of these features potentially have significant impact in the wider LCA.

8.282 Generally the individual judgements made for within 0.5km, between 0.5-1.5 km and beyond 1.5 km which confirm no reduction in effects from construction are agreed with. The judgements in Table A13.2.52 (construction and operational) are agreed with. Yet we query the magnitude at 0.5-1.5km (construction) which has been judged to be medium in the table but high in para 13.3.707.

LCA D2: Brentwood Hills:

8.283 The semi-enclosed nature of this LCA and key characteristics such as undulating hills/ridge, semi enclosed character due to presence of numerous woodlands, frequent hedgerow trees and patchwork of small irregular pasture/arable fields are noted. The recognition that significant effects can occur up to 1.5Km is welcomed. Generally, the individual judgements made for within 0.5km, between 0.5-1.5 km and beyond 1.5 km are agreed with, which confirm no reduction in effects from construction.

LCA G2: Chelmsford and Environs:

8.284 The proposal intercepts this LCA only between TB165 and TB168. Generally, the individual judgements made for within 0.5km, between 0.5-1.5 km and beyond 1.5 km are agreed with. These

confirm no reduction in effects from construction. Generally, the judgements in Table A13.2.53 (construction and operational) are agreed with.

Visual effects

8.285 The ES acknowledges that the proposal would have a significant negative visual impact over the length of the Project. This is identified as up to 1.5Km from the Project line in most situations. As a result of open landscapes, multiple pylons in view and cumulative effects when passing from one visual receptor area to another along the line, it is considered the cumulative effect is likely to result in an overall significant adverse effect generally within the study area at both construction and operation.

8.286 The proposal would affect views within the following areas:

- F1 Great Leighs:
- F2 Peverel's Farm
- F5 Chignall Smealy
- F4 Great Waltham
- F5 Little Waltham
- F6 Chelmsford North-West
- F7 Roxwell
- F8 Writtle and Chelmsford West
- F9 Edney Common
- F10 Hylands Park
- F11 Margaretting and Stock

General

8.287 The Landscape and Visual Impact Assessment has been supported by Photographic Baseline images and Wireline visualisations. Figures 13.7 Landscape and Visual Receptors and Viewpoints identifies viewpoint locations that are considered for the Environmental Statement (ES). Additional Historic Environment Viewpoints are also identified.

8.288 Generally the viewpoint assessments are welcomed, but there are still considerable gaps in the provision including VRA F9 Edney Common (Longer distance) and VRA F6 Chelmsford North-West (Longer distance) The shortfall is particularly noticeable from beyond 1.5 Kms and is in danger of undervaluing the significance of the effects on the PRoW network in particular.

Theoretical visibility of the proposal

8.289 With regard to the Visual Receptor Areas, Figure 13.9 - Landscape and Visual - ZTV of Proposed 400kV Overhead Line (proportions of structures visible), the Zone of Theoretical Visibility (ZTV) mapping indicates relatively widespread theoretical visibility of the overhead line within the 3 km study area and beyond 5 km including from villages, the PRoW network, National Cycle Network routes in this area, from the rural lanes and road network.

8.290 The visualisations in the Landscape and Visual Assessment demonstrate the landscapes affected by the proposal are often undeveloped, rural landscapes where intervisibility can be quite high due to large scale flat or gently undulating landscapes or where the scale of the pylons and overhead wires means the effect is a perceived industrialisation of the countryside up to 2Km away that can be significant in places.

8.291 The ZTV highlights how widespread the potential significant negative landscape and visual effects of the scheme are and also suggests that some visual assessment needs to extend beyond the 3Km study area.

8.292 It is considered that the visual assessment should more explicitly extend into sensitive areas beyond the 3Km line in order to demonstrate the effects are not significant.

Visual Receptors and Groupings

8.293 The LVIA groups the visual receptors into Visual Receptor Areas. These Visual Receptor Areas have been identified based on geographical location, shared landscape characteristics and a similarity in the nature of views. Whilst it is understood that for a proposal of this large scale, the Visual Receptor Areas are a pragmatic way of organising the data, there is concern that clarity and detail around individual receptors has been lost as a result.

8.294 It is not agreed that the value of the view should be judged substantially on identified viewpoints and promoted views in tourist-focussed documents. In lieu of local landscape designation and district-wide Valued Landscape Assessments, the value of the view should be judged by how it relates to the Landscape Character Assessment. The value of view indicators as presented in the assessment downplay the subtle character of East Anglian landscapes and appear concentrated on topography, woodland and water. This approach pre-determines visual value based on certain characters and not others. It is considered the sensitivity of receptors and significance of the effects has been downplayed as a result.

Visual effects

8.295 The assessment acknowledges that at Year 1 of operation, there would ‘...be significant adverse visual effects on visual receptors within most of the VRAs which are directly affected by the Project’. This is related to the introduction of the proposed overhead line, CSE compounds, substations or substation extensions into close to medium distance views.

8.296 It is acknowledged that by Year 15, effects on some visual receptors in proximity to CSE compounds, substations and substation extensions would reduce as a result of landscape mitigation within Environmental Areas.

8.297 This explicitly recognises that the significant adverse visual effects caused by pylons and overhead lines are not mitigatable and do not reduce.

Visual Receptor Areas

8.298 With regard to the individual visual receptor areas (including the Theoretical Visibility of the proposal), it is considered that:

Theoretical visibility of Project:

8.299 The preliminary LVIA identifies Section F covering the Project line broadly between Great Leighs in the northeast and Stock to the south. The Zone of Theoretical Visibility (ZTV) mapping indicates relatively widespread theoretical visibility of the overhead line within the 3 km study area including from villages, the PROW network, National Cycle Network routes in this area, from the rural lanes and road network.

8.300 The study identifies theoretical visibility of one or more pylons from the majority of the study area and multiple pylons from the more elevated parts of the study area.

8.301 This study highlights how widespread the potential negative landscape and visual effect of the scheme are Chelmsford falls substantially within Visual Receptor Area F.

8.302 As stated above, it is not agreed that the value of the view should be judged substantially on identified viewpoints and promoted views in tourist-focussed documents and that in lieu of local landscape designation and district-wide Valued Landscape Assessments. The value of the view should be judged by how it relates to the LCA. It is considered the sensitivity of receptors and significance of the effects has been downplayed as a result.

F1 Great Leighs:

8.303 The Visual Receptor Area is located towards the south of the proposal, southwest of Braintree. It lies broadly between the southern edge of Great Notley and Chatham Green. The representative viewpoints are:

- Viewpoint 6.01 Castle Cose, Great Leighs
- Viewpoint 6.03 Essex Way, Chatham Green
- Viewpoint 6.25 PRoW, east of Littley Green (Great Waltham 54)

8.304 It is agreed that the proposal would be visible in close views from the south-east of the VRA, including Pork Hall Lane and Boreham Road (Protected Lanes) (which would both be crossed by the Project), NCN Route 50 and PRoW.

8.305 The proposal would be seen above wooded skylines and in relatively open views. Views from the local road network would be partially filtered by intervening vegetation but would be seen through gaps in the vegetation, and as large scale features above wooded skylines. The proposal would be introduced into views largely absent of overhead lines.

8.306 It is considered the scale of change would be large and the effect major and significant (adverse) within 1.0Km not 0.5Km.

8.307 Viewpoint 6.01: Castle Close, Great Leighs 0.91Km and Viewpoint 6.03: Essex Way, Chatham Green 0.80Km demonstrate how even at this distance, the overhead line is prominent in a rural view.

8.308 It is considered the scale of change would be medium and the effect would be moderate and significant (adverse) between 1.0 km and 1.5 km not 0.5-1.5Km.

8.309 It is agreed that generally, effects beyond 1.5km are unlikely due to woodland blocks and undulations as evidenced in Viewpoint 6.25: PRoW, East of Littley Green (Great Waltham 54).

8.310 Yet it is considered that consider that the cumulative effect of multiple pylons and the continuous overhead linear character of the project, means that the collective effects create an overall significant adverse effect within the VRA at both construction and operation.

F2 Peverel's Farm:

8.311 This Visual Receptor Area is located towards the south of the Project, broadly between Fuller Street and the northern edge of Chelmsford. The sole representative viewpoint is identified as:

- Viewpoint 6.02 Essex Way near Fuller Street
- Viewpoint 6.17 Shepcotes Lane, Little Waltham

8.312 It is agreed the proposal would be visible in close views from the north-west of the VRA, with close views from the local road network, scattered properties along the lanes, PRoW including the Essex Way (Viewpoint 6.02 Essex Way, west of Fuller Street 0.64Km) which presents gently undulating countryside views in all directions.

8.313 It is disagreed that the pylons are only 'noticeable features' as in VP 6.02. It is considered the pylons would be prominent. Despite the removal of some existing pylons, cumulative impact would likely degrade the landscape further by closing up the openness to the north. The proposed pylons would appear larger than the existing pylons.

8.314 It is considered the scale of change would be large and the effect would be major and significant (adverse) within 1.0Km not 0.5Km.

8.315 Viewpoint 6.17: Sheepcotes Lane, Little Waltham 1.25Km demonstrates that there are still moderate and significant (adverse) effects at this distance.

8.316 It is considered that the scale of change would be medium and the effect would be moderate and significant (adverse) only beyond 1.0 km and up to 1.5 km.

8.317 Generally, beyond that it is accepted that individual impacts would be not significant. Yet it is considered that the cumulative effect of multiple pylons and the continuous overhead linear character of the project, mean that the collective effects create an overall significant adverse effect within the VRA at both construction and operation.

F3 Great Waltham:

8.318 Comments relating to Great Waltham should be read in conjunction with the Great Waltham and Little Waltham comments above.

8.319 This Visual Receptor Area is located to the south of the Project, north of Chelmsford. It lies broadly north of Broad's Green, and to the south of Little Green. The sole representative viewpoint is identified as:

- Viewpoint 6.18 Langley's Park, Great Waltham 1.01
- Viewpoint 6.16 Chatham Hall Lane, north of Little Waltham 0.28

8.320 It is identified that low height pylons are proposed at this location to mitigate effects on the views from heritage assets. It is assumed this is represented by Viewpoint 6.18 Langley's Park, Great Waltham.

8.321 It is acknowledged that the lower height reduces the likely visibility of the proposed overhead line.

8.322 In landscape and visual impact terms, there are concerns regarding the wider impact of the pylons and overhead line on the historical landscape setting associated with Langley's, not just the impact on views from the mansion. Whilst it is agreed views of the proposal would likely be filtered, the introduction of pylons would likely degrade the setting forming a backdrop of pylons behind the building within the wider landscape.

8.323 It is agreed that there would be close and sometimes open views of the Project from local receptors, from properties along several roads/lanes, and from scattered properties as shown in Viewpoint 6.16 Chatham Hall Lane, north of Little Waltham where pylons are very prominent and seen in full against the sky. Pylons would also appear stacked behind each other in some views.

8.324 The proposal would be introduced into views otherwise absent of overhead lines. It is agreed the scale of change would be large, and the effect would be major and significant (adverse), reducing to moderate and significant (adverse) from Great Waltham. It is considered generally major and significant adverse effects extend up to 1Km from the project line not 0.5 km.

8.325 It is considered that generally a medium scale of change and moderate and significant (adverse) effects would occur between 1.0KM and extend up to 1.5 km.

8.326 Generally, beyond 1.5Km it is accepted that individual impacts would not be significant, yet it is considered that the cumulative effect of multiple pylons and the continuous overhead linear nature of the project, mean that the collective impacts create an overall significant adverse effect within the VRA at both construction and operation.

8.327 It is identified that no additional mitigation is proposed within the VRA but there is concern about how opportunities could be taken, for instance, to enhance the historic landscape to strengthen its resilience going forward.

F4 Little Waltham:

8.328 Comments relating to Little Waltham should be read in conjunction with the Great Waltham and Little Waltham comments above.

8.329 This Visual Receptor Area is located to the south of the proposal, north of Chelmsford. It lies broadly between Broomfield and Broomfield Hospital in the south, and north of Little Waltham. There is one representative viewpoint within this Visual Receptor Area.

- Viewpoint 6.13 B1008, Little Waltham

8.330 It is identified that low height pylons are proposed at this location to mitigate effects on the views from heritage assets. It is assumed this is represented by Viewpoint 6.18 Langley Park, Great Waltham.

8.331 It is acknowledged that the lower height reduces the likely visibility of the proposed overhead line.

8.332 A viewpoint should be presented to show the T-Pylon in place.

8.333 There are concerns that no viewpoints have been offered outside the 0.5Km range and suggest one or more of these are needed to demonstrate that effects are reduced due to intervening settlement or vegetation.

8.334 Generally it is agreed there would be close and sometimes open views of the Project from receptors such as Chatham Hall Lane, from the local PRoW network and scattered properties, and that Pylons would be seen in full in places from less vegetated sections such as Chatham Hall Road, with much of the pylon's structure prominently visible against the sky.

8.335 We are deeply concerned by the amount of vegetation proposed for removal as demonstrated in Viewpoint 6.13: B1008, Little Waltham.

8.336 Pylons would appear stacked behind each other in some views from locations close to the alignment, such as near Lark's Lane and Chelmsford Road. The proposal would be introduced into views otherwise absent of overhead lines.

8.337 It is agreed that the scale of change would be large, and the effect would be major and significant (adverse), reducing to moderate and significant (adverse) within Little Waltham.

8.338 It is considered that major significant adverse effects occur up to 1Km not 0.5 Km.

8.339 It is further considered that generally a medium scale of change and moderate and significant (adverse) effects do not occur until 1.0KM and extend up to 1.5 km.

8.340 Generally, beyond 1.5Km it is accepted that individual impacts would be not significant,. Yet the cumulative effect of multiple pylons and the continuous overhead linear nature of the project, means that the collective impacts create an overall significant adverse effect within the VRA at both construction and operation.

F5 Chignall Smealy:

8.341 This Visual Receptor Area is located to the south of the Project, north-west of Chelmsford. It lies broadly between the northern edge of Boyton Cross and east of Pleshey. Representative viewpoints are identified as:

- Viewpoint 6.04 PRoW, Broad's Green (Great Waltham 85)

- Viewpoint 6.12 Pleshey Castle
- Viewpoint 6.20 PRoW, Chignall St James (Chignall 30)
- Viewpoint 6.24 Chignall Smealy

8.342 Generally, it is agreed that the proposal would be visible in close views from the south-east of the VRA, with the overhead line likely prominent in views and seen against the sky from parts of Chignall St James (see Viewpoint 6.20 PRoW, Chignall St James (Chignall 30) and Broad's Green (see Viewpoint 6.04 PRoW, Broad's Green (Great Waltham 85). There are continued views travelling south along the PRoW.

8.343 There would be some filtering of views by existing vegetation, but not to the height to screen a large structure completely at odds with the rural scene. The proposal would be introduced into views otherwise absent of overhead lines.

8.344 It is agreed that the scale of change would be large, and the effect would be major and significant (adverse) in close-to views. We consider major significant adverse effects occur up to 1Km not 0.5 Km. It is considered that generally a medium scale of change and moderate and significant (adverse) effects do occur between 1.0KM and extend up to 1.5 km.

8.345 Generally, beyond 1.5Km it is accepted that individual impacts would be not significant, yet it is considered that the cumulative effect of multiple pylons and the continuous overhead linear nature of the project, means that the collective impacts create an overall significant adverse effect within the VRA at both construction and operation.

F6 Chelmsford North-West:

8.346 This Visual Receptor Area is located to the south of the Project, broadly between Broomfield and the centre of Chelmsford. Representative viewpoints are identified as:

- Viewpoint 6.14 PRoW west of Broomfield (Broomfield 12)
- Viewpoint 6.05 Centenary Circle, north-west of Chelmsford

8.347 It is agreed the proposal would be visible in close views from the north-west of the VRA, and that the overhead line would be prominent in relatively open views, and seen against the sky. The proposal would be introduced into views otherwise absent of overhead lines.

8.348 It is agreed that the scale of change would be large, and the effect would be major and significant (adverse) in close-to views.

8.349 It is considered major significant adverse effects occur up to 1Km not 0.5 Km. Generally a medium scale of change and moderate and significant (adverse) effects occur between 1.0KM and extend up to 1.5 km.

8.350 Beyond 1.5Km, generally it is accepted that individual impacts would be not significant. Yet the cumulative effect of multiple pylons and the continuous overhead linear nature of the project, means that the collective impacts create an overall significant adverse effect within the VRA at both construction and operation.

F7 Roxwell:

8.351 This Visual Receptor Area is located to the south of the Project, west of Chelmsford. It lies broadly between the A1060 and A414, to the west of Writtle. The sole representative viewpoint is identified as:

- Viewpoint 6.06 Galleons Hill, Roxwell
- Viewpoint 6.08 Cooksmill Green

- Viewpoint 6.22 PRoW near Skreens Park (Roxwell 20)

8.352 Generally, it is agreed that the proposal would be visible in close views from the east of the VRA, that the overhead line is likely prominent in views, and seen on the skyline with little filtering, including from PRoW. The proposal would be introduced into views otherwise absent of overhead lines.

8.353 It is agreed that the scale of change would be large, and the effect would be major and significant (adverse) in close-to views. It is considered major significant adverse effects occur up to 1Km not 0.5 Km.

8.354 It is considered generally a medium scale of change and moderate and significant (adverse) effects do not occur less than 1.0KM and extend up to 1.5 km. Viewpoint 6.06 Galleons Hill, Roxwell at 1.03Km demonstrates at least moderate adverse effects.

8.355 Generally, beyond 1.5Km it is accepted that individual impacts would be not significant, although the effects on Viewpoint 6.08 Cooksmill Green at 1.76Km are arguably still moderate adverse.

8.356 Yet the cumulative effect of multiple pylons and the continuous overhead linear nature of the project, means that the collective impacts create an overall significant adverse effect within the VRA at both construction and operation.

F8 Writtle and Chelmsford West

8.357 This Visual Receptor Area is located to the south of the Project, east of the draft Order Limits. It is centred on Writtle, broadly between the A1060 and A414. There are two representative viewpoints within this Visual Receptor Area.

- Viewpoint 6.19 Victoria Road, west of Writtle
- Viewpoint 6.23 NCN Route 1 / PRoW near Writtle College (Writtle 19)

8.358 Generally, it is agreed that the proposal would be visible in close views from the west of the VRA, with the overhead line prominent in views and likely seen on the skyline with some filtering and screening from existing vegetation and farm buildings / college buildings along Cow Watering Lane. The proposal would be introduced into views otherwise absent of overhead lines.

8.359 Generally, it is agreed that the proposal would be visible in close views from the east of the VRA, and that the overhead line is likely prominent in views, as seen on the skyline with little filtering, including from PRoW. The proposal would be introduced into views otherwise absent of overhead lines.

8.360 It is agreed that the scale of change would be large, and the effect would be major and significant (adverse) in close-to views.

8.361 It is considered major significant adverse effects occur up to 1Km not 0.5 Km.

8.362 Generally a medium scale of change and moderate and significant (adverse) effects occur less than between 1.0KM and 1.5 km. Viewpoint 6.06 Galleons Hill, Roxwell at 1.03Km demonstrates at least moderate adverse effects.

8.363 Beyond 1.5Km, generally we accept that individual impacts would be not significant, although the effects on Viewpoint 6.08 Cooksmill Green at 1.76Km are arguably still moderate adverse. H

8.364 The cumulative effect of multiple pylons and the continuous overhead linear nature of the project, means that the collective impacts create an overall significant adverse effect within the VRA at both construction and operation.

F9 Edney Common:

8.365 This Visual Receptor Area is located to the south of the Project, south-west of Chelmsford. It lies broadly between the A414 and Ivy Barns Lane. The sole representative viewpoint is identified as:

- Viewpoint 6.09 The Causeway Edney Common

8.366 This is another VRA where there are no viewpoints in the wider landscape, so VP 6.09 is the sole representation of the VRA at 0.75Km. This is a deeply rural landscape in many aspects and should be represented by further viewpoints both closer to and at c1.5Km from the line.

8.367 While it is accepted that views are limited to the south of the area beyond 1km due to intervening woodland, it is advised that assessment should be made of the area west of Edney Common around footpath Highwood 7 where long-distance views are possible.

8.368 Generally it is agreed that the proposal would be visible in close views from the east of the VRA, with the overhead line prominent in views from the north of the VRA and likely to be seen on the skyline. Woodland at Bakers Wood and around Coptfold Hall would screen and filter views towards the proposal in the south, as would the tree cover surrounding properties along Nathan's Lane.

8.369 The proposal would be introduced into a landscape otherwise absent of overhead lines.

8.370 It is agreed that the scale of change would be large, and the effect would be major and significant (adverse) in close-to views.

8.371 It is considered major significant adverse effects occur up to 1Km not 0.5 Km. Viewpoint 6.09 The Causeway Edney Common, 0.75KM, is representative of this, showing stacking of pylons receding into the distance.

8.372 Generally a medium scale of change and moderate and significant (adverse) effects occur between 1.0KM and 1.5 km.

8.373 Beyond 1.5Km, generally it is accepted that individual impacts would be not significant. Yet the cumulative effect of multiple pylons and the continuous overhead linear nature of the project, means that the collective impacts create an overall significant adverse effect within the VRA at both construction and operation.

F10 Hylands Park

8.374 This Visual Receptor Area is located to the south of the Project, south of Chelmsford. It lies broadly between the A414 and A12. The representative viewpoints are identified as:

- Viewpoint 6.15 A414, Widford, near Hylands Park
- Viewpoint 6.26 Hylands Park, near Hylands House
- Viewpoint 6.07 A414 south of Writtle
- Viewpoint 6.27 Writtle Road, north of Margaretting

8.375 The addition of the viewpoints within and to the northeast corner of Hylands Park Grade 2* Registered Park and Garden: Viewpoint 6.15 2.48K to north east of park, and Viewpoint 6.26 at 1.41Km from the centre of the park are welcomed.

8.376 Yet, our previous concerns related to indirect impacts on the western boundary, on the wider setting of the park. In lieu of a viewpoint from one of the lanes such as Margaretting Road or Nathan's Lane the closest equivalent is Viewpoint 6.27 Writtle Road, north of Margaretting at 0.55Km distant from the project line. This demonstrates that significant major adverse impacts are likely at that distance.

8.377 West of Hylands Park the proposal comes within 400m of the Registered Park, so the adverse effects on the setting of the park will likely be even greater than those on Writtle Road.

8.378 There is concern that this will effectively sandwich Hylands Park on three sides with linear infrastructure: Greenbury Way to the north, London Road and the railway to the east and the proposed 50m pylons to the west. Further south the A12 effectively creates a barrier. The landscape to the west is currently the only undeveloped rural landscape that forms part of the setting.

8.379 It is considered this stretch of overhead line should be reconsidered in either alignment or design.

8.380 Generally it is agreed that the proposal would be visible in close views from the east of the VRA, with the overhead line likely prominent in views and seen on the skyline. Woodland, such as King Wood, hedgerows and trees would filter and screen views in places including along parts of Writtle Road. The proposal would be visible in a landscape otherwise absent of overhead lines.

8.381 It is agreed that the scale of change would be large, and the effect would be major and significant (adverse) in close-to views.

8.382 Major significant adverse effects would occur up to 1Km not 0.5 Km. It is considered that generally a medium scale of change and moderate and significant (adverse) effects occur between 1.0KM and 1.5 km.

8.383 Beyond 1.5Km generally it is accepted that individual impacts would be not significant. Yet the cumulative effect of multiple pylons and the continuous overhead linear nature of the project, means that the collective impacts create an overall significant adverse effect within the VRA at both construction and operation.

F11 Margaretting and Stock

8.384 This Visual Receptor Area is located to the south of the Project, broadly between the northern edge of Margaretting, defined by the A12 and northern edge of Billericay. The representative viewpoints are identified as:

- Viewpoint 6.11 St Peter's Way, south of Margaretting Tyre
- Viewpoint 7.10 B1007 Stock Road, south of Stock
- Viewpoint 7.12 Ingatestone Road near White Tyrells

8.385 The additional viewpoints 7.10 and 7.12 are welcomed. The impact from Viewpoint 7.10 is judged to have no effect (not significant). The location of this viewpoint from a road behind a hedgerow is queried. There are several public rights of way through Stock where the topography appears higher and which could offer further long distance views. These should be explored.

8.386 Viewpoint 7.12 is judged as major and significant (adverse) which is agreed. Yet the visualisation is presented as a wireline which we consider should be a photomontage, considering the pylons are proposed within an open landscape. A photomontage would better represent the significant effects of the introduction of pylons within this viewpoint.

Compensation

8.387 There does not appear to be any compensation offered in relation to the significant residual adverse landscape and visual effects created by the pylons and overhead line along its length.

8.388 The proposals as they stand do not meet (EN-1) 4.3.4 which state '... the applicant must ... show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy.' The policy has not been followed as there is no compensation offered for the residual negative landscape and visual effects of the overhead line and pylons.

8.389 It is considered that the DCO should not be granted without a substantial funded landscape and visual compensation scheme. This to recognise the long-term significant residual negative and un-mitigatable operational effects on both landscape and visual receptors. The scheme should be alongside but distinct from any proposed community benefits.

8.390 It has been confirmed by NGET that replacement planting will be provided on a 3:1 basis of trees to be removed within the Order Limits. Environmental net gain has not been provided in relation to compensation for the residual adverse landscape and visual effects of the pylons and overhead line along its length. It is not considered that this proposed replacement / reinstatement planting and provision of BNG compensates for the proposed harm to the landscape.

8.391 The planting has been identified as Landscape Compensation within *7.4 Landscape and Ecological Management Plan*. Whilst the inclusion of this element of compensation within the LEMP is to be welcomed, it is not considered to be 'compensation' in Landscape and Visual Impact terms, judging it to be at best reinstatement for existing mature and semi-mature vegetation that is to be removed during construction.

8.392 Whilst replacement tree planting is welcomed, it does little to compensate for the permanent significant adverse landscape effects caused by the construction of the pylons, overhead line and CSE's within the district and does not address any of the significant permanent adverse visual effects that will occur.

Noise and vibration

Relevant Policies

Adopted and Submission Chelmsford Local Plan

8.393 Policy DM23- High Quality and Inclusive design, DM29 – Protecting Living conditions and Policy DM30 Contamination apply. These seek to ensure that development proposals are well designed and safeguard the living environment of any nearby residential properties, ensure that the proposal is compatible with neighbouring or existing uses within the vicinity of the site and do not cause contamination.

8.394 The policies have been retained and amended in accordance with the NPPF and form part of the Submission Local Plan, with new Policy S14 relating to Health and Wellbeing being applicable to this proposal.

Consideration / Adequacy of the DCO

8.395 CCC's main concerns relate to the effect of noise and vibration upon residential amenity during the construction of the proposal and also at operational stage.

8.396 There are several matters of concern in respect to construction noise and vibration that require further consideration by the Applicant.

8.397 The "Holford Rules" are used as the guiding principles for routeing new overhead lines. These were originally formulated by Lord Holford, formerly an adviser to the Central Electricity Generation Board (CEGB) in 1959, and later reviewed and supplemented by National Grid in the 1990s. These deal with a number of areas including route planning considerations for areas of high amenity value, scientific interest and urban areas.

8.398 The Holford Rules are not specific about residential amenity and simply state “Avoid routing close to residential areas as far as possible on grounds of general amenity”.

8.399 The main considerations for residential amenity are the visual impact, in terms of whether or not the pylons would be overbearing to the residents, the perceived health impacts and any noise nuisance arising from the long-term positioning of the pylons close to residential properties.

8.400 With regard to noise nuisance, the proposed core working hours would be 07:00 to 19:00 Mondays to Fridays; and 07:00 to 17:00 on Saturdays, Sundays and Bank Holidays. This excludes start up and close down activities, which could take place for up to one hour either side of the core working hours.’ The hours also exclude other operations that may take place outside of the core working hours including operations commencing during the core working hours which cannot safely be stopped; surveys or monitoring; and operations requested by a third party, for example highway works to avoid disruption to the local road network at peak times.

8.401 The proposed working hours raise concern due to their extended nature, in particular at weekends and bank holidays. In Chelmsford normal working hours are 08:00 to 13:00 on Saturdays, with no working on Sundays or bank holidays. The proposed hours of 07:00 to 17:00 over all days the weekend/holiday is a significant increase and raises concern due to the lack of respite from noise for residents. These hours of working are not accepted by CCC.

8.402 There are a number of residential properties and other sensitive receptors sited within 200 metres of the proposed pylons, overhead lines and construction areas. As stated in the health and wellbeing section, the dwellings and the pylon numbers are listed below:

- TB124 – 120 m from Annex, Valentines, Boreham Road, Gt Leighs
- TB124 - 158 m from Glebelands, Boreham Road, Gt Leighs
- TB124 – 164 m from 3 Cole Hill Cottages, Boreham Road, Great Leighs (semi detached pair with Porchleigh Cottage)
- TB138 – 156 m from Chatham Hall Bungalow, Chatham Hall Lane, Little Waltham
- TB138 – 183 m from Albion House, Braintree Road, Little Waltham
- TB141 – 72 m from Windmill House, Chelmsford Road, Great Wactgan
- TB141 – 117 m from The Red House, Chelmsford Road, Great Waltham
- TB141 – 144 m from Little Bakers Cottage, Chelmsford Road, Great Waltham
- TB141 – 183 m from 1 Lace Cottages Chelmsford Road Great Waltham (semi-detached pair with 2 Lace Cottages)
- TB141 – 197.6 m from Sweet Briar, Chelmsford Road, Great Waltham
- TB141 – 177.4 m from Corner Cottage Chelmsford Road, Great Waltham (semi-detached pair with Meadowview)
- TB141 – 180 m from Larks Lodge, Larks Lane, Great Waltham
- TB142 – 194 m from Balls Farm, Larks Lane, Great Waltham
- TB142 – 187 m from Rievers, Larks Lane, Great Waltham
- TB143 – 152 m from Balls Farm, Larks Lane Great Waltham
- TB144 – 154 m from Rose Cottage, Larks Lane, Great Waltham
- TB155 – 200 m from Springwood, Mashbury Road, Chignal St James
- TB156 – 185 m from Springwood, Mashbury Road, Chignal St James
- TB156 – 200 m from Brittons Hall Farm Mashbury Road, Chignal St James
- TB162 – 185 m from The Haven, Roxwell Road, Writtle
- TB162 – 182 m from Bylake Kennels, Roxwell Road, Writtle
- TB169 – 147 m from Range Cottage, Ongar Road West, Writtle
- TB171 – 140 from Annex at Halfway House, Highwood Road, Writtle
- TB171 – 200 m from Caravan at Littlefield, Highwood Road, Writtle
- TB174 – 190 m from Green Acre, Bumpsteads Farm, Margaretting Road, Writtle
- TB174 – 197 m from Victors Croft, Nathans Lane, Writtle,
- TB175 – 191 m from The Willows, Nathans Lane, Writtle

- TB179 – 200 m from Copfold Hall Farm, Writtle Road, Margaretting
- TB180 – 180 m from Inner Lodge, Writtle Road, Margaretting
- TB181 – 193 m from Hoopers, Ivy Barns Lane, Margaretting (semi detached pair with Ivy Barns)
- TB182 – 169 m from Marshalls Farm, Handley Green Lane, Margaretting
- TB182 – 170 m from Handley Green Barn, Handley Green Lane, Margaretting
- TB182 – 187m from Handley Green House, Handley Green Margaretting
- TB192 – 131m from Buttsbury Hall farm, Ingatstone Road, Stock
- TB193 - 120 m from White Tyrells Cottages, Ingatstone Road, Stock

8.403 CCC's view is that there is a need for noise levels to be lower where the proposal is sited close to residential properties and urban receptors. At weekends, where overall noise levels are generally lower, there could be a perception that weekend working noise levels could appear higher.

8.404 Currently it is not clear how noise levels would be affected, should the pylons be relocated in accordance with the Limits of Deviation. This is particularly concerning, with regard to the installation of lower height pylons at Great Waltham and Little Waltham, where the LOD allow for the movement and installation of full height pylons close to Windmill House and properties sited along Chelmsford Road. Should the pylons be moved or sited closer to such properties, there could be an increase in noise levels which would need to be appropriately assessed and mitigated.

8.405 NGET suggests that longer working hours will result in the project's construction being completed sooner but given the duration of associated disturbance to the local communities there is a balance to be struck, respite should be extended to all those affected by the proposal.

8.406 It is unclear where generators will be located. Chapter 4 of the ES sets out a list of proposed temporary construction compounds. However, Chapter 7 Figure 7.7 identifies temporary construction areas, some of the temporary construction compounds set out in Chapter 4 and other construction areas with 100m buffers. Figure 7.7 needs to be updated to clearly identify where generators are to be housed. There is no information relating to the potential size of generators. With the current lack of information, it is not possible to review the effect any further and additional information is requested to enable the amenity effects arising from noise and vibration from generators to be assessed.

8.407 Post construction, it is understood that the overhead lines can generate a crackling sound accompanied by a low frequency hum known as "corona discharge". Whilst the overhead lines are constructed to minimise this it is understood that weather conditions, particularly damp weather can result in higher noise levels. NGET's own document "Design Guidelines for development near pylons and high voltage overhead power lines" states that it is possible for the developer to mitigate significantly the effects of noise from an existing overhead line by attention to site layout and design of new developments, for example by including landscaping or by placing the noise sensitive elements away from the lines.

8.408 Notwithstanding any mitigation, the post noise impacts will be long standing and permanent and may not be perceived by those living close to the pylons as acceptable.

8.409 The Limits of Deviation enable the movement of pylons along the Overhead Line. Noise receptors should be reassessed for any movement along the Overhead Line to ensure that they do not lead to harm to residents amenities.

8.410 It is essential that NGET genuinely engages with the local communities and parish and town councils. The issue of the impact on wellbeing will be felt across Chelmsford.

Socio-Economics, Recreation and Tourism

Relevant Policies

Adopted and Submission Chelmsford Local Plan

8.411 Strategic policy S7 – The Spatial Strategy applies. This states that beyond the main settlements, the Council will support diversification of the rural economy and the conservation and enhancement of the local economy. Strategic Policy S8 – Delivering Economic Growth, also applies.

8.412 The policies have been retained and amended in accordance with the NPPF and form part of the Submission Local Plan, with new Policy S14 relating to Health and Wellbeing being applicable to this proposal.

Consideration and Adequacy of the DCO

8.413 CCC's main concern relates to the construction impacts of the development upon local businesses, the effect upon recreation and tourism and the cumulative impact of the proposal.

8.414 The proposal would affect existing businesses sited along the proposed pylon route and associated construction route. Much of the area proposed to site the pylons within is in agricultural use and the proposal would lead to some severance of agricultural fields and access to and from businesses including agricultural land holdings, especially in busy traffic conditions during the construction of the development, should the DCO be granted.

8.415 CCC is concerned the proposal would have detrimental socio-economic, recreation and tourism impacts.

8.416 The proposal would affect existing businesses sited along the proposed pylon route and associated construction route. Much of the area proposed to site the pylons within is in agricultural use. The proposal would lead to some severance of agricultural fields and access to and from businesses including agricultural land holdings, especially in busy traffic conditions during the construction of the development, should the DCO be granted.

8.417 During the construction of the development, community liaison would be critical to mitigate and address local concerns; with appropriate compensation paid to those whose concerns cannot be mitigated. The construction effects would be particularly noticeable around Margaretting and Writtle, whose communities experience a high number of events including national events hosted at Hylands House. Detrimental effects on access to events and local businesses, however temporary, would be unacceptable.

8.418 The proposal would create temporary benefits on local employment generation and the local economy during the construction of the development. Yet a local skills and employment plan is absent from the proposals. This should be secured to help maximise the benefits to the local economy and create localised training opportunities and jobs. Appropriate training should be provided to enable the local workforce to continue to fulfil future projects and provide operational support to the pylons and overhead lines should the DCO be granted.

8.419 The Skills and Employment Plan should include:

- Clear delivery plans for apprenticeships, work placements, school engagement and training programmes,
- Commitments to local job creation and use of local contractors where feasible,
- Evidence-based interventions informed by community engagement and local labour market data,
- A sustainability and legacy framework to ensure initiatives continue from construction through to operation.

8.420 A Skills Fund, proportionate to the scale and impact of the development, should be prepared and used to:

- Invest in local further education facilities and provision
- Support employment and skills programmes
- Enhance careers education and school engagement
- Fund Officer resource for consultation and monitoring of the employment and skills strategy

8.421 There are several Public Rights of Way (PRoW) within and abutting the Order Limits and CCC defers to Essex County Council PRoW team regarding the impact of the proposal upon these. The PRoW are an important feature in providing access and recreational opportunities within the countryside and contribute to the recreational and tourism value of the proposal. The PRoW would need to remain open during the construction of the development to maintain recreational access to the countryside.

8.422 Regard would need to be had to the impact of the proposal upon recreation and tourism, through ensuing that Chelmsford's valued rural landscape remains open and accessible. The landscapes affected by the proposal are often undeveloped, rural landscapes where intervisibility can be quite high due to being either large scale flat or gently undulating landscapes or where the scale of the pylons and overhead wires means the effect is an industrialisation of the countryside. The proposal would harmfully impact upon the recreational value and character and tranquillity of the countryside. The associated harm to local business and recreational and tourism value, would need to be balanced by the ExA.

8.423 CCC is concerned about the inclusion of Sunday and bank holidays to the core working hours in relation to socio- economic industry and enjoyment of the countryside. The proposed working hours raise concern due to their extended nature, in particular at weekends and bank holidays where residents and users of the countryside would ordinarily expect respite from operations during the weekend.

8.424 Cumulatively there is concern that should the DCO be granted, it would coincide with the construction of the Lower Thames Crossing. Although the anticipation is that there would be only 10% of local labour, there would be high demand across the area. Subject to season, those staying in local accommodation, could use vital bed space to which CCC is extremely short of.

Traffic and Transport

Relevant Policies

Adopted and Submission Chelmsford Local Plan

8.425 Policy DM19 – Renewable and Low Carbon Energy applies. This states that planning permission will be granted for renewable or local carbon energy developments provided they v) will not have a detrimental impact upon highway safety.

8.426 6.241 Policies DM27 – Parking standards, DM29 – Protecting Living and Working Conditions and DM30 – Contamination and Pollution of the Chelmsford Local Plan are also relevant.

8.427 The policies have been retained and amended in accordance with the NPPF and form part of the Submission Local Plan, with new Policy S14 relating to Health and Wellbeing being applicable to this proposal.

Consideration and Adequacy of the DCO

8.428 Chelmsford City Council will be guided by Essex County Council Highways Authority regarding the impact upon the highway network.

8.429 The main concern is the impact of the proposal upon the local highway network and Public Rights of Way (PRoW).

8.430 It is understood the proposal would harmfully impact upon the local highway network and Public Rights of Way (PRoW). The effects would be particularly noticeable during the construction of the development and from the on-going maintenance and operation of the pylons, overhead lines and associated equipment.

8.431 It is noted that the A1060 Roxwell Road is the subject of a potential new road safety scheme involving average speed cameras. The scheme is being worked up as part of Essex County Council's Vision Zero approach to road safety with the aspiration of eliminating all road deaths and serious injuries in Essex by 2040. There are concerns that with the extra number of construction vehicles and large vehicle types using the link as part of the designated construction route that there will be an additional impact on safety. Further discussions are needed on areas of the network where accidents have been identified along the construction routes.

8.432 The construction of the development would give rise to a wide range of public health impacts, resulting in harm to the local communities that the proposal would sit. Matters including construction routes, hours of operation, the formation of vehicular accesses, traffic management and associated safety operations would need to be fully considered and mitigated as part of the proposals, with appropriate mitigation provided.

8.433 Cumulatively, the impacts of the proposal on all other existing NSIPS and strategic sites need to be considered with further consideration given to the following:

- Essex residents and businesses;
- Mitigation of traffic impacts at sensitive junction locations on the wider network;
- Mitigation of construction routes on sensitive receptors;
- Measures to reduce localised impacts associated with construction workers and construction traffic;
- The design and monitoring of the traffic management in the relatively long-term situations.

Design

Relevant Policies

Adopted and Submission Chelmsford Local Plan

8.434 Policy DM23 –Inclusive and High Quality Design applies.

8.435 The policy has been retained and amended in accordance with the NPPF and forms part of the Submission Local Plan, with new Policy S14 relating to Health and Wellbeing being applicable to this proposal.

Consideration and adequacy of the DCO

8.436 The Planning Act 2008 requires the Secretary of State to have regard in determining applications for development consent to the desirability of good design. Advice in NPS EN1 Section 4.7 seeks applicants to consider the criteria for good design at an early stage when developing projects. Achieving good design requires a holistic approach to deliver high quality, sustainable infrastructure that responds to place and takes account of often complex environments. CCC draws upon paragraph 4.7.4 of the NPS EN1 which considers how good design can mitigate the adverse impacts of a project and continues to encourage the Applicant to consider all opportunities to reduce the impact of the project on the communities and environment of the administrative area of Chelmsford.

8.437 CCC recognises within Part 2.4, 'Consideration of good design for energy infrastructure' of NPS ENS the "functional design constraints of safety and security" may "limit an applicant's ability to influence the aesthetic appearance of that infrastructure". Given the scale of the project, CCC considers that design should feature as a key matter in the Examination.

8.438 In isolation and cumulatively, the pylons and overhead lines have locally significant effects on the wider visual amenities of the area. An opportunity exists to ensure the appearance of any substantial structures across the proposal are appropriate for the locations through innovative design and approach to external appearance. This is particularly relevant to Great Waltham and Little Waltham where the introduction of T pylons could help to offset some concerns. The approach would be consistent with Para 4.7.6 of NPS EN1 where it states:

"Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform, and vegetation."

8.439 Good design outcomes should have positive effects on the character of a place and delivery of public benefits and NGET should be aiming to ensure that this is achieved across the scheme. CCC considers that there is an opportunity to be innovative in the approach to design while ensuring the infrastructure remains safe and secure. NGET must follow a good design process to ensuring that the infrastructure proposed remains functional while realising the best local design outcomes

Cumulative Effects

Relevant Policies

Adopted and Submission Chelmsford Local Plan

8.440 In relation to cumulative effects, due to the broad nature of this subject, many of the policies listed within above apply. Of particular relevance are the following policies.

8.441 Policies S3 – Conserving and Enhancing the Historic Environment and S4 - Conserving and Enhancing the Natural Environment of the Adopted Chelmsford Local Plan apply. These seek to protect the historic environment and the countryside from harmful development and set out the circumstances where development may be granted.

8.442 DM6 – New Buildings and Structures in the Green Belt, DM7 – New Buildings and Structures in the Green Wedge, DM8 - New Buildings and Structures in the Rural Area and DM10 – Change of Use (Land and Buildings) and engineering operations seek to protect the openness of the Green Belt from inappropriate development and character and appearance of the countryside and Green Wedge. They also set out the circumstances where new buildings / change of use or engineering operations may be granted.

8.443 Policies DM13 – Designated Heritage Assets and DM14 – Non Designated Heritage Assets apply to designated and non-designated heritage assets and DM15 relates to archaeology. The policies seek to protect heritage assets from harm and set out the circumstances where development affecting these features will be granted.

8.444 Policies DM16 – Ecology and Biodiversity and DM17 - Trees, Woodland and Landscape features seek to protect these features from adverse impacts and effects and set out the circumstances where development may be granted.

8.445 Policy DM23- High Quality and Inclusive design, DM29 – Protecting Living conditions and Policy DM30 Contamination also apply These seek to ensure that development proposals are well designed and

safeguard the living environment of any nearby residential properties, ensure that the proposal is compatible with neighbouring or existing sites within the vicinity of the site and do not cause contamination.

8.446 On policy S4, - Conserving and Enhancing the Natural Environment, it is noted that BNG is now statutory. Policies DM6, DM10 and DM11 contains no reference to the Grey Belt but remains consistent with the NPPF. On Policy DM16 – Ecology and Woodland, BNG is now statutory.

8.447 The policies have been retained and amended in accordance with the NPPF and form part of the Submission Local Plan, with new Policy S14 relating to Health and Wellbeing being applicable to this proposal.

Consideration and Adequacy of the DCO

8.448 There are several developments within the area that may be affected by the proposals. These include, but are not limited to, the Longfield Solar Farm Development Consent Order – new solar array creating 500 MW of energy, the Countryside Zest (Beaulieu Park) LLP – Garden Community and the Lower Thames Crossing Nationally Significant Infrastructure Proposal (NSIP). The greatest effects would be felt during the construction of the development.

8.449 The proposal has potential to give rise to intra-project cumulative effects, and these will need to be considered for all receptors, especially with regard to agriculture and soil, ecology and historic receptors which have not been considered further. Other receptors include ecology, highways, landscape and visual and noise for example.

Ecology

8.450 Paragraph 17.5.39 of Chapter 17 – Cumulative Effects Ecology and Biodiversity states that based on the data available on other developments it was determined that inter-project cumulative effects on ecology and biodiversity receptors within the areas surrounding the Project would be not significant during both construction and operation (and maintenance). This is either due to the distance of the proposal to other development, or due to a lack of notable ecological receptors/lack of connectivity for any protected species to reach the Project, or because of different habitats being affected within the Zone of Influence of other developments.

8.451 It is considered that the embedded mitigation of the project route has very largely avoided a potential for significant impacts on any designated sites.

8.452 The construction phase is expected to have primarily temporary impacts. After the construction of the pylons, overhead lines, and underground cable sections, those areas are anticipated to be restored back to similar, if not equivalent, natural habitats (although bearing in mind a currently limited habitat establishment commitment and on-going vegetation height management requirements).

8.453 The operational stage of the project has very few and limited potential ecological impact pathways.

8.454 The Norwich to Tilbury project as a whole has significant ecological impact potential owing to its scale – a 180km electricity transmission route plus compounds and construction infrastructure. However, where a lesser component section of the project may share a zone of influence with another development proposal, that section alone would be expected to have a much lower impact potential.

Landscape and Visual

8.455 A large number of significant Intra project landscape and visual effects associated with the Project have been identified, as reported in Chapter 13: Landscape and Visual (document reference 6.13). Based on the data available on the other developments, the assessment identified 47 shortlisted other development with the potential to contribute to significant inter-project effects on landscape and visual receptors during construction, and 34 during operation (and maintenance).

8.456 These other developments have the potential to contribute to major and significant inter-project effects on Landscape Character Types (LCT) or Visual Receptors Areas (VRA). Despite this, para 17.5.58 states 'No additional mitigation measures beyond those proposed in Chapter 13: Landscape and Visual (Ref 6.13) have been identified'. Whilst it is agreed that it is not practicable to mitigate these due to scale of the works and the height of the pylons, significant compensation should be secured to mitigate against this impact.

8.457 The proposal would lead to a large number of significant landscape and visual effects during both construction and operation. Whilst it may not be practicable to mitigate these due to scale of the works and the height of the pylons, significant compensation in the form of a funding package should be secured under a side agreement in partnership with the relevant authorities and environmental partners should be provided.

8.458 Significant cumulative effects at the Construction stage are identified on Pedestrians, Cyclists and Horse Riders in many Visual Receptor Areas (VRAs) and yet paragraph 17.4.21 identifies '... no additional mitigation measures were identified in addition to those already identified within the environmental topic assessments' (Our underlining). The decision-making assumptions that gave rise to these conclusions need clarifying.

8.459 Paragraph 17.4.18 identifies that 'No effects on common receptors during the operation (and maintenance) phase of the Project have been identified which could give rise to intra-project cumulative effects and are therefore not considered further.' This is queried in relation to Agricultural and soil receptors, Landscape, Ecology and Historic receptors.

Archaeology

8.460 There are a number of developments which are proposed, or under construction across Essex (in particular, within the Tendring Peninsula, Thurrock and other Nationally Significant Infrastructure Projects (NSIPs) schemes dependant on Norwich to Tilbury) which have potential to have cumulative effects on archaeology due to the scale and nature of the development.

8.461 Cumulative effects of the development are split by the application into two categories: intra-project and inter-project. Archaeological remains are not considered potential receptors to give rise to intra-project cumulative effects.

8.462 Inter-project cumulative effects are those which are resultant of the combination of the Norwich to Tilbury project and other existing projects. Effects to non-designated heritage assets/archaeological remains have been identified for the Project and separately for other developments and are listed in Table A17.3.1 in Document 6.17.A3 Environmental Statement Appendix 17.3 - Inter-Project Cumulative Effects (APP 284).

8.463 No significant inter-project cumulative effects have been identified for archaeological remains as part of the assessment. The reasoning for this is expanded in Section 17.5.52 (APP-281) which states: "While there would be overlap of the Order Limits for other developments and the Project, effects to archaeology would only occur once by whichever construction would take place first. These effects would be mitigated as appropriate and agreed with the LPA (such as through excavation, recording, and publication). Any affected archaeology would be removed as a result of the mitigation/construction and therefore the inter-project effects for construction and operation (and maintenance) would be negligible and not significant."

8.464 This statement is incorrect as the cumulative effects would be derived from the increase in land take across the combined Order Limits of both or more projects and not from overlap. For example, in Tendring District a separate substation is planned to be erected adjacent to the substations required for both Five Estuaries and North Falls Offshore Windfarms and not within the same parcels of land.

8.465 Similarly, the Lower Thames Crossing within Thurrock District will result in a significant impact on archaeological remains that would be increased by the groundworks required for the construction of a substation for Norwich to Tilbury as well as pylon bases and associated infrastructure.

8.466 The cumulative impact of the project would be because of the increase in the total area of land take and not overlap, and therefore the scale of potential archaeological remains which could be lost as a result of the mitigation / construction is increased. Archaeological remains are a finite and non-renewable resource. This cumulative impact may not be determined as significant through the process of the assessment but should be considered an adverse effect of the project wherever they are removed. As the nature of the archaeological remains that may be affected is currently unknown the impact and significance cannot be determined effectively through this form of assessment. While mitigation by record may reduce the cumulative impact in EIA terms, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted (NPPF, 2004 Paragraph 218).

Noise, Health and Wellbeing

8.467 CCC is particularly concerned regarding the cumulative noise and construction impacts arising from these developments. Cumulatively taken all together the proposal has potential to lead to significant adverse effects. It is crucial that residents get regular breaks, and the proposed development is well managed, controlled and integrated within existing permitted development schemes. Reasonable hours of work and good construction traffic management are one of the key measures to reduce impact.

Other Impacts

8.468 Cumulatively there is concern that should the DCO be granted, it would coincide with the construction of the Lower Thames Crossing. Although the anticipation is that there would be only 10% of local labour, there would be high demand across the area. Subject to season, those staying in local accommodation, could use vital bed space to which CCC is extremely short of.

8.469 Cumulatively, the impacts of the proposal on all other existing NSIPS and strategic sites need to be considered with further consideration given to the following:

- Essex residents and businesses;
- Mitigation of traffic impacts at sensitive junction locations on the wider network;
- Mitigation of construction routes on sensitive receptors;
- Measures to reduce localised impacts associated with construction workers and construction traffic;
- The design and monitoring of the traffic management in the relatively long-term situations.

Other Matters

Agriculture and Soils

Adopted and Submission Chelmsford Local Plan

8.470 Policy DM19 of the Chelmsford Local Plan applies. This states that planning permission will be granted for renewable or low carbon energy developments provided they can iii) can demonstrate no adverse

effect on the natural environment including designated sites. Policy S4- Conserving and enhancing the Natural Environment, of the Chelmsford Local Plan states that the Council will seek to minimise the loss of best and most versatile agricultural land (grades 1, 2 and 3a) to major development.

Consideration and Adequacy of the DCO

8.471 CCC defers to Essex County Council Minerals and Waste planning in respect of impact upon soils. The construction of the proposal will raise operational waste management and disposal issues and consideration would need to be given at Requirements stage within a Site Waste / Materials Management Plan.

8.472 In relation to agriculture, CCC's main concern is the loss of Best and Most Versatile agricultural land and disruption of agricultural activities as a consequence of the loss of agricultural land.

8.473 The NPPF at paragraph 187 (b) states that planning policies and decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land.

8.474 Annex 2: Glossary of the NPPF defines Best and Most Versatile (BMV) agricultural land as land in Grade's 1, 2 and 3a of the Agricultural Land Classification.

8.475 NGET has undertaken Agricultural Land Surveying, but noted that only 1011 ha, representing 54% of the proposed survey areas within the Order limits. Predictive and desk based surveying has been undertaken for the remaining areas. this has taken place at the provisional level. There has been no differentiation between Agricultural Land Grade 3, where 3a is classified as Best and Most Versatile agricultural land.

8.476 In Chelmsford, table 6.8 Provisionally mapped BMV land across the Project of Chapter 6 – indicates that all of the 392 hectares of land that form part of the project, fall within Grades 1, 2 and 3 land (ha).

8.477 For section F, Chelmsford where detailed Agricultural mapping has taken place, 100.6 ha (26%) would be Grade two, 249.2ha (64%) would be Grade 3a and 42.3 ha (10%) Grade 3b. In section G, Chelmsford District, Brentwood District and Basildon District, 6.6 (2%) would be Grade 1, 10.2 ha (4%) would be Grade two, 62.9ha (23%) would be Grade 3a, 79.7 ha (29%) Grade 3b and 16.5 (6%) would be non agricultural.

8.478 The proposal would require the removal of agricultural land and soil during the construction phase, where there would be disturbance to soils from the construction of temporary access and haul roads temporary construction compounds and laydown areas. Soil stripping would be required for working areas relating to pylon construction and for the permanent foundation of pylons and substations. The proposal would lead to a temporary adverse effect which would be of major significance.

8.479 During operation, over the entire project route, the pylon foundations would lead to the loss of 4.5 hectares of Grade 1, 2 and 3a (BMV) and the permanent access routes 135.5 hectares.

8.480 Effects upon land would be mitigated through Embedded and Standard Mitigation and an Outline Code of Construction Practice (OCOCP) has been prepared to set out how the land would be managed. This would be supported by an Outline Soil Resource Management Plan (SRMP) .

8.481 Where practicable, the proposal seeks to return land to its former condition, with proposals to ensure the protection and conservation of soil resources on site and management of traffic.

8.482 The loss of BMV land is significant and weighs against the proposals as National and Local Planning policies seek to protect this finite resource.

8.483 Yet many of the effects would be at construction stage and mitigation measures within the OCOPC and SRM would ensure the protection and conservation of soil resources on site during operation during the operation of the development. Chelmsford City Council does not therefore, object to the loss of agricultural land in principle.

Contaminated Land, Geology and Hydrogeology

8.484 CCC defers to Essex County Council Local Lead Flood Authority (LLFA), Highways Authority and the Environment Agency in respect of these matters.

8.485 Any effects and harm arising from contamination during both the construction and operational effects of the proposal would need to be appropriately mitigated in accordance with the relevant legislation.

Hydrology, Land Drainage and Flood Risk

8.486 CCC defers to Essex County Council Local Lead Flood Authority (LLFA), Highways Authority and the Environment Agency in respect of these matters. Effects upon water courses and drainage may lead in indirect effects upon ecology, flora and fauna (including trees) agriculture and soils and residential amenity such that a holistic approach regarding the appliance of mitigation.

9. Community Benefits and Compensation

- 9.1 The proposal would have clear and extensive residual impacts arising that would adversely affect the local economy and environment, as well as the health and wellbeing of communities in Chelmsford, and which cannot be sufficiently mitigated or compensated through the planning regime. CCC contends that while the Norwich to Tilbury Project will deliver significant benefits at a national level, this will not offset the harm at the local level. This is unacceptable to CCC and CCC objects to the lack of appropriate mitigation and compensation.
- 9.2 CCC recognise the timing for the project is driven by the need for capacity in the transmission system by 2030. Yet it is CCC's view that such benefit should not and cannot be secured at the expense of Chelmsford's local communities, landscapes and environments that would be affected by the proposal.
- 9.3 As identified in the preceding paragraphs above, the proposal would introduce vast incongruous features of industrial character into a rural landscape, which would have harmfully impact upon the landscape, historic environment and amenities of the communities within which they would sit. The pylons and overhead lines would be visually noticeable and prominent. Many of the effects cannot be mitigated against due to the height and scale of the proposal and would be permanent.
- 9.4 CCC consider that reasonable compensation and benefits to the wider area including a Community Benefit Fund, Skills and Employment funds, environmental and landscape enhancement and funding for heritage. Although separate to planning, affected residents should be appropriately compensated.
- 9.5 CCC will continue to productively and constructively engage with NGET to secure acceptable mitigation and compensation for all impacts, should the application for Development Consent Order be granted.

10. Draft Development Consent Order

- 10.1 Applicants are encouraged to engage in discussions on draft documents ahead of submission, to resolve matters where possible. CCC recognises in line with Nationally Significant Infrastructure Projects: Advice for Local Authorities as published by Planning Inspectorate on 8 August 2024, (updated 16 December 2024), there is a responsibility on the local authority to “Consider the applicant’s draft Development Consent Order (DCO), including requirements”.
- 10.2 Despite repeated attempts to engage with NGET regarding the content and form of the draft DCO, regrettably the details of the draft Development Consent Order were not shared with CCC in advance of the submission.
- 10.3 NGET offered CCC an opportunity to review some elements of the draft DCO ahead of submission, but it is particularly disappointing that NGET have failed to discuss the timescales and procedures in respect of the requirements at pre-application stage. CCC have local knowledge and practical experience of discharging these on other NSIPs.
- 10.4 While CCC acknowledges that the drafting of the DCO follows the structure and content of previously approved DCO’s, drawing on from practical experience from their implementation and interaction with standard internal procedures, it is considered both necessary and sensible to recognise the value of local experience and knowledge, and move away from some precedents, where they facilitate the approval and implementation of the project.
- 10.5 There are several parts of the draft DCO which remain of considerable concern and CCC would ask the ExA to carefully consider commentary in respect of the draft DCO and ensure appropriate consideration is given to the draft DCO through the Examination.
- 10.6 CCC is particularly keen to ensure that the proposed ‘requirements’ are both workable, achievable and deliverable. The current requirements propose a timescale of 28 days from first registration to decision. Timeframes set out in the DCO must be sufficient for CCC to consider, engage with stakeholders and respond to such applications submitted to it, as well as affording applicants time to feedback and respond to any further comments made.
- 10.7 Further consideration should be given to how the processes and timescales are set out in various parts of the Development Consent Order and their effect on the ability to fully consider and discharge requirements.
- 10.8 For consistency within the dDCO, there are a number of definitions and drafting points to be addressed (such as the use of ‘business day,’ ‘working day’ and ‘day’ interchangeably).
- 10.9 The draft requirements require further discussion both in terms of their scope, and current detail. This includes those relating to construction hours, piling and potential noisy works. CCC is seeking to ensure communities have appropriate periods of respite from noisy and invasive construction activities.
- 10.10 In Great Waltham and Little Waltham, the Limits of Deviation make provision to increase the height of the lower height pylons TB140 – TB142 to full height pylons. The requirement, as currently worded, enables alteration to the height of these pylons, but is silent on the horizontal limits of deviation which are referred to in the works plans. Should this change be implemented, and full height pylons installed post consent, the requirement as it stands makes no reference to publicise the alteration and inform the Local Planning Authority and the host communities of the change.
- 10.11 An additional requirement or appropriate mechanism should be provided to enable consultation and notification of any alteration to the height and location of the lower height pylons.
- 10.12 Archaeological mitigation measures are secured through proposed requirement 5 in the Draft DCO. Should the proposal be granted based on the current levels of evaluation, any requirement should

explicitly allow for a separate evaluation stage of archaeological work, before securing a detailed investigation stage as mitigation.

10.13 The Requirement wording for Archaeology (Requirement 5) (APP-056) does not currently take into account the post-consent programme of archaeological trenching required, or secure timescales for delivery of the Post-Excavation Assessments. It is suggested that article 5(4) is replaced with the wording below and an additional point, 5(5), is included. This will give clarity for sign-off (our proposed condition 5(4)) and also provide reassurance of a robust mechanism for securing both the field and post-excavation works

"5 (4) Intrusive site preparation works must not take place until an archaeological or geoarchaeological written scheme(s) of investigation in accordance with the outline written scheme(s) of investigation as appropriate has been submitted to and approved by the discharging authority in consultation with Historic England. The archaeological or geoarchaeological written scheme(s) of investigation required under this sub-paragraph must be implemented as approved.

5 (5) Unless otherwise agreed with the local planning authority.

- (a) No later than one year following the completion of the fieldwork specified in each site-specific written scheme of investigation, a site-specific post excavation assessment (PXA) for that site must be completed in accordance with the Written Scheme of Investigation and submitted to the local planning authority for approval.
- (b) No later than one year following the approval of the final site-specific post excavation assessment, an archaeological updated project design for all applicable sites, must be submitted to the local planning authority for approval. The archaeological updated project design must be produced in general accordance with the detailed Written Scheme of Investigation for each stage, include details of the scope of post-excavation analysis and publication and have regard to the site-specific research agendas set out in the site-specific written schemes of investigation.
- (c) Post-excavation analysis and publication must be carried out in accordance with the approved archaeological updated project design and provision made for the full archive to be submitted to the appropriate museum.

10.14 A post-consent programme of ecological mitigation measures and a BNG delivery plan will both need to be secured through DCO Requirements. The strength of the DCO Requirements in ensuring the delivery of the mitigation measures and BNG plan will be critical to determining what ecological impact the Norwich to Tilbury project ultimately renders (positive or negative) for Essex local authority districts.

11. Conclusions

11.1 This Local Impact Report identifies CCC's main issues and impacts concerns about the proposal and expands where appropriate, on the matters listed in CCC's Relevant Representation.

11.2 The principle of the development and the acceptability of the onshore route comprise the key Local Issue for Chelmsford City Council.

11.3 Chelmsford City Council (CCC) declared a Climate and Ecological Emergency (CEE) in 2019. CCC supports the transition towards a low or zero carbon economy to address the impact of climate change and improve sustainability. This includes renewable energy production where this can be appropriately located and suitably mitigated.

11.4 CCC recognises the rapidly growing need for electricity as the climate emergency requires us to help support the replacement of fossil fuels such as oil and gas as soon as possible. This does not mean however, that all proposals which may assist in reducing climate change should be approved at any cost.

11.5 CCC objects to the Norwich to Tilbury pylon proposal. The objection is based on the following grounds:

- I) The preferred strategic option for Norwich to Tilbury remains an integrated offshore technology that minimises onshore transmission infrastructure and does not include overhead lines and pylons.
- II) CCC recognises that this option would need to be delivered at pace and without risk to national net zero, renewable energy and decarbonisation targets, and energy security.
- III) CCC consider that the presence of overhead lines and approximately 40m - 50m high pylons would be visually harmful and would result in unnecessary harm to heritage, landscape, ecology and residential amenity across the Chelmsford City Council administrative area.

11.6 CCC is supportive of well-developed, well-designed, and coordinated projects that enable the goal of Net Zero and the interim targets, as set out in the revised National Policy Statements (NPS's). CCC consider this this cannot occur at the expense of Chelmsford's natural environment, landscapes and communities that would be affected by the proposal.

11.7 CCC recognise the benefit Norwich to Tilbury would deliver by helping to reinforce the National Grid, thereby facilitating the UK Government meeting its renewable energy targets. CCC accepts that network reinforcement is needed to accommodate the expected growth in demand for electricity and the additional contracted / planned electricity generation in East Anglia.

11.8 CCC acknowledge that enhanced transmission infrastructure will play a central role in tackling climate change and in meeting Government targets in the lead up to net-zero by 2050. However, the shift towards the delivery of low carbon will only be successfully achieved if developments such as Norwich to Tilbury are permitted having first taken into account the very real impacts they would have upon the natural environment, landscapes and local communities that they would be sited within.

11.9 CCC recognise the timing for the project is driven by the need for capacity in the transmission system by 2030. Yet it is CCC's view that such benefit should not and cannot be secured at the expense of Chelmsford's local communities, landscapes and environments that would be affected by the proposal.

11.10 The proposal would introduce vast incongruous features of industrial character into a rural landscape, which would harmfully impact upon the landscape and historic environment. The pylons and overhead lines would be visually noticeable and prominent. Many of the effects cannot be mitigated against due to the height and scale of the proposal and would be permanent.

11.11 The proposal would have a very clear detrimental impact upon the Chelmsford City Council administration area. CCC is extremely disappointed at the lack of appropriate mitigation and compensation proposed.

11.12 The principle of development is unacceptable.

11.13 The proposal, as inappropriate development, would by definition be harmful to the Green Belt. It would result in encroachment and moderate harm to the openness of the Green Belt in both visual and spatial terms. The very special circumstances put forward by NGET would need to be considered alongside any other identified harm arising from the scheme, acknowledging that the proposal is inappropriate development.

11.14 The proposal would irreversibly destroy the unique and irreplaceable historic environment within Great Waltham and Little Waltham. Whilst some of the harm identified is at the low level, cumulatively there would be an extensive impact. The proposed mitigation proposed does not adequately limit the harm on the historic environment, the sensitive landscape, ecology and residents that reside within it. CCC object to the proposal due to lack of sufficient mitigation and appropriate compensation.

11.15 The lower height pylons would reduce the extent of visibility from Grade I listed Langley's house and its immediate gardens. Yet the wider stance and heavier frame of the lower height pylons would have a greater visual presence in the context of the southern part of Great Waltham Conservation Area and the designated and non-designated heritage assets in this area. Cumulatively the greater harm to the other heritage assets and on landscape mean that the proposed mitigation strategy is inadequate.

11.16 The Limits of Deviation include flexibility for three of the low (c.40m) height pylons at TB140-TB142 to be increased in height by up to 18m to 58 metres. This flexibility offers the opportunity to reduce the three pylons to two full height pylons, moving TB141 further away from the edge of Great Waltham Conservation Area and the non-designated heritage asset Windmill House. The introduction of full height pylons and the omission of one pylon could potentially reduce the level of heritage harm and CCC request that the matter is explored further, with visualisations and plans provided for further assessment.

11.17 The ecological impact assessments have a heavy reliance on either the quality execution of surveys to be completed post DCO consent and/or the proper implementation of mitigation measures across a very large construction works area and throughout an extended construction period.

11.18 The ES chapter generally provides an appropriate assessment of likely impacts on the identified ecological receptors. This includes for both statutory and non-statutory designated sites, habitats, and protected and Priority species.

11.19 Of specific concern is the approach undertaken in respect of the tree bat roost surveys where additional survey work is required. Impacts on protected species need to be assessed with reasonable confidence and the proposed mitigation considered appropriate, prior to determination to support a lawful decision. The absence of effective post-mitigation licence monitoring makes it highly uncertain to reasonably anticipate when a mitigation proposal is likely to succeed.

11.20 NGET have proposed a Biodiversity Net Gain scheme. Details remain unresolved regarding where off-site habitat creation would be sited and whom would be responsible for management and monitoring and need to be resolved.

11.21 The proposed loss to trees and woodland has not been appropriately justified or mitigated. A draft Arboricultural Method Statement should be produced to demonstrate what mitigation is required to appropriately protect retained trees. Appropriate arboricultural justification for any losses and/or impacts would need to be compensated for. Direct and indirect impacts that would lead to damage or loss of ancient woodland habitat or veteran trees must be avoided. There is no appropriate mitigation for the loss of irreplaceable habitats.

11.22 Visually, the siting of pylons close to residential properties would have a harmful and unacceptable impact upon the occupant's amenities, both visually and spatially, where the pylons would have an overbearing and dominant impact upon the properties. It is noted that a number of properties are sited less than 200 metres away from the proposed pylons and overhead lines and would be noticeable and potentially overbearing.

11.23 The proposed hours of 07:00 to 19:00 Monday – Fridays and 07:00 am to 17:00 over weekends/holiday raise concern due to the lack of respite from noise for residents. These hours of working are not accepted by CCC.

11.24 The ES concludes that no additional mitigation is required beyond embedded measures and proposes no health and wellbeing monitoring. Given the scale and duration of construction and the socio economic characteristics of affected communities (see below), CCC recommends consideration of establishing of a Health and Wellbeing Monitoring Framework to promote best practice. This Framework should include baseline data on active travel, access to green space, amenity satisfaction and mental wellbeing; define clear indicators and reporting intervals; and be co-developed with local communities.

11.25 CCC has a rich cultural heritage. Generally, the detailed heritage assessment work and the clear and concise way that it is presented within the supporting evidence is welcomed. All relevant designated heritage assets within the 2km and 3km zones are identified. The methodology for assessment is supported.

11.26 In spite of this, the proposal underestimates the impacts on many designated heritage assets, with additional impacts identified by CCC. There are areas with permanent significant impacts are identified at Balls Farm, Great Waltham (1305428), Langley's Registered Park and Garden (1000241), Southwoods Farm, Writtle (*1237420 and 1237421*), Margaretting Hall (1152104), the Church of St Mary, Stock (listed grade II*, 1264434) and White's Tyrells Farmhouse, Stock (1236733). No additional mitigation is proposed, but it is essential.

11.27 The greatest impacts are at the section of route between Little Waltham and Great Waltham, near to Langley's and its Registered Park and Garden, where the harm to the Great Waltham and Little Waltham Conservation Areas is underestimated, resulting in moderate effects, which are significant.

11.28 The additional harm identified, together with the other harms mean that there would be a considerable impact on the historic environment which should be fully considered and are matters of great weight and importance.

11.29 The proposal would lead to construction impacts that would involve the considerable removal of trees, hedgerows and planting. Their removal would have a noticeable impact upon setting. Whilst in theory, replacement mitigation replanting could limit this impact, in practice, it would take many years to mature to a level where the pre-existing conditions would be reinstated. The effect would not be experienced by residents within the area as a temporary loss of planting. Maintenance and operation corridors would also involve considerable removal trees, hedgerows and vegetation permanently. The low height pylons to the Great Waltham/Little Waltham gap would need to be wider than the standard height pylons.

11.30 Landscape screening has been discounted as a means of mitigation. In certain circumstances, screening is beneficial in reducing the harm caused by the intrusion of the pylons and associated works. This may include tree planting, hedge planting or infilling, reinstatement of historic field boundaries or woodland planting. Where mitigation involves replacement of vegetation, hedgerows, walls and earthworks this should be consultation with the LPA on the detail for these works.

11.31 The mitigation proposed is wholly inadequate.

11.32 The application is supported by a suitable level of archaeological desk-based research. Despite the adequacy of desk-based research, the level of information submitted with the application fails to provide sufficient information on the nature, extent and significance of heritage assets in order to determine the impact on archaeological remains by the proposed scheme. The archaeological potential of the proposed scheme area is not understood to the required level, and previously unknown archaeological remains may be present within the proposed scheme area. A high percentage of the land within the scheme remains under investigated and therefore the risk of encountering high value heritage assets remains a significant risk.

11.33 The development would potentially result in a direct permanent and harmful change to a range of non-designated heritage assets. This would be a significant effect. Further information and documents are required to establish an appropriate programme of evaluation and mitigation for archaeology and geoarchaeology. This information is necessary to fully inform the decision-making process, and the planning balance as set out in the relevant policies.

11.34 The proposal would introduce predominantly 50 metre high lattice pylons and associated infrastructure into an undeveloped, rural landscape where intervisibility can be quite high due to the large scale flat or gently undulating landscapes or where the scale of the pylons and overhead wires means the effect is an industrialisation of the countryside.

11.35 In respect of the approach to the Landscape and Visual Impact Assessment (LVIA), CCC has concerns regarding several aspects of the methodology, particularly in the approach to landscape value and value of the view, as well as a downplaying of the significance of impacts.

11.36 The proposal would lead to a harmful change in the identified character and appearance of the landscape, which would lead to a change in the character and quality of the landscape. It would lead to harmful visual intrusion, through the siting of high large-scale industrialised features that cannot be fully mitigated against. The proposal would lead to the harmful loss of the character and beauty of the countryside.

11.37 The proposals would have a significant negative landscape impact at both construction and operational stages over the length of the proposal. Where negative effects are judged not to be significant further away from the Project line, the visual character of the landscape and its perceptual nature is likely to combine to significantly negatively affect the landscape over a wide area, reducing scenic beauty and tranquillity, aesthetic enjoyment, a sense of place, history and identity, and inspiration for learning throughout the landscape and visual study area.

11.38 The proposal would have a significant negative visual impact over the length of the Project. As a result of open landscapes, multiple pylons in view and cumulative effects when passing from one visual receptor area to another along the line, it is considered the cumulative effect is likely to result in an overall significant adverse effect generally within the study area at both construction and operation.

11.39 There does not appear to be any compensation offered in relation to the significant residual adverse landscape and visual effects created by the pylons and overhead line along its length. The DCO should not be granted without a substantial funded landscape and visual compensation scheme. This to recognise the long-term significant residual negative and un-mitigatable operational effects on both landscape and visual receptors. The scheme should be alongside but distinct from any proposed community benefits.

11.40 Replacement planting will be provided on a 3:1 basis of trees to be removed within the Order Limits. Environmental net gain has not been provided in relation to compensation for the residual adverse landscape and visual effects of the pylons and overhead line along its length. It is not considered that this proposed replacement / reinstatement planting and provision of BNG compensates for the proposed harm to the landscape. Whilst replacement tree planting is welcomed, it does little to compensate for the permanent significant adverse landscape effects caused by the construction of the pylons, overhead

line and CSE's within the district and does not address any of the significant permanent adverse visual effects that will occur.

11.41 The proposed working hours raise concern due to their extended nature, in particular at weekends and bank holidays. In Chelmsford normal working hours are 08:00 to 13:00 on Saturdays, with no working on Sundays or bank holidays. The proposed hours of 07:00 to 17:00 over all days the weekend/holiday is a significant increase and raises concern due to the lack of respite from noise for residents. These hours of working are not accepted.

11.42 It is essential that NGET genuinely engages with the local communities. It is important to stress that long working hours can have significant adverse effects on people's health and wellbeing. The proposed construction hours are unacceptable.

11.43 There is scope to develop a skills and employment plan and skills fund. Harmful socio-economic and recreational impacts of the proposal must be avoided, including the cumulative impacts of construction.

11.44 The construction effects would be particularly noticeable around Margaretting and Writtle, whose communities experience a high number of events including national events hosted at Hylands House. Detrimental effects on access to events and local businesses, however temporary, would be unacceptable.

11.45 Regard would need to be had to the impact of the proposal upon recreation and tourism, through ensuring that Chelmsford's valued rural landscape remains open and accessible. There is concern regarding the inclusion of Sunday and bank holidays to the core working hours in relation to socio-economic industry and enjoyment of the countryside. The proposed working hours raise concern due to their extended nature, in particular at weekends and bank holidays where residents and users of the countryside would ordinarily expect respite from operations during the weekend.

11.46 The proposal would harmfully impact upon the local highway network and Public Rights of Way (PRoW). The effects would be particularly noticeable during the construction of the development and from the on-going maintenance and operation of the pylons, overhead lines and associated equipment.

11.47 The construction of the development would give rise to a wide range of public health impacts, resulting in harm to the local communities that the proposal would sit. Matters including construction routes, hours of operation, the formation of vehicular accesses, traffic management and associated safety operations would need to be fully considered and mitigated as part of the proposals, with appropriate mitigation provided.

11.48 Impacts upon the local highway network and Public Rights of Way (PRoW), must be appropriately mitigated and compensated for.

11.49 There are several developments within the area that may be affected by the proposals. These include, but are not limited to, the Longfield Solar Farm Development Consent Order – new solar array creating 500 MW of energy, the Countryside zest (Beaulieu Park) LLP – Garden Community and the Lower Thames Crossing Nationally Significant Infrastructure Proposal (NSIP). The greatest effects would be felt during the construction of the development.

11.50 The proposal has potential to give rise to intra-project cumulative effects, and these will need to be considered for all receptors, especially with regard to agriculture and soil, ecology and historic receptors which have not been considered further. Other receptors include ecology, highways, landscape and visual and noise.

11.51 There is particular concern regarding the cumulative noise and construction impacts arising from these developments. Cumulatively taken all together the proposal has potential to lead to significant adverse effects. It is crucial that residents get regular breaks, and the proposed development is well

managed, controlled and integrated within existing permitted development schemes. Reasonable hours of work and good construction traffic management are one of the key measures to reduce impact.

11.52 The application is silent on community benefits and compensation. The proposal would have clear and extensive residual impacts arising that would adversely affect the local economy and environment, as well as the health and wellbeing of communities in Chelmsford, and which cannot be sufficiently mitigated or compensated through the planning regime. It is contended that while the Norwich to Tilbury Project will deliver significant benefits at a national level, this will not offset the harm at the local level. This is unacceptable and an objection is raised to the lack of appropriate mitigation and compensation.

11.53 The proposal would introduce vast incongruous features of industrial character into a rural landscape, which would have harmfully impact upon the landscape, historic environment and amenities of the communities within which they would sit. The pylons and overhead lines would be visually noticeable and prominent. Many of the effects cannot be mitigated against due to the height and scale of the proposal and would be permanent.

11.54 Reasonable compensation and benefits to the wider area including a Community Benefit Fund, Skills and Employment funds, environmental and landscape enhancement and funding for heritage. Although separate to planning, affected residents should be appropriately compensated.

11.55 Should the Development Consent Order be granted, refinement and amendment of the draft Development Consent Order is needed, especially with regard to the deliverability of Requirements.

11.56 CCC continues to productively and constructively engage with (NGET) to secure the best possible outcomes for the local community and environment, including acceptable mitigation and compensation for all impacts; should the application for the Development Consent Order be granted by the Secretary of State.



Chelmsford Policy Board

15 January 2026

Local Lettings Plans

Report by:

Director of Sustainable Communities

Officer Contact:

Paul Gayler, Strategic Housing Services Manager, paul.gayler@chelmsford.gov.uk
Tel: 01245 606375

Purpose

To establish a legally compliant and consistent process for the use of Local Lettings Plans that would enable the Council to make best use of existing and new housing stock whilst still meeting its legal duties to households in housing need, and seek the Board's approval to recommend to Cabinet to approve the document as presented in Appendix 1.

Options

1. Agree to the process, set out in Appendix 1, for creating Local Lettings Plans, and recommend to Cabinet to approve the document as presented in Appendix 1.
2. Amend and agree the process, set out in Appendix 1, for creating Local Lettings Plans, and recommend to Cabinet to approve the document
3. Not approve the process for creating Local Lettings Plans continue the allocation of housing through the existing Allocations Policy.

Recommendations

Recommend that Policy Board agree to the process, set out in Appendix 1, and recommend to Cabinet to approve the document for creating Local Lettings Plans, as this allows the Council to make best use of existing and new housing stock whilst still meeting its legal duties to households in housing need,

1. Background

- 1.1 Part 6 of the Housing Act requires all Local Housing Authorities to have a policy for the allocation of social housing which takes into account its legal duties to those who are homeless and in most urgent housing need. The Council should not allocate any homes outside of this policy.
- 1.2 The prevailing principle of any allocation policy is that applicants are given priority according to their need with reasonable preference being awarded to those who are homeless. Where applicants have the same level of priority consideration is then given to those at this level who have been waiting the longest, i.e. having the earliest 'effective date' when they were awarded this level of priority.
- 1.3 Generally this is accepted as being a fair and reasonable way to balance the need for housing with supply. In 'exceptional circumstances' the policy allows for the Council's Strategic Housing Services Manager to agree to an allocation to be made otherwise in accordance with the policy, ensuring that there is flexibility when needed to avoid any unintended consequences but this is restricted to individual cases and inevitably rarely used.
- 1.4 Whilst an allocations policy manages the needs of applicants, there can be times when housing authorities and social landlords also need to consider how best to manage some of the local housing stock. Most households in housing need will require homes that are intended for what is usually described as general needs but there can be times when local circumstances may justify some additional criteria to be applied and therefore the use of a Local Lettings Plan.
- 1.5 As the title suggests, Local Lettings Plans do not apply to all of the properties in the local authority's area but should be restricted to a particular locality based on either the needs of that particular area or the need for a particular type of property that is unique to, or rarely available outside of a particular location.

2. Examples of Local Lettings Plans

- 2.1 The value of being able to deploy a Local Lettings Plan lies with its flexibility to respond to very local and sometimes temporary issues. For this reason it is

inadvisable to be too prescriptive as to the detail of any future such plan but some examples below may help to demonstrate their use and benefit.

- 2.2 Addressing anti-social behaviour: when there has been an identified problem, for example in high density housing or a particular part of an estate, a local lettings plan may be helpful in achieving a better balance of households to dilute and help with the management of this problem
- 2.3 Regeneration and redevelopment of an area: when existing tenants need to leave their homes as part of a redevelopment of an area, some may need to remain as close to local services and support and a local lettings plan can enable them to move to homes in the same area reducing delay in plans to develop new homes
- 2.4 Making best use of existing housing stock: there may be a concentration of a particular type of homes in a certain location that if allocated otherwise than in accordance with the existing policy could create better outcomes, for example level access properties or bungalows that could meet the needs of existing tenants with lower priority but then make available larger homes that would not otherwise become available for homeless families. In a similar way, some homes
- 2.5 These are only simplistic examples, it is important that the prevailing way of allocating homes is always through the existing allocations policy of the housing authority with plans and strategies aligned to ensure current and future supply responds to the overall and most urgent housing needs of the district. For this reason a Local Lettings Plan should always be seen as something that is adopted as a temporary measure.

3. Process for Local Lettings Plans

- 3.1 For the reasons outlined above it is difficult to predict when a Local Letting Plan will be needed or the situation it is intended to resolve but it is important that the Council has a process to ensure that this would be legally compliant and not unreasonably disadvantage Housing Register applicants.

- 3.2 Adopting a process which has the oversight of the Director in consultation with the relevant Portfolio Holder achieves the optimum balance between oversight and expediency. This also enables any proposed plan to be amended or rejected if it then transpires that the aims or outcomes of a plan would be ineffective or counterproductive.
- 3.3 For a proposed plan to be approved it must also have limited duration to avoid general needs housing becoming restricted to a limited use that could eventually restrict the Council's ability to meet the wider needs of the majority of the Housing Register's applicants.
- 3.4 Appendix 1 details the process to be followed when creating a Local Lettings Plan.

4. Conclusion

- 4.1 A Local Lettings Plan allows a local housing authority to respond flexibly to very local and temporary issues such as anti-social behaviour, management of tenants during regeneration, and maximisation of housing stock.
- 4.2 Due to Local Lettings Plans allowing allocation outside of the Council's Allocations Policy they need to be restricted to a particular locality based on either the needs of that particular area or the need for a particular type of property that is unique to, or rarely available outside of a particular location.
- 4.3 It is difficult to predict when a Local Letting Plan will be needed or the situation it is intended to resolve but it is important that the Council has a process to ensure that this would be legally compliant and not unreasonably disadvantage Housing Register applicants. Therefore, it is proposed to adopt a process that achieves the optimum balance between oversight and expediency.

List of appendices:

None

Background papers:

None

Corporate Implications

Legal/Constitutional: Establishing a process for the use of Local Lettings Plans ensures the Council exercises any discretion for the

allocation of housing in a responsible and accountable manner.

Financial: Use of a Local Lettings Plan can make best use of housing stock reducing financial cost to the Council

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: Adoption of a Local Lettings Plan can be useful in responding to short-term risks

Equality and Diversity: Local Lettings Plans will be subject to an equality and diversity impact assessment at the time they are drafted.

Health and Safety: None

Digital: None

Other: None

Consultees:

None for the proposal to adopt a process, but the implementation of a Local Lettings Plan would involve consultation and agreement with the relevant Registered Provider

Relevant Policies and Strategies:

Chelmsford City Council's Housing Allocation Policy

Chelmsford City Council's Housing Strategy and Homelessness Strategies

Appendix 1

Operation of Process for Local Lettings Plans

Whilst the concept is simple, ensuring the outcomes are achieved in a way that doesn't create an unfair advantage or disadvantage between applicants to whom the Council has a legal duty to accommodate can become quite complex. For this reason a degree of flexibility is often necessary taking into account the personal requirements of all applicants who may be affected along with the cooperation of their landlords.

Key steps:

- 1) Identify opportunity to improve supply or address problematic issues, e.g. chain lettings, respond to unmet need, anti-social behaviour.
- 2) Consult with Registered Provider on feasibility of a lettings plan.
- 3) Identify existing applicants who would benefit from a lettings plan and those who would otherwise be in priority for the allocation of these homes.
- 4) Identify alternate options for any applicants who would be excluded by the proposed plan if implemented.
- 5) Assess impact of a proposed plan – ensuring no applicants are unreasonably disadvantaged and compliance with Equalities Act.
- 6) Confirm with Registered Provider and where relevant any other Registered Providers or other landlords who may be involved.
- 7) Prepare a report for approval by Director of Sustainable Communities in consultation with the Cabinet Member for a Fairer Chelmsford, which includes information on:
 - Need for local lettings plan
 - Impact of proposed plan including EQIA
 - Period plan will operate for
 - Date for reviewing operation of plan – outcomes
- 8) In cases where plans are approved, work with Registered Provider on agreeing whether homes will be advertised or allocated as a transfer including those which are released or needed as an alternative option for those who would otherwise be entitled to those with pre-existing priority.
- 9) Identify applicants who will be allocated homes in the local letting plan including possible substitutes.
- 10) Identify applicants for other homes where relevant.

- 11) Conduct preliminary allocation of homes and confirm with Director and Portfolio holder on implementation of local lettings plan or where necessary any amendments.
- 12) Implement local lettings plan and review outcomes.
- 13) End local lettings plan with formal notification to Registered Provider or agree time limited extension with approval from Director in consultation with Cabinet Member.



Chelmsford Policy Board

15 January 2026

Chelmsford Local Plan – Draft Planning Obligations Supplementary Planning Document

Report by:

Director of Sustainable Communities

Officer Contacts:

Liz Harris-Best, Strategic Planning Manager (Housing Policy) – liz.harris-best@chelmsford.gov.uk 01245 606378

Purpose

The purpose of this report is to present feedback on the consultation on the Draft Planning Obligations Supplementary Planning Document (SPD) and to seek the Board's approval to the proposed changes.

Recommendations

1. That the Board approves the proposed changes to the Draft Planning Obligations SPD attached at Appendix 1 - 4 of this report.
2. To give delegated authority to the Director of Sustainable Communities in consultation with the Cabinet Member for a Greener Chelmsford to make any necessary amendments and updates to the Draft Planning Obligations SPD before publication.
3. To give delegated authority to the Director of Sustainable Communities in consultation with the Cabinet Member for a Greener Chelmsford to publish the modified Planning Obligations SPD as a new Evidence Base document supporting the review of the Local Plan.
4. To recommend that Cabinet approve the modified Planning Obligations SPD for adoption either before 30 June 2026 or after adoption of the new Local Plan,

subject to clarification from the Ministry of Housing, Communities and Local Government.

1. Introduction

- 1.1. The Planning Obligations Supplementary Planning Document (SPD) is an important tool in supporting delivery of the Local Plan and in combination with the Council's Community Infrastructure Levy Charging Schedule, sets out the scope and scale of planning obligations applicable to different scales and types of development.
- 1.2. The Planning Obligations SPD, which was published for consultation between 4th February and 18th March 2025 alongside the Pre-Submission (Regulation 19) Local Plan, identifies topic areas where planning obligations may be applicable and sets out the scope of the required obligations or contributions. It refers to the latest published Infrastructure Delivery Plan (IDP), which sets out what infrastructure is required to support the Local Plan, how it will be provided, who is to provide it and when.
- 1.3. The Planning Obligations Supplementary Planning Documents supports the implementation of the Pre-Submission (Regulation 19) Local Plan and Focused Consultation Additional Sites (Regulation 19) Documents, which are being prepared and will be submitted under transitional arrangements.
- 1.4. The Government has recently published a revised version of the National Planning Policy Framework (NPPF) for consultation. Annex A of the proposed new NPPF confirms that transitional arrangements continue to apply as described in the version of the NPPF published in December 2024.
- 1.5. Supplementary Planning Documents will not feature in the new style local plans however they will remain in force until planning authorities adopt a new style local plan.
- 1.6. In November 2025, the Government published a [Plan-making regulations explainer](#) to enable local planning authorities to see the direction of travel for the new plan making system. This guidance notes that the final adoption date for new SPDs is the 30 June 2026, however, it is not clear if this deadline applies to plans and documents being submitted under transitional arrangements. A number of other Councils have already raised queries with this timing and further clarification is being sought on this from Ministry of Housing, Communities and Local Government (MHCLG) as formally adopting an SPD that provides implementation guidance on yet to be examined planning policies does appear to be an oversight.
- 1.7. The public consultation on the Draft Planning Obligations SPD was undertaken to enable a final draft document to be used as an evidence base document supporting the Independent Examination of the Local Plan and adopted as local implementation guidance.

1.8. External and internal representations on the Draft Planning Obligations SPD have been reviewed and proposed changes set out in Appendices 1 – 4.

2. Strategic Environmental Assessment / Habitats Regulations Assessment

2.1. The council is required to complete a screening report to determine whether the Draft Planning Obligations SPD requires a full Strategic Environmental Assessment (SEA) and/or Habitats Regulations Assessment (HRA). In some limited circumstances an SPD can have significant environmental effects.

2.2. An SEA evaluates the environmental effects of a plan before it is made. The SEA requirements are in accordance with the European Directive 2001/42/EC/ and associated Environmental Assessment of Plans and Programmes.

2.3. An HRA identifies whether a plan is likely to have any significant effects on a European site, either alone or in combination with other plans or projects. European sites are designated under the UK Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations').

2.4. A draft screening report was prepared in consultation with the Director for Sustainable Communities and Cabinet Member for a Greener Chelmsford and sent to the relevant statutory consultees for a period of 6 weeks alongside the public consultation.

2.5. Historic England confirmed that they supported the Council's conclusion that neither a full SEA nor further stages of appropriate assessment are required. The Environment Agency and Natural England did not respond on the screening report, but Natural England did send comments on the Draft Planning Obligations SPD, as set out in Appendix 1.

2.6. A final screening report reflecting the limited feedback received from the statutory bodies will be published alongside the Consultation Draft Planning Obligations SPD on the Local Plan Review Evidence Base webpage.

3. Public Consultation

3.1. The Council published a Consultation Draft Planning Obligations SPD for formal public consultation under Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) last year.

3.2. In total 78 comments were received from 14 different organisations. These included statutory bodies, developers and a Registered Provider (see Appendix 1). In addition, 2 comments on the Consultation Draft Planning Obligations SPD were submitted as part of representations to the separate Pre-Submission (Regulation 19) Local Plan consultation (see Appendix 2).

3.3. The external consultation representations alongside the Council's responses to them and proposed modifications to the Draft Planning Obligations SPD are set out in full in Appendices 1 and 2.

- 3.4. Internal comments on the Draft Planning Obligations SPD are set out in Appendix 3 alongside proposed modifications agreed with relevant service leads where relevant.
- 3.5. A copy of the Consultation Draft Planning Obligations SPD incorporating all the proposed modifications as track changes is included in Appendix 4. Any outstanding formatting issues will be addressed prior to publication of the document.
- 3.6. The final version of the Draft Planning Obligations SPD will be informed by any modifications to the Pre-Submission (Regulation 19) Local Plan and Focused Consultation Additional Sites (Regulation 19) Documents.
- 3.7. Normally the Planning Obligations SPD would be adopted after adoption of the new Local Plan. If MHCLG confirm that new local plan regulations and policy will not enable the adoption of SPDs relating to plans submitted under transitional arrangements after the 30 June 2026 (or any other date that falls before the adoption of the new Local Plan), the recommendation includes an option for Cabinet to approve the modified Planning Obligations SPD before this deadline.

4. Conclusion

- 4.1. Comments on the Draft Planning Obligations SPD has been received from a range of external and internal consultees. They have all been reviewed and responded to with proposed modifications to the Consultation Draft Planning Obligations SPD provided in Appendices 1 – 4.
- 4.2. Any approved modifications will be incorporated in a further draft of the document to be published as an Evidence Base document supporting the review of the Local Plan and for adoption either before the 30 June 2026 or after adoption of the new Local Plan, pending further advice from MHCLG.

List of Appendices:

Appendix 1 – External Consultee Responses to the Draft Consultation Planning Obligations SPD

Appendix 2 – Representations to the Pre-Submission (Regulation 19) Local Plan Consultation relating to the Consultation Draft Planning Obligations SPD

Appendix 3 – Internal Consultee Responses to the Consultation Draft Planning Obligations SPD

Appendix 4 – Track Change Draft Consultation Planning Obligations SPD

Background Papers:

[Local Plan Pre-Submission \(Regulation 19\) Document](#)

[National Planning Policy Framework, December 2024](#)

[Planning practice guidance](#)

Local Plan Review evidence base reports – available via evidence base tab here
[Local Plan Review 2022 \(chelmsford.gov.uk\)](https://chelmsford.gov.uk/Local-Plan-Review-2022)

Corporate Implications

Legal/Constitutional:

There is a need to ensure the Review of the Local Plan accords with the latest legislative requirements. There is a need to publicly consult on Supplementary Planning Documents. There are statutory Community Infrastructure Regulations that apply.

Financial:

Negotiated section 106 planning obligations, together with the Community Infrastructure Levy, make up the system of developer contributions used to secure funding towards mitigating the social and environmental effects of development. The value of section 106 contributions varies depending on the type of contribution.

Potential Impact on Climate Change and the Environment:

The review of the adopted Local Plan including the Draft Planning Obligations SPD will seek to ensure new development within the administration area will contribute towards meeting the Council's Climate Change agenda.

Contribution toward Achieving a Net Zero Carbon Position by 2030:

The review of the adopted Local Plan including the Draft Planning Obligations SPD will seek to ensure new development within the administration area will contribute towards achieving a net zero carbon position by 2030.

Personnel:

There are no personnel issues arising directly from this report.

Risk Management:

There are several risk considerations associated with local plan production. These are set out in the report and in the Local Development Scheme 2025 with contingency measures.

Equality and Diversity:

The Public Sector Equality Duty applies to the council when it makes decisions. An Equalities and Diversity Impact Assessment forms part of the Integrated Impact Assessment for the review of the Local Plan and concludes that it will not have a disproportionate adverse impact on any people with a particular characteristic and in general will have positive or neutral impacts across a wide range of people and will be compatible with the duties of the Equality Act 2010.

Health and Safety:

There are no Health & Safety issues arising directly from this report.

Digital:

There are no digital issues arising directly from this report.

Other:

The Review of the Local Plan will seek to contribute to priorities in the Council's Our Chelmsford, Our Plan 2020: A Fairer and Inclusive Chelmsford, A Safer and Greener Place, Healthy, Enjoyable and Active Lives and A Better Connected Chelmsford.

Consultees:

CCC – Development Management
CCC – Economic Development and Implementation
CCC – Community Sport and Wellbeing
CCC – Parks and Green Spaces
CCC – Public Places
CCC – Housing Services
CCC – Legal Services
CCC – Spatial Planning
ECC – Spatial Planning

Relevant Policies and Strategies:

The report takes account of the following policies and strategies of the City Council:

Adopted Local Plan (2020) and supporting Supplementary Planning Documents and Planning Advice Notes
Pre-Submission Local Plan (Regulation 19) (2025)
Our Chelmsford, Our Plan (2024)
Statement of Community Involvement (2020)
Health and Wellbeing Plan (2019)
Public Open Spaces Policy (2022)
Climate and Ecological Emergency Action Plan (2020)
Housing Strategy 2022-27 (2022)
Homelessness and Rough Sleeping Strategy 2020-24 (2020)
Plan for Improving Rivers and Waterways (2022)
Chelmsford Green Infrastructure Strategic Plan 2018-2036
Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038
Climate and Ecological Emergency Action Plan (2020)

Our Chelmsford, Our Plan

The above report relates to the following priorities in the Corporate Plan:

Promoting sustainable and environmentally responsible growth to stimulate a vibrant, balanced economy, a fairer society and provide more homes of all types.

Creating a distinctive sense of place, making the area more attractive, promoting its green credentials, ensuring that people and communities are safe.

Bringing people together and working in partnership to encourage healthy, active lives, building stronger, more resilient communities so that people feel proud to live, work and study in the area.

APPENDIX 1 - External Consultee Responses to the Draft Consultation Planning Obligations SPD

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
Andrew Marsh	Historic England	General Comment	<p>Thank you for consulting us on Chelmsford City Council's Draft Planning Obligations Supplementary Planning Document (February 2025). As the Government's adviser on the historic environment, Historic England is keen to ensure that heritage considerations are fully integrated into all stages of the local planning process. We therefore welcome the opportunity to comment on these proposals.</p> <p>While we do not have specific comments to make at this stage, we welcome the document's various references to the historic environment and look forward to future consultations on this and related projects.</p>	Noted	N	n/a
Mr James Lawson	Lawson Planning Partnership on behalf of Essex County Fire and Rescue Service	Contents (page 2) Section 11 Community Infrastructure – Health & Social Wellbeing	<p>Section 11 Community Infrastructure – Health & Social Wellbeing</p> <p>Contents, Section 11 (Page 2)</p> <p>Revise Topic Heading to “Community Infrastructure – Health, Community Safety, Cohesion and Social Wellbeing”</p>	<p>To align with the NPPF the topic heading will be revised to ‘Healthy and Safe Communities’.</p>	Y	<p><u>11 Community Infrastructure – Health, Community Safety, Cohesion and Social Wellbeing</u></p>

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>Whilst this section provides guidance on the requirement for developer funded healthcare, police, fire & rescue & ambulance infrastructure/ facilities, insufficient recognition is given to the role of the fire & rescue (& police/ ambulance) services in providing for community safety and cohesion – in order to deliver healthy, inclusive and safe places (sustainable & resilient communities).</p> <p>Please see the evidence prepared by ECFRS (March 2025) which is submitted as an accompanying document in support of this representation.</p>			
Mr James Lawson	Lawson Planning Partnership on behalf of Essex Police	Contents (page 2) Section 11 Community Infrastructure – Health & Social Wellbeing	<p>Section 11 Community Infrastructure – Health & Social Wellbeing</p> <p>Contents, Section 11 (Page 2)</p> <p>Revise Topic Heading to “Community Infrastructure – Health, Community Safety, Cohesion and Social Wellbeing”</p> <p>Whilst this section provides guidance on the requirement for developer funded healthcare, police, fire & rescue &</p>	See above	See above	See above

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>ambulance infrastructure/facilities, insufficient recognition is given to the role of the police (& fire & rescue/ ambulance services) in providing for community safety and cohesion – in order to deliver healthy, inclusive and safe places (sustainable communities).</p> <p>Please see the evidence prepared by Essex Police (March 2025) which is submitted as an accompanying document in support of this representation.</p>			
Charlene Townsend	CBRE on behalf of Ptarmigan Chelmsford A Limited	Para 1.3	<p>We fully endorse the early acknowledgement at Paragraph 1.3 of the SPD which states that: "It should be noted that not all the obligation types within this SPD will apply to all types of development. This SPD has been produced to apply to varying sea/es of development, but proposals will be assessed on a site-by-site basis with the individual circumstances of each site being taken into consideration."</p>	Noted	N	n/a
Connor Hall	DWD on behalf Of Chelmsford	Para 1.6	Para. 1.6 states 'This draft of the SPD... will be submitted as an evidence base document	Any relevant amendments to the Pre-Submission (Regulation	N	n/a

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
	Garden Community Consortium		supporting the Independent Examination of the Local Plan.' Any representations made against the Local Plan should be considered and later fed through to influence the outcome of the SPD. We therefore consider comments made against policies per Local Plan representations shall be considered to inform an appropriate, evidence-based Planning Obligations SPD.	19) Local Plan documents will be reflected in the Consultation Draft Planning Obligations SPD prior to adoption.		
Kevin Fraser	Essex CC	2. Policy Background, Community Infrastructure Levy	ECC recommends reference is made to the ability to fund the same piece of infrastructure using both S106 and CIL monies and if the type of scheme has been identified as receiving S106 it does not preclude it from also receiving CIL funds, and vice versa.	Proposed amendment agreed to provide clarity and align with the IDP.	Y	<p>Add a new sentence at the end of Paragraph 2.5 to read:</p> <p><u>An infrastructure item can be funded using both Section 106 Planning Obligations and CIL receipts where necessary or required.</u></p>
Kathryn James	Sphere 25 on behalf of Dominus Chelmsford Limited	Para 2.7	It is acknowledged that the Infrastructure Delivery Plan (IDP) is not the subject of a public consultation. However, The SPD relies upon the IDP which was published in November 2024 to support the Regulation 19 stage of Local Plan preparation. This document states it has been informed by engagement with	The IDP collates detail of the scale, distribution and capacity of existing and proposed infrastructure across the administrative area of the City Council from publicly available data which is then verified through stakeholder engagement.	Y	<p>Typographical error in paragraph 2.3 to realign the bullet points to read:</p> <ul style="list-style-type: none"> • they are necessary to make a development acceptable in <u>planning terms</u> • <u>planning terms</u>; • they are directly related to a development;

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>stakeholders but there is no evidence submitted within the IDP as to the reasoning behind the infrastructure being sought. The Meadows is categorised within Location 1 -Previously developed sites in Chelmsford Urban Area (Appendix B1 of the IDP).</p> <p>The total costs for location 1 are identified as £233,992,700 (two hundred and thirty-three million nine hundred and ninety two thousand and seven hundred pounds). The total cost to developers across location 1 are £100,047, 913 and a per dwelling rate of £36,184 has been calculated, which is misleading. Referring to the specific items for the Meadows, the following items are being sought:</p> <ul style="list-style-type: none"> • Replace 2no. footbridges (across Rivers Can and Chelmer) at a cost of £1,550,000. • Provision of seven serviced moorings along River Chelmer (moorings plus utilities) at a cost to the Meadows of £20,000. • Provision of new lock and replacement of weir gates at a 	<p>Cost information is based on information provided by infrastructure providers in the first instance. Where this is not available, Arup has undertaken a benchmarking exercise to provide high level indicative costing for schemes where there is sufficient detail to be available to do this. Costs are subject to refinement and detailed cost analysis as schemes develop. A review of the modelling will be undertaken as part of the final IDP aligned to the Regulation 19 (Pre-Submission and Additional Sites) Local Plan consultations.</p> <p>Paragraph 2.7 of the Draft Consultation Planning Obligations SPD states that the IDP shows what infrastructure is required and how it will be provided, who is to provide is and when it</p>		<ul style="list-style-type: none"> • they are fairly and reasonably relating in scale and kind to a development.

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>cost of £6,000,000 in section 106 with Meadows to contribute 48%.</p> <ul style="list-style-type: none"> • Bus service contribution and season tickets for residents at £1,400,000 • Improvement to the public realm in High Street and Springfield Road at a cost of £2,300.000 • Primary education • Secondary education • Early years <p>Whilst some of these items are being negotiated through the planning application, and some borne by Community Infrastructure Levy (CIL) receipts, the suggested costs are exorbitant if sought through planning obligations. Indeed, the IDP recognises the need for certain infrastructure to be provided by CIL, s278, HIF or Council/County funding.</p> <p>Dominus are concerned that the proposed SPD is suggesting that these items are provided through s106 contributions. Dominus are the long leaseholders of the Meadows Shopping Centre, a Key</p>	<p>could be provided which aligns with the IDP and recognises certain infrastructure is being provided by CIL, s278, HIF or Council/County funding. Paragraph 2.3 of the Draft Consultation Planning Obligations SPD re-iterates that planning obligations should only be sought where they meet all the following tests:</p> <ul style="list-style-type: none"> • Necessary to make a development acceptable in planning terms. • Directly related to a development. • Fairly and reasonably relating in scale and timing to a development. 		

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>City Centre site that is proposed for allocation in the Emerging Local Plan along with the surface car park (policy 1w).</p> <p>Development of the site will be transformative for the City.</p> <p>Dominus has serious concerns regarding the introduction of additional and significant infrastructure requirements within the Chelmsford urban area as well as an increase in commuted sums for items such as off-site local and strategic open space. All these factors will impact the viability of schemes within the city including emerging Policy 1w.</p> <p>New items have been added into the infrastructure delivery Plan at a late stage of the plan making process where these have not been identified at any prior stage. No evidence has been put forward for scrutiny, to justify these additions.</p>			
Kevin Fraser	Essex CC	2. Policy Background, paragraph 2.8, bullet 3	ECC recommend reference is made to the Housing Infrastructure Fund, which is funding the new Beaulieu Park station and Phase 1A of the	Proposed amendment agreed to update the Planning Obligations SPD and align with the IDP.	Y	<p>Amendment to third bullet point in paragraph 2.8 with:</p> <p>External funding sources such as from Government through national</p>

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			<p>Chelmsford North East Bypass which are both required to support the growth up to 2041. Reference to the Local Enterprise Partnership should be deleted as from 1st April 2024 the activities that have been undertaken by South East LEP to support local growth have been undertaken by local authorities. Amend text to read: External funding sources such as from Government through national programmes (e.g. <u>Housing Infrastructure Fund</u>) or funding delivered by Essex County Council and the Local Enterprise Partnership for infrastructure of a higher scale or more strategic nature, too expensive to be funded by development.</p>			<p>programmes (e.g. <u>Housing Infrastructure Fund</u>) or funding delivered by Essex County Council and the Local Enterprise Partnership for infrastructure of a higher scale or more strategic nature, too expensive to be <u>soley</u> funded <u>through new</u> by development.</p>
Kevin Fraser	Essex CC	2. Policy Background, Infrastructure Delivery Plan, paragraph 2.9	ECC welcome reference to the IDP being a living document, where assessment of costs, funding, delivery, indexation and phasing will continue to be updated in conjunction with further work being undertaken with site promoters, ECC and funding partners to ensure the best and most up to date	Noted – the IDP has been prepared in consultation with infrastructure providers and enablers in accordance with the emerging guidance.	N	n/a

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			<p>information is available. ECC recommend that CCC should follow the emerging Essex Planners Officers' Association (EPOA) emerging guidance for the use of all local planning authorities (LPAs) across Essex in developing their IDPs. The guidance makes clear the importance of IDPs with regards effective infrastructure planning and delivery, ensuring that development is sustainable and that development impacts are mitigated effectively. This also recommends that LPAs afford sufficient attention and weight to the importance of engaging with infrastructure providers and enablers, such as ECC, within the IDP process. Such engagement, to avoid misunderstandings on data and its use, can prove essential in helping to avoid issues that may arise when an IDP is being applied in practice. A supporting protocol is also being prepared which provides guidance on how to approach this engagement, in the interests of ensuring that it proves</p>			

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			<p>effective and as beneficial as possible for all parties involved. The protocol should be read together with the 'parent' EPOA IDPs brief guidance, which it supports, as the two documents are closely related.</p> <p>The IDP should be prepared over three clear, main stages:</p> <ul style="list-style-type: none"> · Audit/Baseline of existing infrastructure across the district/borough/city council area. This should also include a review of what infrastructure is also currently planned and/or 'in the pipeline', including a review of development that has already taken place or is underway, which will have a bearing on infrastructure capacity / requirements · Review /advise on the implications of future growth scenarios (to inform the development of the local plan). This stage should consider the relationship between infrastructure requirements and the emerging strategic spatial growth options and identify how and where growth may provide 			

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			<p>opportunities to address infrastructure needs.</p> <ul style="list-style-type: none"> Preparation of an IDP related to the local plan's preferred strategy for growth and support: this growth strategy and the soundness of the LP. 			
Kevin Fraser	Essex CC	3. Obligation Type, paragraph 3.3	<p>ECC welcome reference and the link to the current ECC Developers' Guide to Infrastructure Contributions. Please note a new edition is due to be published shortly which amongst other updates, will change the approach to SEND and Early Years and Childcare (having regard to evidence and national changes). The Waste Disposal Authority (WDA), with partners are reviewing and updating the approach to Waste Management based on best practice regarding Waste Infrastructure requirements arising from new planned Growth (inc Waste Transfer Stations, Logistics and RCHW's), this is ongoing and will be in a further revision to the Developers Guide.</p>	<p>Prior to publication the Planning Obligations SPD will be updated to include a link to the planning advice and guidance webpage on Essex County Council's website to ensure any links to specific documents do not become out of date.</p>	Y	<p>Replace the link in paragraph 3.3:</p> <p>https://www.essex.gov.uk/sites/default/files/2024-07/Developers%20Guide%202024.pdf</p> <p>Planning advice and guidance: Guidance for developers Essex County Council</p>

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Kevin Fraser	Essex CC	3. Obligation Types, paragraph 3.3	ECC supports the inclusion of a reference point in paragraph 3.3 pointing the reader/user to the ECC Developers' Guide to Infrastructure Contributions, instead of referring separately to statutory ECC infrastructure responsibilities within the SPD.	Noted	N	n/a
Kevin Fraser	Essex CC	3. Obligation Types, paragraph 3.5	Amend typo - 'Due to the scale and complexity of delivering the infrastructure ...'	Typographical error to be corrected.	Y	<p>Correct typographical error in paragraph 3.5 to read:</p> <p>Due to the scale and complexity of delivering the required infrastructure required for the Chelmsford Garden Community (Location 6) and East Chelmsford Garden Community (Location 16), bespoke infrastructure delivery mechanism may be appropriate and will be considered through the garden community governance structures and consulted upon separately.</p>
Ben Posford	CBRE on behalf of Ptarmigan Chelmsford A Limited	Para 3.5	We further endorse the acknowledgment at Paragraph 3.5 which states that: "Due to the scale and complexity of delivering the infrastructure required for the Chelmsford Garden Community (Location 6) and East Chelmsford Garden	Noted	N	n/a

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			Community (Location 16), bespoke infrastructure delivery mechanism may be appropriate and will be considered through the garden community governance structures and consulted upon separately." These provisions should remain in any final version of the SPD to be adopted.			
Fiona Sibley	Carney Sweeney on behalf of Wates Developments and Hammonds Estates LLP	Section 3 - Obligation types, Paragraph 3.5	Paragraph 3.5 states: Due to the scale and complexity of delivering the infrastructure required for the Chelmsford Garden Community (Location 6) and East Chelmsford Garden Community (Location 16), bespoke infrastructure delivery mechanism may be appropriate and will be considered through the garden community governance structures and consulted upon separately. As set out in our Written Representations to the Local Plan Review Regulation 19 consultation, in relation to Policy S10 (Securing Infrastructure), Wates Developments and Hammonds Estates LLP welcome this recognition of the scale and	Agreement to the wording of paragraph 3.5 noted.	N	n/a

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			<p>complexity of delivering infrastructure in connection with Garden Communities, and therefore we agree with the suggestion that a bespoke arrangement for CIL should be made in the case of East Chelmsford Garden Community (Location 16).</p> <p>Our representations to Policy S10 point out that a definitive position on viability will need to be reached once the detail and the quality of information on scheme design matures. At that stage, both the Council and the site promoter must have confidence that the quality of the scheme would not be risked by the combination of policy requirements and obligations, as is appropriately reflected in Supporting Paragraph 6.111 to Policy S10. In such an instance, CIL - if it is indeed payable on top of other obligations - should be ringfenced to support onsite infrastructure. Please refer to our evidence submitted in response to Policy S10 of the Pre-</p>			

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			Submission Local Plan Review (attached).			
Kathryn James	Sphere 25 on behalf of Dominus Chelmsford Limited	Chapter 4 – Housing	<p>The proposed SPD has grown in scale from the adopted SPD in January 2021. The content (an additional 20 pages in length) scope (the inclusion of additional chapters on Waste Management and Economic Infrastructure) and monetary values have all increased. Notwithstanding the representations on individual chapters, the cumulative burden of requirements will have a negative effect on the viability of development.</p> <p>The SPG includes a table with a prescriptive mix for new market housing. It is stated that this for “new owner-occupied and private rented accommodation required in Chelmsford up to 2041”. The table sets out a mix of 1 bedroom (5-10%) Two bedroom (30-35%), Three Bedroom (35-40%) and Four bedroom or larger of 20-25%. The current adopted SPD table refers to “Indicative Mix”. However, the new table refers to “Mix Required”. This suggests</p>	<p>The cumulative effects of planning policies in the Local Plan are tested in the Local Plan Viability evidence base documents.</p> <p>Table 1 offers more flexibility than the previous iteration of the Planning Obligations SPD as the Mix Required column includes a percentage range. Also, the text in paragraph 4.3 notes that Table 1 will be used to inform the mix of market housing proposed as part of new residential development. The Reasoned Justification text supporting Policy DM1 also notes that (paragraph 8.3) that site location and area character are also relevant considerations and the final mix of housing/types will be subject to negotiation</p>	Y	<p>Amendment to paragraph 4.9 to correct a typographical error:</p> <p>4.9 Policy DM1 (D) requires all new development of more than 1500 dwellings to provide 10% of market housing for Older Persons. Evidence of compliance with this requirement will need to be provided prior to the validation of a planning application</p>

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			<p>less flexibility and is not supported.</p> <p>The imposition of prescriptive market targets is not supported.</p> <p>Developers are best placed to react to market signals for private housing. Setting targets up to 2041 reduces flexibility, innovation in the housing market, and makes no reference to site specific circumstances. It is recommended that the SPG insert a sentence that states. “Individual scheme mix will be determined by site-specific characteristics, including the need to ensure development is deliverable.”</p> <p>Separate local plan representations have been made on the local plan policies DM1 (Ci) that seek to require 5% New Build homes on developments of more than 100 homes. However, for the avoidance of doubt, such a requirement is impractical for complex urban schemes based upon a flattened building typology.</p> <p>Paragraph 4.9 of the draft SPG asks for evidence of how policy DM1 (D) is complied with prior to</p>	<p>with the applicant on individual development sites.</p> <p>Representations to the Pre-Submission (Regulation 19) Local Plan documents will be considered separately.</p> <p>A policy requirement is not just a consideration therefore the compliance wording in paragraph 4.9 will not be weakened with the suggested replacement text. If an application does not comply with a policy requirement this will then be clear and flagged early in the development management process with the existing wording which is to be retained.</p> <p>The wording on paragraph 4.12 is not as prescriptive as suggested by the author of this rep as it includes the word</p>		

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			<p>the validation of the application. This is erroneous, as it suggests schemes that cannot deliver 10% older persons housing will not be validated. It is suggested that the paragraph is reworded with the following changes:</p> <p>“Policy DM1 (D) requires all new development of more than 100 dwellings to provide 10% of market housing for Older Persons. Evidence of compliance with this requirement will need to be provided prior to the validation of a planning application.”</p> <p>to</p> <p>Policy DM1 (D) requires all new development of more than 100 dwellings to provide 10% of market housing for Older Persons. Evidence of how this requirement has been considered will need to be provided prior to the validation of a planning application.</p> <p>Build to Rent</p> <p>Paragraph 4.12 states that all market homes in Build to Rent (BtR) schemes are expected to reflect the indicative mix of the</p>	<p>‘indicative’ and ‘starting point’. The mix included in paragraph 4.12 is taken from the latest Strategic Housing Needs Assessment and the author offers no technical basis for not adopting this mix as a starting point.</p> <p>The Consultation Draft Planning Obligations SPD incorporates, and updates information and advice set out in the published Specialist Residential Accommodation Planning Advice Note (April 2021). The assumptions in Table 2 have been previously referenced in the Planning Advice note and various Local Plan Viability assessments, with stakeholder input. The need for the requirement is established in the Local Plan and paragraphs 4.54 – 4.57 of the Consultation</p>		

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			<p>SHNA. This mix slightly differs from that for “private rented” homes stated in Table 1 set out above. It suggests a split of 25% 1 bedroom homes; 45% 2 bedroom homes; 25% 3 bedroom homes and 5% of 4 bedroom homes. We query such a mix reflecting market need. 1 bedroom BtR homes are in considerably higher demand than 3 bedroom homes. Meanwhile, 4 bedroom Build-to-Rent homes are rarely sought. It is asked that the prescriptive mix is removed from the document.</p> <p>Specialist Residential Accommodation</p> <p>A new table has been inserted into the draft SPD that does not exist in the current adopted SPD regarding Capital Value Calculations. The methodology behind the contribution is flawed, with very precise assumptions regarding bad debts, service charge and payback periods to generate a figure of £42,400 per new dwelling.</p> <p>It is estimated Chelmsford has a requirement for 165 specialist</p>	<p>Draft Planning Obligations SPD summarise this.</p> <p>Paragraph 4.57 sets out why the ratio presented in paragraph 4.58 is likely to be an underestimate of the need for Specialist Residential Accommodation as not all the sources referenced extend across the whole plan period.</p> <p>Table 5 is based on the latest Strategic Housing Needs Assessment and has been considered in the latest Local Plan Viability assessments to support the review of the Local Plan.</p>		

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			<p>needs dwellings over the plan period. It is not clear why the contribution is being sought in the context of the overall housing need.</p> <p>Affordable Housing</p> <p>The SPD re-affirms the local plan requirement of 35% affordable housing for new developments over 10 homes. It is stated that the calculation is based on dwellings. Of this figure 24.5% are to be either social or affordable rented. A need table is set out in Table 5 of the document. This is substantially different to the 2021 SPD.</p> <p>The notable increase in three bedroom homes and reduction in 2 bedroom homes means that the impact of delivering 35% affordable housing is much greater. This appears not to have been considered. To overcome this, a habitable room affordable percentage would better reflect the costs of providing larger units.</p>			
Laura Dudley-Smith	Ceres Property on behalf of CHP	SECTION 4 - HOUSING	Our client proposes that the SPD should clarify that should any scheme coming forward as a	It is possible to provide self-build and custom housebuilding as	N	n/a

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			100% affordable scheme, or affordable led, then the requirements of Policy DM1 regarding provision of self-build units would be reviewed and applied accordingly. It would not be appropriate to provide affordable homes as custom or self-build plots given that they would be retained and managed by a Registered Provider.	affordable housing. If a development is secured for 100% affordable housing and addresses priority housing needs, the weight given to this in lieu of other policy requirements will be determined at the Development Management stage and informed through pre-application discussions.		
Lee Melin	Strutt and Parker on behalf of Hopkins Homes Ltd	4.34	4.34 The Section 106 agreement will seek to secure that self-build and custom housebuilding provision will need to be made available and actively marketed before occupation of 50% of market housing provision. The Council should not seek to apply this requirement inflexibly as the provision of self-build plots may be affected by the access, engineering and phasing requirements of an individual site. The release of self-build plots should be determined on a site-by-site basis.	Paragraph 4.34 states that the Council will seek to secure the planning obligation before occupation of 50% of market housing. This is not applied inflexibly as the inclusion of the word 'seek' suggests. All planning obligations will have an occupation restriction on market housing to ensure they are delivered/there remains sufficient value in the remaining market housing to deliver the obligation. Restrictions	N	n/a

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				are referenced at 50% as this should not be an issue if obligations are well integrated across a development. If it can be demonstrated that a 50% occupation restriction might not be practical when details of the phasing and build sequence become clearer, then an alternative occupation restriction can be determined on a site-by-site basis.		
Ms Heather Gurden	Essex Police	Para 4.84	Police when designing travel and show person sites; "The Site design and layout need to appropriately consider ways of 'Designing out Crime' and it is recommended that the applicant seek early engagement with Essex Police to help achieve this." This will also align with Policy S6 paragraph 6.12 Housing and Employment requirements and Policy DM3 of the local plan.	Noted	N	n/a
Connor Hall	DWP on behalf of the Chelmsford	Para. 4.9, 4.47 and 4.54	Policy DM1 of the Local Plan requires 10% of market housing to be provided for 'Older	Typographical error in paragraph 4.9 to be corrected to read 500	Y	Correction to the text in paragraph 4.9 to read:

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	Garden Community Consortium		<p>Persons' within all greenfield developments of more than 500 dwellings, with the provision of 'Specialist Residential Accommodation' within all developments of 100 dwellings or more.</p> <p>There is a discrepancy between the Local Plan and Planning Obligations SPD as to the application of this policy and further clarification is necessary.</p> <p>Para. 4.9 states Policy DM1 part (D) requires the provision of 10% Older Persons accommodation within all new development of more than 100 dwellings, contrary to Policy DM1 per the Local Plan.</p> <p>Subsequently, para. 4.47 states 'Specialist Residential Accommodation can cater to the specific needs of a variety of people within the community, including older people...', while para 4.54 states 'Any Specialist Residential Accommodation for older persons is expected to be predominantly delivered within the 10% market housing requirement specified in Policy</p>	<p>dwellings to align with the wording in the Pre-Submission (Regulation 19) Local Plan.</p> <p>Paragraph 4.47 clarifies that Specialist Residential Accommodation can include older peoples housing but as noted in 4.54 on greenfield developments of more than 500 the older persons housing is expected to be predominantly delivered within the separate 10% market housing requirement.</p> <p>Paragraph 8.18 of the Pre-Submission (Regulation 19) Local Plan refers to the need for the 10% requirement in the SHNA which is based on the supply of and future demand for wheelchair user housing, housing with support, housing with care, residential care</p>		<p>Policy DM1 (D) requires all new development of more than 1500 dwellings to provide 10% market housing for Older Persons. Evidence of compliance with this requirement will need to be provided prior to the validation of a planning application.</p> <p>New paragraphs at the end of Section 4 to read:</p> <p>Older Persons</p> <p><u>4.121 The NPPF sets out that Older People are those over or approaching retirement age, including the active, newly retired through to the very frail elderly.</u></p> <p><u>4.122 The 2024 SHNA Addendum Report reviews the housing needs of older people in terms of those aged 65 and over. It estimates the need for specialist older persons accommodation, which for market housing equates to 7% of the Housing Requirement.</u></p> <p><u>4.123 This does not include the estimated need for other forms of housing that benefits older people such as wheelchair user housing, which the</u></p>

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			DM1 (D) on greenfield developments of more than 500 dwellings. Further clarification is required within the Local Plan with regards to the definition of 'Older Persons Accommodation' and whether this includes nursing home accommodation, independent living accommodation and/or supporting living accommodation for the Over 55s. This should be defined within the Local Plan and SPD amended accordingly, with discrepancies corrected.	<p>bedspaces and nursing bedspaces. The threshold of more than 500 dwellings has been selected so that if the form of provision is a specialist form such as a residential care home or supported housing, this can be achieved at a critical mass through the 10% requirement.</p> <p>Additional clarification and information proposed as new section at the end of Section 4.</p>		<p><u>2024 SHNA Addendum Report estimates to be 637 homes to meet current and future need to 2041.</u></p> <p><u>4.124 The combined need for specialist market housing for older people and wheelchair user homes across the plan period in the 2024 SHNA Addendum Report is 2,299 homes, which equates to 10% of the Housing Requirement across the Plan Period.</u></p> <p><u>4.125 The 2023 SHNA recommends that the Council seeks a proportion (up to 5%) of all new market homes to be M4(3) compliant to meet the identified need. The 2023 SHNA demonstrates a clear correlation between the age of a household reference person and the likelihood of there being a wheelchair user in the household therefore it is logical that this need is met through older persons housing.</u></p> <p><u>4.125 The 10% requirement for older persons market housing is applied to sites of more than 500 dwellings in Policy DM1 D to enable a critical mass of Specialist Residential Accommodation to be achieved if that is the form of housing needed.</u></p>

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						<p><u>What is the method of calculation for the quantum of Older Person's housing?</u></p> <p><u>4.126</u> In order to reflect the need, the 10% should be calculated from the total number of dwelling and provided within the 65% market proportion. For example, a site providing a total of 1,500 residential units will be required to provide 150 older person residential units or bed spaces, or a combination of both, totalling 150. This will need to be provided as part of the 975 market residential units.</p> <p><u>Mix of Older Persons Housing</u></p> <p><u>4.127</u> Older persons housing to meet the requirements of Policy DM1 D can be provided as age restricted adaptable general needs housing that meets the requirements of Part M, Category 3 (Wheelchair adaptable dwellings) M4(3)(2)(a) of Schedule 1 (para 1) to the Building Regulations 2010 (as amended) and/or Specialist Residential Accommodation for Older People, including housing with support, housing</p>

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						<p><u>with care, residential care bedspaces and/or nursing care bedspaces.</u></p> <p><u>Section 106 Agreement</u></p> <p><u>4.127 The amount, age restriction and form of the Older Person residential provision will be secured through a Section 106 agreement, but this will not contain any priority mechanisms set out in the Specialist Residential Accommodation section above when secured as market housing under Policy DM1 D.</u></p> <p><u>Design Requirements</u></p> <p><u>4.128 The NPPF notes that mixed tenure sites, including housing designed for specific groups, provide a range of benefits, creating diverse communities.</u></p> <p><u>4.129 The Design principles set out in the Housing our Ageing Population Panel for Innovation (HAPPI) Report (2009) are applicable for older people and age-friendly places, so will apply to all older person's dwellings required by Policy DM1 D.</u></p>

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Laura Dudley-Smith	Ceres Property on behalf of CHP	SECTION 5 – AFFORDABLE HOUSING	CHP note that Paragraph 5.44 of the SPD advises that a condition will be applied to all developments of 30 units or more to require that 5% of all new affordable homes to meet the requirements of Part M, Category 3 (Wheelchair user dwellings) M4(3)(2)(b) of Schedule 1 (para 1) to the Building Regulations 2010 (as amended). It is proposed that this instead requires the 5% of all new affordable homes to meet the requirements of Part M Category 3 M4(3)(2)(a) as these units would then still be fully adaptable to meet the needs of a range of users, without placing an onerous requirement on developers to provide something which may not be needed.	The evidence base supporting this policy requirement is based on households on the Council's Housing Register that use a wheelchair therefore the requirement for Part M Category M4(3)(2)(b) is justified. It also reduces the reliance on Disabled Facilities Grants to fund adaptations to those dwellings that have only been built to Part M Category 3 M4(3)(2)(a) but required for wheelchair users. The Council has published, and annually updates, a Wheelchair Accessible Homes Planning Advice Note that summarises the need for wheelchair accessible homes to enable developers to have regard to this demand when planning to meet the requirement set out in Policy DM1 (B) (i)	N	n/a

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Laura Dudley-Smith	Ceres Property on behalf of CHP		CHP supports the Council's expectation for 24.5% of the total number of dwellings within the development as either social or affordable rented accommodation. The allowance for the new homes to be either social OR affordable rented accommodation provides importance flexibility between these two tenures.	Noted	N	n/a
Kevin Coleman	Phase 2 Planning & Development on behalf of Vistry Group	Paras 5.32-5.33 and Table 6	We noted in our representations to draft Policy S7 that, in the light of known further housing requirements in the future under the revised Standard Methodology, the Local Plan should positively embrace and encourage housing delivery over and above the levels stated in the allocation policies. This approach would be entirely in accordance with national policy to make effective and efficient use of land, but moreover in a local context, the more housing that is delivered from allocated sites, the less new land (in the countryside) will be needed when the Plan is revised to bring	Paragraph 5.32 notes that the affordable housing mix will only be altered on the quantum of residential accommodation above the number identified in the Local Plan when there is a shortfall in the supply of new three- and four-bedroom affordable homes for rent recorded through the monitoring of planning permissions in the latest AMR. The approach in Table 6 would only be to address the shortfall against a need identified in the SHNA as set out in table	N	n/a

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			<p>it in line with the uplifted housing targets.</p> <p>The 'additionality' provisions of the SPD set out in paragraphs 5.32 and 5.33 run counter to the ethos of making effective use of development land by actively discouraging developers from doing so, and penalising those that do by putting disproportionate mix requirements on any new homes over and above that allocated.</p> <p>The sentiment, at paragraph 5.33, that delivering more homes than allocated is "a windfall to the developer/landowner" entirely misses the point that 'additionality' is a windfall to the City Council and the people of Chelmsford, by allowing more homes to be built and reducing the amount of land needed for housing.</p> <p>Irrespective of the above, it is considered that the 'additionality' provisions are not a CIL compliant requirement. Local housing need does not change because a development allocated for 100 homes is able</p>	<p>5. This does not penalise the developer as it does not seek to increase the affordable housing obligation percentage, it is just a mechanism to try and achieve the mix of affordable housing identified as required in the SHNA when annual monitoring shows it is not being achieved. This could be because of a typology of development i.e. flatted development is not always best suited to achieve larger family sized units which isn't a failure of the policy but rather a flexibility that will need to be applied on some sites. The mechanism will not be applied if the housing mix in Table 5 is being secured through planning permissions as demonstrated in the latest AMR.</p>		

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			<p>to deliver 120 (for example), and the evidence base that underpins the Council's policy on mix is the same for the 100 as it is for the 20. If the Council's policy is not delivering the right mix, that is a wider matter for the policy, but using homes over and above the allocation to provide alternative and more onerous housing mixes is not related to the development applied for, and so fails the CIL tests.</p> <p>This section of the SPD should be deleted.</p>			
Kathryn James	Sphere 25 on behalf of Dominus Chelmsford Limited	Chapter 6 – Physical Infrastructure – Highways, Access and Transport	<p>Paragraph 6.7 states “All development proposals will be assessed on their own merits in relation to the impact they have upon the highway network.” This recognition reflects established planning law. The paragraph goes on to state that “The list of possible Highways, Access and Transport contributions may include...” with a list of 18 items. The list is not helpful. Items listed include “New Roads”. Another bullet point states, “Electric vehicle Charging point infrastructure”. The latter is</p>	<p>The list is indicative and serves to identify a range of possible infrastructure that falls under this heading.</p>	N	n/a

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			already covered by Building Regulations. Meanwhile, the former would be considered as a matter of scheme design if within the site, or through a s278 agreement if outside the site. Whilst it is accepted that contributions would be required to mitigate the impacts of development on existing infrastructure, the costs proposed for education have no basis as no further details are submitted showing projected populations and school place forecasting.			
Kevin Fraser	Essex CC	6. Physical Infrastructure - Highways, Access and Transport, paragraph 6.11	ECC welcome reference to the 'Transport Assessment Guide for Large-Scale Developments and Garden Communities: A Guide for Developers' and a 'Travel Plan Guide for Large-Scale Developments and Garden Communities: A Guide for Developers'. Whilst these are not yet published it is anticipated they will be by the adoption of the SPD.	Noted	N	n/a
Warwick Lowe		Page 42 section 6.11	The proposed development at Hammonds Farm is taking place without certainty regarding	This representation specifically relates to the proposed allocation of	N	n/a

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			<p>Chelmsford Parkway station and the train service that can operate on that. It includes its details within the submission. In reality the distance from Chelmsford means that the extra traffic will be car - and will simply pile on to the bypass. It was promised when the by pass was developed that it would not trigger new development. If Hammons farm goes ahead it will trigger by-pass expansion. It is too far from the city centre for the claim re prioritisation of green transport to be credible. You have missed the exceptions caused by scale and distance. Outer developments will not access the city centre by walking and cycling and other green modes. You missed the lack of certainty re the rail base - whether the parkway station is built - and critically the number of trains per hour given that it is on a busy two section that Network Rail have made clear is highly capacity constrained.</p>	<p>sites 16a and 16b in the Pre-Submission (Regulation 19) Local Plan. A high-level Council response to the main issues raised in this consultation will be reported separately.</p>		

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Kathryn James	Sphere 25 on behalf of Dominus Chelmsford Limited	Chapter 7 - Physical Infrastructure - Flood Protection and Water Management/ Efficiency	This Chapter notes the need to include Sustainable Urban Drainage Systems (SUDS) on site and employ best practice for surface water management. This is supported. S106 to secure different elements such as green roofs are considered better secured by condition.	The advice in paragraph 7.18 of the Consultation Draft Planning Obligations SPD is that where issues of flood risk or water management cannot be addressed onsite or by way of a condition, it is anticipated that a Section 106 Agreement may be needed.	N	n/a
Natural England Consultation Team	Natural England	Section 8	<p>It would be good to see Natural England's GI Framework and standards Green Infrastructure Home reflected in the SPD. The text reflects the principles of the Framework; for example, the importance of having good 'multifunctional' greenspace for health and environmental benefits is noted (e.g. para 8.2) but it is not referenced.</p> <p>The Urban Greening Factor (UGF) UGF 3.3 User Guide could be applied to major schemes within the urban environment to provide a target for urban greening and can be met in a variety of ways, e.g. planting of</p>	<p>Natural England's Green Infrastructure Framework is referenced in the supporting text for Strategic Priority 3 in the Pre-Submission (Regulation 19) Local Plan. The cross references in paragraph 8.2 of the Consultation Draft Planning Obligations SPD are introductory text and links to Strategy Policies in the Plan, not the Strategic Priorities.</p> <p>Table 15 in Appendix B of the Pre-Submission</p>	N	n/a

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			<p>street trees, incorporating SUDS (see para 8.6).</p> <p>We welcome the links between GI and other policy areas, e.g. in mitigating climate change, supporting active transport etc. Recognising the value to health is also a key thread through the GI Framework.</p> <p>We note that your open space standards are lower than the general 3ha/1000 population referenced in our GI Framework. Where locations are spatially constrained and new greenspace creation may be difficult, it would be worth considering whether there are any access points and/or routes that could be improved to facilitate movement to/from greenspaces and benefit peoples access. Also it would be worth considering whether greenspaces are safe and accessible to all users.</p> <p>It is important to ensure that accessible greenspace is provided concurrent with the development. New communities should have sufficient greenspace at the time of first</p>	<p>(Regulation 19) Local Plan shows that the quantity standard for Accessible Local Open Space, Strategic Open Space and Natural and Semi-natural greenspace total 3.96 ha/1000 population. The Consultation Draft Planning Obligations SPD shows the calculation on a per dwelling basis using the average occupancy rate of 2.4 persons per dwelling.</p> <p>Access routes to open space and accessibility /safety of open space are consideration at the Development Management stage.</p> <p>The timing / trigger for the provision of open space will be negotiated on a case-by-case basis.</p> <p>The Consultation Draft Planning Obligations SPD includes information on</p>		

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			occupation. It is also important to cost the ongoing maintenance to ensure it can be managed in the long term to function effectively.	maintenance payments for local and strategic open space.		
Kathryn James	Sphere 25 on behalf of Dominus Chelmsford Limited	Chapter 8 - Green and Blue Infrastructure - Recreation and Leisure	The open space requirements sought are substantial. It is presumed all Urban developments over 30 homes would have to pay a contribution based on the areas sought. There is a requirement for 22m ² of Accessible Local Open Space, 29m ² Strategic Open Space and 43m ² Natural and semi natural green space (total 94m ² per dwelling). This is deeply flawed. A one bedroom flat of 50m ² in area would require amenity space nearly double its size. Local Open Space Formula The commuted sum calculation proposes increasing the quantity standards from the 2021 adopted SPD. The Amenity Green Space contribution is stated as 0.53ha per 1000 population rather than 0.40ha per 1000 population in the adopted SPD. The proposed change is not substantiated.	<p>The open space requirements are established in line with the NPPF and Sport England guidance. Further details are set out the Chelmsford Open Space Study 2024 and Appendix B of the Pre-Submission (Regulation 19) Local Plan.</p> <p>The Consultation Draft Planning Obligations SPD has been updated in line with this evidence base and the subsequent revisions to Appendix B of the Pre-Submission (Regulation 19) Local Plan. There are multiple references to the Chelmsford Open Space Study 2024 and Appendix B of the Local Plan in the Consultation Draft</p>		

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			<p>The rate per dwelling is stated as £1,397. The current adopted SPD has a rate of £1,063.</p> <p>Strategic Open Space Formula</p> <p>The commuted sum calculator increases quantity standard for Natural Green Space from 1.0ha per 1000 population to 1.80 per 1000 population. The proposed change is not substantiated.</p> <p>The rate per dwelling increases from £1,863 per dwelling to £2,051 per dwelling.</p> <p>Commutted Maintenance Sums –</p> <p>The Local Open Space commuted formula has increased from £163.61 per dwelling to £254.01 per dwelling. As well as increased costs, the formula is based on increased area for Amenity Green Space. The Strategic Open Space formula is also changed.</p> <p>The current SPD states a quantity standard of 12.20 ha/1000 population for Parks and Recreation Grounds11. The draft SPD has this figure as 1.23 ha/1000 population. This is a significant reduction. However, The associated rates have decreased insignificantly from</p>	<p>Planning Obligations SPD. Paragraph 8.18 of the Consultation Draft</p> <p>Planning Obligations SPD explains that the maintenance contribution rates have been re-based to 2024 rates and will be annually inflated in accordance with the BCIS PUBSEC Tender Price Index of Public Sector Building Non-Housing Indices.</p> <p>Strategic Open Space contributions have been reviewed as a result of Sport England representations to the Draft Consultation</p> <p>Planning Obligations SPD see comments and proposed amendments below.</p> <p>The modelling in the Regulation 19 Viability Note (November 2024) was updated to reflect</p>		

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			<p>£1,013.84 per dwelling to £929 per dwelling.</p> <p>Meanwhile, the Natural Green Space requirement has increased for from 1 (Ha/1000 population) to 1.80. However, the rate per dwelling has increased to £125 per dwelling from £93.23. The formula should be checked.</p> <p>The overall Strategic Open space maintenance contribution has decreased from £1,054 per dwelling instead of £1,107.07.</p> <p>Cumulatively, the contributions are substantial. The premise of the amount of amenity space required per home is considered flawed.</p>	the updated Open Space Standards.		
Roy Warren	Sport England	Paragraph 8.10	<p>For accuracy, the reference in Paragraph 8.10 should be to Sport England's Playing Pitch Calculator and Sports Facility Calculator being used to help estimate the demand for indoor sports facilities as well as playing pitches and outdoor sports facilities. The Sports Facility Calculator principally covers indoor sports facilities such as swimming pools, sports halls and indoor bowls halls.</p>	Clarification added to the amended text.	Y	<p>Amendment to paragraph 8.10 to read:</p> <p>As part of the evidence base for the Local Plan, the Council has undertaken:</p> <ul style="list-style-type: none"> • Chelmsford City Council Open Space Study 2024, which covers all types of open space. It includes new open space standards which are set out in Appendix B of the Local Plan.

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						<ul style="list-style-type: none"> Chelmsford City Council Playing Pitch and Outdoor Sports Assessment and Strategy 2024 which covers all outdoor sports requirements for both winter and summer sports. Sport England's Playing Pitch Calculator and Sports Facility Calculator are used alongside this strategy to help estimate the demand that may be generated for the use of playing pitches and outdoor sports facilities by a new population. Chelmsford City Council Indoor Sports Assessment and Strategy 2024, which covers the indoor needs assessment and indoor sports strategy. Alongside the Assessment, Sport England's Playing Pitch Calculator and Sports Facility Calculator Facilities Planning Model is have been used to arrive at the recommendations in the Strategy.
Roy Warren	Sport England	Chapter 8 Table 12 Strategic	It has been interpreted that the Parks & Recreation Grounds typology includes playing pitches	Table 12 reflects the recommendations in Table 10.3.5 of the	Y	Amendment to column B for Parks and Recreation Grounds in Table 12 to read:

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		Open Space Formula	and other outdoor sports facilities. On the assumption that this interpretation being correct, the rationale for a quantity standard of 1.23 ha per 1000 population and the associated contribution rates have not been justified. The Council's new Playing Pitch Strategy does not recommend a quantity standard for playing pitches/outdoor sport and Sport England does not support the use of quantity standards in principle. As set out in Recommendation (g) and Appendix 2 of the Playing Pitch Strategy the use of Sport England's Playing Pitch Calculator and Sports Facility Calculator are recommended for determining the additional demand generated by new residential development for playing pitches/outdoor sports facilities. There is no reference in the strategy to a generic 1.23 ha standard and it is unclear how the contribution rates in the table have been calculated. Furthermore, in practice the Council has been using the abovementioned	<p>Chelmsford Open Space Study 2024 as adopted in Table 14 of Appendix B in the Pre-Submission (Regulation 19) Local Plan Consultation Document. The recommendations are based on current levels of provision identified as part of the Study against national benchmarks. The Study notes that the Fields in Trust Quantity Guideline Standard is for Parks; but the current level of provision includes parks and recreation grounds. The general approach adopted in the recommendations in the Study is to use current provision levels.</p> <p>The Costs for parks and recreation facilities will be separately identified using the average capital costs incurred by the Council (excluding land) with Sport's England's</p>		<p><u>£293,391.49</u> £326,636.06</p> <p>Amendment to column C for Parks and Recreation Grounds in Table 12 to read:</p> <p><u>£360,871.53</u> £401,762.36</p> <p>Amendment to column D for Parks and Recreation Grounds in Table 12 to read:</p> <p><u>£361</u> £402</p> <p>Amendment to column E for Parks and Recreation Grounds in Table 12 to read:</p> <p><u>£866</u> £964</p> <p>Amendment paragraph 8.23 to read:</p> <p>8.23 The contribution for 'Park and Recreation Grounds' is based on <u>average capital costs (excluding land acquisition) incurred by the Council for new parks and informal recreation facilities at 2025, excluding playing pitches and outdoor sports facilities, which are separately calculated using Sport England's Playing Pitch Calculator and Sports Facility Calculator and identified in the IDP.</u> the 'Chelmsford City</p>

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			<p>calculators in recent years for determining demand and contributions to outdoor sport from individual planning applications rather than the use of generic standards.</p> <p>Reference is made in paragraph 8.23 to the contributions being based on the Playing Pitch Strategy and Sport England's facilities costs but as set out above the strategy does not recommend this approach and it is unclear how the strategy recommendations and Sport England facility costings have been converted into a quantity standard with associated costings per ha. Transparency on this is considered to be necessary to demonstrate that the approach proposed to playing pitches/outdoor sport in the SPD is consistent with the Local Plan's evidence base and Sport England's advice. Without this there is also the risk of challenge when the SPD is applied in practice. Furthermore, the contribution rate applies to parks and formal gardens as well as</p>	<p>Playing Pitch Calculator and Sports Facility Calculator used to estimate the cost of providing playing pitches and outdoor sports facilities generated by additional demand and identified in the IDP.</p>		<p>Council Playing Pitch and Outdoor Sports Assessment and Strategy 2024 and Facilities Cost Sport England 2017, which assessed the need associated with the planned growth in the Local Plan. The rate per hectare has been re-based to 2024 and will be inflated annually in accordance with BCIS PUBSEC Tender Price Index of Public Sector Building Non Housing Indices.</p> <p>Delete paragraph 8.25</p>

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			recreation grounds but the Playing Pitch Strategy and Sport England's facility costings do not apply to these open space typologies so the robustness of this approach would be questioned.			
Roy Warren	Sport England	Chapter 8 Indoor Sport Facilities	While all through schools with sports halls upgraded for community use is a suitable option for meeting future demand for sports halls there will be other appropriate options such as new and upgraded/replacement sports halls on existing secondary school sites. This should be set out in paragraph 8.29 as new all through schools are only expected to be a realistic option for meeting future demand in the planned Garden Communities. While the proposals for securing contributions towards gymnastics facilities and indoor tennis facilities set out in paragraphs 8.31 and 8.33 are welcomed in principle, as Sport England's Sports Facility Calculator does not include these facility types there is not a tool	Proposed amendment (as new paragraph 8.30) to clarify that new secondary schools should include sports halls upgraded for community use. Wording removed that suggests this is the only way to meet demand. Reference to the 2024 Indoor Sports Assessment retained but clarification provided that Sport's England's Facility Calculator only calculates the demand generated for badminton and swimming lanes. Reference to Appendix 2 added with a clarification that the calculator	Y	Amendment to Paragraph 8.29 to read: 8.29 The 2024 Indoor Sports Assessment and Strategy <u>will be used to determine how existing provision needs to be improved or expanded and where new provision is required as a result of new development.</u> demonstrates a need for 10 additional indoor badminton courts up to 2041. All through schools sports halls, upgraded for community use and with secured community access is the best way to meet future demand. Sport England's Facility Calculator has been used to <u>estimate the likely quantity of badminton courts and swimming lanes required to meet additional demand generated by new development and the cost associated with additional facilities.</u> These requirements are set out on a site-by-site basis in the IDP using Appendix 2 of the 2024 Indoor Sports Assessment and Strategy and Action

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			<p>available for robustly assessing the additional demand generated by new development towards these facility types. The Council should therefore review whether it would appropriate to advise that contributions will be calculated on a site by site basis if there is not a robust mechanism for estimating the demand and the cost of meeting the additional demand from developments. It may be more appropriate to use CIL receipts towards the delivery of such new/enhanced facilities instead. While the indoor facilities section of the SPD is welcomed in terms of proposing to secure contributions to the key indoor facility types, the section does not provide clarity or detail on how contributions will be calculated. In accordance with the Council's new Built Facilities Strategy this should confirm that the Sports Facility Calculator will be used for calculating the demand generated by developments and the contributions that are sought.</p>	<p>produced estimates of demand and costs generated by new housing will be set out in the IDP.</p> <p>Replacement text added on dedicated sports facilities which acknowledges demand but acknowledges that this will be determined and costed in terms of the impact of new development at a future date.</p>		<p><u>Plan, calculate the cost of additional badminton courts on a site basis in the IDP across the administrative area of the Council.</u></p> <p>Delete paragraph 8.30 and add a new paragraph to read:</p> <p><u>New secondary schools should include sports halls that are upgraded for community use and with secure community access.</u></p> <p>Delete paragraph 8.31 add a new paragraph to read:</p> <p><u>For indoor facilities other than swimming pools and sports halls, the calculation of facility requirements including dedicated sports facilities arising from new housing development relies on the finding of the Chelmsford 2024 Indoor Sports Assessment. The identified need for dedicated sports facilities including a new indoor tennis facility, enhanced gymnastics facilities and improved indoor bowls facilities will be identified in the IDP when a strategy to meet these needs has been developed and costed.</u></p>

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			Appendix 2 of the Built Facilities Strategy sets out detailed guidance on this which should be summarised in this section or added as an appendix to the SPD. As set out above, consideration will need to be given to how contributions towards gymnastics facilities and indoor tennis facilities will be calculated.			Delete paragraphs 8.32 and 8.33.
Roy Warren	Sport England	Chapter 8: Outdoor Facilities	The proposals to secure contributions towards outdoor sports facilities are welcomed in principle. However, this section does not provide clarity or detail on how contributions will be calculated. In accordance with the Council's new Playing Pitch Strategy this should confirm that the Playing Pitch Calculator and the Sports Facility Calculator (for tennis courts) will be used for calculating the demand generated by developments and the contributions that will be sought. Recommendation (g) and Appendix 2 of the Playing Pitch Strategy sets out detailed guidance on this which should be summarised in this section or added as an appendix to the SPD.	Amendments to paragraphs 8.34 and 8.35 made to clarify calculation of the impact of new development will be based on the 2024 Playing Pitch and Outdoor Sports Assessment and Strategy using Sport England's Playing Pitch Calculator and Sports Facilities Calculator and the outputs included in the IDP.	Y	<p>Amend paragraph 8.34 to read:</p> <p>8.34 The 2024 Playing Pitch and Outdoor Sports Assessment and Strategy <u>will be used to determine how existing provision needs to be improved or expanded and where new provision is required as a result of new development. demonstrates a shortfall in current and future provision of football pitches and 3G pitch provision. Off site contributions will be calculated on a site-by site basis across the administrative area.</u></p> <p>Delete all the text in paragraph 8.35 and replace with:</p>

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			<p>In addition, for accuracy, this section should not restrict references to facility deficiencies to just football pitches, 3G pitches, hockey pitches and netball courts. The Playing Pitch Strategy also identified deficiencies for other outdoor facilities such as cricket pitches, rugby union pitches and padel courts. This would avoid potential misinterpretations that outdoor sports contributions will be limited to the facility types referenced in the SPD.</p>			<p>8.35 The 2024 Playing Pitch and Outdoor Sports Assessment and Strategy also demonstrates quality improvements are needed on existing hockey pitches and netball courts which will be secured in the form of off-site contributions calculated on a site-by-site basis across the administrative area. The 2024 Playing Pitch and Outdoor Sports Assessment and Strategy uses Sport England's Playing Pitch Calculator and the Sports Facilities Calculator to estimate the additional pitch and tennis court requirements generated by housing sites in the Local Plan and the likely developer contribution generated. Where available, site-specific information has been incorporated into the IDP and will be kept under review.</p> <p>Add a new paragraph 8.37 to read:</p> <p>Where it is determined that new provision is required within a development, priority will be placed on providing facilities that contribute towards alleviating existing shortfalls within the locality using the 2024 Playing Pitch and Outdoor Sports Assessment</p>

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						<u>and Strategy. The preference is for multi-pitch and potentially multi-sport sites to be developed, supported by a clubhouse and adequate parking facilities which consider the potential for future Artificial Grass Pitch development.</u>
Roy Warren	Sport England	Chapter 8 Maintenance Payments	Sport England's Playing Pitch Calculator provides annual lifecycle costs for all of the playing pitch types which is proportionate to the demand generated by the development. The Council may wish to use this as an alternative to locally derived maintenance cost estimates.			<p>Amendment to paragraph 8.39 to read:</p> <p>8.39 Adoption of strategic open space would take place after any construction and development maintenance liability period has expired. The strategic open space needs to be is-a safe and fit for general public use, in accordance with prevailing safety and public use standards at the time of adoption.</p> <p>Amendment to paragraph 8.43 to read:</p> <p>8.43 The financial contribution per dwelling towards the maintenance of Local Open Space transferred to the Council or a Parish or Town Council is set out in Table 14 and the IDP where relevant for developments where no landscaping scheme has been provided to the Council.</p> <p>Amendment to paragraph 8.46 to read:</p>

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						<p>8.46 The amount of financial contribution towards the maintenance of Strategic Open Space transferred to the Council or a Parish or Town Council is set out in Table 15 <u>and the IDP where relevant</u> for development where no landscaping scheme has been provided to the Council.</p> <p>Amendment to paragraph 8.47 to read:</p> <p>8.47 Where a landscaping scheme has been provided the Council will provide the maintenance costs for the specific scheme calculated in accordance with <u>the relevant paragraphs</u> 8.43 above. Unless exceptional circumstances apply, no public open space is adopted without a commuted sum for maintenance. Priority is given to the adopted of strategic open space such as natural open spaces; sports and recreation grounds providing outdoor sports; larger neighbourhood parks and green spaces such as country parks.</p> <p>Amendment to column B in Table 14 to read:</p> <p><u>£273,872.83</u> £314,796.36</p>

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						<p>Amendment to column C in Table 14 to read:</p> <p><u>£336,863.58</u> <u>£387,199.53</u></p> <p>Amendment to column D in Table 14 to read:</p> <p><u>£336.86</u> <u>£3876.20</u></p> <p>Amendment to column E in Table 14 to read:</p> <p><u>£808</u> <u>£929</u></p> <p>Amendment to paragraph 8.48 to read:</p> <p>8.48 The annual maintenance amount varies for each type of open space and has been re-based to 20245 <u>costs using average costs incurred by the Council for parks and informal recreation space.</u> <u>The maintenance costs associated with playing pitches will be calculated separately using Sport England's Playing Pitch Calculator which provides lifecycle costs that are list separately in the IDP where relevant.</u></p>

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Connor Hall	DWD on behalf of Chelmsford Garden Community Consortium	Para 8.16 and Table 10	Para 8.16 and Table 10 reference the open space requirements per Appendix B 'Development Standards' of the Local Plan. This sets the total provision of open space for development of 30 dwellings or more at 94sqm per dwelling, and increase from 59sqm per dwelling per the currently adopted Local Plan (2020). Further justification for this increase needs to be provided, and its impact on the deliverability of strategic sites considered.	The table now incorporates natural and semi natural open space which is applied under the adopted Local Plan – see clarification provided in the Open Space Planning Advice Note (April 2021). The total requirement under the adopted Local Plan is 83 sqm. The proposed increase in Accessible Local Space is marginal 19 sqm to 22 sqm. There is a proposed reduction in Strategic Open Space from 40 sqm to 29 sqm and an increase in natural / semi natural greenspace from 24 sqm to 43 sqm. These changes and the justification for them are set out in the Chelmsford City Council Open Space Study (December 2024) and Appendix B of the Pre-Submission	N	n/a

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				(Regulation 19) Local Plan.		
Connor Hall	DWD on behalf of Chelmsford Garden Community Consortium	Table 13, Table 14, para 8.48	Para 8.48 states, in reference to Table 13 and 14, 'The annual maintenance amount varies for each type of open space has been re-based to 2024 costs.' The previous SPD based this on 2020 costs and therefore we seek clarification that the figures quoted are the same as the 2020 costs indexed.	See amendments to section 8 set out above.	Y	See amendments to section 8 set out above.
Natural England Consultation Team	Natural England	Section 9	We have no comments to make and we support the wording in this section.	Noted	N	n/a
Kathryn James	Sphere 25 on behalf of Dominus Chelmsford Limited	Chapter 9 - Green and Blue Infrastructure - Environmental Mitigation	Tree Planting "The Council requires all residential development to plant at least three new trees for every new home in the Local Plan to assist in the Climate and Ecological Emergency." Dominus in its representations to the Emerging Local Plan has maintained that whilst laudable, this standard is ill-conceived. The quality of tree, specimen type and location are the factors that best dictate tree coverage in a development. Greater	The Consultation Draft Planning Obligations SPD provides guidance on the native species of woodland planting and individual tree species that will be acceptable. The requirement for three new trees per net dwelling is set out in Local Plan Policy DM17 and as explained in the Reasoned Justification for the policy forms part of	Y	Amendment to paragraph 9.17 to read: 9.17 Where it is not practicable to plant trees on-site, a commuted sum of £300 per <u>house dwelling</u> will be used towards the following: Woodland planting – 2 square metres per new <u>house dwelling</u> , planted as whips on sites identified as suitable for woodland planting; and Individual trees – 1 tree per new <u>house dwelling</u> planted as heavy standards, generally 12 – 14 cm

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			<p>environmental benefits, Urban Greening and Biodiversity Net Gain can be derived from a careful scheme of tree planting in developments rather than seeking to meet a stringent quantum.</p> <p>It is not clear why the requirement for tree planting only applies to residential development, and not industrial development, data centres etc... which can have a far greater impact on Carbon emissions than new homes.</p> <p>For the Meadows shopping centre redevelopment this would equate to over 2,400 trees. Such a volume of trees cannot be realistically accommodated and would prioritise quantity over quality, and the subsequent financial contribution considering project viability.</p> <p>The SPD changes the language of the local plan draft policy. Reference is made to "A contribution of £300 per house" is proposed and when only part of the tree planting provision is achieved on-site, the commuted</p>	<p>the Council's greening programme to address the Climate and Ecological Emergency.</p> <p>Local Plan Policy DM17 also includes a requirement for strategic scale employment and infrastructure development in excess of 1,000 sqm or 0.1 hectares to plant a significant number of new trees as part of landscaping requirement.</p> <p>The error in reference to a house in paragraphs 9.17 – 9.19 is corrected in the modifications to align with the wording in Policy DM17.</p> <p>The Reasoned Justification for the approach is set out in Policy DM17 and will be examined upon submission of the Plan.</p>		<p>girth at 1m up the stem. These will be planted as street trees, or in a park or other open space including highway verge.</p> <p>Amendment to paragraph 9.18 to read:</p> <p>9.18 The figure of £300 per new <u>dwelling house</u> is based on:</p> <p>Amendment to paragraph 9.19 to read:</p> <p>9.19 The financial contribution of £300 per new <u>house dwelling</u> will be sought and can either be paid in advance before planning permission is granted or secured through a planning obligation. When only part of the tree planting provision is achieved on-site, the commuted payment will be calculated based on £100 per missing tree and contributions pooled to deliver tree planting where funding is sufficient and alternative suitable locations available.</p> <p>Amendment to paragraph 9.24 to read:</p> <p>9.24 The Council will monitor the number of new trees planted or funded through commuted sums to ensure</p>

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			<p>payment will be calculated based on £100 per missing tree. It is not clear how this can be monitored and how commuted sums for tree planting can be ring fenced. The change of wording to house rather than home is welcomed, as it is more likely that a conventional house and garden can support three trees (as opposed to a flat). However, the premise of the policy and associated obligation is considered flawed. It is not directly related to development as per the national tests. It is a tariff approach. Woodland planting should be part of the CIL contribution.</p>	<p>For applications that achieve some on-site provision and are required to pay a commuted sum in lieu of the balance, the Consultation Draft Planning Obligations SPD contains a template to be submitted with their proposed landscaping scheme within the planning application. Commuted sum payments will be secured via a Section 106 agreement and ringfenced for this purpose as is the approach for other commuted sums. Paragraph 9.25 sets out that payments received and spent will be recorded in the annual Infrastructure Funding Statement that the Council is required to publish.</p>		<p>compliance with the Chelmsford Climate and Ecological Action Plan. <u>Applicants will be asked to complete the template below template as part of their proposed landscaping scheme submitted with their planning application: On-site provision will be recorded as follows</u></p> <p>Amendment to paragraph 9.25 to read:</p> <p>9.25 Planting relating to commuted sums received in lieu of on-site provision will be recorded in the annual Infrastructure Funding Statement, where relevant. <u>Applicants will be asked to complete the above schedule as part of their proposed landscaping scheme submitted with their planning application.</u></p>
Kevin Fraser	Essex CC	Chapter 9 Green and	ECC acknowledges reference is made to the City Council's Green	Amendment agreed.	Y	Amendments to paragraph 9.26 to read:

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		Blue Infrastructure – Environmental Mitigation, Paragraph 9.26	<p>Infrastructure Action Plan providing a framework for the planning and management of Chelmsford's green and blue infrastructure.</p> <p>ECC welcome reference to the Local Nature Recovery Strategy and the Essex Green Infrastructure Strategy but reference should also be made to the Essex Green Infrastructure Standards, 2022 in order to facilitate securing multifunctional green infrastructure (to support the reference in paragraph 9.39).</p> <p>The standards have been supported and endorsed by Natural England, were prepared in consultation with all Essex local authorities (including the City Council) and align with the National Green Infrastructure Framework. This framework includes a Developers and Design Teams Green Infrastructure process journey. ECC seek paragraph 9.26 is amended to read:</p> <p>Proposals for biodiversity net gain must take into account local priorities set out in the Local</p>			<p>9.26 Proposals for biodiversity net gain must take into account local priorities set out in the Local Nature Recovery Strategy which guides the delivery of biodiversity net gain projects in Essex, the Essex Green Infrastructure Strategy <u>and Standards</u>, and the Chelmsford Green Infrastructure Action Plan, as well as be informed by a comprehensive understanding of habitats and <u>specifies species</u> associated with a site.</p>

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			Nature Recovery Strategy which guides the delivery of biodiversity net gain projects in Essex, the Essex Green Infrastructure Strategy and Standards the Chelmsford Green Infrastructure Action Plan as well as be informed by a comprehensive understanding of habitats and species associated with a site.			
Kathryn James	Sphere 25 on behalf of Dominus Chelmsford Limited	Chapter 10 - Community Infrastructure - Early Years, Childcare and Education	The chapter does not propose a standardised formula and takes a site specific approach to education. This is consistent with the adopted SPD. This is supported. A tariff approach is inappropriate for contributions where there may not be any localised need.	Noted	N	n/a
Kevin Fraser	Essex CC	10. Community Infrastructure - Early Years, Childcare and Education, paragraph 10.1	ECC recommend the typo is amended to reflect NPPF, paragraph 100, which now makes reference to early years and post-16 places. As set out in paragraph 9100 of the NPPF, the Government attaches great importance to ensuring that a sufficient choice of early years, school and post-16 places are is	Noted	Y	Amendment to paragraph 10.1 to read: 10.1 As set out in paragraph 9100 of the NPPF, the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Non-statutory guidance for local authorities for education to support housing growth and developers'

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			available to meet the needs of existing and new communities.			contributions is provided in the Department for Education publication – ‘Securing developer contributions for education,’ (August 2023).
Kevin Fraser	Essex CC	10. Community Infrastructure - Early Years, Childcare and Education, paragraph 10.3	<p>The ECC response to the Chelmsford Local Plan (Regulation 19) consultation is seeking the following amendments to how reference is made to financial contributions for education and childcare under ‘Site infrastructure requirements’ to ensure a consistent approach within the Strategic and Growth Site Policies. The actual requirement will become clearer as the site progresses through the planning process and hence a general consistent requirement should be included.</p> <p>ECC has recommended the following bullet point is added to Strategic and Growth Site Policies (excluding SGS 6, 10 and 16A – over 1,000 homes) for consistency to read:</p> <p>Financial contributions to primary, secondary, early years education and childcare as</p>	Amendment to include SEND where relevant and correction to early years to qualify that this mean education and childcare.	Y	<p>Amendment to paragraph 10.3 to read:</p> <p>10.3 Strategic Policies S9 and S10 set out the infrastructure required to support new development, including early years <u>education and childcare</u>, primary, secondary, <u>SEND</u> and post 16 education provision and how to secure the infrastructure and mitigate impact.</p> <p>Strategic Policies S9 and S10 set out the infrastructure required to support new development, including primary, secondary, early years education and childcare, including SEND and post 16 education provision and how to secure the infrastructure and mitigate impact.</p>

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			<p>required by the Local Education Authority.</p> <p>In addition, the ECC Developers' Guide, Section 5.2, pages 41/42 states that some of the children generated by development of new dwellings will have special educational needs (SEN). It is therefore necessary to secure a contribution commensurate with the need arising from any significant development which in the case of SEN requirements would constitute a development of more than 1000 dwellings.</p> <p>This policy meets this requirement. Consequently, the bullet for SGS 6, 10 and 16A should be amended to read:</p> <p>Financial contributions to primary, secondary, early years education and childcare, including SEND education as required by the Local Education Authority.</p> <p>However, paragraph 10.3 of this SPD should be amended to refer in general terms to:</p> <p>Strategic Policies S9 and S10 set out the infrastructure required to</p>			

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			support new development, including primary, secondary, early years education and childcare, including SEND and post 16 education provision and how to secure the infrastructure and mitigate impact.			
Kevin Fraser	Essex CC	10. Community Infrastructure - Early Years, Childcare and Education, paragraph 10.5	The provision of new schools by developers will only be supported in the circumstances set out in section 6.3 of the Garden Communities and Planning School Places Guide. This paragraph should refer to obligations to provide suitable land and/or financial contributions towards additional school places.	Amendment included.	Y	Amendment to paragraph 10.5 to read: 10.5 Section 106 obligations will include <u>obligations to provide suitable land and/or financial contributions towards additional school places</u> the provision of new schools and new early years and childcare facilities dependent on the nature and the scale of the development proposal in accordance with Policy S10.
Kevin Fraser	Essex CC	10. Community Infrastructure - Early Years, Childcare and Education, paragraph 10.7	Any purchase of education land by ECC to facilitate land value equalisation can only be considered at intended use / education use value.	Noted	N	n/a
Kevin Fraser	Essex CC	10. Community Infrastructure - Early Years, Childcare and	Decisions over whether new schools will be all-through or separate primary / secondary have not been taken. The primary and secondary land	As the provision at Chelmsford Garden Community will be an all-through secondary school	Y	Amendment to paragraph 10.11 to read: 10.11 A new all-through secondary school, including primary and early years, will be required onsite to support

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		Education, paragraph 10.11	should be co-located to facilitate the option of an all-through schools on both Garden Communities. However, the adopted masterplan for North Chelmsford Garden Community does make provision for an 'all-through' school.	no amendment is needed.		the strategic growth at Chelmsford Garden Community (Location 6). A new all-through secondary school, or a secondary school co-located with a primary school and early years and childcare will be required at East Chelmsford Garden Community (Location 16). New co-located primary schools with early years and stand-alone early years and childcare nurseries are also required and identified in relevant site policies.
Kevin Fraser	Essex CC	10. Community Infrastructure - Early Years, Childcare and Education, paragraph 10.12	Although a project at Notley High, Braintree is seen as the most likely solution to accommodate growth at Great Leighs, other options could be available. The statutory process must be followed and no decisions have been taken.	Noted – replacement text signposting the IDP instead.	Y	Amendment to paragraph 10.12 to read: 10.12 <u>Site specific contributions for early years, childcare and education are set out in the IDP. New development in Great Leighs will be required to contribute to the expansion of Notley High School in Braintree District Council.</u>
Kevin Fraser	Essex CC	10. Community Infrastructure - Early Years, Childcare and Education, paragraph 10.13	The Local and Neighbourhood Planners' Guide to School Organisation has been updated and can be viewed here .	Noted – link to be updated in the final document.	N	n/a
Kevin Fraser	Essex CC	10. Community Infrastructure	For the avoidance of doubt: Whilst ECC support and will use reasonable endeavours to	Re-organise the text in paragraphs 10.14 – 10.16 for clarity. Text relating	Y	Amendment to paragraph 10.14 to read:

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		- Early Years, Childcare and Education, paragraph 10.14	facilitate joint use, any formal agreement would be between the school/academy and the City Council. Providers are not in place when a s106 is signed and are appointed by Regional DfE Director rather than ECC.	to facilities to be used by the school and public delete as this will be covered in a community use agreement. Deleted text in paragraph 10.16 as this reflects a specific investment priority in the 2024 Indoor Sports Assessment and Strategy and is not directly relevant to the community use point.		<p>10.14 Where appropriate Section 106 Agreements will seek to secure a community use of school facilities, and a separate contribution will be levied for this purpose. The agreement will require absolute clarity regarding which facilities would be used both by the school and the public; how they would operate and who would provide and maintain them. The ECC Developers' Guide to Infrastructure Contributions (Revised 2024) provides details of how schools sites should be laid-out, including the environment around schools (Appendix D). On Strategic Sites, adherence to an approved Design Code may also be required. The Essex Design Guide (2018) provides a School Design Checklist and criteria, which provides further advice on how schools should be designed to encourage community access outside of school hours.</p> <p>Amendment to paragraph 10.15 to read:</p> <p>10.15 It should be noted that Sport England's Strategy includes goals relating to schools opening</p>

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						<p>up, or keeping open, their sports facilities for local community use. Schools can potentially offer sports hall, studios, activity rooms, fitness facilities, swimming pools (as well as outdoor courts, grass pitches, artificial grass pitches) for community use. It should be recognised that the specification of sports facilities for School use and Community use can differ however, so enhancements may be required on a standard school specification to ensure community use. Consideration to ancillary facilities such as changing, WC, circulation, floodlighting and car parking facilities is also required. Sport England also offers a range of Design Guidance and advice to maximise the public benefit of community use of sport facilities on education sites. <u>Where appropriate Section 106 Agreements will seek to secure a community use of school facilities, and a separate contribution will be levied for this purpose.</u></p> <p>Amendment to paragraph 10.16 to read:</p> <p>10.16 The Indoor Sports Assessment and Strategy (2024) produced to support the</p>

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						review of the Local Plan, states that new secondary schools should include Sport England design compliant sports halls. The Assessment also states that improving the quality of existing school swimming pools at Great Baddow High School, Chelmsford High School for Girls and Moulsham High School are a priority.
Kathryn James	Sphere 25 on behalf of Dominus Chelmsford Limited	Chapter 11 Community Infrastructure - Health and Social Wellbeing	<p>Primary Healthcare</p> <p>The health and social wellbeing section of the document has been updated to include primary health care. Paragraph 11.13 states that:</p> <p>“Within Growth Area 1, there is an existing deficit of primary care capacity, and this will be increased by proposed growth. The additional capacity required in Growth Area 1 cannot be provided by reconfiguration or extension of existing primary care premises and so there is likely to also be a requirement for a new build facility within this Growth Area. A site and delivery mechanism for this provision will need to be identified and contributions will be sought to</p>	<p>It is not the purpose of the Consultation Draft Planning Obligations SPD to repeat the justifications for possible obligations. More details on the evidence of need are provided in the IDP and other relevant evidence base documents, representations to the Local Plan and Statements of Common Ground relating to the review of the Local Plan.</p> <p>The IDP provides information on the calculation of the need which includes metrics to</p>	N	n/a

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			<p>meet this need from all development sites located in Growth Area 1".</p> <p>In the context of established Case Law on NHS Contributions, caution should be applied when seeking contributions for services that are the subject of general taxation. To date, Dominus has not been provided with any clear case for a new build facility. To date, no site and delivery mechanism has been identified, as such there is no certainty that a new-build primary care facility will come forward.</p> <p>Ambulance Services, Police Services and Fire Services</p> <p>There is no justification for general contributions to emergency services. These sections are not included in the adopted Chapter 11 of the SPD and should not be introduced into the draft guidance.</p>	<p>determine the additional population growth associated with new dwellings, additional floorspace required to meet this growth and the capital required to create the additional floorspace.</p> <p>The IDP also sets out specific infrastructure requirements associated with the additional growth from the review of the Local Plan relating to emergency services. These are not included in the adopted Planning Obligations SPD as they relate the additional growth and spatial strategy in the Pre-Submission (Regulation 19) Local Plan documents.</p>		
Catherine Bicknell	Mid and South Essex Integrated Care Board (ICB)	Section 11	Section 11 (Community Infrastructure – Health and Social Wellbeing) of the SPD sets out the Council's approach to seeking planning obligations for healthcare infrastructure. This is	Amendment incorporated in paragraph 11.3 of the Consultation Draft Planning Obligations SPD.	Y	<p>Amendment to paragraph 11.3 to read:</p> <p>11.3 Strategic Policies S9 and S10 state that new development must provide a range of infrastructure including essential primary, acute and community</p>

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			welcomed by the ICB, but it requests that the guidance is amended to make it clear that developments should mitigate their impact on primary, community, acute and ambulance service capacity. This will reflect the changes already made to policies S9 and S10 of the Local Plan.			<u>healthcare provision and ambulance facilities</u> and wellbeing facilities and measures that mitigate the impact of new development.
Fiona Sibley	Carney Sweeney on behalf of Wates Developments and Hammonds Estates LLP	Section 11 – Community Infrastructure: Ambulance, Police and Fire Services response	Requests for funding are set out in Paragraphs 11.20 to 11.24. For each of the above services we request that the Council ensures that any site-specific section 106 obligations meets the Regulation 122 tests of being necessary, directly related and fairly and reasonably related in scale and kind. It is not appropriate in any case for Section 106 to be used as a form of general taxation or to plug an existing gap in infrastructure provision. Any request for strategic services that serve a catchment well beyond the proposed development must be set in the context of: <ul style="list-style-type: none"> • Other available sources of funding which would render the obligation “unnecessary” 	Policy S9 includes Police, ambulance and fire and rescue facilities. The Council's Infrastructure Delivery Plan (IDP) sits alongside the Local Plan. This assesses the current status of infrastructure across Chelmsford and identifies what new infrastructure investment is required to support the Local Plan growth, when it is needed, and funding sources.	N	n/a

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			<ul style="list-style-type: none"> The scale of need of directly related to the development as distinct from the needs from the existing community or general background trends. <p>The SPD and its supporting IDP do not, at present, provide sufficient information to confirm that the obligations for ambulance, police and fire services meet these tests and should therefore be discounted.</p>			
Mr James Lawson	Lawson Planning Partnership on behalf of Essex Fire and Rescue Service	Section 11 Community Infrastructure – Health & Social Wellbeing (Page 65)	<p>Section 11 Community Infrastructure – Health & Social Wellbeing (Page 65)</p> <p>Revise Topic Heading to “Community Infrastructure – Health, Community Safety, Cohesion and Social Wellbeing”</p> <p>Whilst this section provides guidance on the requirement for developer funded healthcare, police, fire & rescue & ambulance infrastructure/facilities, insufficient recognition is given to the role of the fire & rescue (& police/ ambulance) services in providing for community safety and cohesion – in order to deliver healthy, inclusive and safe places</p>	Amendment agreed.	Y	<p>Amendment to topic heading to read:</p> <p><u>11 Community Infrastructure – Health, Community Safety, Cohesion and Social Wellbeing</u></p>

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			(sustainable & resilient communities).			
Mr James Lawson	Lawson Planning Partnership on behalf of Essex Police	Section 11 Community Infrastructure – Health & Social Wellbeing (Page 65)	Section 11 Community Infrastructure – Health & Social Wellbeing (Page 65) Revise Topic Heading to “Community Infrastructure – Health, Community Safety, Cohesion and Social Wellbeing” Whilst this section provides guidance on the requirement for developer funded healthcare, police, fire & rescue & ambulance infrastructure/facilities, insufficient recognition is given to the role of the police (& fire & rescue/ ambulance services) in providing for community safety and cohesion – in order to deliver healthy, inclusive and safe places (sustainable communities).	Proposed amendment referenced above	See above	See above
Mr James Lawson	Lawson Planning Partnership on behalf of Essex County Fire and Rescue Service	Section 11 Community Infrastructure – Health & Social Wellbeing: Fire Services Subheading (Page 67)	Section 11 Community Infrastructure – Health & Social Wellbeing Fire Services Subheading (Page 67) Revise topic subheading to “Fire & Rescue Services” Whilst this section provides guidance on the requirement for	Amendment agreed.	Y	Amendment to sub-heading to read: <u>Fire and Rescue Services</u>

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			developer funded healthcare, police, fire & rescue & ambulance infrastructure/ facilities, insufficient recognition is given to the role of the fire & rescue (& police/ ambulance) services in providing for community safety and cohesion – in order to deliver healthy, inclusive and safe places (sustainable & resilient communities).			
Mr James Lawson	Lawson Planning Partnership on behalf of Essex County Fire and Rescue Service	Paragraph 11.1 Community Infrastructure – Health & Social Wellbeing (Page 65)	Policy Background, Paragraph 11.1 Revised paragraph 11.1 to read “Paragraph 96 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places by enabling and supporting healthy lifestyles and promoting community safety, cohesion and social interaction” Whilst this section provides guidance on the requirement for developer funded healthcare, police, fire & rescue & ambulance infrastructure/ facilities, insufficient recognition is given to the role of the fire & rescue (& police/ ambulance)	Amendment agreed.	Y	Amendment to paragraph 11.1 to read: 11.1 Paragraph 96 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places by enabling and supporting healthy lifestyles and promoting <u>community safety, cohesion and social interaction</u> .

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			services in providing for community safety and cohesion – in order to deliver healthy, inclusive and safe places (sustainable & resilient communities).			
Mr James Lawson	Lawson Planning Partnership on behalf of Essex Police	Paragraph 11.1 Community Infrastructure – Health & Social Wellbeing (Page 65)	Policy Background, Paragraph 11.1 After 'promoting' in line 2 Insert "community safety, cohesion and" Revised paragraph 11.1 to read "Paragraph 96 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places by enabling and supporting healthy lifestyles and promoting community safety, cohesion and social interaction" Whilst this section provides guidance on the requirement for developer funded healthcare, police, fire & rescue & ambulance infrastructure/facilities, insufficient recognition is given to the role of the police (& fire & rescue/ ambulance services) in providing for community safety and cohesion – in order to deliver healthy,	Amendment agreed above.	See above	See above

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			inclusive and safe places (sustainable communities).			
Mr James Lawson	Lawson Planning Partnership on behalf of Essex County Fire and Rescue Service	Paragraph 11.2 Community Infrastructure – Health & Social Wellbeing (Page 65)	<p>Policy Background, Paragraph 11.2</p> <p>After 'healthy' in line 1 insert "safe and cohesive" & after 'health' in line 2 add "police, fire and rescue, ambulance," and in line 3 after 'community health' insert "cohesion"</p> <p>Revised paragraph 11.2 to read "An important element of enabling and supporting healthy, safe and cohesive communities is the provision and protection of community uses, such as health, police, fire and rescue, ambulance and recreation, and the access populations have to the environments and infrastructure that supports community health, safety, cohesion and well-being.</p> <p>Strategic Policy S5 requires the protection and enhancement of community assets whilst Strategic Policy S4 requires a well-connected multifunctional green and blue infrastructure network, helping to promote health and wellbeing"</p>	Amendment agreed.	Y	<p>Amendment to paragraph 11.2 to read:</p> <p>11.2 An important element of enabling and supporting healthy, <u>safe and cohesive</u> communities is the provision and protection of community uses, such as <u>health, police, fire and rescue, ambulance</u> and recreation, and the access populations have to the environments and infrastructure that supports community health, <u>safety, cohesion</u> and well-being. Strategic Policy S5 requires the protection and enhancement of community assets whilst Strategic Policy S4 requires a well-connected multifunctional green and blue infrastructure network, helping to promote health and wellbeing.</p>

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			Whilst this section provides guidance on the requirement for developer funded healthcare, police, fire & rescue & ambulance infrastructure/ facilities, insufficient recognition is given to the role of the fire & rescue (& police/ ambulance) services in providing for community safety and cohesion – in order to deliver healthy, inclusive and safe places (sustainable & resilient communities).			
Mr James Lawson	Lawson Planning Partnership on behalf of Essex Police	Paragraph 11.2 Community Infrastructure – Health & Social Wellbeing (Page 65)	Policy Background, Paragraph 11.2 After 'healthy' in line 1 insert "safe and cohesive" & after 'health' in line 2 add "police, fire and rescue, ambulance," and in line 3 after 'community health' insert "cohesion" Revised paragraph 11.2 to read "An important element of enabling and supporting healthy, safe and cohesive communities is the provision and protection of community uses, such as health, police, fire and rescue, ambulance and recreation, and the access populations have to	Amendment agreed above.	See above	See above.

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			<p>the environments and infrastructure that supports community health, safety, cohesion and well-being.</p> <p>Strategic Policy S5 requires the protection and enhancement of community assets whilst Strategic Policy S4 requires a well-connected multifunctional green and blue infrastructure network, helping to promote health and wellbeing”</p> <p>Whilst this section provides guidance on the requirement for developer funded healthcare, police, fire & rescue & ambulance infrastructure/ facilities, insufficient recognition is given to the role of the police (& fire & rescue/ ambulance services) in providing for community safety and cohesion – in order to deliver healthy, inclusive and safe places (sustainable communities).</p>			
Mr James Lawson	Lawson Planning Partnership on behalf of Essex County Fire and	Paragraph 11.9 Community Infrastructure – Health & Social	<p>Possible Section 106 Obligations, Paragraph 11.9 (Page 65)</p> <p>After ‘healthcare’ in line 1 insert “police, fire and rescue and ambulance” and after ‘health’ in</p>	Amendment agreed.	Y	<p>Amendment to paragraph 11.9 to read:</p> <p><u>11.9 New healthcare, police, fire and rescue and ambulance</u> infrastructure, which includes health, <u>community safety and cohesion</u> and well-being measures,</p>

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	Rescue Service	Wellbeing (Page 65)	<p>line 1 insert “community cohesion”</p> <p>Revised line 1 to read “New healthcare, police, fire and rescue and ambulance infrastructure, which includes health, community safety and cohesion and well-being measures, will be required through Section 106 agreements.”</p> <p>Whilst this section provides guidance on the requirement for developer funded healthcare, police, fire & rescue & ambulance infrastructure/facilities, insufficient recognition is given to the role of the fire & rescue (& police/ ambulance) services in providing for community safety and cohesion – in order to deliver healthy, inclusive and safe places (sustainable & resilient communities).</p>			will be required through Section 106 agreements. This could include investment in existing premises or services if the proposed development generates the need for a new facility or service.
Mr James Lawson	Lawson Planning Partnership on behalf of Essex Police	Paragraph 11.9 Community Infrastructure – Health & Social	Possible Section 106 Obligations, Paragraph 11.9 (Page 65) After ‘healthcare’ in line 1 insert “police, fire and rescue and ambulance” and after ‘health’ in	Amendment agreed see above	See above	See above

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
		Wellbeing (Page 65)	<p>line 1 insert “community cohesion”</p> <p>Revised line 1 to read “New healthcare, police, fire and rescue and ambulance infrastructure, which includes health, community safety and cohesion and well-being measures, will be required through Section 106 agreements.”</p> <p>Whilst this section provides guidance on the requirement for developer funded healthcare, police, fire & rescue & ambulance infrastructure/facilities, insufficient recognition is given to the role of the police (& fire & rescue/ ambulance services) in providing for community safety and cohesion – in order to deliver healthy, inclusive and safe places (sustainable communities).</p>			
Mr James Lawson	Lawson Planning Partnership on behalf of Essex Police	Paragraph 11.21 Community Infrastructure – Health & Social Wellbeing –	<p>Police Services Paragraph 11.21 (Page 67)</p> <p>In line 3 omit ‘2021-2024 which was published in April 2021’ & insert “2024-2028 which was published in April 2024”</p>	Amendment agreed	Y	<p>Amendment to Paragraph 11.21 to read:</p> <p>11.21 Policing for Chelmsford is provided by Essex Police, under the direction of the Police, Fire and Crime Commissioner (PFCC) for Essex. Key priorities for the PFCC are set out in the Police and Crime</p>

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		Police Services (Page 67)	This is a clarificatory point related to the need to reference the current/ updated Police & Crime Plan.			Plan 2021-2024 122 2024-2028 which was published in April 2024.
Mr James Lawson	Lawson Planning Partnership on behalf of Essex Police	Paragraph 11.22 Community Infrastructure – Health & Social Wellbeing – Police Services (Page 67)	Police Services Paragraph 11.22 (Page 67) Insert a new Paragraph 11.22 (to replace Paragraph 11.22 as currently formatted in the draft text) as follows “Essex Police is an essential social infrastructure provider, whose operational capacity will be impacted by the increased demand on its services arising from planned housing and population growth. Developer funded police infrastructure/ facilities will be required to mitigate and manage the increase in crime to persons and property arising from this growth, and to enable an appropriate level of community safety, cohesion and policing to be provided” Insufficient recognition is given to the role of the Police as an essential social infrastructure provider contributing to community safety and cohesion	Amendment partially agreed.	Y	Amendment to paragraph 11.22 to read: <u>11.22 Essex Police is an essential social infrastructure provider, whose operational capacity will be impacted by the increased demand on its services arising from planned housing and population growth. Developer funded police infrastructure/ facilities will be required to mitigate and manage the increase in crime to persons and property arising from this growth, and to enable an appropriate level of community safety, cohesion and policing to be provided. Contributions are identified on a site-by-site basis in the IDP. identifies a budget for the police facilities (social infrastructure) required to support the creation of strong, healthy, inclusive, safe and vibrant new places to achieve sustainable new communities within the administrative area of the Council. Accommodation costs required in relation to the 61 additional officers generated by the population growth will be in the form of financial contributions</u>

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			to in order to deliver healthy, inclusive and safe places (sustainable communities) including the direct link to new housing/ population growth and need for developer funded police facilities.			calculated on a site-by-site basis across the administrative area.
Mr James Lawson	Lawson Planning Partnership on behalf of Essex Police	New Paragraph 11.23 Community Infrastructure – Health & Social Wellbeing – Police Services (Page 67)	Police Services Paragraph 11.22 (Page 67) – to become Paragraph 11.23 In line 2 after 'safe' insert "cohesive" In lines 4 -5 update the additional officer requirement to "63" and insert reference to estate, vehicle/ fleet and highway-based resources Revised Paragraph 11.22 (11.23) to read; "The IDP identifies a budget for the police facilities (social infrastructure) required to support the creation of strong, healthy, inclusive, safe, cohesive and vibrant new places to achieve sustainable new communities within the administrative area of the Council. Accommodation, vehicle and Automatic Number Plate Recognition (ANPR) costs in	Amendments set out above that reference the IPD for site specific details and will be updated annually.	See above	See above

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			<p>relation to the 63 additional officers generated by the population growth will be in the form of financial contributions calculated on a site-by-site basis across the administrative area.”</p> <p>The officer numbers are increased from 61 to 63 to address the increased housing/population growth proposed in the Pre-Submission (Regulation 19) local plan consultation.</p> <p>Clarification is also provided in respect of the type of police infrastructure/ facilities incorporated in the Infrastructure Delivery Plan (*IDP to be updated to reflect Essex Police March 2025 evidence)</p>			
Mr James Lawson	Lawson Planning Partnership on behalf of Essex Police	New Paragraph 11.24 Community Infrastructure – Health & Social Wellbeing – Police Services (Page 67)	<p>Police Services – New Paragraph 11.24 (Page 67)</p> <p>A new Paragraph (11.24) to read as follows</p> <p>“Essex Police envisage the greatest impact arising from housing sites >250 dwellings within Growth Area Locations 1, 2, 3, 7 and 8, and should be contacted at the pre-application stage to scope the police infrastructure/ facilities required.</p>	<p>Amendment to paragraph 11.22 will sign post the IDP for site specific contributions. The IDP includes capital costs for facilities and vehicles.</p>	N	n/a

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			<p>For allocated sites >500 dwellings, developer funding for Local Policing Team/Officers may also be required, incorporating the recruitment, training equipping and tasking of Police Community Support Officers (PCSO's) during the construction stage of development, and the recruitment, training and equipping of Local Policing Team Officers (LPTO's) during the occupation stage of development.</p> <p>Insufficient recognition is given to the type (scope) of police infrastructure/ facilities required to mitigate and manage the impact arising from the larger strategic sites, the demand placed on these facilities at both the construction and occupation phases and need for developer funding - as LPTO/ PCSO resourcing is not fully covered by government/ council tax funding due to the requirement for tasking in advance of housing occupations and the funding lag. LPTO/PCSO facilities directly contribute to the community</p>			

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			safety and cohesion required to deliver healthy, inclusive and safe places (sustainable communities) requiring developer funding.			
Mr James Lawson	Lawson Planning Partnership on behalf of Essex County Fire and Rescue Service	Paragraph 11.23: Fire Services - Section 11 Community Infrastructure – Health & Social Wellbeing: Fire Services (Page 67)	Section 11 Community Infrastructure – Health & Social Wellbeing Paragraph 11.23 Fire Services (Page 67) Delete Paragraph 11.23 & insert revised text to form 4 x new paragraphs (11.23, 11.24, 11.25 & 11.26) as below; 11.23 “Essex County Fire and Rescue Service (ECFRS) is an essential social infrastructure provider, whose operational capacity will be impacted by the increased demand on its services arising from planned housing and population growth. Developer funded fire & rescue infrastructure/ facilities will be required to mitigate and manage the increase in Prevention, Protection and Response activities, including the increased number of incidents, increased attendance times and changes in the incident risk profile.”	Amendment to paragraph 11.23 agreed in part. Proposed new paragraph 11.24 not agreed as detail will be contained in the IDP. Proposed new paragraph 11.25 not agreed as contributions will be identified and updated as appropriate in the IDP (annually updated) to inform Infrastructure Funding Statements. Proposed new paragraph 11.26 not agreed as amendment to paragraph 11.23 will sign post the reference the IDP for site specific details and will be updated annually.		Amendment to paragraph 11.23 to read: <u>11.23 Essex County Fire and Rescue Service (ECFRS) is an essential social infrastructure provider, whose operational capacity will be impacted by the increased demand on its services arising from planned housing and population growth. Developer funded fire & rescue infrastructure/ facilities will be required to mitigate and manage the increase in prevention, protection and response activities, including the increased number of incidents, increased attendance times and changes in the incident risk profile. Contributions are identified on a site-by-site basis in the IDP. Essex County Fire and Rescue Service (ECFRS) is the provider of fire and rescue services for Essex. Whilst there are currently no plans to relocate or refurbish any of the fire stations within Chelmsford, partly in response to development underway in the north of Chelmsford (North East Chelmsford</u>

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			<p>11.24 "The Infrastructure Delivery Plan (IDP) identifies budgets for the fire & rescue facilities (health & social wellbeing infrastructure) required to support the creation of strong, healthy, inclusive, safe, cohesive and vibrant new places to achieve sustainable and resilient new communities. The estate, vehicle/ fleet and fire service plant and equipment costs generated by the population growth will be in the form of financial contributions calculated on a site-by-site basis across the administrative area."</p> <p>11.25 "The ECFRS asset investment programme and Estates Strategy 2021-2026, are looking at future requirements for the upgrading of Wholetime Fire Stations (including the options for On-Call Stations) a shared Fleet Workshop at Boreham and relocation of existing Training Facilities to more centralised locations."</p> <p>11.26 "ECFRS envisage the greatest impact arising from housing sites >250 dwellings</p>			<p>Garden Community) and given the location of the existing Chelmsford Fire Station, there is a potential need to make nearby Braintree Fire Station (currently an on-call fire station) a wholetime fire station (where firefighters are based at the station 24/7). In order to do this, redevelopment of the fire station will be required to accommodate this change.</p>

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>within Growth Areas 1, 2 and 3, and should be contacted by developers at the pre-application stage to scope the fire and rescue infrastructure/ facilities required. For these larger allocated strategic sites, developer funding for the recruitment, training & equipping of Community Safety, Community Wellbeing, Fire Safety Officers and Firefighters may be required.”</p> <p>This section provides guidance on the requirement for developer funded fire & rescue infrastructure/ facilities, including the type of facilities required by the larger strategic allocated sites, and the requirement for pre-application engagement with ECFRS.</p> <p>Insufficient recognition is currently given to the role of the fire & rescue service, and the infrastructure/ facilities required to achieve community safety, cohesion and engagement in the delivery of sustainable & resilient communities.</p>			

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
Kathryn James	Sphere 25 on behalf of Dominus Chelmsford Limited	Chapter 12 - Community Infrastructure – Social and Community Facilities	This section has been notably expanded, with reference to cemeteries and site-specific contributions to a number of site allocations. This is repetitious with the local plan. Instead, the SPD should simply state – “individual on-site social and community facilities are referenced in each site-specific allocation in the local plan.”	The bullet points in paragraph 12.9 repeat site specific policy and/ or IDP requirements so can be removed.	Y	<p>Amendment to paragraph 12.9 to read:</p> <p>12.9 The IDP does not include neighbourhood centres incorporating community provision in the following allocations as it is assumed that a<u>Any</u> community hall provision included as part of these neighbourhood centres will be provided directly on site by the developer as part of the comprehensive masterplanning of the relevant sites:</p> <ul style="list-style-type: none"> • Location 2 – West Chelmsford • Location 7a – Great Leigh – Land at Moulsham Hall • Location 8 – North of Broomfield • Location 16a – East Chelmsford Garden Community (the North Chelmsford Garden Community has its own IDP) • Location 10 – North of South Woodham Ferrers
Kathryn James	Sphere 25 on behalf of Dominus Chelmsford Limited	Chapter 13 - Community Infrastructure - Public Realm and Public Art	This chapter is supported. Consistent with other local planning authorities, Public Art, if delivered on site should be secured via planning condition rather than a s106 planning obligation.	Noted	N	n/a

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
Laura Dudley-Smith	Ceres Property on behalf of CHP	SECTION 13 – COMMUNITY INFRASTRUCTURE – PUBLIC REALM AND PUBLIC ART	Whilst our client acknowledges the potential of public art works to contribute to public realm and placemaking, they have concerns over the requirement for a written public art statement to be in place prior to the commencement of the development. This is unjustified and we do not consider it be directly related to works commencing on site. In our review, it would be less disproportionately restricting on the construction process for the statement to be required within a timeframe of the commencement of development (i.e. within 3 months).	If Public Realm and Public Art are to be provided on-site within public space, it is logical that the scheme should be approved prior to commencement. Proposed amendment acknowledges there might be some variations from this, especially if provided off-site. Paragraph 13.12 states that written public art statement, explaining the commissioning process, artist briefs and budget <u>should</u> be in place prior to commencement of the development. This already provides sufficient flexibility and does not require an amendment.	Y	Amendment to paragraph 13.10 to read: 13.10 Development will not <u>normally</u> commence until the developer has submitted to and received written approval for a Public Realm Scheme from the Council. Developers will be required to illustrate what parts of the scheme are to be offered for adoption. For the parts of the scheme that will be offered for adoption, there is a requirement for a developer to design and construct the area of Public Realm to a design and specification agreed by the Council. It will then be transferred to the appropriate Council (Parks or Highways) once it is in an adoptable condition. Upon transfer, a commuted maintenance payment will be required to cover the initial costs of maintaining the Public Realm. The Section 106 agreement will also put in place measures to agree the management and maintenance of any unadopted areas. Public realm improvements will usually be required to be completed prior to the first occupation of a development.
Kathryn James	Sphere 25 on behalf of Dominus	Chapter 14 Community Infrastructure	This is a new chapter in the SPD. Reference is made to the County seeking contributions towards Essex Recycling Centre for	Paragraph 14.13 references the requirements set out in another document –	N	n/a

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
	Chelmsford Limited	– Waste Management	Household waste. This should not be taken as a section 106 contribution. If required, this should be paid via the Community Infrastructure Levy (CIL).	ECC's Developers Guide to Developers Contributions 2024. These contributions could be through S106 or CIL as identified in the IDP.		
Kevin Fraser	Essex CC	14 Community Infrastructure – Waste Management, paragraph 14.3	ECC recommend reference is also made to Policy DM4 – Employment Areas and Rural Employment Areas which states that the Council will seek to provide and retain Class E(g), B2 and B8 Use Classes or other 'sui generis' uses of a similar employment nature unless it can be demonstrated that there is no reasonable prospect for the site to be used for these purposes. Waste management facilities are generally considered as sui generis ('in a class of its own'). It is, however, considered that employment land designated for B2 and B8 uses represent the most suitable land as many waste management operations are similar in nature and impact to industrial activities and storage and distribution facilities. This would be consistent with the adopted Waste Local Plan Policy	Amendment / additional text agreed.	Y	Amendment to paragraph 14.3 to read: <u>14.3 Strategic Policy S9 states that new development must be supported by the provision of infrastructure, services and facilities that are identified as necessary to serve its needs. This includes municipal waste and recycling facilities. Policy DM4 states that the Council will seek to retain Class E(g), B2 and B8 Use Classes or other sui generis uses of a similar employment nature unless it can be demonstrated that there is no reasonable prospect for the site to be used for these purposes. Waste management facilities are generally considered as sui generis.</u>

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			4 Areas of Search (specific employment areas where waste management is supported in principle.			
Kevin Fraser	Essex CC	14 Community Infrastructure – Waste Management, paragraph 14.8	ECC seek further clarification with regards ECC's role as the Waste Disposal Authority (WDA) for Essex, with a statutory obligation to arrange: <ul style="list-style-type: none"> · for the disposal of the Local Authority Collected waste (LACW) collected by the waste collection authorities (i.e. the 12 Borough, City and District Councils within Essex); and · for places to be provided where the residents of Essex may deposit their household recycling and waste, and to arrange for the disposal of this waste. 	Amendment agreed and additional roles added.	Y	Amendment to paragraph 14.8 to read: 14.8 ECC acts as both the Minerals and Waste Planning Authority as well as the Waste Disposal Authority for Essex. As the Waste Planning Authority for Essex, it has specific responsibilities for strategic and waste land-use planning policy. This includes the preparation of the Waste Local Plan, <u>and the</u> determination of planning applications for the management of waste and for ensuring compliance with planning permissions, <u>for the disposal of Local Authority Collected Waste and for places to be provided for households to deposit their household recycling and waste.</u>
Kevin Fraser	Essex CC	14 Community Infrastructure – Waste Management, paragraph 14.10	ECC welcome reference to the Waste Strategy for Essex. ECC recommend reference is made to the stretching targets to reduce waste, increase reuse and recycling and to recover energy and materials from waste that can't be recycled:	This information can be accessed through the signposted document.	N	n/a

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<ul style="list-style-type: none"> · halve the amount of residual waste produced per person by 2042. · reuse, recycle, or compost 65% of waste by 2035 with an ambition to achieve 70% or more. · stop using landfill by 2030 · ensure that all residents have access to food waste recycling collections by 2026 · ensure that all residents have access to recycling services for plastic, paper, car, metal, glass, and garden waster by 2026 · ensure that all residents have access to recycling for plastic film by 2027. 			
Kevin Fraser	Essex CC	14 Community Infrastructure – Waste Management, paragraph 14.16	Although there is capacity across the Recycling Centre network there are pressure points at specific sites and at peak times and this includes the Drovers Way, North Springfield RCHW. Work is underway to unlock capacity understand what is needed to alleviate the issues and the impact on waste flows and service demand as a result of impending regulatory changes and housing growth. Housing	Propose to delete existing paragraph 14.16 and add flexibility to paragraph 14.13 with additional of the words 'or update'.		<p>Amendment to paragraph 14.13 to read:</p> <p>14.13 ECC will seek contributions towards improvements at Essex Recycling Centre for Household Waste or municipal waste treatment sites, as per the ECC Developers' Guide to Developers Contributions 2024 <u>or update</u>, to deliver capacity, access or other identified requirements to support usage as a result of planned growth.</p> <p>Delete existing paragraph 14.16:</p>

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>growth is also likely to place additional pressure on the Waste Transfer Station network and associated logistics infrastructure particularly with increased requirement to segregate waste streams for onward treatment requiring additional space.</p> <p>ECC will seek contributions towards improvements at Essex Recycling Centre for Household Waste (RCHW) or municipal waste treatment sites, as per the ECC Developers' Guide to Developers Contributions 2024 (or as updated), to deliver capacity, access or other identified requirements to support usage as a result of planned growth. The WDA is exploring the approach to developer contributions towards waste management schemes to be incorporated into the Guide' review in 2025.</p> <p>The IDP should include the cost of enhanced or additional waste infrastructure required to be funded through relevant developer contributions having regard to the ECC Developers'</p>			<p>14.16 The major centralised waste treatment facilities have been developed with appropriate capacity to accommodate growth, however larger developments are likely to necessitate additional investment in the local public facilities and logistics infrastructure. The local infrastructure that may require investment to increase capacity are the public facilities such as Recycling Centres for Household Waste and the local logistics infrastructure such as vehicle depots and waste transfer stations.</p>

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			Guide to Infrastructure Contributions (Revised 2024) or update.			
Kathryn James	Sphere 25 on behalf of Dominus Chelmsford Limited	Chapter 15 - Economic Infrastructure – Employment and Skills	This is a new chapter in the SPD. It is supported. Dominus and their supply chain supports a range of Economic infrastructure initiatives. These include those listed of Apprenticeships, Work experience, Volunteering, Careers information and training.	Noted	N	n/a
Kevin Fraser	Essex CC	16. Implementation of this Planning Obligations SPD	ECC support the inclusion of Policy DM31 in the Regulation 19 Local Plan and its Reasoned Justification, which is consistent with 'model policy' - Policy NZ1 of the 'Planning Policy Position for Net Zero Carbon Development Homes and Buildings in Greater Essex' which can be viewed here. Policy NZ2 relating to embodied carbon and its supporting evidence base was not sufficiently developed to include as an additional policy in the Pre-Submission Local Plan. This omission was raised by ECC through the Preferred Options consultation and Duty to Cooperate meetings. The Essex	Noted. This section of the SPD provides advice on the Local Plan Viability assessments that include costs to achieve Policy DM31 and all other policies in the plan.	N	n/a

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>Embodied Carbon Policy Study was completed in June 2024 and work is ongoing to update Policy NZ2 accordingly. Given the timing of the evidence study publication and policy drafting to develop the Essex 'model' policy, the position that CCC has undertaken is understood and accepted.</p> <p>ECC has published open legal advice setting out the legal justification for local planning authorities to mandate higher building fabric and energy efficiency standards for new development than current and proposed Building Regulations prior to the adoption of formal local plan policy. It includes the consideration of the use of Supplementary Planning Documents, Design Guides, Design Codes, other non-statutory local policy statements and draft local plan policies, and the weight applied in decision-taking.</p> <p>The legal advice concluded that there are opportunities to adopt an SPD giving strong</p>			

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>encouragement for higher fabric standards in various specific circumstances, as long as there is a clear link with local plan policies. This link would be provided by proposed Strategic Policy S2 – Addressing Climate Change and Flood Risk and in particular bullet 1 - Reduces greenhouse gas emissions; bullet 2 - Results in net zero carbon emissions and exceeds Building Regulations Parts F and L in accordance with Policy DM31and bullet 7 - Encourages design and construction techniques which contribute to climate change mitigation and adaptation</p> <p>Essex Open Legal Advice Part B – Energy policy prior to local plan adoption (Estelle Dehon KC, Cornerstone Barristers, 31 December 2024)</p> <p>ECC would seek any planning applications be required to refer to Section 11 (page 46 –50) of Report 1 – Essex Net Zero Policy Study - Technical evidence (Introba, Etude and Currie & Brown, July 2023) and have been</p>			

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			used to inform the Regulation 19 Local Plan Viability Assessment.			
Kevin Coleman	Phase 2 Planning & Development on behalf of Vistry Group	Paras 16.1-16.4	<p>There is a presumption in the Obligations SPD (as there is with the draft Local Plan itself) that the Local Plan Viability Assessment work is both universally applicable and sufficiently rigorous to mean that viability testing at application stage should not be necessary (para 16.4 of the SPD).</p> <p>However, as we have noted separately in our representations to the draft Local Plan, Vistry have concerns that, in respect of strategic sites in particular, the viability testing done for the Local Plan has not properly factored in the cost of strategic infrastructure/abnormal costs (see attached). As a consequence, it is not work that can be relied upon for assessing individual large sites, which have bespoke delivery requirements. There are in addition other costs (such as net zero) that have not been adequately factored into the viability testing.</p>	<p>The Local Plan viability assessments are considered robust.</p> <p>The use of the word 'typically' to be added to paragraph 16.4 to acknowledges that in most scenarios the use of further viability assessments at the decision-making stage are not likely to be necessary if the typology of development has been represented in the Local Plan Viability Assessments. The rest of the wording in paragraph 16.4 directly replicates national planning practice guidance.</p> <p>The Local Plan Viability assessments consider the range of contributions (including those identified in the IDP) to determine whether most</p>	Y	<p>Amendment to paragraph 16.4 to read:</p> <p>16.4 <u>Typically</u> the use of further viability assessments at the decision-making stage should not be necessary. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage.</p>

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>Furthermore, the SPD itself recognises that the Local Plan viability work is not universally applicable. Paragraph 16.1 notes that the Local Plan viability work tests "a range of site types that are most likely to come forward". The results show that "in most cases" development would be viable, and that in "most cases" the developer will be able to bear the costs.</p> <p>Implicitly therefore there will be instances where development is not viable, and viability testing/flexibility in obligations or alternative funding mechanisms will be needed.</p> <p>The above is not a criticism of the viability work as such, but the applicability of that work needs to be properly caveated and recognised, and therefore the role of viability testing at application stage needs to be recognised and not lightly dismissed in the way that the SPD does currently at paragraph 16.4.</p> <p>The section on viability requires amendment to recognise the</p>	<p>development will be able to bear the range of contributions and CIL at the adopted and subsequently indexed rate.</p> <p>Paragraph 2.8 of the Consultation Draft Planning Obligations SPD explains the three funding categories needed to support the Local Plan. Paragraph 2.9 references the IDP and notes that the funding categories of items of infrastructure required to support the Local plan are set out in the latest IDP.</p>		

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>limitations of the Local Plan viability work and to acknowledge that Local Plan viability will be tested at application stage where there are differences to the Local Plan viability testing assumptions.</p> <p>Lastly, it needs to be recognised that there is an overlap between the application of this SPD and the collection of CIL receipts, where many of the items identified in this SPD can legally, under section 216 of the Planning Act 2008 (as amended), be funded via CIL receipts payable on developments. It is also noted that CIL has not been reviewed at this time.</p> <p>As a consequence, there is an overriding risk that as currently drafted, developments are expected to pay full s106 obligations arising via this SPD on top of full CIL and which can (and will) adversely affect the viability of developments and by consequence the effectiveness of the Local Plan to deliver proposed allocated development. Greater clarity is</p>			

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>therefore required in the draft SPD relating to the operation of this SPD and its relationship to the payment of CIL and to ensuring that it does not adversely affect viability and therefore render the Local Plan undeliverable. This is especially so given the greater degree of assumptions adopted in Local Plan viability assessment.</p> <p>Flexibility in relation to the application of this SPD and viability matters therefore need to be incorporated.</p> <p>In this regard, our representations in relation to the delivery / viability of certain Local Plan policies and which are reflected in this SPD are therefore equally applicable to this SPD and should be considered in unison.</p>			
Kathryn James	Sphere 25 on behalf of Dominus Chelmsford Limited	Chapter 16 - Implementation of this Planning Obligations SPD	<p>Chapter 16 of the document states:</p> <p>“The results of the Viability Study show that in most of cases, the residual value exceeds the existing use value by a satisfactory margin indicating that most development likely to</p>	<p>The Local Plan viability assessments are considered robust.</p> <p>In line with national planning practice guidance on viability, paragraph 16.5 sets out</p>	N	n/a

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>come forward under the Local Plan is viable and will be able to bear the range of developer contributions and CIL at the adopted, and subsequently indexed, rate.</p> <p>The use of further viability assessments at the decision-making stage should not be necessary. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage.</p> <p>Where an applicant formally requests the Council to consider a reduced level of planning obligations for a scheme it will need to demonstrate that either:</p> <ul style="list-style-type: none"> • the development is proposed on an unallocated site of a wholly different type to those used in the latest Local Plan Viability Update, • further information on infrastructure or site costs is required, • particular types of development are proposed which may significantly vary from 	<p>the circumstance in which a viability assessment at the decision-making stage will be justified.</p> <p>Paragraph 16.14 is justified in that national planning guidance on viability states that the aim of the planning system is to secure maximum benefits in the public interest through the granting of planning permission.</p> <p>Paragraph 16.15 sets out that where the Council is satisfied that a scheme cannot be fully compliant and remain financially viable the Council may consider a reduced level of contributions in one or more area.</p> <p>National Planning Practice Guidance states that plans should set out circumstances where review mechanisms may</p>		

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>standard models of development for sale, or</p> <ul style="list-style-type: none"> • a recession or similar significant economic change has occurred since the latest Local Plan Viability Update. <p>As shown in previous detailed representations, the viability assessment undertaken by the Councils external advisors included a number of incorrect assumptions. For the Meadows shopping centre, it has been proven beyond doubt that the scheme is unviable, and that the level of CIL and s106 contributions are able to be borne by the developer.</p> <p>Paragraph 16.14 states “Where the level of planning contributions that the development can viably support cannot mitigate the impact of the proposed development, the development will need to wait until development values improve, land values can be renegotiated, or alternative funding sources can be secured. If delaying development is not an option, applicants will be</p>	<p>be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles.</p> <p>The provisions in paragraph 8.35 and 8.36 of the Pre-Submission (Regulation 19) Local Plan are not considered onerous and the formula in paragraph 16.16 for calculating surplus profit provides clarity and is only applied to a percent after the owner's profit and deficit has been deducted.</p>		

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>encouraged to consider their profit margins to see if the development could proceed with slightly reduced returns.”</p> <p>This paragraph should be deleted. To await changes to development values and land values will not simply postpone development, but jeopardise development coming forward altogether. The Council recognises that the borough is in a housing crisis, and the realities of development need to be borne in mind.</p> <p>A new section has been inserted regarding review mechanisms. The proposed calculation is onerous. It is a one-way review that will fetter development risk for complex and unviable multi-phase schemes.</p>			
Laura Dudley-Smith	Ceres Property on behalf of CHP	SECTION 16 – IMPLEMENTATION OF THIS PLANNING OBLIGATIONS SPD	<p>Viability</p> <p>We note that Section 16 of this SPD confirms that the “the Council has tested the development viability of a range of site types that are most likely to come forward over the new plan-period”, and respectively it concludes that “the use of</p>	<p>Amendment to paragraph 16.5 to recognise that either an allocated or unallocated site wholly different to those tested in the latest Local Plan can formally request the Council consider a</p>	Y	<p>Amendment to paragraph 16.5 to read:</p> <p>16.5 Where an applicant formally requests the Council to consider a reduced level of planning obligations for a scheme it will need to demonstrate that either:</p> <ul style="list-style-type: none"> • the development proposed on an unallocated site is wholly different

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>further viability assessments at the decision-making stage should not be necessary".</p> <p>Of the site types and scenarios tested within the Local Plan Viability Update 2023 however, none of these comprised a large brownfield site providing up to 100% affordable housing provision. The site at Andrews Place wasn't included in the Plan's draft allocations at this stage at all and thus not directly assessed either. Throughout the assessment, it is also assumed that affordable housing would be constructed by a developer and sold to a Registered Provider. It does not consider a scenario where the Registered Provider is delivering and seeking to retain the units themselves.</p> <p>The SPD puts substantial burden on an applicant requesting the consideration of the Council for a reduced level of planning obligations, particularly in respect of the content and level of detail required for any viability assessment. There does not appear to be any</p>	<p>reduced level of planning obligations.</p> <p>The monitoring works and fees incurred by the Council as set out in paragraph 16.31 apply on all developments containing affordable housing. They represent only the work undertaken by the Council officers that are not the subject of a separate charge.</p>		<p>in type to those used in the latest Local Plan Viability Update,</p> <ul style="list-style-type: none"> • further information on infrastructure or site costs is required, • particular types of development are proposed which may significantly vary from standard models of development for sale, or • a recession or similar significant economic change has occurred since the latest Local Plan Viability Update.

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>acknowledgement of the potential scenario of a 100% or affordable-led scheme and how this may impact planning obligation expectations. This is highlighted by the aforementioned assumption that most sites, particularly allocated sites, will be viable.</p> <p>We therefore request further consideration of the planning obligation requirements for sites that are affordable-led, such as the Andrews Place allocation in particular, or this nature of development.</p> <p>Monitoring fee (affordable housing obligation)</p> <p>Given that the suggested monitoring fee per affordable housing unit is proposed to include time and costs associated with entering into nomination agreements with Registered Providers, it is proposed that there is scope included for this to be reviewed in circumstances where the Registered Provider is the applicant.</p>			
Kevin Fraser	Essex CC	Renewable Energy	ECC notes that the SPD makes no reference to renewable energy,	Noted	N	n/a

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
			<p>including community led energy projects. ECC notes that the Regulation 19 Local Plan Review, Policy DM19 – Renewable and Low Carbon Energy, paragraph 8.173 makes reference to the Council's Making Places SPD providing further planning advice for smaller building mounted solar energy systems. ECC would seek any update of the Making Places SPD to incorporate reference to community led energy projects. Reference in any update will also need to be made to roof top solar PV as it is the preferred offset mechanism (Requirement 4) for Policy DM31 - Net Zero Carbon Development (In Operation).</p>			

Total of 78 comments representing 14 different organisations

Statutory Agencies	Developers	RPs
Essex County Council	Dominus Chelmsford Limited	CHP
Essex Police	Wates Developments and Hammonds Estates LLP	
Essex County Fire and Rescue Services	Chelmsford Garden Community Consortium	
Mid and South Essex Integrated Care Board	Vistry	
Natural England	Hopkins Homes Ltd	
Historic England	Ptarmigan Chelmsford A Limited	
Sport England		
7	6	1

APPENDIX 2 – Representations to the Pre-Submission (Regulation 19) Local Plan Consultation relating to Consultation Draft Planning Obligations SPD

Name	Organisation	Section	Comment	Response	Modification Y/N	Modification Details
Connor Hall	Chelmsford Garden Community Consortium, PSQ25-6352; Vistry Group, PSQ25-6379	DM1	Further clarification is required on the definition/scope of 'Older Persons accommodation' and its application through the Planning Obligations Supplementary Planning Document. Amend Part D to require 'up' to 10% of market housing to be provided for Older Persons, 'taking account of local housing needs.'	Response provided in Appendix 1	See Appendix 1	See Appendix 1
Andrew Lightstone	Highgate Capital Limited, PSQ25-5331	DM1	The Strategic Housing Needs Assessment falls short of detailing how the market for co-living accommodate will be met. Allocate a co-living site in Chelmsford City Centre	The Council adopted a Co-living Planning Advice Note in July 2025 that sets out the Council's approach for assessing development proposals for co-living proposals in the administrative area.	N	n/a

Appendix 3 Internal Consultee Responses to the Consultation Draft Planning Obligations SPD

Section	Comment	Modification Y/N	Modification Details
1 Introduction Paragraph 1.7	Typographical error	Y	<p>Amendment to paragraph 1.7 to read:</p> <p>1.7 The SPD has been revised to reflect changes to national planning policy guidance, proposed modifications to the Local Plan following a review that commenced in 2022, and new local strategies and policy guidance. <u>Any references to Local Plan policies relate to the Pre-Submission (Regulation 19)</u> <u>Local Plan and Focused Consultation Additional Sites (Regulation 19) Document.</u></p>
Policy Background, Paragraph 2.7	Acknowledge the Garden Communities will have their own IDP's	Y	<p>Amendment to paragraph 2.7 to read:</p> <p>2.7 The Chelmsford Infrastructure Delivery Plan (IDP) has been undertaken by independent consultants to inform Chelmsford's Local Plan <u>and will be updated annually by the Council</u>. The Chelmsford IDP shows what infrastructure is required and how it will be provided; who is to provide the infrastructure; and when the infrastructure could be provided. <u>Due to the scale of the Garden Communities Development, they will have standalone IDPs developed in partnership with the land promoters. Any reference to an IDP in this document incorporates the Garden Community IDP's and the Chelmsford IDP for all other allocated development sites.</u></p>
Policy Background, Paragraph 2.14	Typographical error	Y	<p>Amendment to paragraph 2.14 to read:</p> <p>2.14 Other policies within the Local Plan provide specific and detailed justification for various types of planning obligations e.g. Policy DM2 - Affordable Housing and Rural Exception Sites, such policies are referred to in the relevant sections of this SPD.</p>
Section 3 Obligation Types Paragraph 3.1	Typographical error	Y	<p>Amendment to paragraph 3.1 to read:</p> <p>3.1 The following sections of this document set out the obligation types which may be required as part of any Section 106 Agreement. Each section sets out the policy background to requiring such obligations, <u>the relevant points at which such a contribution may be required</u>, when the obligation is expected to be provided, any exceptions and any other relevant information.</p>

Section	Comment	Modification Y/N	Modification Details
Section 3 Obligation Types 3.4	Point of clarification	Y	<p>Amendment to paragraph 3.4 to read:</p> <p>3.4 Planning obligations should be clearly identified as early as possible in the planning process. This includes the Masterplan process required for all strategic scale development, the preapplication process which is encouraged for all forms/scales of development and planning performance agreements to ensure all parties are clear what is required of them at each stage of the planning application process.</p>
Section 3 Obligation Types 3.5	Typographical error	Y	<p>Amendment to paragraph 3.5. to read:</p> <p>3.5 Due to the scale and complexity of delivering the <u>infrastructure</u> required for the Chelmsford Garden Community (Location 6) and East Chelmsford Garden Community (Location 16), bespoke infrastructure delivery mechanisms <u>may</u> be appropriate and will be considered through the garden community governance structures and consulted upon separately.</p>
4 Housing Paragraph 4.15	Reference amended as other legislative changes to Self-Building and Custom Housebuilding Act have been introduced by the Levelling Up and Regeneration Act 2023	Y	<p>Amendment to paragraph 4.15 to read:</p> <p>4.15 The Self-build and Custom Housebuilding Act 2015 (as amended) by the Housing and Planning Act 2016 provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where individuals, an association of individuals, persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.</p>
4 Housing Paragraph 4.16	Point of clarification	Y	<p>Amendment to paragraph 4.16 to read:</p> <p>4.16 In considering whether a home is self-build or a custom build home, local authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. It does not include the building of a house or plot acquired from a person who builds the house mainly to plans or specification decided or offered by that person. <u>The 2015 Act also requires custom and self-build homes to be occupied as a sole or main residence.</u></p>
4 Housing Paragraph 4.17	Point of clarification	Y	Amendment to paragraph 4.17 to read:

Section	Comment	Modification Y/N	Modification Details
			<p>4.17 There are various types of self-build and custom build projects including:</p> <ul style="list-style-type: none"> • Individual self/custom build - individuals purchase a serviced plot of land and build a house to live in. They may do some or all the build themselves (<u>Do-it-Yourself</u>) or employ a builder, architect or project manager to oversee the build (<u>self-commissioned</u>). • Group self/custom build - a group of people come together to design and develop a custom build housing development which they then live in. They may build this themselves or with help from a developer to manage the project (<u>see Community-led and cohousing below</u>). • Developer-led custom build - a developer divides a larger site into individual serviced plots and provides a design and build service to purchasers <u>through a choice of pre-approved designs</u>. This gives people a chance to customise existing house designs to suit their needs, <u>and can sometimes offer a chance to finish the house internally</u>. • <u>Self-finish/shell homes</u> – housing built as a watertight shell by a developer, the internal layout of which is then designed and finished by the initial occupant. <p>Inset a new paragraph using the text from the last bullet point of 4.17 to read:</p> <p>Community-led housing <u>is</u> development taken forward by or with a not for-profit organisation that is primarily for the purpose of meeting the needs of its members or the wider local community. A Community Led Housing Planning Advice Note promotes greater understanding of Community Led Housing and shows the enhanced role that communities can have in influencing increased provision of Community Led Housing. It also provides further information on the different approaches in which a community group or organization can own, manage, or steward homes.</p> <p>Inset a new paragraph using the text from the last bullet point of 4.17 to read:</p> <p><u>Cohousing</u> A cohousing project involves a legally recognised group of people creating their own neighbourhood of homes, with shared facilities such as a communal house. This is different to Co-living Housing, which also contains significant communal space but is provided by a commercial</p>

Section	Comment	Modification Y/N	Modification Details
			entity. Further advice on Co-Living Housing can be found in the Co-Living Housing Planning Advice Note.
4 Housing Paragraph 4.18	Point of clarification	Y	<p>Amendment to paragraph 4.18 to read:</p> <p>4.18 The Self and Custom Housebuilding Act 2015 <u>(as amended)</u> places a duty on the Council to keep a register of individuals, and associations of individuals, who are seeking to acquire self-build serviced plots of land in the Council's area for their own self-build and custom housebuilding.</p>
4 Housing Paragraph 4.19	Self-Build Planning advice note has now been assimilated into a new Self-Build and Custom Housebuilding Monitoring report	Y	<p>Amendment to paragraph 4.19 to read:</p> <p>4.19 The register provides information on the number of individuals and associations on the register; the number of serviced plots of land sought; the preferences people on the register have indicated, such as general location within the authority's area, plot sizes and type of housing intended to be built. This information is updated each year in the <u>Self-Build and Custom Build Planning Advice Note-Self-Build and Custom Housebuilding Monitoring Report</u>.</p>
4 Housing Paragraph 4.23	Updated to reflect legal drafting in the template S106 agreement	Y	<p>Amendment to paragraph 4.23 to read:</p> <p>4.23 A serviced plot of land must have legal access to a public highway and electricity, water, wastewater, <u>telecommunications including fibre optic broadband</u> and sewer connections at least to the plot boundary.</p>
4 Housing Paragraph 4.26	Self-Build Planning advice note has now been assimilated into a new Self-Build and Custom Housebuilding Monitoring report	Y	<p>Amendment to paragraph 4.26 to read:</p> <p>4.26 At the time a planning application is submitted, the Council will review the preferences of the people on the register as reported in the latest published <u>Self-Build and Custom Build Planning Advice Note-Self-Build and Custom Housebuilding Monitoring Report</u>, to advise developers and landowners on the type of self and custom housebuilding required.</p>
4 Housing Paragraph 4.28	Self-Build Planning advice note has now been assimilated into a new Self-Build and	Y	Amendment to paragraph 4.28 to read:

Section	Comment	Modification Y/N	Modification Details
	Custom Housebuilding Monitoring report		4.28 Providers should provide a mix of serviced plots to meet the range of demand and affordability evidenced by local demand on the register, as annually updated in the <u>Self-Build and Custom Build Planning Advice Note</u> <u>Self-Build and Custom Housebuilding Monitoring Report</u> .
4 Housing Paragraph 4.29	Point of clarification	Y	<p>Amendment to paragraph 4.29 to read:</p> <p>4.29 Where there is evidence of local demand for serviced plots, but they are not possible e.g. flatted schemes, the Council will require the provision of <u>self-finish/shell homes</u> 'complete shell' or 'self-finish' units where the purchaser can then define internal layouts, finishes and fixings as well as any exterior landscaping for flats with private gardens.</p>
4 Housing Paragraph 4.30	Updated to reflect legal drafting in the template S106 agreement	Y	<p>Amendment to paragraph 4.30 to read:</p> <p>4.30 The Section 106 will secure self-build or custom build homes that meet the legal definition of self-build and custom housebuilding in the Self-build and Custom Housebuilding Act 2015 (as amended). To ensure that self-build and custom housebuilding provision are delivered in a way that meets local demand, the Council will seek to secure a Section 106 obligation which sets out the <u>location, phasing, build programme, amount, type, mix, marketing strategy and priority mechanisms</u> that the self-build or custom housebuilding must achieve.</p>
4 Housing Paragraph 4.31	Updated to reflect legal drafting in the template S106 agreement	Y	<p>Amendment to paragraph 4.31 to read:</p> <p>4.31 The Marketing Strategy will be expected to detail the <u>proposed marketing of the self-build and custom build plots which shall not exceed 15 units at a time and include details of the sale price of the plots with supporting valuation methodology from a RICs qualified valuer, how, where and when the plots are to be offered to the market, plot passport details for each plot, marketing materials, promotional methods, on-site signage, promotional information for persons on the Council's Self Build and Custom Build Register, and any alternative or additional marketing in the event that the interest is low, the marketing periods of plots and priority-mechanisms, the condition, appearance and demarcation of plots to go on sale; the content of marketing material and information packs including plot passports; and the mechanism for determining the 'market value' of the plots.</u></p>
4 Housing Paragraph 4.33	Updated to reflect legal drafting in the	Y	Amendment existing paragraph 4.33 to read:

Section	Comment	Modification Y/N	Modification Details
	template S106 agreement		<p><u>4.33 Custom and self-build developments will be required to deliver Biodiversity Net Gain (BNG) in accordance with national mandatory requirements, other than where the national custom and self-build exemption applies. The exemption will not apply to the application of the 5% obligation under Policy DM1 C as the 5% requirement is only triggered for developments of 100 or more dwellings. Arbitrarily dividing up development proposals in an effort to apply the exemption will not be acceptable. Where developments are exempt from mandatory BNG requirements, they are encouraged to deliver biodiversity gain proportionate to the scale of development. To qualify for BNG exemption, planning applications must clearly demonstrate that the development meets the custom and self-build legal definition, and planning permissions must be secured as custom and self-build housing. The Section 106 agreement will mirror the terms of the CIL Regulations 2010 (as amended) exemption provisions and ensure that the self-builder and custom housebuilder must remain as the occupant of the dwellings for a minimum of 3 years after completion in order to benefit from the exemption.</u></p>
4 Housing Paragraph 4.35	Updated to reflect legal drafting in the template S106 agreement and removal of the Self-Build and Custom Housebuilding Planning Advice Note	Y	<p>Amendment to paragraph 4.35 to read:</p> <p><u>4.35 Providers of self-build and custom housing building will be required to market appropriately in accordance with an approved marketing strategy serviced plots and ensure they remain available for at least 12 months at a price which accounts for income and saving levels of those on Chelmsford's Self-Build and Custom Housebuilding Register (as detailed in the Self-Build and Custom housebuilding Planning Advice Note Self-Build and Custom Housebuilding Monitoring Report), and which is comparable to other serviced plots marketed in the administrative area of Chelmsford in the same 12-month period. If after 12 months a serviced plot has been made available and actively marketed in accordance with the approved marketing strategy but has not sold, the plot can either remain on the open market or be built out by the Developer in accordance with the Design Code and other relevant Local Plan policies. The Council will release the owner from its obligations set out in the section 106 agreement when the owner has provided the Council with a satisfactory record of sales enquiries. Plot providers reverting self-build and custom housebuilding back to market housing will be responsible for the full CIL liability.</u></p>
4 Housing Paragraph 4.37	Updated to reflect legal drafting in the template S106	Y	Amendment to Paragraph 4.37 to read:

Section	Comment	Modification Y/N	Modification Details
	agreement/ experience on small applications		4.37 To ensure that self-build and custom housebuilding is of high-quality design, sites with multiple serviced plots <u>5 or more</u> or other forms of self-build and custom housebuilding provision, will be required to be supported by a Design Code <u>at outline planning stage unless secured through pre-approved plans</u> . The implementation of a Design Code will be secured through a <u>planning condition rather than a planning obligation</u> .
4 Housing Paragraph 4.38	Updated to reflect legal drafting in the template S106 agreement	Y	<p>Amendment to Paragraph 4.38 to read:</p> <p>4.38 A Design Code should <u>normally</u> be submitted by the provider at the outline planning stage and should set out a clear set of design rules and parameters that future development will comply with. Design Codes will vary depending on the amount of development proposed and the context of a site. They will need to be agreed with the Council.</p>
4 Housing insert a new Paragraph 4.40	Updated to reflect legal drafting in the template S106 agreement	Y	<p>Insert a new paragraph after paragraph 4.39 to read:</p> <p><u>Pre-approved designs must be configured in a manner that secures as much design freedom for the initial occupant as possible and only fixes design parameters where demonstrably necessary. Pre-approved design options should show design freedom with at least three options offered to initial occupants over each of the matters listed below:</u></p> <ul style="list-style-type: none"> • <u>Size and shape of the home, including outbuildings;</u> • <u>Position, size and shape of all windows and doors across every elevation;</u> • <u>Materials across every elevation and roof;</u> • <u>Internal layout e.g. location, size and shape of rooms;</u> • <u>Build specification e.g. insulation, heating configuration, heat pumps;</u> • <u>Sustainability features e.g. solar panels, solar hot water, triple glazing; and</u> • <u>Finishes e.g. kitchen, bathroom, flooring, lighting.</u>
4 Housing Paragraph 4.40 and 4.41	Updated to reflect legal drafting in the template S106 agreement	Y	<p>Amendments/amalgamation of 4.40 and 4.41 to read:</p> <p>4.40 <u>The Council will support the use of Plot Passports for self-build and custom housebuilding development when supported by a Design Code.</u> Plot Passports provide potential plot purchasers with a simple and concise summary of the design <u>and development</u> parameters for a specific plot. They should clearly show the <u>location, plot size, any design and siting parameters, access</u></p>

Section	Comment	Modification Y/N	Modification Details
			<p><u>arrangements, separation distances to adjacent sites, the cost of the site, developable footprint, building height, refuse storage areas, servicing infrastructure, CIL exemption, car parking provision, access to site wide survey information, site constraints and construction compound, materials storage area and location of the plots. permissible building lines, heights, footprints and access to services as well as separation distances to adjacent plots. A Plot Passport should also be clear about the number of dwellings that can be built on a single plot as well as specifying car parking provision and access arrangements. Plot Passports will need to state how, and for what period, purchasers are prioritised. Plot passports can also contain information relating to the plot sales process and planning application process if applicable. Plot passports must be available to potential plot purchasers before plots are marketed and approved as part of the marketing strategy submitted to the Council.</u></p>
4 Housing Paragraph 4.47	Update to reflect changes to the revised PPTS that includes a wider definition of a Gypsy and Traveller that now includes persons of a nomadic habit of life including persons or their family's or dependents' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan.	Y	<p>Amendment to paragraph 4.47 to read:</p> <p>4.47 Specialist Residential Accommodation can cater to the specific needs of a variety of people within the community, including older people; students; people with disabilities; people with support needs, looked after children and non-nomadic Gypsy and Travellers who for cultural reasons, choose to live in caravans and Travelling Showpeople.</p>

Section	Comment	Modification Y/N	Modification Details
4 Housing Paragraph 4.53	Update to reflect changes to the revised PPTS that includes a wider definition of a Gypsy and Traveller that now includes persons of a nomadic habit of life including persons or their family's or dependents' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan.	Y	<p>Amendment to paragraph 4.53 to read:</p> <p>4.53 Specialist Residential Accommodation does not necessarily have associated support requirements but could cater to the specific needs of the groups requiring it through the built form of the accommodation provided, such as purpose-built student accommodation or pitches for non-nomadic Gypsy and Travellers.</p>
4 Housing Paragraph 4.55	Update to reflect changes to the revised PPTS that includes a wider definition of a Gypsy and Traveller that now includes persons of a nomadic habit of life including persons or their family's or dependents' educational or health needs or old age have	Y	<p>Amendment to paragraph 4.55 to read:</p> <p>4.55 The demand and housing need for Specialist Residential Accommodation is very diverse and calculated in different ways. The Chelmsford Housing Strategy 2022-2027 identifies a need for over 60 supported accommodation units for homeless households and those in temporary accommodation (as of March 2022). The Gypsy and Traveller Accommodation Assessment (GTAA) (2023) identifies a need for 3127 new pitches across the period 2023-2041 for non-nomadic Gypsies and Travellers who <u>do not meet the PPTS definition</u>, for cultural reasons cannot live in bricks and mortar housing. The Strategic Housing Needs Assessment (SHNA) (2023) estimates a potential need for 11 additional children requiring care and accommodation provided by ECC across the plan period. The SHNA 2023 also calculates that the Council could seek 5% of new market homes to be</p>

Section	Comment	Modification Y/N	Modification Details
	ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan.		compliant with Part M, Category 3 (Wheelchair user dwellings) M4(3) (2) (a) of Schedule 1 (para 1) to the Building Regulations 2010 (as amended) to meet the needs of older and disabled people.
4 Housing Paragraph 4.56	Updated text	Y	<p>Amendment to paragraph 4.56 to read:</p> <p>4.56 ECC has <u>commissioned</u> <u>published</u> a 'Supported and Specialist Housing and Accommodation Needs Assessment' <u>(August 2025)</u>, which <u>estimates the need for supported and specialist housing and accommodation in five -year intervals from the base year of 2024 where possible.</u> <u>is being undertaken by Housing Lin and is expected to identify further additional Specialist Residential Accommodation.</u> <u>ECC's Adult Social Care Market Shaping Strategy 2023-2030 and Market Position Statement (2023) demonstrates demand for additional extra care housing schemes for the market and affordable sectors.</u></p>
4 Housing Paragraph 4.63	Typographical error	Y	<p>Amendment to paragraph 4.63 to read:</p> <p>4.63 The Specialist Residential Accommodation contribution on developments of more than 100 dwellings will therefore be:</p> <p>i. in respect of on-site Specialist Residential Accommodation, 1% of the total net new residential dwellings; or ii where there is a contribution in lieu of on-site provision the contribution will be £42,5400 per Specialist Residential Accommodation dwelling.</p>
4 Housing Paragraph 4.75	Typographical error	Y	<p>Amendment to paragraph 4.75 to read:</p> <p>4.75 To ensure that Gypsy and Traveller and Travelling Showpeople Sites are delivered in a way that meets local need, the Council will secure a Section 106 obligation <u>to that sets out</u> the number of plots, tenure, uses on site and prioritisation mechanism for the accommodation to be provided in perpetuity. Also, for Travelling Showperson plots the Section 106 agreement will include a mechanism for determining the 'market value' of a site.</p>

Section	Comment	Modification Y/N	Modification Details
4 Housing Paragraph 4.76	Typographical error	Y	<p>Amendment to paragraph 4.76 to read:</p> <p>4.76 The prioritisation mechanism will ensure that each pitch/plot shall only be occupied by persons who satisfy that they are part of <ins>form part of</ins> a Gypsy and Traveller or Travelling Showperson household, they (one of them if the household consists of more than one person) are aged 18 or over, and can adhere to the 'Plot Eligibility and Allocation Prioritisation Policy' as defined at the time to reflect identified need in the latest published Gypsy and Traveller Accommodation Assessment.</p>
4 Housing Paragraph 4.87	Typographical error	Y	<p>Amendment to paragraph 4.87 to read:</p> <p>4.87 All new Gypsy, Traveller and Travelling Showperson sites should seek the planting of three trees per net new <u>pitch/plot</u>. In line with the Environment Act 2021, all development proposals (except where exemptions apply) will be required to provide a minimum of 10% biodiversity net gain above the ecological baseline for the application site. Where it is possible to achieve, the Council will encourage the delivery of a greater than 10% biodiversity net gain.</p>
4 Housing Paragraph 4.88	Typographical error	Y	<p>Amendment to paragraph 4.88 to read:</p> <p>4.88 Each site should have a site office provided on-site, where a site manager can be based and residents on site can reasonably access. The site <ins>Office</ins> would serve as a hub for residents to report and discuss issues and where appropriate accommodate site health, safety and wellbeing sessions. It is expected that the site owners/other residents of the site would collectively own and manage the office building. Planning conditions will be put in place to retain the use as a site office for site management in perpetuity.</p>

Section	Comment	Modification Y/N	Modification Details
4 Housing Paragraph 4.89	Typographical error	Y	<p>Amendment to paragraph 4.89 to read:</p> <p>4.89 To promote safety and security on site, consideration must be given towards the design, layout, and positioning of the site office. This site office must be situated within a suitable distance of the residential plots to provide security to the site without being intrusive and should be clearly visible to visitors entering the site. The site office must be designed to ensure it is easily accessible to all residents on site, and suitably accommodate all abilities and stages of life. A site office must have connections to all on-site services. As a minimum, the building must include a WC with sink basin, kitchen, and lounge area. Provision of a Ssite Office should include at least two bays to accommodate a standard car. At least one bay for the Ssite Office must be suitable to accommodate drivers/ passengers who are wheelchair users.</p>
4 Housing Paragraph 4.97	Typographical error	Y	<p>Amendment to paragraph 4.97 to read:</p> <p>4.97 Each pitch or plot will be required to provide electric vehicle (EV charging points at a rate of at least one EV charging point per pitch/plot. The EV charging point provided must be on the pitch/plot and accessible to vehicles parked within the allocated bays for cars and/or static mobile home and/or touring caravan. Provision of at least one EV charging point to serve the Ssite Office parking bays is also required. Provision of any additional EV charging points on pitch/plot will be welcomed.</p>
4 Housing Paragraph 4.100	Typographical error	Y	<p>Amendment to paragraph 4.100 to read:</p> <p>4.100 All separation distances must also be clear of any combustible structures. Early consultation with the <u>Fire and Rescue Services</u> is advisable.</p>
5 Affordable Housing Paragraph 5.5	Point of clarification	Y	Amendment to paragraph 5.5 to read:

Section	Comment	Modification Y/N	Modification Details																														
			<p>5.5 Planning obligations will be used to secure the following elements related to the provision of affordable housing:</p> <p>5.5.1 the number of units;</p> <p>5.5.2 the type of units;</p> <p>5.5.3 tenure of units;</p> <p>5.5.4 location of units;</p> <p>5.5.5 <u>space standards, accessibility</u> and parking provision;</p> <p>5.5.6 commuted sums in lieu of provision (where appropriate).</p>																														
5 Affordable Housing Paragraph 5.49	Point of clarify	Y	<p>Amendment to paragraph 5.49 to read:</p> <p>5.49 Where the Council agrees to a commuted sum in lieu of an on-site affordable housing contribution, the methodology that will be used is to adopt the most recent new build sales values from the <u>appropriate typology</u> and location in the latest published Local Plan Viability Update, and then deduct from that the amount that a Registered Provider would pay for those units as affordable units, also using assumptions applied in the latest published Local Plan Viability Update. The difference is the commuted sum. <u>For ease of reference, the relevant market values for each typology are listed below:</u></p> <table border="1"> <thead> <tr> <th colspan="3">Local Plan 2024 Price Assumptions</th> </tr> <tr> <th>Typology</th> <th>Area</th> <th>£ per sqm</th> </tr> </thead> <tbody> <tr> <td>Brownfield</td> <td>Chelmsford</td> <td>5,145</td> </tr> <tr> <td></td> <td>South Woodham Ferrers</td> <td>4,725</td> </tr> <tr> <td>Urban Flats</td> <td>Chelmsford</td> <td>5,565</td> </tr> <tr> <td>Large Greenfield</td> <td>Chelmsford</td> <td>4,906</td> </tr> <tr> <td></td> <td>South Woodham Ferrers</td> <td>4,515</td> </tr> <tr> <td>Medium Greenfield</td> <td>South West Area</td> <td>5,145</td> </tr> <tr> <td></td> <td>Elsewhere</td> <td>4,515</td> </tr> <tr> <td>Small Greenfield</td> <td>All areas</td> <td>5,250</td> </tr> </tbody> </table>	Local Plan 2024 Price Assumptions			Typology	Area	£ per sqm	Brownfield	Chelmsford	5,145		South Woodham Ferrers	4,725	Urban Flats	Chelmsford	5,565	Large Greenfield	Chelmsford	4,906		South Woodham Ferrers	4,515	Medium Greenfield	South West Area	5,145		Elsewhere	4,515	Small Greenfield	All areas	5,250
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Section	Comment	Modification Y/N	Modification Details
5 Affordable Housing Paragraph 5.57	Typographical error	Y	<p>Amendment to paragraph 5.57 to read:</p> <p>5.57 If the Council accepts that there are legitimate concerns relating to the management or maintenances of predominantly flatted development, which prevents pepper potting in strict accordance with paragraph 5.63 of this SPD, the Council will expect the provider of the affordable housing to be given an option to opt out of any management arrangements and costs associated with the remainder of the site.</p>
5 Affordable Housing Paragraph 5.64	Typographical error	Y	<p>Amendment to paragraph 5.64 to read:</p> <p>5.64 Small sites within Designated Rural Areas that are located within the Green bBelt and adjacent to a Defined Settlement Boundary and accessible to local services and facilities will be required to comply with Policy DM2 (B).</p>
7 Physical Infrastructure - Flood Protection and Water Management/Efficiency Paragraph 7.9	Updated information	Y	<p>Amendment to paragraph 7.9 to read:</p> <p>7.9 The latest Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) for Chelmsford was published in February and May 2024 respectively. Some new and updated Level 2 site assessments were also published in January 2025 <u>and November 2025</u>. The Level 1 SFRA states that the main sources of flood risk in Chelmsford are fluvial (rivers), sea and surface water. There are numerous recorded flooding incidents across Chelmsford, predominantly in the vicinity of the City Centre.</p>
7 Physical Infrastructure - Flood Protection and Water Management/Efficiency Paragraph 7.12	Updated information	Y	<p>Amendment to paragraph 7.12 to read:</p> <p>7.12 The development strategy for Chelmsford seeks to avoid development in areas which are prone to flooding. Flood risk mitigation will need to be considered on a site-specific basis and respond to the conclusions of the Level 2 Strategic Flood Risk Assessment work for Chelmsford. The Level 2 Strategic Flood Risk Assessment work includes detailed assessments of the site allocations in the Pre-Submission Local Plan and Focused Consultation Sites Document.</p>

Section	Comment	Modification Y/N	Modification Details
9 Green and Blue Infrastructure - Environmental Mitigation Paragraph 9.6	Updated text and point of clarification	Y	<p>Amendment to paragraph 9.6 to read:</p> <p>9.6 New development will need to maximise opportunities for the preservation, restoration, enhancement and connection of natural habitats in accordance with the Local Nature Recovery Strategy <u>and the Council's Green Infrastructure Strategic Plan</u>. Contributions from qualifying residential developments within the Zones of Influence, as defined in the adopted Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS), will be secured towards mitigation measures identified in the RAMS. Major developments (defined as sites of 10 or more dwellings) may also be required to provide or contribute towards additional recreational mitigation measures to address <u>stand-alone</u> impacts of the proposal as identified in DM16. This will be informed by a review of the RAMS and SPD which is expected to be complete in late 2026 and/or project level HRAs.</p>
9 Green and Blue Infrastructure - Environmental Mitigation Paragraph 9.27	Point of clarification and update	Y	<p>Amendment to paragraph 9.27 to read:</p> <p>9.27 The Council expects the requirements for biodiversity net gain to be provided within the application site boundary and to be secured for a minimum of 30 years after completion of the development. Where possible the Council will aim to secure biodiversity net gain for the lifetime <u>of the development</u>. The Council will only consider off-site provision or the purchase of off-site biodiversity units if it can clearly be demonstrated that biodiversity net gain cannot be adequately achieved onsite. <u>A habitat management and monitoring plan (HMMP) will be required where there are significant on-site enhancements or where net gain is to be delivered off-site. The HMMP must demonstrate how the land will be managed for a minimum period of 30 years from the completion of the development. The Council would encourage, where possible, securing biodiversity net gain for the life-time of the development.</u></p>

Section	Comment	Modification Y/N	Modification Details
9 Green and Blue Infrastructure - Environmental Mitigation Paragraph 9.31	Updated text	Y	<p>Amendment to paragraph 9.31 to read:</p> <p>9.31 Mitigation measures for protected sites (including SANG) can count towards BNG requirements as long as at least 10% of the biodiversity units come from additional activities other than mitigation and compensation. SANG provision must also demonstrate how through appropriate design and implementation that suitable habitats will be achieved to secure a genuine biodiversity uplift beyond Natural England's minimum SANG standards. Any additional features provided for BNG purposes should not conflict, and ideally complement, with the principal purpose of the SANG. Public open space requirements or the provision of Suitable Alternative Natural Green Space are separate to biodiversity net gain and will not be considered as an alternative to or a replacement for net gain provisions. Where possible the provision of both onsite should be segregated to ensure the quality of the habitat for wildlife is maximized.</p>
13 Community Infrastructure – Public Realm and Public Art Paragraph 13.7	Typographical error	Y	<p>Amendment to bullet points in paragraph 13.7 to read:</p> <ul style="list-style-type: none"> • Improvements to paving and planting on public highway and other space directly adjoining the site or a financial contribution towards the required off-site improvements • Bespoke planting and any associated paths and boundary treatment directly relating to the site • Where a development site is adjacent to a public space and requires direct mitigation e.g. to link the public space into the development or replacement boundary • City centre public realm enhancements • sStreet lighting in vicinity of development sites • eCommunity facilities that contribute to the quality of the public realm (i.e. public seating in the city centre, other street furniture, public toilets) • eConservation restoration and enhancement of the historic environment • Access and use restrictions/assurances • Adoption of the improvement • Financial arrangement for their management.
14 Community Infrastructure – Waste	Updated text and point of clarification	Y	Amendment to paragraph 14.15 to read:

Section	Comment	Modification Y/N	Modification Details
Management Paragraph 14.15			14.15 The East Chelmsford Garden Community (Location 16) will be required to undertake a Waste Infrastructure Impact Assessment as part of a planning application given its proximity to the Chelmsford Wastewater Treatment Plant. A Site Waste Management Plan is also required to address the key issues associated with sustainable management of waste including waste reduction/recycling/diversion targets and monitoring processes. <u>Waltham Road Employment Area (Location 9a)</u> will also be required to undertake a Waste Infrastructure Impact Assessment as part of a planning application as a metal recycling business operates on the site.
15 Economic Infrastructure – Employment and Skills Paragraph 15.3	Updated text and point of clarification	Y	<p>Amendment to paragraph 15.3 to read:</p> <p>15.3 The Council expects all strategic planning applications of 50 or more homes or employment space providing 2,500 sqm (Gross Internal Area) or more floorspace to enter into an Employment and Skills Plan to provide employment and skills opportunity to benefit the local community.</p>
15 Economic Infrastructure – Employment and Skills Paragraph 15.4	Point of clarification	Y	<p>Amendment to paragraph 15.4 to read:</p> <p>15.4 Employment and skills plans will <u>normally be secured through a section 106 obligation</u> and be expected to increase employability levels and workforce numbers through:</p> <ul style="list-style-type: none"> • Apprenticeships • Work experience • Volunteering • Careers information and training
15 Economic Infrastructure – Employment and Skills Paragraph 15.6	Point of clarification and updated text	Y	<p>Amendment to paragraph 15.6 to read:</p> <p>15.6 An Employment and Skills Plan will be produced in consultation between the developer, landowner, the Council and ECC. It must be agreed by the Council and ECC before the secured through a Section 106 agreement/planning condition is concluded.</p>

Section	Comment	Modification Y/N	Modification Details
16 Implementation of this Planning Obligations SPD Paragraph 16.15	Point of clarification	Y	<p>Amendment to paragraph 16.15 to read as follows:</p> <p>16.15 If the Applicant can demonstrate, to the satisfaction of the Council, that the scheme cannot be fully compliant and remain financially viable, the Council may consider a reduced level of contributions in one or more areas. <u>In these circumstances, the Council will seek to protect and prioritise contributions for affordable housing for rent to address the critical need for this tenure of accommodation to tackle rising levels homelessness, as identified in the housing crisis declared in February 2022.</u> When a reduced level of contributions is accepted, <u>In these circumstances</u> review mechanisms will be included in the Section 106 agreement to ensure that the Council will benefit from improved contributions if viability improves over time. as set out in Policy DM2.</p>
16 Implementation of this Planning Obligations SPD Paragraph 16.16	Point of clarification	Y	<p>Amendment to paragraph 16.16 to read as follows:</p> <p>16.16 The Council will apply the following formula <u>as part of a review mechanism</u> to calculate the surplus profit available for <u>the affordable housing reduced contributions</u>. <u>A worked example is also provided below:</u></p> <p><u>Surplus profit calculation:</u></p> <p>X = Review Contribution</p> $X = (((((A + B) - C) - ((D + E) - F)) - P) - G) * 0.6$ <p>Where:</p> <p>A = Actual Gross Development Value (£)</p> <p>B = Estimated Gross Development Value (£)</p> <p>C = Application Stage Gross Development Value (£)</p> <p>D = Actual Build Costs (£)</p> <p>E = Estimated Build Costs (£)</p> <p>F = Application Stage Build Costs (£)</p> <p>P = $(A + B - C) * Y$</p> <p>Y = Owner's Profit as a percentage of Gross Development Value as determined at the time the Planning Permission was granted</p> <p>G = Deficit (£)</p> <p>Notes:</p>

Section	Comment	Modification Y/N	Modification Details
			<p>(A + B - C) represents the change in Gross Development Value from the date of the Planning Permission to the Review Date.</p> <p>(D + E - F) represents the change in Build Costs from the date of the Planning Permission to the Review Date.</p> <p>P represents Owner's Profit on change in Gross Development Value (£)</p> <p>0.6 represents sixty per cent (60%) of any Surplus to be used by the Council for <u>the reduced contributions Affordable Housing</u>, after the Owner's Profit (P) and Deficit has been deducted.</p> <p><u>Worked Example for Surplus profit calculation</u></p> <p><u>X = Review Contribution</u></p> <p><u>X = (((((A + B) - C) - (D + E) - F) - P) - G) * 0.6</u></p> <p><u>Where:</u></p> <p><u>A = Actual GDV (£) 6,774,600</u></p> <p><u>B = Estimated GDV (£) 1,090,000</u></p> <p><u>C = Application Stage GDV (£) -7,452,000</u></p> <p><u>D = Actual Build Costs (£) 3,000,000</u></p> <p><u>E = Estimated Build Costs (£) 760,000</u></p> <p><u>F = Application Stage Build Costs (£) 3,660,111</u></p> <p><u>P = (A + B - C) * Y 72,205</u></p> <p><u>Y = Owner's Profit as a percentage of GDV as determined at the time the Planning Permission was granted being 17.5%</u></p> <p><u>G = Deficit (£) 226,408</u></p>

Section	Comment	Modification Y/N	Modification Details
			$X = (((((A + B) - C) - ((D + E) - F)) - P) - G) * 0.6$ $X = (((((6,774,600 + 1,090,000) - 7,452,000) - ((3,000,000 + 760,000) - 3,660,111)) - 72,205) - 226,408)*0.6$ $X = (((7,864,600 - 7,452,000) - (3,760,000 - 3,660,111)) - 72,205) - 226,408)*0.6$ $X = (((412,600 - 99,889) - 72,205) - 226,408)*0.6$ $X = ((312,711 - 72,205) - 226,408)*0.6$ $X = (240,506 - 226,408)*0.6$ $X = 14,298 * 0.6$ $X = 8,458.80$
16 Implementation of this Planning Obligations SPD Paragraph 16.22	Typographical error	Y	<p>Amendment to paragraph 16.22 to read:</p> <p>16.22 The quantum of Section 106 financial contributions will be re-assessed at the point of planning application and fixed from the point of planning permission. All Section 106 financial contributions that are subject to indexation, it will be calculated from the point of planning permission and end with the date each payment becomes due. The indices to be used are the BCIS PUBSEC Tender Price Index of Public Sector Building Non-Housing Indices and BCIS All-in Tender Price Index for contributions relating to housing. The calculation will be based on the published index (indices) at the point of calculation as set out in the planning obligation. If a commuted sum is required for maintenance purposes, this will be assessed at the point of planning application and fixed from the point of planning permission.</p>

Section	Comment	Modification Y/N	Modification Details
16 Implementation of this Planning Obligations SPD Paragraph 16.28	Monitoring fees need to be set out more clearly and link to the schedules in the Template S106 agreement	Y	<p>Amendment to paragraph 16.28 to read:</p> <p>16.28 A monitoring fee will be charged where Section 106 agreements include covenants to the Council. A charge of £350 per obligation type will be levied <u>for each phase of the development containing the obligation. For example, a charge of £350 will be applied to monitoring planning obligations securing local open space. If the local open space is provided in three phases on a new development site, a total monitoring fee of £1,050 will apply to the local open space provisions secured through a section 106 agreement.</u>, except on strategic growth sites where a charge of £840 per obligations type will be levied to reflect the increased complexity and number of years over which the agreement is monitored. These charges exclude affordable housing obligations, which are subject to a separate monitoring fee.</p>

APPENDIX 4



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I - Introduction

Purpose of this Document

I.1 This consultation Planning Obligations Supplementary Planning Document (SPD) sets out the City Council's approach towards seeking planning obligations which are needed to make development proposals acceptable in planning terms. It will replace the Planning Obligations SPD published in January 2021.

I.2 This SPD identifies topic areas where planning obligations may be applicable depending on the scale of development and sets out the required obligations or contributions.

I.3 It should be noted that not all the obligation types within this SPD will apply to all types of development. This SPD has been produced to apply to varying scales of development, but proposals will be assessed on a site-by-site basis with the individual circumstances of each site being taken into consideration.

I.4 The combination of this SPD and the Council's Community Infrastructure Levy (CIL) Charging Schedule set out a clear position to developers, landowners and stakeholders, of the scope and scale of planning obligations applicable to different scales and types of development.

I.5 The implementation guidance provided in this document supplements the requirements set out in the Local Plan.

How have we got to this point?

I.6 This draft of the SPD is being published for six weeks public consultation in February 2025 alongside the Pre-Submission Local Plan documents. It will be submitted as an evidence base document supporting the Independent Examination of the Local Plan.

I.7 The SPD has been revised to reflect changes to national planning policy guidance, proposed modifications to the Local Plan following a review that commenced in 2022, and new local strategies and policy guidance. Any references to Local Plan policies relate to the Pre-Submission (Regulation 19) Local Plan and Focused Consultation Additional Sites (Regulation 19) Document.



2- Policy Background

National Planning Policy Overview

2.1 The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990, as amended. Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and paragraphs 56 to 59 of the National Planning Policy Framework (NPPF) December 2024, set out the Government's policy on planning obligations.

The National Planning Policy Framework (NPPF)

2.2 The NPPF advises that planning authorities should consider the use of planning obligations where they could make an otherwise unacceptable development acceptable. They should only be used where it is not possible to address unacceptable impacts through planning conditions.

2.3 Community Infrastructure Levy Regulation 122 (2) sets out what a planning obligation can constitute and paragraph 58 of the NPPF re-iterates that planning obligations should only be sought where they meet all the following tests:

- they are necessary to make a development acceptable in planning terms;
- they are directly related to a development;
- they are fairly and reasonably related in scale and kind to a development.

2.4 National Planning Practice Guidance (PPG) offers a web-based resource to support the NPPF.

The Community Infrastructure Levy (CIL)

2.5 The CIL is a charge which local authorities can place on developers to help fund infrastructure needed to support new development in their areas. Unlike Section 106 Planning Obligations, CIL receipts are not earmarked for particular infrastructure. Instead, CIL monies are pooled into one fund, which can be used for any infrastructure needed to support new development across the Council's administrative area. An infrastructure item can be funded using both Section 106 Planning Obligations and CIL receipts where necessary or required.

Chelmsford City Council Community Infrastructure Levy (CIL)

2.6 The City Council approved its CIL Charging Schedule on 26 February 2014 with an effective date of 1 June 2014. The Charging Schedule sets out a levy of £125 per sq.m for residential development, and £87 and £150 per sq.m for retail development, and a zero rating for all other types of development. The rate of CIL has increased each year since it was approved in line with an index of inflation.



Infrastructure Delivery Plan

2.7 The Chelmsford Infrastructure Delivery Plan (IDP) has been undertaken by independent consultants to inform Chelmsford's Local Plan and will be updated annually by the Council. The Chelmsford IDP shows what infrastructure is required and how it will be provided; who is to provide the infrastructure; and when the infrastructure could be provided. Due to the scale of the Garden Communities Development, they will have standalone IDPs developed in partnership with the land promoters. Any reference to an IDP in this document incorporates the Garden Community IDP's and the Chelmsford IDP for all other allocated development sites.

2.8 The infrastructure needed to support the Local Plan is split into three funding categories:

- Direct developer funding such as Section 106 agreements (or Section 278 agreements for highway matters) with developers for infrastructure investments necessary to make development acceptable on individual sites, or which are necessary on a cumulative basis because of development arising on a combination of sites.
- CIL paid by developers based upon the floorspace of their development for infrastructure of a more general and/or lower-scale nature, which is not directly linked to growth or for which a need already exists.
- External funding sources such as from Government through national programmes (e.g. Housing Infrastructure Fund) or funding delivered by Essex County Council for infrastructure of a higher scale or more strategic nature, too extensive to be solely funded through new development.

2.9 The IDP is a living document, where assessment of costs, funding, delivery, indexation and phasing will continue to be updated in conjunction with further work being undertaken with site promoters, ECC and funding partners to ensure the best and most up to date information is available.

2.10 The funding categories of items of infrastructure required to support the Local Plan are set out in the latest published IDP.

Chelmsford City Council Local Plan

2.11 Development proposals should be considered in line with the City Council's Local Plan. Proposals which require planning obligations should be considered in accordance with the relevant policies. This SPD supports and supplements the Local Plan and is an important material planning consideration in the decision-making process.

2.12 The overarching reasoning and justification for requiring planning obligations are set out in the Strategic Policies that underpin and guide the Council's Spatial Strategy in the Local Plan.

2.13 The site policies are within three Growth Areas, with a policy for each site allocation. These policies set out the amount and type of development provided within each site allocation. They also set out what specific supporting infrastructure and other requirements are needed for each site.



2.14 Other policies within the Local Plan provide specific and detailed justification for various types of planning obligations e.g. Policy DM2 - Affordable Housing and Exception Sites, such policies are referred to in the relevant sections of this SPD.

Corporate Objectives

2.15 ‘Our Chelmsford, Our Plan, is a strategy for creating a fairer, greener and more connected community so we can shape Chelmsford as a leading place in the East of England. The provision of planning obligations, through this SPD, seeks to address the priorities of Our Chelmsford, Our Plan’ by:

A fairer and more inclusive place	Promoting sustainable and environmentally responsible growth to stimulate a vibrant, balanced economy, a fairer society and provide more homes of all types.
A greener and safer place	Creating a distinctive sense of place, making the area more attractive, promoting its green credentials, and ensuring that people and communities are safe.
A more connected place	Bringing people together and working in partnership to encourage healthy, active lives, building stronger, more resilient communities so that people feel proud to live, work and study in the area.

2.16 The Plan can be downloaded here:

<https://www.chelmsford.gov.uk/your-council/our-chelmsford-our-plan/>



3- Obligation Types

3.1 The following sections of this document set out the obligation types which may be required as part of any Section 106 Agreement. Each section sets out the policy background to requiring such obligations, when the obligation is expected to be provided, any exceptions and any other relevant information.

3.2 The Council is required to publish an Infrastructure Funding Statement each year setting out the infrastructure projects or types of infrastructure that the authority intends to fund, either wholly or partly, by the levy or planning obligations. Infrastructure Funding Statements also report on CIL and planning obligations revenue received, allocated and spent; as well as reporting on progress of works that has received funding. Essex County Council (ECC) is also required to publish an annual Infrastructure Funding Statement, primarily with regards education; highways and transportation; Public Rights of Way; libraries and monitoring.

3.3 ECC's Developer's Guide to Infrastructure Contributions (Revised 2024) provides details of the impacts that development may have on ECC services and infrastructure, and guidance to developers regarding how Section 106 agreements and CIL may be used to secure works, finance and/or land to mitigate these impacts. A copy of the Guide can be found here:

[Planning advice and guidance: Guidance for developers | Essex County Council](#)

3.4 Planning obligations should be clearly identified as early as possible in the planning process. This includes the Masterplan process, the pre- application process which is encouraged for all forms/scales of development and planning performance agreements to ensure all parties are clear what is required of them at each stage of the planning application process.

3.5 Due to the scale and complexity of delivering the infrastructure required for the Chelmsford Garden Community (Location 6) and East Chelmsford Garden Community (Location 16), bespoke infrastructure delivery mechanisms may be appropriate and will be considered through the garden community governance structures and consulted upon separately.



4- Housing

Policy Background

4.1 The NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

4.2 Strategic Policy S6 demonstrates the Council's commitment to plan positively for new homes and to help significantly boost the supply of housing to meet the needs of the area.

4.3 To ensure the provision of an appropriate mix of dwelling types and sizes that contribute to current and future housing needs and create mixed communities, Table I below will be used to inform the mix of market housing proposed as part of new residential development in accordance with Policy DM1.

Table I Size and Mix of New Market Housing

Size of new owner-occupied and private rented accommodation required in Chelmsford up to 2041	
Dwellings Size	Mix Required
One Bedroom	5 – 10 %
Two Bedroom	30 – 35 %
Three Bedroom	35 – 40 %
Four or more bedrooms	20 – 25 %
Total	100%

4.4 Policy DM26 provides information on the design specification for dwellings, which includes a requirement for all new dwellings to comply with the Nationally Described Space Standards. As this applies to all new dwellings, evidence of compliance with this requirement will need to be provided prior to the validation of a planning application.

4.5 Policy DM1 (Aii) and Policy DM1 (Bi) describe the development thresholds and proportions of new dwellings that will be required to meet the enhanced access and adaptability standards set out in Part M, Category 2 (Accessible and adaptable dwellings) M4(2) and Part M, Category 3 (Wheelchair user dwellings) M4(3) (2) (b) of Schedule 1 (para 1) to the Building Regulations 2010 (as amended). These requirements will be secured through planning conditions and/or legal agreement.

4.6 Further information on the implementation of Policy DM1 (Bi) is provided in Section 5 Affordable Housing.



4.7 Policy DMI (Ci) requires, within all new developments of more than 100 dwellings, 5% self-build homes, which can include custom housebuilding. This requirement will be secured through a planning obligation.

4.8 Policy DMI (Ci) requires all new development of more than 100 dwellings to provide Specialist Residential Accommodation (including Gypsy and Traveller needs), taking account of local housing needs. This requirement will also be secured through a planning obligation.

4.9 Policy DMI (D) requires all new development of more than 500 dwellings to provide 10% of market housing for Older Persons. Evidence of compliance with this requirement will need to be provided prior to the validation of a planning application.

Build to Rent

4.10 The NPPF defines Build to Rent housing as that which is typically 100% rented out. The Strategic Housing Needs Assessment (SHNA) 2023 does not attempt to estimate the need for additional private rented housing, including Build to Rent housing, because it is likely that the decision of households as to whether to buy or rent a home in the open market is dependent on several factors which means demand can fluctuate over time.

4.11 The 2024 SHNA Addendum Report reviewed new lettings and showed much higher market rents are charged on new lettings in the private rented sector than those which cover the whole private rent sector. Consequently, lettings associated with new Build to Rent dwellings are likely to be much higher than those in the private rented sector as a whole.

4.12 All market rented homes in Build to Rent schemes are expected to reflect the indicative mix set out in the latest SHNA. For ease of reference the 2023 SHNA considered the below mix to provide a reasonable starting point for Build to Rent housing:

1 bedroom homes	25%
2 bedroom homes	45%
3 bedroom homes	25%
4 bedroom homes	5%

4.13 The NPPF states that Build to Rent homes should offer longer tenancy agreements of three years or more and should be on the same site or contiguous with the main development of a wider multi-tenure development.

4.14 Schemes proposing Build to Rent homes will be considered on their merits, which will include consideration of the level of the market rents, the proportion of Build to Rent homes provided as part of a multi-tenure development, mix of housing proposed and the proportion of affordable private rent homes to be provided. Further guidance on the level and mix of affordable private rent homes expected from Build to Rent proposals is set out in Section 5.



Definition of Self-build and Custom Housebuilding

4.15 The Self-build and Custom Housebuilding Act 2015 (as amended) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where individuals, an association of individuals, persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

4.16 In considering whether a home is self-build or a custom build home, local authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. It does not include the building of a house or plot acquired from a person who builds the house mainly to plans or specification decided or offered by that person. The 2015 Act also requires custom and self-build homes to be occupied as a sole or main residence.

4.17 There are various types of self-build and custom build projects including:

- Individual self/custom build - individuals purchase a serviced plot of land and build a house to live in. They may do some or all the build themselves (Do-It-Yourself) or employ a builder, architect or project manager to oversee the build (self-commissioned).
- Group self/custom build - a group of people come together to design and develop a custom build housing development which they then live in. They may build this themselves or with help from a developer to manage the project (see Community-led and cohousing below).
- Developer-led custom build - a developer divides a larger site into individual serviced plots and provides a design and build service to purchasers through a choice of pre-approved designs. This gives people a chance to customise existing house designs to suit their needs. Self-finish/shell homes – housing built as a watertight shell by a developer, the internal layout of which is then designed and finished by the initial occupant.

Community-led - community led housing is development taken forward by or with a not-for-profit organisation that is primarily for the purpose of meeting the needs of its members or the wider local community. A [Community Led Housing Planning Advice Note](#) promotes greater understanding of Community Led Housing and shows the enhanced role that communities can have in influencing increased provision of Community Led Housing. It also provides further information on the different approaches in which a community group or organization can own, manage, or steward homes.

A cohousing project involves a legally recognised group of people creating their own neighbourhood of homes, with shared facilities such as a communal house. This is different to Co-living Housing, which also contains significant communal space but is provided by a commercial entity. Further advice on Co-Living Housing can be found in the Co-Living Housing Planning Advice Note.

What is the method of calculation for the quantum of Self-build and Custom Housebuilding?

4.18 The Self and Custom Housebuilding Act 2015 (as amended) places a duty on the Council to keep a register of individuals, and associations of individuals, who are seeking to acquire self-build serviced plots of land in the Council's area for their own self-build and custom housebuilding.



4.19 The register provides information on the number of individuals and associations on the register; the number of serviced plots of land sought; the preferences people on the register have indicated, such as general location within the authority's area, plot sizes and type of housing intended to be built. This information is updated each year in the [Self-Build and Custom Housebuilding Monitoring Report](#).

4.20 At the time a formal pre-application is submitted, the Council will review the requirements to provide 5% self-build and custom housebuilding against its register. It will not be necessary to review the requirements again if a full or detailed planning application is submitted within six months of the pre-application advice being provided. The Council would not seek more than 5% self-build and custom housebuilding.

4.21 The calculation of the self-build and custom housebuilding requirement will be undertaken in terms of the gross number of self-contained dwellings. Where the percentage of self-build and custom housebuilding sought does not result in whole numbers of units, the number of self-build and custom housebuilding dwellings or plots will be rounded up.

4.22 In this guidance, reference to a 'serviced plot' means one self-build and custom housebuilding dwelling, regardless of the type of self-build and custom build project.

What is the definition of a Serviced Plot of Land?

4.23 A serviced plot of land must have legal access to a public highway and electricity, water, wastewater, telecommunications including fibre optic broadband and sewer connections at least to the plot boundary.

4.24 Legal access to a public highway can include sections of private or unadopted road, it does not mean that the plot is immediately adjacent to the public highway just that there is the guaranteed right of access to the public highway.

4.25 Connections for electricity, water and wastewater means that the services must either be provided to the boundary of the plot, so that during construction connections can be made, or adequate alternative arrangements are possible, such as the use of a cesspit rather than mains drainage.

Mix of Self-build and Custom Housebuilding

4.26 At the time a planning application is submitted, the Council will review the preferences of the people on the register as reported in the latest published [Self-Build and Custom Housebuilding Monitoring Report](#), to advise developers and landowners on the type of self and custom housebuilding required.

4.27 At application stage, all Self-Build/Custom Build areas are to be shown on the indicative layout plan and relevant parameter plans.

4.28 Providers should provide a mix of serviced plots to meet the range of demand and affordability evidenced by local demand on the register, as annually updated in the [Self-Build and Custom Housebuilding Monitoring Report](#).



4.29 Where there is evidence of local demand for serviced plots, but they are not possible e.g. flatted schemes, the Council will require the provision of self-finish/shell homes where the purchaser can then define internal layouts, finishes and fixings as well as any exterior landscaping for flats with private gardens.

Section 106 Agreement

4.30 The Section 106 will secure self-build or custom build homes that meet the legal definition of self-build and custom housebuilding in the Self-build and Custom Housebuilding Act 2015 (as amended). To ensure that self-build and custom housebuilding provision are delivered in a way that meets local demand, the Council will seek to secure a Section 106 obligation which sets out the location, phasing, build programme, amount, type, mix, marketing strategy and priority mechanisms that the self-build or custom housebuilding must achieve.

4.31 The Marketing Strategy will be expected to detail the proposed marketing of the self-build and custom build plots which shall not exceed 15 units at a time and include details of the sale price of the plots with supporting valuation methodology from a RICs qualified valuer, how, where and when the plots are to be offered to the market, plot passport details for each plot, marketing materials, promotional methods, on-site signage, promotional information for persons on the Council's Self Build and Custom Build Register, and any alternative or additional marketing in the event that the interest is low, the marketing periods of plots and priority mechanisms

4.32 The priority mechanism will include a restrictive marketing period of 3 months. In this 3-month period a household on Part I of the Self-Build and Custom Housebuilding Register, will be given priority over other potential purchasers.

4.33 Custom and self-build developments will be required to deliver Biodiversity Net Gain (BNG) in accordance with national mandatory requirements, other than where the national custom and self-build exemption applies. The exemption will not apply to the application of the 5% obligation under Policy DM1 C as the 5% requirement is only triggered for development proposals of 100 or more dwellings. Arbitrarily dividing up development proposals in an effort to apply the exemption will not be acceptable. Where developments are exempt from mandatory BNG requirement, they are encouraged to deliver biodiversity gain proportionate to the scale of development. To qualify for BNG exemptions, planning applications must clearly demonstrate that the development meets the custom and self-build legal definition, and planning permissions must be secured as custom and self-build housing.

4.34 The Section 106 agreement will seek to secure that self-build and custom housebuilding provision will need to be made available and actively marketed before occupation of 50% of market housing provision.

4.35 Providers of self-build and custom housing building will be required to market appropriately in accordance with an approved marketing strategy serviced plots and ensure they remain available for at least 12 months at a price which accounts for income and saving levels of those on Chelmsford's Self-Build and Custom Housebuilding Register (as detailed in the Self-Build and Custom Housebuilding Monitoring Report), and which is comparable to other serviced plots marketed in the administrative area of Chelmsford in the same 12-month period. If after 12 months a serviced plot has been made available and actively marketed in accordance with the approved marketing strategy but has not sold, the plot can either remain on the open market or



be built out by the Developer in accordance with the Design Code and other relevant Local Plan policies. The Council will release the owner from its obligations set out in the section 106 agreement when the owner has provided the Council with a satisfactory record of sale enquiries. Plot providers reverting self-build and custom housebuilding back to market housing will be responsible for the full CIL liability.

4.36 Self-build and custom housebuilding will not be considered as part of the affordable housing obligations set out in Policy DM2, irrespective of whether the accommodation is subject to suitable restrictions on occupation and price, because it is meeting a different identified housing demand.

Design Requirements

4.37 To ensure that self-build and custom housebuilding is of high-quality design, sites with multiple serviced plots (5 or more) or other forms of self-build and custom housebuilding provision, will be required to be supported by a Design Code unless secured through pre-approved plans. The implementation of a Design Code will be secured through a planning obligation.

4.38 A Design Code should normally be submitted by the provider at the outline planning stage and should set out a clear set of design rules and parameters that future development will comply with. Design Codes will vary depending on the amount of development proposed and the context of a site. They will need to be agreed with the Council.

4.39 A Design Code should include the information set out in the '[Design Code Template for Self-Build and Custom Housebuilding](#)' which has been published alongside this SPD.

4.40 Pre-approved designs must be configured in a manner that secures as much design freedom for the initial occupant as possible and only fixes design parameters where demonstrably necessary. Pre-approved design options should show design freedom with a least three options offered to initial occupants over each of the matters listed below:

Size and shape of the home, including outbuildings;
Position, size and shape of all windows and doors across every elevation;
Materials across every elevation and roof;
Internal layout e.g. location, size and shape of rooms;
Build specification e.g. insulation, heating configuration, heat pumps;
Sustainability features e.g. solar panels, solar hot water, triple glazing; and
Finishes e.g. kitchen, bathroom, flooring, lighting.

4.41

Plot Passports provide potential plot purchasers with a simple and concise summary of the design and development parameters for a specific plot. They should clearly show the plot size, any design and siting parameters, access arrangements, separation distances to adjacent sites, the cost of the site, developable footprint, building height, refuse storage areas, servicing infrastructure, CIL exemption, car parking provision, access to site wide survey information, site constraints and construction compound, materials storage area and location of plots. Plot passports can also contain information relating to the plot sales process and planning application process if applicable. Plot passports must be available to potential plot purchasers before plots are



marketed and approved as part of the marketing strategy submitted to the Council. The Council recognises that modular housing, which is built off-site, can help deliver custom housebuilding that is more cost effective than traditional housebuilding methods. The Council will support modular housing where it complies with design codes, policies and standards in the Local Plan.

4.42 All residential development, including self-build and custom housebuilding must comply with the relevant Local Policies set out in the Local Plan. Each serviced plot will need to submit a full or reserved matters application where the design and appearance of an individual home will be considered.

CIL Exemptions

4.43 The self-build exemption from CIL is applicable for all homes built or commissioned by individuals for their own use, either by building the home on their own or working with builders, so long as the home is occupied by that person as their sole or main residence for the duration of the claw back period (3 years).

4.44 Qualifying self-builders will be eligible to apply for CIL relief for self-build. Self-builders seeking relief are required to declare that their development is intended to be self-build, prior to commencement of development. The self-builder must remain as the occupant of the dwelling for a minimum of 3 years after completion. If the dwelling is sold or let within three years of completion, the Council will clawback the CIL liability from the self-builder.



4.45 On schemes delivering multiple self-build and/or custom housebuilding plots, to ensure that the self-builder of each plot can claim for CIL exemption for Self-Build, the developer bringing the scheme forward must submit a clearly marked 'phasing plan' and accompanying schedule with each phase (or plot) clearly listed. This information should be submitted with the planning application or submitted in response to a pre-commencement condition imposed by a planning permission. This is to prevent a CIL charge being triggered for all plots within the wider development as soon as development commences on the first dwelling. This will also ensure that if a disqualifying event occurs affecting one unit, it does not trigger a requirement for all to repay the exemption.

Definition of Specialist Residential Accommodation

4.46 Specialist Residential Accommodation can cater to the specific needs of a variety of people within the community, including older people; students; people with disabilities; people with support needs, looked after children and Gypsy and Travellers and Travelling Showpeople..

4.47 Disabilities can include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs, which may generate a range of housing requirements which can change over time.

4.48 National Planning Practice Guidance recognises that local planning authorities may also wish to consider groups outside of the scope of the definitions in paragraphs 4.47 and 4.48 above, in order to meet specific needs within their communities.

4.49 The Specialist Residential Accommodation required by these groups varies from independent self-contained accommodation with limited support to non-self-contained nursing homes for people with more complex needs who need medical support.

4.50 Accommodation with support can be delivered in a range of settings, including individual flats or houses, shared accommodation or clusters. The term 'Supported Living' refers to the way support is organized, rather than specifying one type of accommodation that is required.

4.51 ECC defines supported living schemes as clusters of single occupancy units with a shared core support for all service users, or tenants living in a shared house or bungalow with their own room and shared communal area. ECC has published Supported Living Accommodation Standards which set out the standards for any supported living properties.

4.52 Specialist Residential Accommodation does not necessarily have associated support requirements but could cater to the specific needs of the groups requiring it through the built form of the accommodation provided, such as purpose-built student accommodation or pitches for Gypsy and Travellers.

What is the method of calculation for the quantum of Specialist Residential Accommodation?

4.53 Any Specialist Residential Accommodation for older persons is expected to be predominantly delivered within the 10% market housing requirement specified in Policy DMI (D) on greenfield developments of more than 500 dwellings.



4.54 The demand and housing need for Specialist Residential Accommodation is very diverse and calculated in different ways. The Chelmsford Housing Strategy 2022-2027 identifies a need for over 60 supported accommodation units for homeless households and those in temporary accommodation (as of March 2022). The Gypsy and Traveller Accommodation Assessment (GTAA) (2023) identifies a need for 27 new pitches across the period 2023-2041 for Gypsies and Travellers who do not meet the PPTS definition. The Strategic Housing Needs Assessment (SHNA) (2023) estimates a potential need for 11 additional children requiring care and accommodation provided by ECC across the plan period. The SHNA 2023 also calculates that the Council could seek 5% of new market homes to be compliant with Part M, Category 3 (Wheelchair user dwellings) M4(3) (2) (a) of Schedule 1 (para 1) to the Building Regulations 2010 (as amended) to meet the needs of older and disabled people.

4.55 ECC has published a 'Supported and Specialist Housing and Accommodation Needs Assessment' (August 2025), which estimates the need for supported and specialist housing and accommodation in five-year intervals from the base year of 2024 where possible..

4.56 Using the local housing need for Specialist Residential Accommodation identified in the Chelmsford Housing Strategy, GTAA and SHNA (excluding older persons housing demand) there is an identified local housing need for just over 100 Specialist Residential Accommodation dwellings. As this figure includes identified housing needs that have not been calculated across the whole plan period, it is anticipated that the local housing need for Specialist Residential Accommodation will be higher across the plan period.

4.57 In anticipation of a higher level of local housing need across the plan period, the quantum of Specialist Residential Accommodation sought to meet the local housing needs requirement of Policy DM1 (Ci) will be calculated at a ratio of one specialist residential dwelling per 100 residential dwellings on sites of more than 100 dwellings. Using this ratio, and the forecast supply on development sites of more than 100 dwellings, it is anticipated the Specialist Residential Accommodation supply over the plan period will deliver approximately 165 dwellings.

4.58 Some Specialist Residential Accommodation requires additional revenue funding to provide support services. Where these costs cannot be met by residents of the accommodation, additional subsidy will need to be secured. In these circumstances, it might be more appropriate to secure a capital contribution towards the Specialist Residential Accommodation as a commuted payment in lieu of on-site provision. A commuted payment in lieu of on-site provision also allows flexibility to meet the range of identified local housing need for Specialist Residential Accommodation and flexibility in the location of the Specialist Residential Accommodation.

4.59 Whilst the local housing need for Specialist Residential Accommodation encompass a range of accommodation sizes, for the purposes of calculating a capital contribution in lieu of on-site provision, it is assumed the local housing need is for one bed, two-person occupancy dwellings.

4.60 Table 2 below calculates the capital value of these dwellings using the assumptions / sources noted in the table:

Table 2 Specialist Residential Accommodation Capital Value Calculation



Item	Assumption/Source	Amount (£) per annum
Gross rent	Local Housing Allowance One Bed Rate April 2024	9,513.96
Service Charge	£25 per week	1,300
On cost	10% of gross rent	951.40
Management and Maintenance Cost		500
Void and bad debts	3% of gross rent	285.41
Net rent		6,477.15
Capitalised Value	Payback period 30 years	194,314.50
Value per sqm	Nationally Designed Space Standards for one bed two person flat – 50sqm	3,886.29

4.61 Using the average value per sqm in Table 41.5 of the Local Plan Viability Update (2023) of £4,734 per sqm, the contribution in lieu of on-site Specialist Residential Accommodation will be:

£42,400 per net new dwelling = (£4,734 - £3,886 = 848) × 50 sqm

4.62 The Specialist Residential Accommodation contribution on developments of more than 100 dwellings will therefore be:

i. in respect of on-site Specialist Residential Accommodation, 1% of the total net new residential dwellings; or

ii where there is a contribution in lieu of on-site provision the contribution will be £42,400 per Specialist Residential Accommodation dwelling.

4.63 The 1% applies to the whole development; it does not only apply to the part of the development above the threshold.

4.64 The Specialist Residential Accommodation requirement of Policy DM1 (Ci) is in addition to the requirements set out in Policy DM2, as Policy DM2 does not identify the specific housing needs of household requiring Specialist Residential Accommodation.

4.65 The Specialist Residential Accommodation requirement of Policy DM1 (Cii) applies to all



new development of more than 100 dwellings. It does not apply to standalone developments containing solely Specialist Residential Accommodation.

Mix of Specialist Residential Accommodation

4.66 At the time a formal pre-application is submitted, the Council will consider the published Specialist Residential Accommodation local housing needs to provide advice on how best the local housing need for this type of accommodation can be met.

4.67 The Council will also consult ECC to seek advice on their priority Specialist Residential Accommodation local housing needs

4.68 The Council will provide advice on the affordability of on-site Specialist Residential Accommodation as demonstrated by evidence base documents. Where affordability information is not provided in these statements / strategies; the default need is set out in Section 5 of this SPD.

Section 106 Agreement

4.69 To ensure that Specialist Residential Accommodation is delivered in a way that meets local need, the Council will seek to secure a Section 106 obligation which sets out the amount, type, mix and tenure and priority mechanisms of the Specialist Residential Accommodation to be provided in perpetuity.

4.70 Where Specialist Residential Accommodation is meeting a local housing need a priority mechanism for households that reside, work or have strong family connections with persons living in the administrative area of Chelmsford City Council from whom they require support, will be prioritised for a period of three months.

4.71 The Section 106 agreement will seek to secure that Specialist Residential Accommodation is made available before occupation of 50% of market housing provision, to ensure timely delivery of the Specialist Residential Accommodation. The Specialist Residential Accommodation obligation could be met through the provision of a suitable serviced site, on-site completed dwellings or a contribution in lieu of on-site provision calculated in accordance with paragraph 4.62 above.

4.72 Where Specialist Residential Accommodation is required to be delivered under Policy DM1, it will not be considered to count towards the affordable housing requirement set out in Policy DM2, irrespective of whether the accommodation is subject to suitable restrictions on occupation and price, because it is meeting a different identified housing need.

4.73 Specialist Residential Accommodation required under Policy DM1 is in addition to any residential requirements set out in site policies in the Local Plan.

4.74 To ensure that Gypsy and Traveller and Travelling Showpeople Sites are delivered in a way that meets local needs the Council will secure a Section 106 obligation that sets out the number of plots, tenure, uses on site and prioritisation mechanism for the accommodation to be provided in perpetuity. Also, for Travelling Showperson plots the Section 106 agreement will include a mechanism for determining the 'market value' of a site.



4.75 The prioritisation mechanism will ensure that each pitch/plot shall only be occupied by persons who form part of a Gypsy and Traveller or Travelling Showperson household, they (one of them if the household consists of more than one person) are aged 18 or over, and can adhere to the 'Plot Eligibility and Allocation Prioritisation Policy' as defined at the time to reflect identified need in the latest published Gypsy and Traveller Accommodation Assessment.

Design Requirements

4.76 Specialist Residential Accommodation can cater to the specific needs of a variety of people within the community and design requirements will consequently vary significantly.

4.77 Accessible and adaptable housing enables people to live more independently while also saving on health and social costs in the future. Accessible and adaptable housing will provide safe and convenient approach routes into and out of the home and outside areas, suitable circulation space and suitable bathrooms and kitchens within the homes.

4.78 Wheelchair user dwellings include additional features to meet the needs of occupants who use wheelchairs or allow adaptations to meet such needs.

4.79 Inclusive design should not only be specific to the building, but also include the setting of the building in the wider built environment, for example the location of the building on the plot; the gradient of the plot; the relationship of adjoining buildings; and the transport infrastructure. Further guidance on inclusive design of public spaces and the wider built environment is provided in the 'Making Places SPD'.

4.80 Design principles such as those set out in the Housing our Ageing Population Panel for Innovation (HAPPI) Report (2009) are applicable for older people and age-friendly places

Gypsy, Traveller or Travelling Showperson sites

4.81 Gypsy, Traveller or Travelling Showperson sites, both allocated and non-allocated sites, will need to provide a suitable living environment for the proposed residents, with safe and convenient access to the local highway network. Mains water, electricity supply, drainage and sanitation should be available on-site or be made available on-site. Sewerage should normally be through mains systems, however, in some locations this may not always be possible and in that case suitable alternative arrangements can be made. All sanitation provision must be in accordance with current legislation, regulation and British Standards.

4.82 Surface drainage (which may take the form of Sustainable Drainage Systems), gigabit broadband and mobile infrastructure should be provided where possible.

4.83 The Site design and layout need to appropriately consider ways of 'Designing out Crime' and it is recommended that the applicant seek early engagement with Essex Police to help achieve this.

4.84 Provision of amenity green space should be made on Gypsy, Traveller and Travelling Showperson sites in accordance with Table 3 below.

Table 3 Amenity Space Provision on Gypsy, Traveller or Travelling Showperson Sites



Private/Communal Amenity Green Space	Form	Amount
Where amenity green space can be delivered on pitch/plot	<ul style="list-style-type: none">• Grassy and/or woodland space without hardstanding.• Within boundary of plot.• Not accessible to motorised vehicles.	80 sqm minimum private green amenity space
Where amenity green space cannot be delivered in full on pitch/plot*	Demarcated private zone on each pitch/plot capable of use as a clothes drying area. Within boundary of plot. Not accessible to motorised vehicles.	10 sqm minimum demarcated private zone.
	Communal space, overlooked by other plots on site to promote safety through surveillance. Within site boundary. Grassy and/or woodland space without hardstanding – with exception being the presence of children's play equipment if appropriate. Not accessible to motorised vehicles.	20 sqm minimum per pitch/plot communal green amenity space.

*both demarcated private zone and communal space to be provided in this instance.

4.85 Spaces need to feel safe and be accessible to all intended users. It is advisable to consider the boundary treatment of the amenity green space provision to protect its users – particularly children – from the surrounding vehicular traffic.

4.86 All new Gypsy, Traveller and Travelling Showperson sites should seek the planting of three trees per net new pitch/plot. In line with the Environment Act 2021, all development proposals (except where exemptions apply) will be required to provide a minimum of 10% biodiversity net gain above the ecological baseline for the application site. Where it is possible to achieve, the Council will encourage the delivery of a greater than 10% biodiversity net gain.

4.87 Each site should have a site office provided on-site, where a site manager can be based and residents on site can reasonably access. The site office would serve as a hub for residents to report and discuss issues and where appropriate accommodate site health, safety and wellbeing sessions. It is expected that the site owners/other residents of the site would collectively own and manage the office building. Planning conditions will be put in place to retain the use as a site office for site management in perpetuity.

4.88 To promote safety and security on site, consideration must be given towards the design, layout, and positioning of the site office. This site office must be situated within a suitable distance of the residential plots to provide security to the site without being intrusive and should be clearly visible to visitors entering the site. The site office must be designed to ensure it is easily accessible to all residents on site, and suitably accommodate all abilities and stages of life. A site



office must have connections to all on-site services. As a minimum, the building must include a WC with sink basin, kitchen, and lounge area. Provision of a site office should include at least two bays to accommodate a standard car. At least one bay for the site office must be suitable to accommodate drivers/ passengers who are wheelchair users.

4.89 All new Gypsy, Traveller and Travelling Showperson sites should provide a suitable living environment for the proposed residents. The perimeter of any site should be suitable bounded to help achieve this and provide safety and security to the site residents, deterring unauthorized entry.

4.90 Site boundaries should be clearly marked, and materials chosen should be sympathetic to the character of the area. Consideration should be given towards location of access points in the boundary to ensure connectivity between the site and the surrounding amenities can still be achieved.

4.91 Each pitch or plot within a site should have a clear boundary defining the area each individual household occupies to protect the living and amenity space of individual households.

4.92 In designing pitch and plot boundaries, consideration needs to be given towards achieving a balance of preventing overlooking onto individual households to provide privacy and retaining a level of natural surveillance across the site for resident safety.

4.93 Access into and within the site needs to be able to accommodate the turning space required by large trailers as well as emergency vehicles, refuse collection, without compromising the safety of residents nor the function of the connecting strategic highway. Early consultation with Essex Highways is advisable to ensure this is achieved.

4.94 Bays allocated for static mobile homes or touring caravans must be at least two metres away from any road. On each pitch or plot, at least one bay allocated for use by private car must be suitable to accommodate drivers/passengers who are wheelchair users.

4.95 All parking provision is to be provided on hardstanding areas and clearly designated to deter unsafe or obstructive parking. These areas must be constructed with material suitably able to sustain large weight and regular movement attributed with the range of vehicles on site.

4.96 Each pitch or plot will be required to provide electric vehicle EV charging points at a rate of at least one EV charging point per pitch/plot. The EV charging point provided must be on the pitch/plot and accessible to vehicles parked within the allocated bays for cars and/or static mobile home and/or touring caravan. Provision of at least one EV charging point to serve the site office parking bays is also required. Provision of any additional EV charging points on pitch/plot will be welcomed.



4.97 For fire safety reasons, no bay allocated for static mobile home nor touring caravan should be placed within three metres of the site boundary; and the distance between bays allocated for static mobile homes or touring caravans needs to be at least six metres.

4.98 Allocated bays for private cars ought to have a separation distance of at least six meters from a touring caravan or static home. Where this is not achievable, a separation distance of at least three meters can be allowed so long as the private cars would not obstruct entrance to the touring caravan or static home.

4.99 All separation distances must also be clear of any combustible structures. Early consultation with the Fire and Rescue Services is advisable.

4.100 An amenity building must be provided on each pitch/plot with connections to all on-site services. As a minimum, the building must include a WC with sink basin, a shower and utility room, kitchen, lounge, and a dining area.

4.101 The amenity building should suitably accommodate residents of all abilities and stages of life. In designing the amenity building, consideration must be given towards accessibility and adaptability provision. Consideration must also be given towards resident privacy in the siting and orientation of the amenity building. In accordance with Appendix B of the Local Plan, all habitable rooms must have at least one window in a wall allowing outlook and ventilation. Walls which form a boundary with another plot or a boundary to the site should not have windows.

4.102 Any amenity building provided on sites shall meet the Building Regulations optional requirement for water efficiency of 110 litres/person/day.

4.103 An external shed should be provided to serve as residential storage, and a secure enclosure to be provided for the storage of metal gas bottles.

4.104 Recycling and waste provisions are to be provided in the same manner as are expected for any other residential development. Space to store recycling and waste receptacles and ability for refuse collectors to reach these needs to be considered. See Appendix B of the Chelmsford Local Plan for details.

4.105 Infrastructure facilitating on-site energy generation and sustainable living will be supported. This may take the form of solar PV/solar thermal, rainwater harvesting, heat pumps, etc.

4.106 Where sites are allocated as part of a wider strategic site, certainty surrounding Local Plan Policy compliancy and elements of the Scheme will also be required at earlier stages of the planning process.

4.107 All sites should be indicated on a site plan with high level consideration in the Masterplan submission to size of the site and number of plots to be provided; identification of any protected natural feature on the site and the impact upon the character of the area, historic or natural environmental assets and flood risk.



4.108 At outline planning application stage, all sites should be shown on an indicative layout plan and relative parameter plans. A Section 106 agreement will secure the delivery of pitches and plots. There should be detailed consideration given to vehicle access into the site and connectivity to the highway network, provision for the supply of all on-site services into the site boundary, provision of adequate community services and facilities within reasonable travelling distances as well as pitch/plot boundaries.

4.109 Whilst there are no prescribed standards for the design and layout of Gypsy and Traveller sites, site location and design should take into account the Ministry of Housing, Communities and Local Government's Designing Gypsy and Traveller sites: good practice guide and where appropriate, relevant legislation.

4.110 The term 'pitch' refers to the space required on a site to accommodate a Gypsy and Traveller household. There is no set size for an individual pitch. They can vary like house sizes depending on the number of family members. To help sites integrate into existing communities, new Gypsy and Traveller sites should seek to provide a maximum of 10 pitches. A pitch should, however, be large enough to provide at least all the following:

- hardstanding for one static caravan;
- hardstanding for one travelling caravan;
- two parking bays for larger vehicles;
- an amenity building containing a kitchen, lounge and dining area, shower and utility room; and separate toilet facilities;
- an external shed;
- a secure enclosure for metal gas bottles; and
- clothes drying area.

4.111 To help sites integrate into existing communities and to ensure sites are suitable for an extended family unit, new travelling Showperson sites should normally seek to provide up to 15 plots.

4.112 The term 'plot' refers to the space required on a site to accommodate a household of Travelling Showpeople. A number of plots are also sometimes referred to as 'yards'. The Local Plan expects 0.2 hectares per plot to be provided. This is considered an appropriate size to accommodate the proposed number of caravans, vehicles and ancillary areas to enable the storage, repair and maintenance of equipment as well as account for turning space required by large vehicles and amenity space for residents. Larger plots may be acceptable to facilitate future sub-division of plots to accommodate any anticipated rise in need.

4.113 The area of land set aside for accommodation by one family unit and the area of land set aside for the storage and maintenance of equipment collectively forms a single plot. The storage and maintenance space can sometimes be a communal area, however, for security reasons there may be a preference for them to form part of individual plots.

4.114 Travelling Showpeople sites need to accommodate a range of vehicles including cars, vans, lorries, trailers, mobile homes, and caravans and be accessible to emergency vehicles and refuse collection vehicles. Access is required both into the site as a whole and into individual plots.



4.115 The following parking provision is suggested for each plot as a minimum:

- 2 bays to accommodate private cars
- 1 bay to accommodate a static mobile home
- 1 bay to accommodate a touring caravan
- 4 bays to accommodate lorries and/or trailers

4.116 A maintenance/storage workshop of at least 100m² floorspace is to be provided on each plot. Water and electricity provision must be available as a minimum. Where feasible, the height should be around 1.5 storeys to accommodate the height of a standard lorry/trailer.

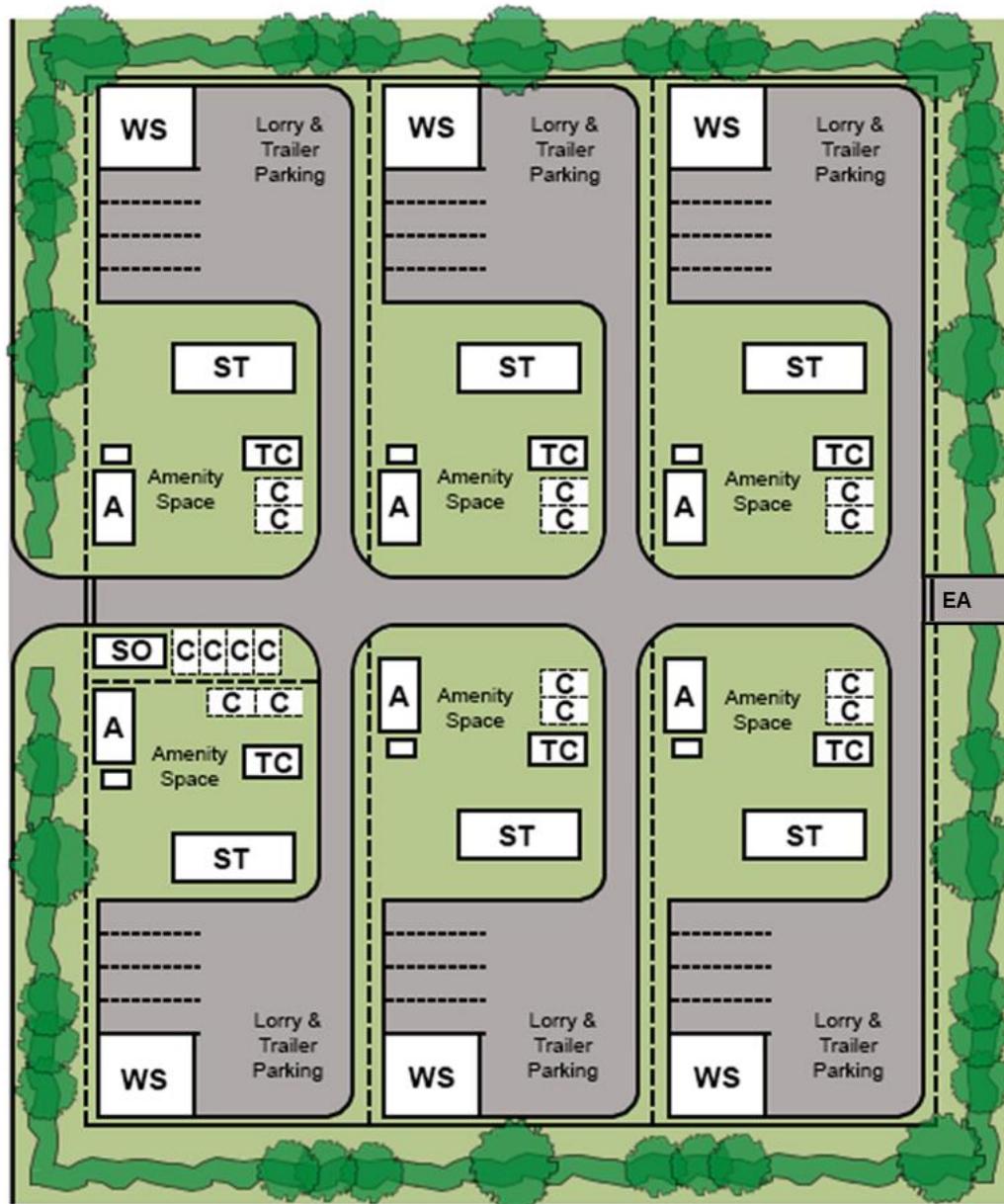
4.117 If site constraints prevent delivery of maintenance/storage workshops on each plot, provision of these can be within communal areas. It is expected in this instance that at least 100m² floorspace per plot is still achieved. The maintenance/storage workshops should be positioned at a distance of at least six metres away from any amenity building, or parking bay for static or touring caravans to minimise the impact of visual, noise and odour pollution on residents. Conditions may be required to establish permissible activities/use classes and set operation times to reduce risk of nuisance.

4.118 For fire safety, the amenity building, site office, maintenance/storage workshop and any other storage units should be constructed from non-combustible materials such as masonry brick. Strict adherence to the Fire Safety Order and relevant Building Regulations will be sought and it is recommended that the applicant seek early engagement with the Essex County Fire & Rescue Service

4.119 Though not prescriptive, the following figures provide indicative layout designs of Travelling Showpeople sites that would be acceptable:



Figure 1: Indicative Travelling Showperson site example layout with separate provisions



0m 10m 60m

WS	Workshop
A	Amenity Building
TC	Touring Caravan
C	Car
ST	Static Mobile Home
SO	Site Office
EA	Emergency Access



Figure 2: Indicative Travelling Showperson site example layout with shared provisions





Older Persons

4.121 The NPPF sets out that Older People are those over or approaching retirement age, including the active, newly retired through to the very frail elderly.

4.122 The 2024 SHNA Addendum Report reviews the housing needs of older people in terms of those aged 65 and over. It estimates the need for specialist older persons accommodation, which for market housing equates to 7% of the Housing Requirement.

4.123 This does not include the estimated need for other forms of housing that benefits older people such as wheelchair user housing, which the 2024 SHNA Addendum Report estimates to be 637 homes to meet current and future need to 2041.

4.124 The combined need for specialist market housing for older people and wheelchair user homes across the plan period in the 2024 SHNA Addendum Report is 2,299 homes, which equates to 10% of the Housing Requirement across the Plan Period.

4.125 The 2023 SHNA recommends that the Council seeks a proportion (up to 5%) of all new market homes to be M4(3) compliant to meet the identified need. The 2023 SHNA demonstrates a clear correlation between the age of a household reference person and the likelihood of there being a wheelchair user in the household therefore it is logical that this need is met through older persons housing.

4.125 The 10% requirement for older persons market housing is applied to sites of more than 500 dwellings in Policy DMI D to enable a critical mass of Specialist Residential Accommodation to be achieved if that is the form of housing needed.

What is the method of calculation for the quantum of Older Person's housing?

4.126 In order to reflect the need, the 10% should be calculated from the total number of dwelling and provided within the 65% market proportion. For example, a site providing a total of 1,500 residential units will be required to provide 150 older person residential units or bed spaces, or a combination of both, totalling 150. This will need to be provided as part of the 975 market residential units.

Mix of Older Persons Housing

4.127 Older persons housing to meet the requirements of Policy DMI D can be provided as age restricted adaptable general needs housing that meets the requirements of Part M, Category 3 (Wheelchair adaptable dwellings) M4(3)(2)(a) of Schedule 1 (para 1) to the Building Regulations 2010 (as amended) and/or Specialist Residential Accommodation for Older People, including housing with support, housing with care, residential care bedspaces and/or nursing care bedspaces.

Section 106 Agreement

4.127 The amount, age restriction and form of the Older Person residential provision will be secured through a Section 106 agreement, but this will not contain any priority mechanisms set out in the Specialist Residential Accommodation section above when secured as market housing under Policy DMI D.

Design Requirements

4.128 The NPPF notes that mixed tenure sites, including housing designed for specific groups, provide a range of benefits, creating diverse communities.



4.129 The Design principles set out in the Housing our Ageing Population Panel for Innovation (HAPPI) Report (2009) are applicable for older people and age-friendly places, so will apply to all older person's dwellings required by Policy DMI D.



5 Affordable Housing

Policy Background

5.1 The NPPF states that where local planning authorities have identified that affordable housing is needed, they should set policies for meeting this need.

5.2 Paragraphs 20, 35, 63-6 of the NPPF and Strategic Policy S6 and Policy DM2 of the Local Plan set out the justification for requiring planning obligations in respect of securing affordable housing.

5.3 Strategic Policy S6 sets out the Council's housing requirement. This is evidenced by the Council's SHNA (2023) and SHNA Addendum Report (2024), which identifies the need for new affordable homes.

5.4 Policy DM2 (A) requires the provision of 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential development sites which comprise of 10 or more residential units.

5.5 Planning obligations will be used to secure the following elements related to the provision of affordable housing:

- 5.5.1 the number of units;
- 5.5.2 the type of units;
- 5.5.3 tenure of units;
- 5.5.4 location of units;
- 5.5.5 space standards, accessibility and parking provision;
- 5.5.6 commuted sums in lieu of provision (where appropriate).

5.6 All affordable housing provided in areas covered by The Housing (Right to Acquire or Franchise)(Designated Rural Areas in the East) Order 1997 (SI 1997/623) and The Housing (Right to Enfranchise)(Designated Protected Areas)(England) Order 2009 (SI 2009/2098) will be subject to the retention restrictions imposed by these Orders.

5.7 The statutory right of tenants to acquire their affordable homes for rent (the "Right to Acquire") does not apply to any affordable dwellings for rent which are situated within a Designated Rural Area.

5.8 Where shared ownership leases of dwellings in Designated Protected Areas are concerned, the Registered Provider must ensure that all shared ownership leases contain a provision which either restricts staircasing to no more than 80%; or in instances where the leaseholder is permitted to acquire more than 80% (i.e. staircase to 100%), enables and obliges the Registered Provider to repurchase the property when the leaseholder wishes to sell.

5.9 These Orders currently include the whole Parishes of Chignal; East Hanningfield; Good Easter; Great and Little Leighs; Great Waltham; Highwood; Little Baddow; Little Waltham;



Margaretting; Mashbury; Pleshey; Rettendon; Roxwell; Sandon; South Hanningfield; Stock; West Hanningfield and Woodham Ferrers and Bicknacre. A significant part of the Parish of Writtle is also included.

Definition of Affordable Housing

5.10 The definition of affordable housing is set out in Annex 2 of the NPPF. This includes social rent, other affordable housing for rent, discounted market sales housing and other affordable routes to home ownership.

What is the method of calculation of the quantum of Affordable Housing?

5.11 Policy DM2 requires 35% of the total number of residential units on sites of 10 or more residential units to be provided and maintained as affordable housing.

5.12 The calculation of the affordable housing obligation will be undertaken in terms of the gross number of self-contained dwellings. Where the percentage of affordable housing sought does not result in whole numbers of units, the number of affordable dwellings will be rounded up to achieve the required 35% provision.

5.13 The 35% applies across the whole development; it does not only apply to the part of the development above the threshold.

5.14 Where there is a proposal to increase the number of residential units on a site following grant of permission, for example a non-residential ground floor use subsequently secures planning permission for additional residential dwellings, the Council will apply Policy DM2 (A) to the total number of residential dwellings on the site, if the increase in the number of units take the total on site to 10 units or more.

5.15 In instances where the initial proposal has been built, the additional proposed dwellings would be required to 'offset' the affordable housing requirement across the whole site.

5.16 Once the affordable housing requirement amount has been calculated, all other parts of this section of this SPD will apply.

Affordable Private Rent

5.17 The NPPF also includes a definition of Affordable Private Rent for Build to Rent schemes. National Planning Policy Guidance (NPPG) states that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided in any build to rent scheme and that a minimum rent discount of 20% for affordable private rent homes relative to local market rents.

5.18 The SHNA Addendum Report (2024) clearly sets out how the private rented sector has been playing a role in meeting the needs of households who require financial support in meeting their housing need. Legislation through the 2011 Localism Act allows Councils to discharge their "homelessness duty" through providing an offer of a suitable property in the Private Rented Sector.

5.19 Given the notable need for affordable housing set out in the SHNA (2023) and SHNA Addendum Report (2024), where Build to Rent housing is proposed the Council will seek 24.5%



of the total Build to Rent units to be provided as affordable private rent homes capped at Local Housing Allowance levels.

5.20 NPPG states that eligibility to occupy affordable private rent homes should be agreed between the local authority and the scheme operator but with regard to criteria set out in planning guidance. It goes on to advise that where authorities maintain an 'intermediate housing list' they may wish to suggest names from this or potentially even their Statutory Housing list. The Council does not maintain an intermediate housing list and given the significant level of housing need that cannot be met, the Council will suggest names from the Statutory Housing register and developers of affordable private rent will be expected to have regard to the Council's housing allocation policies and prioritise potential candidates from the Statutory Housing list.

Vacant Building Credit

5.21 A Ministerial statement issued on the 28 November 2014 stated that where a vacant building is brought back into lawful use or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of the relevant vacant building when the local planning authority calculates any affordable housing contribution. Affordable housing contributions will be required for any increase in floorspace.

5.22 The vacant building credit applies where the vacant building has not been abandoned. The reference to abandonment is the applicable planning test for the vacancy credit and is already recognised in law.

5.23 Where there is an overall increase in floorspace in a proposed development that includes a vacant building, the Council will apply the following formula to calculate the affordable housing contribution:

- Revised Affordable Housing = $35 \times 1 - (\text{existing vacant gross internal area} / \text{proposed gross internal area})$

5.24 In practice this means that if an existing vacant building has a gross internal area of 3,000 sqm and the gross internal area of the proposed 60 dwellings is 4,500 sqm, the revised affordable housing percentage that will be required is 11.667% and the revised affordable housing contribution will equal 7 dwellings.



Table 4 Example of calculating the Vacant Building Credit

Number of Dwellings	Vacant Building Gross Internal Area	Proposed Gross Internal Area of Residential Dwelling
60	3,000 sqm	4,500 sqm
Coefficient based on existing versus proposed areas	$3,000/4,500 = 0.667$	$1 - 0.667 = 0.333$
Revised Affordable Housing Percentage	$35 \times 0.333 = 11.655\%$	
Affordable Dwellings	Market Dwellings	Total Dwellings
7.00	53	60

5.25 For wholly residential schemes the total proposed Gross Internal Area (GIA) will be the GIA of the sum of all dwellings. Where flatted development is proposed the GIA will include all communal and circulation areas. For mixed use schemes, only the GIA of the proposed residential elements will be included.

5.26 The number of affordable dwellings will be calculated to two decimal points and rounded to the nearest whole number. It will be provided as affordable housing for rent.

Mix of Affordable Housing

5.27 To ensure new affordable provision is weighted to make a proportionate contribution to the assessed need, the Council expects the affordable housing to include 24.5% of the total number of dwellings within the development as either social or affordable rented accommodation.

5.28 Where the calculation of 24.5% of the total number of dwellings to be provided as affordable housing for rent does not result in whole numbers, it should always be rounded up in order to achieve the required 24.5%.

5.29 The balance, 10.5% of the total number of dwellings, should be provided as shared ownership housing.

5.30 The affordable housing provision for rent should proportionately reflect the needs identified in the latest SHNA and shortages relative to supply, in determining the optimum affordable housing mix by size and type.

5.31 The affordable housing provision for rent should reflect the 'Need requirement' in the Table 5 where possible. The Council will report the bedroom size of new affordable housing for rent that achieve completion each year in the Authority Monitoring Report.



Table 5 Bedroom Size of Affordable Housing for Rent (general needs)

Size of additional units required to meet housing need in Chelmsford	
Size of home	Need requirement
	As a % of net annual total
One Bedroom	25%
Two Bedrooms	35%
Three Bedrooms	30%
Four or more Bedrooms	10%
Total	100.0%

Source: Paragraph 5.34, page 115, SHNA.

5.32 When the quantum of residential accommodation sought is above the level identified in the Local Plan and there is a shortfall in the supply of new three and four bedroom affordable homes to rent recorded through the monitoring of planning permissions in the latest published Annual Monitoring Report, the Council will apply a revised affordable housing for rent mix that seeks to reduce the proportion of one-bedroom dwellings to zero, in favour of increasing the proportion of larger family homes, as households requiring one bedroom accommodation are most likely to have their need met from the current supply.

5.33 This revised requirement will only apply to the quantum of residential housing above the total number identified in the Local Plan, so as not to affect the viability of the residential housing mix tested in the Local Plan, with the additional housing being a windfall to the developer/landowner.

Worked Example

The latest Annual Monitoring Report demonstrates that only 20% of three bedroom and 5% of four-bedroom affordable homes for rent have been secured on threshold sites in a monitoring year.

A notional site with a residential 'allocation' of around 100 dwellings in the Local Plan that when master-planned can demonstrate that it can sustainably accommodate 135 dwellings would be required to provide the following affordable housing for rent:



Table 6 Affordable Housing for Rent Additionality

	24.5%	1 Bed	2 Bed	3 Bed	4 Bed
SHNA Mix on 100 dwellings	25 dwellings	6	9	7	3
Revised Mix on 35 Dwellings	9 dwellings	0	3	5	1
Total	34	6	12	12	4

5.34 The Council's Housing Strategy will provide additional information on the size and type of affordable housing required to meet priority housing needs. The Council does not specify the mix of homes needed to meet demand for affordable home ownership dwellings. The SHNA Addendum (2024) notes that there was no evidence of need for First Homes or discounted market housing more generally. Shared ownership housing is likely to be suitable for households with more marginal affordability as it has the advantage of a lower deposit and subsidized rents.

5.35 The SHNA (2023) suggests the following mix of affordable home ownership would be appropriate although it notes that to make shared ownership affordable, very low equity shares would need to be sold for three + bedroom homes. Even then, four-bedroom shared ownership housing cannot be made affordable.

Table 7 Bedroom Size of Affordable Home Ownership

Size of home	
One Bedroom	25%
Two Bedroom	45%
Three Bedroom	25%
4+ Bedroom	5%
Total	100%

5.36 Policy DM26 of the Local Plan requires all new dwellings to achieve appropriate internal space through adherence to the Nationally Described Space Standards.

5.37 To accommodate the full range of bedroom requirements and associated occupancy guidelines set out in the Council's Housing Needs Register and Allocation Policy; and reflect the fact that a significant proportion of households assessed on the Council's Housing Register as requiring each size of accommodation will be at the maximum occupancy level; the Council will require affordable homes for rent to achieve appropriate internal space and number of bed spaces through adherence to the minimum defined levels of occupancy set out in Table 8.

5.38 Three-bedroom, six-person affordable housing for rent could be acceptable in lieu of four-bedroom, six-person dwellings, when they comply with the minimum gross internal floor areas and storage requirements set out in Table 1 of the Nationally Described Space Standards and two separate reception rooms are provided.



Table 8 Minimum Gross Internal Floor Areas and Storage (sq.m) for Affordable Housing for Rent

Number of bedrooms	Number of bedspaces	1 Storey	2 Storey	3 Storey	Built-in storage
1 bed	2 persons	50	58		1.5
2 bed	4 persons	70	79		2.0
3 bed	5 persons	86	93	99	2.5
4 bed	6 persons	99	106	112	3.0
5 bed	7 persons	112	119	125	3.5

Wheelchair Accessible Homes

5.39 Policy DMI (Bi) states that within developments of 30 or more dwellings, the Council will require 5% of new affordable dwellings to be built to meet the requirements of Part M, Category 3 (Wheelchair user dwellings) M4 (3) (2) (b) of Schedule 1 (para1) to the Building Regulations 2010 (as amended), or subsequent government standard.

5.40 Part M of the Building Regulations sets a distinction between wheelchair accessible (a home readily useable by a wheelchair user at the point of completion) and wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users) dwellings.

5.41 Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. They will need to be provided at a range of sizes as set out in the Wheelchair Accessible Homes Planning Advice Note, which is updated annually.

5.42 Wheelchair accessible homes should only be provided in ground floor flatbed accommodation where possible to ensure an occupant can facilitate their own escape unassisted in the event of a fire. Wheelchair users should have access to all parts of a dwelling. Within all wheelchair accessible homes, the principal living areas i.e. the living, dining and kitchen space should be within the entrance storey, as well as a wet room (inclusive of an installed level access shower). All bedrooms should be accessible to a wheelchair user with various minimum dimensions and space clearance zone set out in the regulations.

5.43 For wheelchair accessible homes, the occupancy levels for each person should allow for one additional person per bedroom size than those stated in Table 8 above with the corresponding increase in sqm set out in the Nationally Described Space Standards. Ideally, this will be provided in the form of an additional reception room on the ground floor.



5.44 The Council will apply a planning condition that ensures that 5% of all new affordable homes on developments of 30 or more dwellings meet the requirements of Part M, Category 3 (Wheelchair user dwellings) M4(3)(2)(b) of Schedule 1 (para 1) to the Building Regulations 2010 (as amended) to ensure that the planning permission, under which the building works is carried out, meets the needs of occupants of the affordable housing for rent that use a wheelchair at the point of completion.

5.45 Where the 5% requirement does not result in whole numbers of units, the number of affordable dwellings for rent meeting the requirements of Part M, Category 3 (Wheelchair user dwellings) M4(3)(2)(b) of Schedule 1 (para 1) to the Building Regulations 2010 (as amended), will be rounded up.

Location of Affordable Housing

5.46 Affordable housing is an integral element of any market-led residential or mixed used development and is expected to be provided in-kind and on-site. The NPPF states that there is an expectation that the need for affordable housing is met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

5.47 The Council may exceptionally consider a financial contribution in lieu of on-site provision of equivalent value on development sites which comprise between 10 and 15 units, to improve the provision of temporary accommodation for homeless households; or meet other affordable housing priorities identified in the Housing Strategy, which cannot be met on-site.

5.48 The ability to consider a financial contribution in lieu of on-site affordable housing provision will also enable the Council to improve the temporary accommodation offer. The Council has a limited portfolio of accommodation and is currently dependent on the private sector to meet the demand for temporary accommodation. This restricts the Council's ability to respond flexibly to changing patterns in demand for temporary accommodation and manage its statutory duties as a local housing authority.

5.49 Where the Council agrees to a commuted sum in lieu of an on-site affordable housing contribution, the methodology that will be used is to adopt the most recent new build sales values from the **appropriate typology** and location in the latest published Local Plan Viability Update, and then deduct from that the amount that a Registered Provider would pay for those units as affordable units, also using assumptions applied in the latest published Local Plan Viability Update. The difference is the commuted sum. For ease of reference, the relevant market values for each typology are listed below:

Local Plan 2024 Price Assumptions		
Typology	Area	£ per sqm
Brownfield	Chelmsford	5,145
	South Woodham	4,725



	Ferrers	
Urban Flats	Chelmsford	5,565
Large Greenfield	Chelmsford	4,906
	South Woodham Ferrers	4,515
Medium Greenfield	South West Area	5,145
	Elsewhere	4,515
Small Greenfield	All areas	5,250

5.50 The calculation of the commuted sum will be based on the proposed mix of market housing and will assume the affordable housing proportionately reflects the market mix of housing in terms of the bedroom size of the market housing proposed and the mix of flats and houses. If the proposed housing consists of maisonettes, the calculation will apply either the values of flats or houses, whichever is closest in square meters to the size of the maisonette of the relevant bedroom size. The floor area in sq.m for each property size will reflect the floor areas in Table 8.

5.51 The only exception to the above, is where a calculation in lieu of on-site provision of affordable housing is sought from Co-living Housing. In this instance the commuted sum will be calculated based on the average size in sqm of the proposed Co-living Housing unit, rather than assign a floor area from those set out in Table 8. Otherwise, the calculation will be the same and based on market values less the amount a Registered Provider could pay for them (affordable rental value) using values in the latest published Local Plan Viability Update.

5.52 The calculation of the commuted sum will reflect all other requirements in this section of the SPD, except where an application benefits from a vacant building credit. Where a vacant building credit also applies, the calculation of the commuted sum will reflect an affordable housing contribution consisting of affordable housing for rent only.

5.53 An example of the calculation of a commuted sum in lieu of on-site affordable housing based on a market proposal consisting of 5 two-bedroom flats and 10 three-bedroom houses, is provided in Table 9. The mix of affordable homes for rent in the example in Table 9 reflects the need for affordable homes for rent set out in Table 5 and that the demand for affordable homes for shared ownership is predominantly for smaller dwellings.

5.54 If a commuted sum in lieu of on-site affordable housing is agreed by the Council, the commuted sum will need to be paid at commencement of the development.

5.55 Outline planning applications that include a commuted sum in lieu of on-site affordable housing will include the formula for calculating the commuted sum in the Section 106 agreement,



using this guidance. Full planning applications, where the market mix of residential dwellings is agreed, will state the commuted sum amount and be index linked. An example showing the commuted sum calculation for a 15-unit scheme is set out in Table 9 below.

Table 9 Example Calculation of a Commuted Sum in Lieu of Affordable Housing on-site

Size (Bedrooms)	Size sq.m (Flats/ Houses)	Market Housing Mix		Affordable Housing Mix				Market Value	Affordable Value	Commuted Sum
				Affordable Rent		Affordable Home Ownership				
		Flat £5,145 sq.m	House £4,906 sq.m	Flat £2,830 sq.m	House £2,698 sq.m	Flat £3,602 sq.m	House £3,434 Sq.m			
1	50/58									
2	70/79	5				2		$2 \times 70 = 140$ $140 \times £5,145 = £720,300$	$2 \times 70 = 140$ $140 \times £3,602 = £504,280$	£216,020
3	86/93		10		4			$4 \times 93 = 372$ $372 \times £4,0906 = £1,825,032$	$4 \times 93 = 372$ $372 \times £2,698 = £1,003,656$	£821,376
4	99/106									
5	112/119									
Total		15		4		2		£2,545,332	£1,507,936	£1,037,396

Layout

5.56 To achieve mixed, inclusive and sustainable communities the Reasoned Justification for Policy DM2 sets out that affordable housing should:

- Be provided in more than one single parcel except in schemes where the overall number of residential dwellings is below 15 units;
- On sites incorporating 30 or more residential dwellings, affordable housing should be provided in groups of no more than 15% of the total number of dwellings being provided or 25 affordable dwellings, whichever is the lesser.

5.57 If the Council accepts that there are legitimate concerns relating to the management or maintenance of predominantly flatted development, which prevents pepper potting in strict accordance with this SPD, the Council will expect the provider of the affordable housing to be given an option to opt out of any management arrangements and costs associated with the remainder of the site.

5.58 Detailed plans submitted to the Council for planning consideration should clearly show the location and layout of all affordable dwellings within the development. The affordable housing provision should not be disproportionately concentrated above any non-residential uses.

5.59 Where possible the Council requires the same level, design and layout of car parking provision to apply to affordable and market housing. As a minimum, parking provision for affordable housing must comply with Policy DM27.



Green Belt

5.60 The NPPF states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the NPPF lists some exceptions where development could be appropriate, which includes limited affordable housing for local community housing needs such as a rural exception site.

5.61 Paragraph 155 of the NPPF describes the circumstances in which development in the Green Belt should not be regarded as inappropriate and this includes:

- 5.61.1 The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- 5.61.2 There is a demonstrable unmet need for the type of development proposed;
- 5.61.3 The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF; and
- 5.61.4 Where applicable the development proposed meets the Golden Rules requirements set out in paragraphs 156-157 of the NPPF.

5.62 As part of the 'Golden Rules' for Green Belt development set out in paragraphs 156-157 of the NPPF, a specific affordable housing requirement should be set for major development involving the provision of housing, either on land which is proposed to be released from the Green Belt, or which may be permitted within the Green Belt.

5.63 The affordable housing requirement for development proposals of 10 or more dwellings on land within or released from the Green Belt will be at least 50% of housing must be affordable. The affordable housing must include 15% social rent housing, and 24.5% affordable rent capped at Local Housing Allowance levels to address priority housing needs. The remaining 10% can be provided as shared ownership housing.

5.64 Small sites within Designated Rural Areas that are located within the Green Belt and adjacent to a Defined Settlement Boundary and accessible to local services and facilities will be required to comply with Policy DM2 (B).

Rural Exception Sites

5.65 In the circumstances described in Policy DM2 (B) small affordable housing developments to meet local need will be permitted within Designated Rural Areas which would not otherwise be released for housing. These will only be permitted if it can be demonstrated that there is a proven need for the number, type and tenure of dwellings proposed, and the Council is satisfied that the affordable housing will remain affordable and exclusively available for local needs in perpetuity.

5.66 The Reasoned Justification for Policy DM2 (B) identifies the Designated Rural Areas to which Policy DM2 (B) applies.

5.67 All Rural Exception Site applicants must be accompanied by a local housing need survey



which should contain the information set out in the Reasoned Justification for the Policy DM2 (B). In addition, the survey analysis should identify types of local connection that households in housing need have with a Parish to inform the proposed method for prioritising and allocating the dwellings.

5.68 If a survey of local housing need supporting an application under Policy DM2 (B) has been conducted more than four years prior to a planning application being submitted, the Council will require the housing need and affordability data to be updated to ensure the continued suitability of the proposed housing to meet local needs.

5.69 Any local housing needs survey which has been conducted more than five years prior to a planning application being submitted, will not be considered adequate to support a development proposal under Policy DM2 (B).

5.70 The Council's Housing Register provides supplementary information on households in housing need that would prefer to live in a specific Parish. The Council can also provide information on the number of existing affordable homes and vacancies that have occurred in a Parish. If requested, this information can supplement a local housing needs survey but will not substitute it.

5.71 To ensure future occupancy from within the parish-wide survey area, applicants should plan to meet, in aggregate, 50% of the identified local housing need for affordable housing.

5.72 The Rural Community Council of Essex (RCCE) employs a Rural Housing Enabler to advise and assist Parish Councils and rural communities on conducting effective local housing need surveys. The Council expects all applicants proposing Rural Exceptions Sites to work in partnership with the Rural Housing Enablers and Parish Councils to identify the local housing need.

5.73 The Council encourages all applicants proposing affordable housing on Rural Exception Sites to work with a Registered Provider that supports the work of the Rural Housing Enabler employed by the RCCE. These Registered Providers have experience in delivering affordable housing in rural areas and work within an agreed framework.

First Homes Exception Sites

5.74 On 24 May 2021, the Government published a Written Ministerial Statement that set out plans for delivery of First Homes. First Homes are a specific kind of discounted market sale housing which must:

- 5.74.1 be discounted by a minimum of 30% against market values;
- 5.74.2 can only be sold to a person or persons meeting the First Homes eligibility criteria;
- 5.74.3 after the discount has been applied, the first sale must be no higher than £250,000 outside of London;
- 5.74.4 on the first sale, a First Home will have a restriction registered on the title of the property at HM Land Registry to ensure the discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent



title transfer.

5.75 The First Homes eligibility criteria is set out in NPPG and advises that a purchaser (or, if joint purchase, all purchasers) of a First Home should be a first-time buyer as defined in paragraph 6 of schedule 6Za of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyer. Purchasers of a First Home, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £80,000 in the tax year immediately preceding the year of purchase. A purchaser of a First Home should also have a mortgage or home purchase plan (if required to comply with Islamic law) to fund a minimum of 50% of the discounted purchase price.

5.76 As part of Section 106 agreements, local authorities can apply eligibility criteria in addition to the national criteria described above. In Chelmsford, the following additional local criteria will apply to all First Homes on initial sales and resales for a period of three months from when a home is first marketed:

- 5.76.1 Households with an adult that at the time of marketing the First Homes lives or works in the administrative area of Chelmsford City Council; or
- 5.76.2 Households with an adult that at the time of marketing the First Home is an essential local worker (as defined in the NPPF) working in the administrative area of Chelmsford.

5.77 For an adult to meet the requirement of working in Chelmsford, they must be contracted to work with a company based in Chelmsford on either a full or part time basis.

5.78 Annex 2 of the NPPF (2023) defines Essential Local Workers as public sector employees who provide frontline services in areas including health, education and community safety such as NHS staff, teachers, policy, firefighters and military personnel, social care and childcare workers.

5.79 If a suitable buyer has not reserved a home after three months, the eligibility criteria for First Homes will revert to the national criteria to widen the consumer base.

5.80 In accordance with NPPG, the local eligibility criteria will be disapplied for all active members of the Armed Forces, divorced/separated spouses or civil partners of current members of the Armed Forces, spouses or civil partners of a deceased member of the armed forces (if their death was wholly or partly caused by their services) and veterans within 5 years of leaving the armed forces.

5.81 A First Homes exception site is an exception site that is a housing development that comes forward outside of local or neighbourhood plan allocation to deliver primarily First Homes as set out in the First Homes Written Ministerial Statement.

5.82 First Homes exception sites must include at least 25% of the homes proposed as affordable housing for rent to meet the most acute housing needs identified on the Council Housing Register at the time a planning application is submitted. The SHNA (2023) and SHNA Addendum Report (2024) note that there is an acute need for affordable housing in the administrative area of the Council and the vast majority of need is from households who are unable to buy or rent and therefore points particularly towards a need for rented affordable housing.

5.83 The First Homes Exception Site policy in Policy DM2 (C) cannot be applied in the Green



Belt.

5.84 In the circumstances described in Policy DM2 (C), planning permission will be granted for First Homes Exception sites.

Community-led Exception Sites

5.85 National Planning Policy states that local planning authorities should support the development of exception sites for community-led development on sites that would not otherwise be suitable as rural exception sites and on land which is not already allocated for housing.

5.86 In the circumstances described in Policy DM2 (D), planning permission will be granted for Community-led Exception sites.



6 Physical Infrastructure - Highways, Access and Transport

Policy Background

6.1 Section 9 of the NPPF requires the planning system to promote sustainable transport. The provision of viable transport infrastructure necessary to support sustainable development is important in facilitating sustainable development.

6.2 Strategic Policy S9 sets out the infrastructure required to facilitate the development set out in the Local Plan. Priorities for infrastructure provision or improvements are also contained within relevant Strategic Policies and Site Allocation policies.

6.3 Strategic Policy S10 sets out that infrastructure must be provided in a timely and, where appropriate, phased manner to serve the occupants and users of the development. Where development proposals require additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Council and the appropriate infrastructure providers. Such measures can include:

- financial contribution towards new or expanded facilities and the
- maintenance thereof; on-site provision (which may include building works);
- off-site capacity improvement works;
- and or the provision of land.

6.4 In negotiating planning obligations, the Council will consider local and strategic infrastructure needs.

6.5 Chelmsford benefits from good road accessibility to London and the wider region including Braintree, Stansted, Cambridge, and South Essex. The IDP summarises the capacity issues on the current road network which causes incidents, congestion and issues with journey reliability.

Possible Section 106 Obligations

6.6 ECC is the Highway and Transportation Authority for the Chelmsford City area. Chelmsford City Council consults ECC on planning proposals that affect the highway network. ECC provides advice on the scope of obligations for highway infrastructure works where it is considered that there is a need to mitigate the impact of new development(s) on the highway network.

6.7 All development proposals will be assessed on their own merits in relation to the impact they have upon the highway network. There are no types of development which are exempt from necessary highway infrastructure obligations. There are a number of proposed interventions to improve active travel in Chelmsford and it will be important to ensure alignment with these as the Local Plan progresses. In particular, cycle and walking network routes that promote active travel and a viable alternative to the car will be a key consideration for new development. The list of possible Highways, Access and Transport contributions may include:



- Access road from the highway into the site
- Bus Priority/Chelmsford Rapid Bus Transit (ChART) Bus services, Park and Ride and infrastructure
- Contribution to Car Clubs/Care Sharing schemes
- Active and Sustainable travel routes (Walking, Cycling and Public Transport links/improvements/crossing) and other infrastructure (e.g. seating, poles, real time passenger information)
- Multimodal Cycle, Pedestrian and Public Transport bridges
- Cycle parking on-street
- Link roads
- Mobility Hubs
- New junctions and capacity improvements
- New roads
- Pedestrian crossings
- Public Right of Way
- Raised kerbs
- Signage
- Traffic Regulation Orders e.g. to impose waiting restrictions
- Traffic lights
- Travel Planning (residential, workplace, school etc)
- Electric vehicle charging point infrastructure

Timing/Trigger for payment or provision of works

6.8 The developer is required to implement the agreed highway infrastructure works in such a way that the works can be adopted by the Highway Authority once it has been agreed that they are built to an adoptable standard. In general, the developer is obliged to submit suitable detailed engineering drawings to the Highway Authority prior to any commencement of the development on site, for the Highway Authority's approval.

6.9 Unless otherwise agreed, before occupation of a development, the developer is usually obliged to implement the approved scheme, and the Highway Authority will issue a certificate of practical completion. The developer will still have responsibility for maintaining the highway works for a minimum of 12 months and to carry out any remedial works required since the issue of the certificate of practical completion. After the 12-month period, or when the remedial works have been satisfactorily completed, a certificate of adoption will be issued, and the works adopted by the Highway Authority.

6.10 Developers will be required to pay fees to cover ECC's costs incurred in approving the detailed engineering drawings, processing and advertising Traffic Regulation Orders, and for inspecting the highway works and issuing the relevant certificate. Details of these fees are to be included in a Section 106 Agreement. A Section 278 Agreement under the Highways Act 1990 between the developer and the Highway Authority is the preferred mechanism for securing alterations or improvements to the public highway and is separate to a Section 106 Agreement. The full details of the processes will be set out in any relevant Section 106 or Section 278 Agreements.



6.11 ECC has published the 'Transport Assessment Guide for Large-Scale Developments and Garden Communities: A Guide for Developers' and a 'Travel Plan Guide for Large-Scale Developments and Garden Communities: A Guide for Developers'. These Guides relate to large-scale development of 1,000 residential units and/or 250+ employees delivered by one individual developer or delivered cumulatively by multiple residential developers and/or developments of high complexity/high potential highway and transport impacts (determined by the Highway Authority) A Transport Assessment Inception Meeting and Scoping Fee is required to be paid by the developer at the very outset of the process, once the need for a Transport Assessment has been established. The fees cover ECC's staff time in supporting the Pre-Application / Scoping Phase.

6.12 ECC staff time in supporting the Travel Plan process will be secured through developer contributions with set fees to be paid by the Developer, to ECC, with regards the scoping; evaluation; and monitoring and support of Travel Plans.

Maintenance Payments

6.13 Where the infrastructure works include items with the possibility of a major maintenance requirement e.g. traffic signals or where the works are beyond the usual ECC specification, the Highway Authority require a commuted sum from the developer to maintain that infrastructure. Where the Highway Authority takes on assets from developers, there is a requirement for maintenance costs for the life of the assets, and replacement costs at the end of their useful life. Further information on this matter is available in ECC's Guide to Infrastructure Contributions (Revised 2024, Section 5.5).

Further Information

Insurance

6.14 Where a developer intends to carry out works to/in the public highway they will be required to provide third party insurance.

Bonds

6.15 Developers will be required to enter into a bond for an amount specified by the Highway Authority to ensure that the highways works are completed to the Authority's satisfaction, should the developer default on any of its obligations in relation to the works. This bond will vary dependent on the works required. The bond can be a formal bond with an approved third-party surety or it can be a deposit in cash to ECC as the Highway Authority.

6.16 Land compensation bonds will be required where there is a possibility of existing properties being affected by new highway development, e.g. by increased noise resulting from new highway development, including the possibility of a reduction in value.



7 Physical Infrastructure - Flood Protection and Water Management/Efficiency

Policy Background

7.1 Section 14 of the NPPF deals with the challenge of climate change, flooding and coastal change. It states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

7.2 Strategic Policy S2 states that the Council will require that all development is safe, considering the expected life span of the development, from all types of flooding and appropriate mitigation measures are identified, secure and implemented. New development should not worsen flood risk elsewhere.

7.3 Strategic Policy S4 sets out that new development will be expected to incorporate well connected, multi-functional network of green and blue infrastructure that protects, enhances and restores ecosystems and allows nature recovery across the Council's area. It also sets out that the Council will ensure that new development does not contribute to water pollution and where possible enhances water quality and water-related biodiversity taking account of Water Framework Directive objectives and River Basin Management Plan actions.

7.4 Strategic Policy S9 confirms that new development should be safe from all forms of flood risk and that strategic and/or site-specific measures may be needed to achieve this. As part of the Flood Resilience Partnership, the City Council and the Environment Agency are working together to devise main river, city centre and catchment-wide measures to safeguard Chelmsford City Centre.

7.5 Strategic Policy S10 clarifies that planning permission will only be granted if it can be demonstrated that there is enough appropriate infrastructure capacity to support that development or that such capacity will be delivered by a proposal and that such capacity is sustainable over time.

7.6 Strategic Policy S11 recognises the important function of the areas around the main river valleys both in terms of distinctive landscape qualities as well as flood storage. Policy DM18 sets out that planning permission for all types of development will only be granted where it can be demonstrated that the site is safe from all types of flooding and the development does not worsen flood risk elsewhere. It also provides detailed flood protection and water management requirements where development is proposed within areas of flood risk. It also states that planning permission for all types of development will only be granted where it can be demonstrated that the site is safe from all types of flooding. All major development will be required to incorporate water management measures to reduce surface water run-off and ensure that it does not increase flood risk elsewhere.

7.7 In considering proposals for development the Council will follow a sequential risk-based approach, including the application of the 'exception test' which should consider flood risk from all sources when considering whether development in that location is appropriate.



7.8 Policy DM25 requires all new dwellings to achieve a water efficiency standard of 90 litres/person/day and to provide integrated water management techniques to optimise rainwater harvesting on site to minimise overall water consumption and maximise its reuse.

7.9 Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) for Chelmsford was published in February and May 2024 respectively. Some new and updated Level 2 site assessments were also published in January 2025 and November 2025. The Level 1 SFRA states that the main sources of flood risk in Chelmsford are fluvial (rivers), sea and surface water. There are numerous recorded flooding incidents across Chelmsford, predominantly in the vicinity of the City Centre.

Possible Section 106 Obligations

7.10 Areas of flood risk include risk from all sources of flooding such as rivers and the sea, directly from rainfall onto the ground surface and rising groundwater, overwhelmed sewers and drainage systems and from other water bodies. The agencies responsible for different sources of flooding are set out in the Infrastructure Delivery Plan.

7.11 In Chelmsford the principal sources of flood risk are from its rivers, the tidal River Crouch at South Woodham Ferrers, ground water and storm rainfall giving rise to extreme levels of surface water run-off.

7.12 The development strategy for Chelmsford seeks to avoid development in areas which are prone to flooding. Flood risk mitigation will need to be considered on a site-specific basis and respond to the conclusions of the Level 2 Strategic Flood Risk Assessment work for Chelmsford. The Level 2 Strategic Flood Risk Assessment work includes detailed assessments of the site allocations in the Pre-Submission Local Plan and Focused Consultation Additional Sites Document.

7.13 In relation to fluvial flooding, the main watercourses associated with fluvial risk to the sites are the River Chelmer, River Can, River Crouch, and Sandon Brook. There are also other smaller watercourses and drainage channels presenting a fluvial risk to sites across Chelmsford - developers are likely to need to undertake detailed modelling to inform site-specific Flood Risk Assessments for these sites.

7.14 As part of the Flood Resilience Partnership, the Council and the Environment Agency are working together to devise main river, city centre and catchment-wide measures to safeguard Chelmsford City Centre. A series of flood resilience interventions along the main rivers, within the city centre and wider river catchment area are proposed. The precise locations of interventions are not yet determined however this has been included in the IDP and an indicative cost estimate has been identified based on discussions with the Environment Agency.

7.15 New development is likely to increase the risk of surface water flood risk, as the extent of built-up areas and the area of impermeable hard surfacing increases, meaning that mitigation measures such as Sustainable Drainage Systems (SuDS) are essential to reduce and manage the surface water flood risk. Additionally, the increase in runoff may result in more flow entering watercourses, increasing the risk of fluvial flooding downstream. In addition, climate change predictions indicate that the likelihood and frequency of surface water flooding will increase and this increase in risk must be considered when planning for new development within the administrative area. This is particularly important in those locations identified as Critical Drainage



Areas.

7.16 As the Lead Local Flood Authority, ECC has produced a Surface Water Management Plan for the urban area of Chelmsford (2018). The Essex SuDS Design Guide (February 2020) sets out practical guidance for new development to promote SuDS. SuDS are most viable when considered early in the design process, so developers are required to engage in pre-application discussions with ECC (as Lead Local Flood Authority), and refer to ECC's SuDS Design Guide, and any future updates, when preparing applications incorporating SuDS schemes. ECC only adopt SuDS in exceptional circumstances and further guidance is contained in ECC's SuDS adoption policy.

7.17 All development proposals will be required to incorporate sustainable drainage principles and best practice for surface water management. This provides wider opportunity to propose flood alleviation schemes together with SuDS and green infrastructure inclusion to promote further green areas, strong green links to existing environment and benefit the community with use of multifunctional space.

7.18 There may be instances where individual sites come forward for development, which in turn raises issues of flood risk or water management. If these cannot be addressed on site or by way of condition, it is anticipated that a Section 106 Agreement may be needed. These may need to alleviate any/all forms of flood risk and such techniques could include:

- Flood alleviate controls - new or enhanced provision such as flood plain, levees, reservoirs.
- Bio-retention areas
- Wetlands Channels Detention
- Basins ponds
- Infiltration/filtration
- Green roofs
- Permeable paving
- Rainwater harvesting

Timing/Trigger for payment or provision of works

7.19 There is no general rule for the timing of payments as each scheme will be judged on a case-by-case basis. Should off-site works be required, it is expected these would be in place prior to the first occupation or completion of the development.

Maintenance Payments

7.20 Where ECC is not the SuDS adoption body, the Council will work with developers to identify an alternative SuDS adoption body which could include a Water Authority or private management company. The Council will work with the developer to secure the long-term maintenance of all flood risk protection and water management through a combination of planning obligation, planning condition and commuted sum payment, guaranteeing their long-term maintenance.



8 Green and Blue Infrastructure - Recreation and Leisure

Policy Background

8.1 The NPPF states that the planning system has an important role in facilitating social interaction and creating healthy, inclusive and safe places. Safe and accessible green infrastructure and sports facilities make an important contribution to the health and well-being of communities. The Council recognises the important role community facilities such as social, sports and leisure, parks and green spaces, have in existing and new communities. These forms of infrastructure are highly valued and play a key role in the administrative area's sense of place and identity.

8.2 Strategic Policy S4 requires a well-connected multifunctional network of green and blue infrastructure that enhances the natural environment and improves water-related biodiversity, as well as providing amenity interest.

8.3 Strategic Policy S5 states that new facilities will be accessible to the community and secured by a range of funded measures, including planning obligations.

8.4 Strategic Policy S9 sets out that infrastructure necessary to support new development must provide or contribute towards ensuring a range of green and natural infrastructure. It also details a range of community facilities required to support new development, including sport leisure and recreation facilities.

8.5 Strategic Policy S10 describes some of the mitigation measures that will be required where additional infrastructure capacity is required. Strategic Policy S14 sets out how health and wellbeing can be encouraged and improved through high quality planning, design and management of the environment, including through the provision of open spaces.

8.6 Strategic Policy S17 sets out how City Centre developments should provide areas of functional open and green spaces for residents in the area.

8.7 When delivering new community facilities, Policy DM20 seeks to ensure that these facilities are accessible by sustainable modes of transport, physically compatible in form and appearance with their surroundings and cater for people with disabilities.

8.8 Policy DM24 embeds requirements for multifunctional public open space, to provide opportunities to promote healthy living and improve health and wellbeing and create attractive multi-functional public realm in the design and place shaping of new major developments.

8.9 Policy DM26 and Appendix B of the Local Plan provide further requirements for the provision open space that applies to all new dwellings.



8.10 As part of the evidence base for the Local Plan, the Council has undertaken:

- Chelmsford City Council Open Space Study 2024, which covers all types of open space. It includes new open space standards which are set out in Appendix B of the Local Plan.
- Chelmsford City Council Playing Pitch and Outdoor Sports Assessment and Strategy 2024 which covers all outdoor sports requirements for both winter and summer sports. Sport England's Playing Pitch Calculator and Sports Facility Calculator are used alongside this strategy to help estimate the demand that may be generated for the use of playing pitches and outdoor sports facilities by a new population.
- Chelmsford City Council /Indoor Sports Assessment and Strategy 2024, which covers the indoor needs assessment and indoor sports strategy. Alongside the Assessment, Sport England's Playing Pitch Calculator and Sports Facility Calculator have been used to arrive at the recommendations in the Strategy.

Possible Section 106 Obligations

Open Space

8.11 Local Open Space in its entirety should be provided in accordance with the requirements of the site policies and Appendix B of the Local Plan. It may include:

- Allotments
- Children's play and youth facilities
- Cycle and footway links and improvements
- Informal local open space or amenity green space.

8.12 Strategic Open Space in its entirety should be provided in accordance with the requirements of the site policies and Appendix B of the Local Plan. It may include:

- Country Park
- Natural green space
- Outdoor sport and changing facilities
- Parks, Sport and Recreation grounds

8.13 New facilities should seek to offer flexible uses and combine facilities and services which might have historically been provided on a separate basis.

8.14 Access and quantity standards for the study for different types of open space are summarised in table 14 of Appendix B of the Local Plan and table 15 of Appendix B provides the quantity standard for accessible Local Open Space and Strategic Open Space.



8.15 Paragraph B.29 of Appendix B of the Local Plan converts the quantity of standards in table 15 to a dwelling requirement of 29 sqm per dwelling for Strategic Open Space, 43 sqm of Natural and Semi-natural open space, and a Local Open Space requirement of 22 sqm per dwelling, producing a total requirement of 94 sqm per dwelling. The proportions of different types of open space within the overall quantum should reflect the proportions contained within the quantity standards unless a different approach is agreed with the Council.

8.16 Table 16 of Appendix B of the Local Plan provides the thresholds for on or off-site provision of open space and is replicated below in Table 10:

Table 10 Thresholds for on or off-site provision of open space

Size of Scheme	Provision
Less than 10 dwellings	No provision required on site
10-29 dwellings	Accessible Local Open Space required at 22 sqm per-dwellings
30 dwellings or more	Accessible Local Open Space required onsite at 22 sqm per-dwelling Strategic Open Space required on-site at 29 sqm per-dwelling Natural and Semi-natural greenspace required on-site at 43 sqm per-dwelling

8.17 Where provision is not required on-site, or the Council considers a commuted sum in lieu of on-site provision is acceptable, the following calculations will apply:



Table 11 Local Open Space Formula – commuted sum in lieu of on-site provision

Type of Open Space	Description	(A) Quantity standards (ha/1,000 population)	(B) Rate per Ha	(C) Contribution per 1,000 population (A x B)	(D) Rate per person (C/1,000)	(E) Rate per dwelling (D x 2.4)
Accessible Open Space						
Allotments	Opportunities to grow own produce	0.30	1,450,966.50	435,289.95	435.29	1,044
Amenity Green Space	Opportunities for informal activities close to home, work or enhancement of the appearance of residential or other areas	0.53	251,660.25	133,379.93	133.389	320
Play Space (children)	Areas designed primarily for play and social interaction involving children	0.05	139,259.25	13,925.93	13.93	33
Play Space (youth)	Areas designed primarily for play and social interaction involving young people	0.05				
Total		0.93	£1,841,886	£582,595.81	£582.61	£1,397

8.18 The Local Open Space formula is based on the 'Chelmsford Open Space Study 2024', the Spons External Works, Landscape Price Book, Council Maintenance DATA, Valuation Office, Play Equipment Manufacturers. A maintenance contribution is set out in each of the rates per hectare based on the cost of maintaining all the categories of open space set out above where a commuted sum in lieu of on-site provision of local open space is acceptable. The rate per hectare has been re-based to 2024 rates and will be inflated annually in accordance with the BCIS PUBSEC Tender Price Index of Public Sector Building Non Housing Indices.

8.19 In all cases the calculations are based upon an occupancy rate of 2.4 people per dwelling (Census 2021).

8.20 Where a proportion of on-site provision is made, a pro-rata reduction will be made in calculating the level of the off-site contribution.

8.21 Financial contributions in lieu of on-site provision for Local Open Space may be spent on one or more of the infrastructure items listed in the above table as 'Accessible Open Space'.



Table 12 Strategic Open Space Formula – commuted sum in lieu of on-site provision

Type of Open Space	Description	(A) Quantity standard (ha/1,000 population)	(B) Council Rate per Ha	(C) Contribution per 1000 population (A x B)	(D) Rate per person (C/1000)	(E) Rate per dwelling (D x 2.4)
Parks and Recreation Grounds	Parks, formal gardens and recreation grounds, open to the general public. Accessible, high quality opportunities for informal recreation and community events.	1.23	£293,391.49	£360,871.53	£361	£866
Natural and Semi-natural greenspace	Woodland (coniferous, deciduous, mixed) and scrub, grassland (e.g. down-land, meadow) heath or moor, wetlands (e.g. marsh, fen) wastelands (including disturbed ground), barerock habitats (e.g. quarries), commons and Local Nature Reserves. Many sites are intentionally without ancillary facilities to reduce misuse/inappropriate behaviour whilst encouraging greater flora and fauna. A site threshold of 0.2ha is generally applied.	1.80	£251,660.25	£452,988.45	£453	£1,087
Total						£2,051

8.22 The Natural Green Space formula is based on the 'Chelmsford Open Space Study 2024 the Spons External Works, Landscape Price Book and Council Maintenance Data.

8.23 The contribution for 'Park and Recreation Grounds' is based on average capital costs (excluding land acquisition) incurred by the Council for new parks and informal recreation facilities at 2025, excluding playing pitches and outdoor sports facilities, which are separately calculated using Sport England's Playing Pitch Calculator and Sports Facility Calculator and identified in the IDP.

8.24 The dwelling rate is based on the calculation of how much strategic open space is required



per dwelling, as set out in the Local Plan, using the quality standard for accessible local open space and strategic open space identified in the Chelmsford Open Space Study 2024.

8.25 Early engagement with the Council is recommended to ascertain the exact type of open space required if not set out in the IDP.

Waterways

8.26 Where development has a direct impact upon, or a close connection with the main waterways in the City area, particularly the Chelmer and Blackwater Navigation System, contributions may be required to improve facilities and access to the rivers. Such contributions will be considered on a case-by-case basis and could include:

- 8.26.1 the extension of riverside walks and cycle paths to improve accessibility;
- 8.26.2 additional greenspaces adjoining rivers and waterways;
- 8.26.3 the provision of boat portage facilities, to enable canoes etc. to access the rivers;
- 8.26.4 improvements to moorings, towpaths and other navigational infrastructure such as bridges and locks;
- 8.26.5 ensuring better access to the waterways;
- 8.26.6 creating attractive river frontages and/or riverside terraces;
- 8.26.7 greening the engineered canalized sections of the river
- 8.26.8 increasing local connections to the footpath and cycle way network; removal of non-native invasive species;
- 8.26.9 removal of hard ban reinforcement/revetment or replacement with soft engineering solution.

Indoor Sports Facilities

8.27 Indoor sporting facilities are not a statutory service that local authorities are required to provide however provision must still be ensured through the plan-making process for sports and leisure facilities.

8.28 The 2024 Indoor Sports Assessment and Strategy will be used to determine how existing provision needs to be improved or expanded and where new provision is required as a result of new development. Sport England's Facility Calculator has been used to estimate the likely quantity of badminton courts and swimming lanes required to meet additional demand generated by new development and the cost associated with additional facilities. These requirements are set out on a site-by-site basis in the IDP using Appendix 2 of the 2024 Indoor Sports Assessment and Strategy and Action Plan.

8.29 New secondary schools should include sports halls that are upgraded for community use



and with secure community access.

8.30 For indoor facilities other than swimming pools and sports halls, the calculation of facility requirements including dedicated sports facilities arising from new housing development relies on the finding of the Chelmsford 2024 Indoor Sports Assessment. The identified need for dedicated sports facilities including a new indoor tennis facility, enhanced gymnastics facilities and improved indoor bowls facilities will be identified in the IDP when a strategy to meet these needs has been developed and costed.

Outdoor Sports Facilities

8.31 The 2024 Playing Pitch and Outdoor Sports Assessment and Strategy will be used to determine how existing provision needs to be improved or expanded and where new provision is required as a result of new development.

8.32 The 2024 Playing Pitch and Outdoor Sports Assessment and Strategy uses Sport England's Playing Pitch Calculator to estimate the additional pitch and tennis court requirements generated by housing sites in the Local Plan and the likely developer contribution generated. Where available, site-specific information has been incorporated into the IDP and will be kept under review.

8.33 Where it is determined that new provision is required within a development, priority will be placed on providing facilities that contribute towards alleviating existing shortfalls within the locality using the 2024 Playing Pitch and Outdoor Sports Assessment and Strategy. The preference is for multi-pitch and potentially multi-sport sites to be developed, supported by a clubhouse and adequate parking facilities which consider the potential for future Artificial Grass Pitch development.

Maintenance Payments

8.34 Maintenance contributions will be required for all open space provided on-site when responsibility for the long-term maintenance resides with Chelmsford City Council. This will be calculated according to the landscape layout and quantified elements to be provided by the developer and will be required for 25 years after completion.

8.35 The Council's preference is for all open spaces to be transferred to and adopted by the Council with a commuted maintenance sum. If a developer chooses to retain open space, it should be maintained by a recognised not-for-profit management trust. Where appropriate, and following negotiation between the relevant parties, open space can also be transferred to a Parish or Town Council.

8.36 Adoption of local open space would take place after any construction and development maintenance liability periods have expired. The local open space needs to be safe and fit for public use, in accordance with prevailing safety and public use standards at the time of adoption.



8.37 Adoption of strategic open space would take place after any construction and development maintenance liability period has expired. The strategic open space needs to be safe and fit for general public use, in accordance with prevailing safety and public use standards at the time of adoption.

8.38 As part of the adoption process, land ownership will then be transferred to the Council by appropriate conveyancing processes.

8.39 In the event of hand over to the Council, sports turf areas and facilities require the sports turf to be appropriately established, but final sports use layout and preparations for public sports use such as linework and similar, will be undertaken by the Council.

8.40 Should a developer wish to self-manage open space, the Council would require public access agreements and an agreed maintenance specification and inspection regime, secured through a legal agreement. In addition, the Council would require a conditional performance bond issued by a reputable financial institution in favour of the Council, to a specified indexed linked amount calculated in reference to Tables 13 and 14. This would enable the Council to call upon the bond in the event of the owner of the open space becoming financially unviable or failing to comply with its management and maintenance obligations under the Section 106 agreement.

8.41 The financial contribution per dwelling towards the maintenance of Local Open Space transferred to the Council or a Parish or Town Council is set out in Table 14 and the IDP where relevant for developments where no landscaping scheme has been provided to the Council.

8.42 Where a landscaping scheme has been provided, the Council will provide the maintenance costs for the specific scheme based on the landscape plan showing the layout, and functionality of the open space. The calculation will be based on estimate maintenance costs based on similar or equivalent locations and grounds maintenance unit costs at the time the landscape scheme is submitted. The annual maintenance sum will be calculated over a 25-year period including an allowance for inflation based on Bank of England rates and the City Council's investment factors applicable at the time. The commuted sum will be secured in a Section 106 agreement at the consent stage and transferred to the Council upon adoption of the open space.



Table 13 Local Open Space Formula – commuted maintenance sum

Type of Open Space	(A) Quantity standards (ha/1,000 population)	(B) Rate per Ha	(C) Contribution per 1,000 population (A x B)	(D) Rate per person (C/1,000)	(E) Rate per dwelling (D x 2.4)
Accessible Open Space					
Allotments	0.30	£10,855.04	£3,256.51	£3.26	£7.82
Amenity Green Space	0.53	£162,825.70	£86,297.62	£86.30	£207.11
Play Space (children)	0.05	£162,825.70	£8,141.29	£8.14	£19.54
Play Space (youth)	0.05	£162,825.70	£8,141.29	£8.14	£19.54
Total	0.93	£499,332.14	£113,978	£105.84	£254.01

8.43 The annual maintenance amount varies for each type of open space and has been re-based to 2024 costs.

8.44 The amount of financial contribution towards the maintenance of Strategic Open Space transferred to the Council or a Parish or Town Council is set out in Table 15 and the IDP where relevant for development where no landscaping scheme has been provided to the Council.

8.45 Where a landscaping scheme has been provided the Council will provide the maintenance costs for the specific scheme calculated in accordance with the relevant paragraphs **8.43** above. Unless exceptional circumstances apply, no public open space is adopted without a commuted sum for maintenance. .



Table 14 Strategic Open Space Formula – commuted maintenance sum

Type of Open Space	(A) Quantity standard (ha/1,000 population)	(B) Council Rate per Ha	(C) Contribution per 1,000 population (A x B)	(D) Rate per person (C/1,000)	(E) Rate per dwelling (Dx 2.4)
Parks and Recreation Grounds	1.23	£273,872.83	£336,863.58	£336.86	£808
Natural and semi-natural greenspace	1.80	£28,946.80	£52,104.23	£52.10	£125
Total					£1,054

8.46 The annual maintenance amount varies for each type of open space and has been re-based to 2025 using average costs incurred by the Council for parks and informal recreation space. The maintenance costs associated with playing pitches will be calculated separately using Sport England's Playing Pitch Calculator which provides lifecycle costs that are listed separately in the IDP where relevant.

Timing/Trigger for payment or provision of works

8.47 In the case of a large-scale development, it may be that the payments or provision would be phased to meet the proportional impact of each phase. Trigger points for payments or provision will be included in the legal agreement, as will the period in which any contribution will have to be spent.



9 Green and Blue Infrastructure - Environmental Mitigation

Policy Background

9.1 Paragraph 187 of the NPPF seeks to conserve and enhance the natural environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. It seeks for the planning system to recognise the intrinsic character and beauty of the countryside and wider benefits from its natural ecosystems, maintain the character of the undeveloped coast, minimise impacts on and provide net gains in biodiversity. The planning system should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable level of soil, air, water or noise pollution and land instability. Remediating and mitigating despoiled, degraded, contaminated and unstable land are other ways of enhancing the environment.

9.2 Paragraph 193 of the NPPF states that where significant harm to biodiversity resulting from a development proposal cannot be avoided, adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.

9.3 Strategic Policy S1 applies a series of Spatial Principles to ensure the Local Plan focuses growth in the most sustainable locations as well as securing the enhancement and extension of the City's green infrastructure resources.

9.4 Strategic Policy S2 seeks to mitigate and adapt to climate changes through several measures aimed at enabling future development to move to a net zero carbon future. This includes through protecting and providing opportunities for well-connected multifunctional green and blue infrastructure including city greening, woodland creation, tree planting and new habitat creation.

9.5 Strategic Policy S4 sets out that new development will be expected to incorporate multi-functional greenspaces including providing biodiversity net gain (minimum of 10% and 20% at garden communities) which protects, enhances and restores ecosystems and allows nature recovery. It also includes a requirement for new development to not contribute to water pollution and where possible enhance water quality.

9.6 New development will need to maximise opportunities for the preservation, restoration, enhancement and connection of natural habitats in accordance with the Local Nature Recovery Strategy and the Council's Green Infrastructure Strategic Plan. Contributions from qualifying residential developments within the Zones of Influence, as defined in the adopted Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS), will be secured towards mitigation measures identified in the RAMS. Major developments (defined as sites of 10 or more dwellings) may also be required to provide or contribute towards additional recreational mitigation measures to address stand-alone impacts of the proposal as identified in DM16. This will be informed by a review of the RAMS and SPD which is expected to be complete in 2026 and/or project level HRAs.

9.7 Strategic Policies S9 and S10 require new development to provide or contribute towards a range of multi-functional green, blue and natural infrastructure, nature recovery, net gain in biodiversity and public realm improvements.



9.8 The protection and promotion of ecology, nature and biodiversity in new developments including mitigation measures identified in the RAMS and biodiversity net gain requirements are set out in Policy DM16.

9.9 The protection of trees, woodland and landscape features are set out in Policy DM17, as well as the requirement for three new trees per net new dwellings for all new housing development.

9.10 Policy DM18 specifies that Sustainable Drainage Systems should be multi-functional to deliver amenity, recreational and biodiversity benefit for the built, natural and historic environment as well as providing water management measures.

9.11 The sustainability requirements the Council expects of dwellings and non-residential buildings is set out in Policy DM25, whilst the requirement for development to avoid unacceptable levels of pollution emissions from noise, light, smell, fumes, vibrations and other issues unless appropriate mitigation measures can be put in place, is set out in Policy DM29.

9.12 Policy DM31 lists the requirements for development to achieve net zero carbon development in operation.

Possible Section 106 Obligations

9.13 Any environmental mitigation measures will be considered on a site-by-site basis. Most issues will be localised and are likely to be small scale where it is appropriate to deal with them by way of planning conditions. There may be circumstances where schemes require environmental mitigation measures to be included within a Section 106 Agreement.

9.14 The Council has declared a Climate and Ecological Emergency to focus attention on reducing carbon and greenhouse gas emissions in the area and to plan for a more sustainable future.

9.15 The Council's Climate and Ecological Emergency Action Plan includes undertaking a greening programme to significantly increase the amount of woodland and the proportion of tree cover in Chelmsford.

9.16 The Council requires all residential development to plant at least three new trees for every new home in the Local Plan to assist in the Climate and Ecological Emergency. In most cases the planting of new trees should take place in landscaped areas maintained as part of the public realm. On some sites it may be possible to include trees within large private gardens providing there is sufficient space to allow the tree to grow and flourish during its normal expected lifetime.

9.17 Where it is not practicable to plant trees on-site, a commuted sum of £300 per dwelling will be used towards the following:

- Woodland planting – 2 square metres per new dwelling, planted as whips on sites identified as suitable for woodland planting; and
- Individual trees – 1 tree per new dwelling planted as heavy standards, generally 12 – 14 cm girth at 1m up the stem. These will be planted as street trees, or in a park or other open space including highway verge.



9.18 The figure of £300 per new dwelling is based on:

- Woodland planting - £4 per sqm for the cost of planting and aftercare for mass woodland planting (excluding land purchase); and
- Individual trees - £292 per semi-mature tree (excluding land purchase). The cost estimate assumes the trees will be staked and equipped with a watering bag and intensively care for, including regular watering for three seasons after planting.

9.19 The financial contribution of £300 per new dwelling will be sought and can either be paid in advance before planning permission is granted or secured through a planning obligation. When only part of the tree planting provision is achieved on-site, the commuted payment will be calculated based on £100 per missing tree and contributions pooled to deliver tree planting where funding is sufficient and alternative suitable locations available.

9.20 The Council has a 10-year woodland and tree planting aspiration to plant 192,000 new trees, creating 92 additional hectares of woodland/tree cover. To help meet this aspiration, the Council will seek to use commuted sums in the way described above on land already in the Council's ownership. In exceptional circumstances, the Council will consider a proposal for planting on land not in its ownership, where there is a willing landowner on land that lies adjacent to the development site, and this arrangement would help screen new development and/or enhance existing green infrastructure.

9.21 Woodland planting will be native species, UK grown and sourced and selected from the following:

Field Maple (*Acer campestre*), Common Alder (*Alnus glutinosa*), Downy Birch (*Betula pubescens*), Hornbeam (*Carpinus betulus*), Hazelnut (*Corylus avellana*), Hawthorn (*Crataegus monogyna*), Wild Privet (*Ligustrum vulgare*), Crab Apple (*Malus sylvestris*), Cherry Plum (*Prunus cerasifera*), Blackthorn or Sloe (*Prunus spinosa*), English Oak (*Quercus robur*), Goat Willow or Pussy Willow (*Salix caprea*), Guelder Rose (*Viburnum opulus*), Dog Rose (*Rosa canina*), Scots Pine (*Pinus sylvestris*), English Yew (*Taxus baccata*), Holly (*Ilex aquifolium*) and Wild service tree (*Sorbus torminalis*).

9.22 Individual tree species will generally be native with some exceptions to non-native, but in parks settings where a specimen tree is appropriate some more exotic stock may be used. The native stock includes English oak (*Quercus robur*) and lime (*Tilia x europaea*). The non-native stock includes Norway maple (*Acer platanoides*) and London plane (*Platanus x hispanica*). More exotic stock includes Sweet gum (*Liquidambar styraciflua*), Dawn redwood (*Metasequoia glyptostroboides*), Giant sequoia (*Sequoiadendron giganteum*), Indian bean tree (*Catalpa bignonioides*) and ornamental maple trees (*Acer*).

9.23 On-site trees will be required by planning condition to be watered and protected. Council planted trees will be staked and equipped with a watering bag. They will be intensively cared for, including regular watering for at least three seasons after planting, until established.



9.24 The Council will monitor the number of new trees planted or funded through commuted sums to ensure compliance with the Chelmsford Climate and Ecological Action Plan. Applicants will be asked to complete the template below as part of their proposed landscaping scheme submitted with their planning application:

Category	No. of trees to be removed from the sites (LOSS)	No. of trees to be planted on site (GAIN)	No. of trees on site NET/OTHER
Existing trees			
Proposed tree removals (if applicable)			
Trees planted as compensation for existing tree loss			
New tree planting – individual trees on-site			
Total			
Is there a need for a contribution towards new tree planting off-site (Y?N)			
Is this a partial or full contribution (partial/full)			

9.25 Planting relating to commuted sums received in lieu of on-site provision will be recorded in the annual Infrastructure Funding Statement, where relevant.

9.26 Proposals for biodiversity net gain must take into account local priorities set out in the Local Nature Recovery Strategy which guides the delivery of biodiversity net gain projects in Essex, the Essex Green Infrastructure Strategy and Standards, and the Chelmsford Green Infrastructure Action Plan as well as be informed by a comprehensive understanding of habitats and species associated with a site.

9.27 The Council expects the requirements for biodiversity net gain to be provided within the application site boundary and to be secured for a minimum of 30 years after completion of the development. Where possible the Council will aim to secure biodiversity net gain for the lifetime of the development. The Council will only consider off-site provision or the purchase of off-site biodiversity units if it can clearly be demonstrated that biodiversity net gain cannot be adequately achieved onsite. A habitat management and monitoring plan (HMMP) will be required where there are significant on-site enhancements or where net gain is to be delivered off-site. The HMMP must demonstrate how the land will be managed for a minimum period of 30 years from the completion of the development. The Council would encourage, where possible, securing



biodiversity net gain for the life-time of the development.

9.28 Off-site measures will be expected to be in reasonable proximity to the development, strategically located for nature conservation and be informed by local and national guidance and data. Early discussions with the Council and Essex Local Nature Partnership are encouraged if off-site provision is necessary.

9.29 The purchase of statutory Biodiversity Credits as a mechanism to achieve biodiversity net gain will only be considered as a last resort.

9.30 Biodiversity net gain proposals and where necessary, Habitat Management and Monitoring Plans, will be secured by a condition and/or legal agreement. This will include a requirement to cover the Council's costs associated with the long-term monitoring of the biodiversity net gain proposals.

9.31 Mitigation measures for protected sites (including SANG) can count towards BNG requirements as long as at least 10% of the biodiversity units come from additional activities other than mitigation and compensation. SANG provision must also demonstrate how through appropriate design and implementation that suitable habitats will be achieved to secure a genuine biodiversity uplift beyond Natural England's minimum SANG standards. Any additional features provided for BNG purposes should not conflict, and ideally complement, with the principal purpose of the SANG..

9.32 The RAMS provides a mechanism for local planning authorities to comply with their responsibilities to protect habitats and species in accordance with the UK Conservation of Habitats and Species Regulations 2017. Measures required to mitigate the impacts of recreational disturbance on European Protected Sites will be delivered as detailed in the RAMS and the Essex Coast RAMS SPD.

9.33 The Essex Coast RAMS SPD provides the scope of RAMS; the legal basis for RAMS; the level of developer contributions being sought for strategic mitigation and how and when applicants should make contributions.

9.34 Environmental matters which may be included in a Section 106 Agreement include, but are not limited to:

- Biodiversity offsetting
- Biodiversity net gain
- Major contamination issues
- Ecological mitigation/remediation
- Climate change mitigation, including tree planting and new woodlands
- Environmental enhancements
- Archeological investigations, access and interpretation
- Repair and re-use of building or other heritage assets

9.35 Further guidance on matters relating to biodiversity, which should be borne in mind when considering a site and preparing a planning application, is set out in ECC's Developers' Guide to Infrastructure Contributions (Revised 2024).



9.36 Some cases may require payments, other cases may require the details of mitigation measures to be included in an agreement so that a robust legal mechanism is in place to ensure appropriate mitigation is carried out. Each site will be considered on its own merits.

Timing/Trigger for payment or provision of works

9.37 The cost of such mitigation measures will normally be covered in full by the developer. Any contamination matters will usually be required to be dealt with fully prior to commencement of any development.

9.38 Environmental mitigation will largely be required to be carried out prior to the commencement of the development, with some further works being complete prior to first occupation of the development. Some further environmental issues may require ongoing mitigation to take place. Where the development cannot fully mitigate its impact on these environmental matters, compensatory measures may be sought. This will only be sought where all other avenues of mitigation have been exhausted. The appropriate level of contribution will be considered on a case-by-case basis.

Further Information

9.39 The Chelmsford Green Infrastructure Strategic Plan 2018 – 2036 provides a framework for the planning and management of Chelmsford's Green Infrastructure resources both in terms of the protection of its integrity and enhancement to the benefit of residents, workers and visitors in light of the significant scale of growth to be accommodated over the duration of the Local Plan. The Essex Green Infrastructure Strategy (2020) and the Essex Green Infrastructure Standards (2022) champion the enhancement, protection, and creation of an inclusive and integrated network of green spaces. from a multifunctional perspective, combining uses such as sustainable drainage, public open space, walking and cycling routes and biodiversity conservation to combine functional uses with amenity benefits



10 Community Infrastructure - Early Years, Childcare and Education

Policy Background

10.1 As set out in paragraph 100 of the NPPF, the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Non-statutory guidance for local authorities for education to support housing growth and developers' contributions is provided in the Department for Education publication – 'Securing developer contributions for education,' (August 2023).

10.2 Strategic Policy S5 recognises that an important element of sustainable development is the provision and protection of community uses such as schools.

10.3 Strategic Policies S9 and S10 set out the infrastructure required to support new development, including early years education and childcare, primary, secondary, SEND and post 16 education provision and how to secure the infrastructure and mitigate impact.

10.4 Policy DM20 focuses on the accessibility of new community facilities by sustainable modes of transport and to the multitude of users that will access them. Policy DM22 seeks to protect existing education establishments, support their extension/expansion, and only permit their change of use if they are surplus to educational requirements.

10.5 Section 106 obligations will include obligations to provide suitable land and/or financial contributions towards additional school places in accordance with Policy S10.

Possible Section 106 Obligations

10.6 Chelmsford will see significant growth over the plan period. New early years, co-located with primary education, and standalone childcare provision, primary, secondary and SEND education are required to be provided on-site in various strategic locations. In all cases, the developer will provide the land or provision within the built form at the development and a proportion of the build cost generated from the need for places. The remainder of the cost will potentially be covered through pooled Section 106 contributions. If it is not planned to build a new school or nursery, financial contributions will be used to fund capital works to add additional capacity at schools, or existing nurseries in the appropriate area.

10.7 Where the need for new schools or nurseries is identified against a site, other sites that benefit may be required to contribute towards both land and build costs as pooled Section 106 contributions.

10.8 The IDP provides details of the contribution form for specific items of early years, childcare and education infrastructure for each site referenced in the Local Plan. It includes pooled Section 106 contributions towards the expansion of existing primary and secondary education in specific locations to address needs arising from sites identified in the Local Plan.

10.9 The Essex School Organisation Service's 10 Year Plan, 'Meeting the demand for school places in Essex', is published on an annual basis and sets out the forecasted availability of school places in Chelmsford. The need for additional school places to serve new development may vary over time. It is considered reasonable to take account of the future demand for places as well as



the current picture since: there will be a time lag between the planning application and completion of the development; the peak of additional demand for places generally comes a few years after a development is first occupied and the development will be a permanent feature of the local community and it should not cater just for its immediate impact.

10.10 ECC's Developer's Guide to Infrastructure Contributions (Revised 2024) provides information on Education contributions, which incorporates early years and childcare, primary, secondary, post 16 and Special Educational Needs. The Guide provides information on how the need for additional school and early years places are assessed; how to calculate demand from new housing development and additional site requirements. The Guide also provides information on ECC's statutory responsibility to make suitable travel arrangements free of charge for eligible children, which depending on the location of a development, may require a developer contribution.

10.11 A new all-through secondary school, including primary and early years, will be required on-site to support the strategic growth at Chelmsford Garden Community (Location 6). New all-through secondary school, or a secondary school co-located with primary school and early years and childcare will be required at East Chelmsford Garden Community (Location 16). New co-located primary schools with early years and stand-alone early years and childcare nurseries are also required and identified in relevant site policies.

10.12 Site specific contributions for early years, childcare and education are set out in the IDP.

Provision of works

10.13 Details of the criteria that any new school or pre-school site must meet and requirements for the provision of land for new facilities are set out in the ECC's Developers' Guide to Infrastructure Contributions and the 'Garden Communities and Planning School Places Guide'. This sets out the ECC approach to delivering new schools and ensuring there are sufficient pupil places to serve large new settlements that are planned. The '[Local and Neighbourhood Planners' Guide to School Organisation](#)' explains how ECC will help develop local and neighbourhood plans to ensure there are sufficient school places from new developments.

10.14 The ECC Developers' Guide to Infrastructure Contributions (Revised 2024) provides details of how school sites should be laid out, including the environment around schools (Appendix D). On Strategic Sites, adherence to an approved Design Code may also be required. The Essex Design Guide (2018) provides a School Design Checklist and criteria, which provides further advice on how schools should be designed to encourage community access outside of school hours.



10.15 It should be noted that Sport England's Strategy includes goals relating to schools opening up, or keeping open, their sports facilities for local community use. Schools can potentially offer sports hall, studios, activity rooms, fitness facilities, swimming pools (as well as outdoor courts, grass pitches, artificial grass pitches) for community use. It should be recognised that the specification of sports facilities for School use and Community use can differ however, so enhancements may be required on a standard school specification to ensure community use. Consideration to ancillary facilities such as changing, WC, circulation, floodlighting and car parking facilities is also required. Sport England also offers a range of Design Guidance and advice to maximise the public benefit of community use of sport facilities on education sites. Where appropriate Section 106 Agreements will seek to secure a community use of school facilities, and a separate contribution will be levied for this purpose

10.16 The Indoor Sports Assessment and Strategy (2024) produced to support the review of the Local Plan, states that new secondary schools should include Sport England design compliant sports halls.



11 Community Infrastructure – Health, Community Safety, Cohesion and Social Wellbeing

Policy Background

11.1 Paragraph 96 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places by enabling and supporting healthy lifestyles and promoting community safety, cohesion and social interaction.

11.2 An important element of enabling and supporting healthy, safe and cohesive communities is the provision and protection of community uses, such as health, policy, fire and rescue, ambulance and recreation and the access populations have to the environments and infrastructure that supports community health, safety, cohesion and well-being. Strategic Policy S5 requires the protection and enhancement of community assets whilst Strategic Policy S4 requires a well-connected multifunctional green and blue infrastructure network, helping to promote health and wellbeing.

11.3 Strategic Policies S9 and S10 state that new development must provide a range of infrastructure including essential primary, acute and community healthcare provision and ambulance facilities and wellbeing facilities and measures that mitigate the impact of new development.

11.4 Strategic Policy S14 seeks to ensure that future development proposals go further to support improvements in health and wellbeing of residents and communities, promote active and healthier lifestyles and reduce health inequalities. The policy also requires certain developments to undertake a Health Impact Assessment making recommendations on how positive health impacts could be maximised and negative impacts on health and inequalities avoided or mitigated.

11.5 Strategic Policy S16 seeks to ensure that future development proposals maximise opportunities for active and sustainable travel with well-designed walking and cycling networks.

11.6 Strategic Policy S17 promotes a City Centre that multifunctional green routes and improvements to the recreational potential of the waterways and their associated green spaces.

11.7 Policy DM20 provides the requirements for community facilities for planning permission to be granted and Policy DM24 requires the built form and design of new development to provide opportunities to promote healthy living and improve health and wellbeing through the provision of walking and cycling and provision of multifunctional green infrastructure, including open space.

11.8 The Council implements the ‘Livewell’ accreditation scheme to recognize developers for their contributions to health and wellbeing. This is based on a two-stage assessment using the HIA criteria and a review by the Essex Quality Review Panel.

Possible Section 106 Obligations

11.9 New healthcare, policy, fire and rescue and ambulance infrastructure, which includes health and well-being measures, will be required through Section 106 agreements. This could include investment in existing premises or services if the proposed development generates the need for a new facility or service.



Primary Healthcare

11.10 Chelmsford is served by the Mid and South Essex Integrated Care System which provides health and social care across Braintree, Maldon, Chelmsford, Castle Point, Rochford, Southend, Thurrock, Basildon and Brentwood. It is made up of two main committees:

- Mid and South Essex Integrated Care Board – a statutory NHS organisation responsible for developing a plan to meet the health needs of the population, managing the NHS budget and arranging for the provision of health services in Mid and South Essex.
- Mid and South Essex Integrated Care Partnership – a statutory committee concerned with improving health, care and wellbeing of the population.

11.11 As an upper tier local authority, ECC has a responsibility for public health and wellbeing, to achieve lifestyle enhancements and behavioural change within the local community.

11.12 The Mid and South Essex Integrated Care Board has identified additional primary healthcare infrastructure and investment required to support delivery of the Local Plan. These projects have been set out in the IDP.

11.13 Within Growth Area 1, there is an existing deficit of primary care capacity, and this will be increased by proposed growth. The additional capacity required in Growth Area 1 cannot be provided by reconfiguration or extension of existing primary care premises and so there is likely to also be a requirement for a new build facility within this Growth Area. A site and delivery mechanism for this provision will need to be identified and contributions will be sought to meet this need from all development sites located in Growth Area 1.

11.14 Within Growth Area 2, there is an existing deficit of primary care capacity, and this will be increased by proposed growth. New build facilities are proposed at Location 6 (North East Chelmsford Garden Community) and this is subject to a separate IDP.

11.15 At Location 7a (Great Leighs – Land at Moulsham Hall), a 1,000m² medical centre is proposed as part of the hybrid planning applications which are pending on the site (Ref: 23/01583/OUT and 23/01583/FUL). The Integrated CB has confirmed that the proposed facilities at Location 6 and 7a should provide the capacity to accommodate increases in patient growth in Growth Area 2.

11.16 Within Growth Area 3, there is an existing deficit of primary care capacity, and this will be increased by proposed growth. The additional capacity required in Growth Area 3 cannot be provided by reconfiguration or extension of existing primary care premises and so there is likely to also be a requirement for a new build facility within this Growth Area. This will be partly required to support the development at Location 16 – East Chelmsford Garden Community although it is noted that the scale of development at this location alone wouldn't alone require a complete new 'full size' (1,000m² surgery) but the demand it would create could not be accommodated at existing surgeries.



11.17 Where a small number of large sites generate the need for a new primary healthcare facility or service, such as a new GP surgery and other new healthcare infrastructure and services, the cost of this provision will be secured through pooled section 106 agreements and the location of the facility identified through the master planning and planning application process.

11.18 Section 106 resources may also be sought to fund health and wellbeing across the population and encouraging self-care, where there is on-site need. This includes digital and technological approaches.

11.19 Early contact should be made with Planning and Public Health teams within the council to discuss the application proposed and local Health Impact Assessment requirements.

Ambulance Services

11.20 Ambulance Services within Chelmsford are provided by the East of England Ambulance Services NHS Trust. They have identified that a new purpose-built Hub is required in Chelmsford before 2040 as there is no room to expand at the current location on Chelmer Valley Road. This requires circa 1ha of land for new build or an existing building 25,000sq ft (2,300sqm), close to Broomfield Hospital and major road links, with sufficient space to accommodate 35 Dual Staffed Ambulances/Rapid Response Vehicles and appropriate staff parking. Off-site contributions of land and/or financial contributions will be calculated on a site-by-site basis across the administrative area.

Police Services

11.21 Policing for Chelmsford is provided by Essex Police, under the direction of the Police, Fire and Crime Commissioner (PFCC) for Essex. Key priorities for the PFCC are set out in the Police and Crime Plan 2024-2028 which was published in April 2024.

11.22 Essex Police is an essential social infrastructure provider, whose operational capacity will be impacted by the increased demand on its services arising from planned housing and population growth. Developer funded police infrastructure/facilities will be required to mitigate and manage the increase in crime to persons and property arising from this growth, and to enable an appropriate level of community safety, cohesion and policies to be provided. Contributions are identified on a site-by-site basis in the IDP.

Fire and Rescue Services

11.23 Essex County Fire and Rescue Service (ECFRS) is an essential social infrastructure provider, whose operational capacity will be impacted by the increased demand on its services arising from planned housing and population growth. Developer funded fire and rescue infrastructure/facilities will be required to mitigate and manage the increase in prevention, protection and response activities, including the increased number of incidents, increased attendance times and changes in the incident risk profile. Contributions are identified on a site-by-site basis in the IDP.

11.24 The timing for the provision of such healthcare, police, ambulance and fire and rescue facilities or financial mitigation will be considered on a case-by-case basis, with the specific requirements being set out within any Section 106 Agreement. It is likely to be linked to phases of



a development, with facilities being required either upon a certain level of units being completed, or when a certain threshold of occupation at a development is reached.

Timing/Trigger for payment or provision of works

11.25 Such facilities should be provided once a proportion of a proposed development is occupied, which is usually towards the latter end of the development's occupation. This will vary depending on the scale of development and will be agreed as part of a Section 106 Agreement.



12 Community Infrastructure – Social and Community Facilities Policy Background

12.1 Paragraph 98 of the NPPF seeks to deliver social, recreational and cultural facilities and services needed by the community. It requires planning authorities to plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

12.2 Strategic Policies S5, S9 and S10 recognise the important role community assets have in communities, set out the infrastructure required to support new development, including community buildings and space, and require appropriate infrastructure capacity to support new development is secured through several measures including on-site provision. This includes waste management, particularly in relation to the Chelmsford Garden Village.

12.3 Strategic Policy S14 requires new strategic scale residential development to consider opportunities for community involvement in the long-term management and stewardship of the new development.

12.4 Strategic Policy S17 sets out how planning policy can create conditions for resilience to future change and evolution and innovation in retail, leisure, entertainment and cultural development.

12.5 Policy DM20 sets out the justification for obligations relating to any community facilities that are required because of new development in the Chelmsford City area.

Possible Section 106 Obligations

12.6 Chelmsford is served by a broad range of community facilities that are spread across the geography of the authority. The IDP summarises the need for social and community infrastructure to meet demand for youth services, libraries, community halls and cemeteries.

12.7 Cemetery provision is fairly evenly distributed across the administrative area and the need for additional cemetery provision is driven by the requirement for burial demand and capacity. The existing Chelmsford Cemetery will be full by 2026 and there are ongoing plans to construct a new cemetery and modern crematorium within Chelmsford as outlined in 'Our Chelmsford, Our Plan' (2023). Because this need already exists, the 2022/2023 Chelmsford Infrastructure Funding Statement outlines that £4,000,000 has already been allocated for cemetery/crematorium land with a further £6,800,000 allocated to build a facility as part of the CIL fund.

12.8 For large scale strategic development of 500+ new residential units the Council may require the provision of indoor space which provides flexible use for the community. Such facilities should consider:



- The inclusion of a multi-use space for community groups and clubs to use e.g. Village Halls which are sufficiently sized and designed to cater for multi-purpose health and fitness activities. Flooring material and air handling/ventilation are examples of the types of considerations that will enable successful, sustainable activities in a community hall environment. The 2024 Indoor Sports Assessment notes that whilst demand for village hall/community centre space is high, the majority of community centres have some spare capacity.
- A flexible 'satellite' service including space for library use may be sought within shared community buildings in the new garden communities. Funding via CIL will be used to enhance and extend existing library services and facilities where required.
- Flexible workspace supporting the creating sector where relevant.
- The ability, or otherwise, of nearby existing facilities to serve the community.
- The individual needs and requirements of the locality.

12.9 Any community hall provision included as part of these neighbourhood centres will be provided directly on site by the developer as part of the comprehensive masterplanning of relevant sites:

12.10• As part of the Section 106 Agreement a nominated partner or organisation will be required to be identified as the future operator/manager of the building or space. This can be a Parish Council, Charity, stewardship vehicle or other community group.

Timing/Trigger for payment or provision of works

12.11 Such facilities should be provided once a proportion of a proposed development is occupied, which is usually towards the latter end of the development's occupation. This will vary depending on the scale of development and will be agreed as part of a Section 106 Agreement.

12.12 Provision of floorspace for community facilities will be required to ensure that as the Garden Communities populations grow, there will not be pressure on community buildings availability when needed the most.



13 Community Infrastructure - Public Realm and Public Art

Policy Background

13.1 Section 12 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Planning policies and decisions should ensure that developments function well, are visually attractive, sympathetic to local character, establish a strong sense of place and sustain an appropriate amount and mix of development.

13.2 Enhancements to public realm, landscaping measures and attention to architectural detail are all important features that the Council wish to see included in new development. Providing new public realm will continue to be an important catalyst for change as new schemes have been instrumental in the revitalisation of the City Centre. Public art is the principle of involving artists in the conception, development and transformation of a site or location, making an important contribution to the character and visual quality of the area. Artists can deliver public art in many ways, including being part of development teams alongside architects, engineers and designers, and undertaking residencies based in particular locations or with community groups. The Council is committed to the provision of public art within development and in the public realm.

13.3 Strategic Policies S5, S9 and S10 recognise the important role community assets have in communities, set out the infrastructure required to support new development, including cultural facilities and public art, and require appropriate infrastructure capacity to support new development is secured through several measures including on-site provision.

13.4 Strategic Policies S16 and S17 recognise that placemaking for all development is at the heart of achieving well connected and sustainable communities. In the City Centre, improvements along opportunity corridors will reinforce and create character or identity and positively contribute to increased footfall, activity and vibrancy.

13.5 Policies DM20 and DM24 are key policies which set out the justification for obligations relating to Public Art and Public Realm improvements that are required because of new development within the Chelmsford City area.

Possible Section 106 Obligations

13.6 For developments large enough to have public space within the site, most matters will be covered by planning conditions. Each case will be considered on its individual merits.

Public Realm Provision

13.7 Section 106 Agreements may require the following issues to be addressed in respect of on-site and off-site public realm improvements:



- Improvements to paving and planting on public highway and other space directly adjoining the site or a financial contribution towards the required off-site improvements
- Bespoke planting and any associated paths and boundary treatment directly relating to the site
- Where a development site is adjacent to a public space and requires direct mitigation e.g. to link the public space into the development or replacement boundary treatment to open space.
- City centre public realm enhancements
- Street lighting in vicinity of development sites
- Community facilities that contribute to the quality of the public realm (i.e. public seating in the city centre, other street furniture, public toilets)
- Conservation restoration and enhancement of the historic environment
- Access and use restrictions/assurances
- Adoption of the improvement
- Financial arrangement for their management.

Public Art

13.8 On smaller schemes Public Art is likely to be dealt with by way of a planning condition. It may be required to be secured via a Section 106 Agreement in the following circumstances:

- All developments with a threshold of 10 or more dwellings
- All developments with a floorspace of 1,000sqm or more

13.9 Where there is an obligation to deliver public art within a Section 106 agreement, the Council will expect the delivery of the public art in accordance with the agreement and for this responsibility not to be transferred to the City Council.

Timing/Trigger for payment or provision of works

Public Realm

13.10 Development will not normally commence until the developer has submitted to and received written approval for a Public Realm Scheme from the Council. Developers will be required to illustrate what parts of the scheme are to be offered for adoption. For the parts of the scheme that will be offered for adoption, there is a requirement for a developer to design and construct the area of Public Realm to a design and specification agreed by the Council. It will then be transferred to the appropriate Council (Parks or Highways) once it is in an adoptable condition. Upon transfer, a commuted maintenance payment will be required to cover the initial costs of maintaining the Public Realm. The Section 106 agreement will also put in place measures to agree the management and maintenance of any unadopted areas. Public realm improvements will usually be required to be completed prior to the first occupation of a development.



13.11 Once the scheme has been implemented and the Council are satisfied the scheme is acceptable, a Certificate of Practical Completion will be issued, and a 12-month maintenance period will commence. At the end of this maintenance period a Certificate of Adoption will be issued. It will then be transferred to the relevant Council and a commuted maintenance payment will become payable. The amount will vary from site to site depending on the materials used and cost of maintaining the area of Public Realm. The maintenance period shall cover a period of 15 years with details of the appropriate payment of this being set out in any Section 106 Agreements.

Public Art

13.12 The commissioning of public art works should involve professional art organisations and include stakeholder and community engagement. A written public art statement, explaining the commissioning process, artist briefs and budget should be in place prior to commencement of the development. The completion date for public art will vary dependent on the nature of the development, the type and the location of the art works, but will usually be expected to be completed prior to the first occupation of a development.

13.13 Place Services lead the delivery of ECC's Public Art Strategy to ensure the work and skills of artists feature in the structures and functioning of new development, either as part of an ECC funded programme, through liaison with Districts, City and Borough Councils, or by acting as expert consultants for privately funded development. As these arrangements range from district to district, early consultation is strongly recommended. Contact Place Services at www.placeservices.co.uk or email enquiries to enquiries@placeservices.co.uk.



14 Community Infrastructure – Waste Management

Policy Background

14.1 Section 2 of the NPPF states that to achieve sustainable development the planning system has three overarching objectives – economic, social and environmental. They are interdependent and need to be pursued in mutually supportive ways to secure net gains. The environmental objective includes minimising waste and pollution.

14.2 The NPPF is clear that there should be sufficient provision for strategic infrastructure such as waste management.

14.3 Strategic Policy S9 states that new development must be supported by the provision of infrastructure, services and facilities that are identified as necessary to serve its needs. This includes municipal waste and recycling facilities. Policy DM4 states that the Council will seek to retain Class E(g), B2 and B8 Use Classes or other *sui generis* uses of a similar employment nature unless it can be demonstrated that there is no reasonable prospect for the site to be used for these purposes. Waste management facilities are generally considered as *sui generis*.

14.4 A key aim of the Council's Climate and Ecological Emergency Action Plan include reducing carbon emissions, lowering energy consumption, reducing waste and pollution as well as improving air quality, greening Chelmsford, increasing biodiversity and encouraging sustainable and active travel.

14.5 Recycling and waste collection provision for houses, apartments and flats are set out in Appendix B of the Local Plan.

14.6 New developments should have regard to the Council's Making Places Supplementary Planning Document (SPD) and be compliant with the Chelmsford City Council Recycling and Waste Collection Policy applicable at the time. This can be found on the Council's website.

14.7 On the whole, development should seek to reduce waste and increase reuse and recycling in accordance with the waste hierarchy.

14.8 ECC acts as both the Minerals and Waste Planning Authority as well as the Waste Disposal Authority for Essex. As the Waste Planning Authority for Essex, it has specific responsibilities for strategic and waste land-use planning policy. This includes the preparation of the Waste Local Plan, the determination of planning applications for the management of waste and for ensuring compliance with planning permissions, for the disposal of Local Authority Collected Waste and for places to be provided for households to deposit their household recycling and waste.

14.9 Chelmsford City Council is the Waste Collection Authority for Chelmsford City and has a statutory responsibility to provide a waste collection service to householders and local businesses. Resource and waste reforms, introduced by Government in 2024 set the national context for waste management policy and activities. These include 'Simpler Recycling' and new regulations such as the Separation of Waste (England) Regulations 2024 which set out the requirements or the collection and treatment or disposal of waste materials. These are embodied in the Council's published Recycling and Waste Collection.



14.10 In 2024 the Essex Waste Partnership (representing the waste disposal authority and the twelve waste collections authorities in Essex) agreed a new Waste Strategy for Essex for the period 2024 to 2054. This replaces the Joint Municipal Waste Management Strategy for Essex previously agreed and reflects the changes in direction and approach driven by the provisions of the Environment Act 2021. Delivery of the Waste Strategy for Essex will be supported by cross Essex action plans focused on short, medium, and long-term plans for the provision of improved waste management services and associated infrastructure, as well as behaviour change. It is not a locational strategy and does not consider the number of facilities required or the capacity of an individual facility. Any plans for new or expanded waste infrastructure will emerge during the detailed action planning phases once the strategy has been adopted.

Possible Section 106 Obligations

14.11 The current depot facilities, vehicle workshops and waste transfer station operated by the City Council is at capacity. Additional capacity will be required to meet anticipated current demand and planned future growth. The site currently being used is constrained, being unable to increase capacity any further. The preferred approach for the City Council is for the acquisition of a site where a new, larger waste management facility and depot can be constructed to manage both current anticipated demand and planned future growth. Off-site contributions of land and/or financial contributions will be calculated on a site-by-site basis across the administrative area.

14.12 Early engagement with the waste collection and waste disposal authorities is recommended to ensure that onsite waste management arrangements are designed appropriately.

14.13 ECC will seek contributions towards improvements at Essex Recycling Centre for Household Waste or municipal waste treatment sites, as per the ECC Developers' Guide to Developers Contributions 2024 or update, to deliver capacity, access or other identified requirements to support usage as a result of planned growth.

14.14 Contributions will be required in respect of the new Garden Communities to support development of local waste management infrastructure to deliver the operational integrity of the waste management system. The level of contributions requested will be assessed on a case-by-case basis following evaluation of infrastructure capacity within the locality prior to development, and an operational needs assessment and will be used to mitigate the impact of these large residential sites.

14.15 The East Chelmsford Garden Community (Location 16) will be required to undertake a Waste Infrastructure Impact Assessment as part of a planning application given its proximity to the Chelmsford Wastewater Treatment Plant. A Site Waste Management Plan is also required to address the key issues associated with sustainable management of waste including waste reduction/recycling/diversion targets and monitoring processes. Waltham Road Employment Area (Location 9a) will also be required to undertake a Waste Infrastructure Impact Assessment as part of a planning application as a metal recycling business operates on the site.



Timing/Trigger for payment or provision of works

14.16 On-site waste facilities should be provided before the development is occupied.

14.17 Off-site contributions towards waste facilities should be provided once a proportion of a proposed development is occupied, which is usually towards the latter end of the development's occupation. This will vary depending on the scale of development and will be agreed as part of a Section 106 agreement.



15 Economic Infrastructure – Employment and Skills

Policy Background

15.1 Section 2 of the NPPF states that achieving sustainable development the planning system has three overarching objectives – economic, social and environmental. Skills levels are a key determinant of sustainable local economy. Increased skills and employability will enable residents to take advantage of opportunities created by new development.

15.2 Strategic Policy S8 demonstrates the Council's commitment to ensure that the Local Plan balances jobs and housing growth. A key part of this is improving local skills and access to employment opportunities through Employment and Skills Plans.

15.3 The Council expects all planning applications of 50 or more homes or employment space providing 2,500 sqm (Gross Internal Area) or more floorspace to enter into an Employment and Skills Plan to provide employment and skills opportunity to benefit the local community.

Possible Section 106 Obligation

15.4 Employment and skills plans will normally be secured through a section 106 obligation and be expected to increase employability levels and workforce numbers through:

- Apprenticeships
- Work experience
- Volunteering
- Careers information and training

15.5 The plan should include options for direct delivery or skills and employability programmes that include school / college engagement.

15.6 An Employment and Skills Plan will be produced in consultation between the developer, landowner, the Council and ECC. It must be agreed secured through a Section 106 agreement/planning condition..

15.7 Further information, including templates for Employment and Skills Plans, are set out in the ECC Developers Guide to Infrastructure Contributions (2024).

Timing/Trigger for payment or provision of works

15.8 The Section 106 agreement will set out what the developer will need to do by way of providing information about progress against Employment and Skills Plan objectives. It will also contain a provision for a financial compliance payment that will be required if the Council is satisfied that the developer has not been using reasonable endeavours to deliver the target employment opportunities set out in the Employment Skills Plan. Further details on this penalty clause are provided in the appendix of the ECC Developers Guide to Infrastructure Contributions (2024).



16 Implementation of this Planning Obligations SPD

16.1 The Council has tested the development viability of a range of site types that are most likely to come forward over the new plan-period.

16.2 The Local Plan Viability Update 2023), uses a Residual Value Methodology to assess the impact of meeting all the Council's policy requirements, including CIL at the current rate, and different levels of developer contributions on a range of development typologies. The Residue Value is the combined value of the complete development less the cost of creating the asset, including a target profit margin. If the residual value exceeds the existing use value by a satisfactory margin, a scheme is judged to be viable.

16.3 The results of the Viability Study show that in most of cases, the residual value exceeds the existing use value by a satisfactory margin indicating that most development likely to come forward under the Local Plan is viable and will be able to bear the range of developer contributions and CIL at the adopted, and subsequently indexed, rate.

16.4 Typically the use of further viability assessments at the decision-making stage should not be necessary. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage.

16.5 Where an applicant formally requests the Council to consider a reduced level of planning obligations for a scheme it will need to demonstrate that either:

- the development proposed on a u site is wholly different in type to those used in the latest Local Plan Viability Update,
- further information on infrastructure or site costs is required,
- particular types of development are proposed which may significantly vary from standard models of development for sale, or
- a recession or similar significant economic change has occurred since the latest Local Plan Viability Update.

16.6 Where a viability assessment is submitted to accompany a new planning application this should be based upon and refer to the typologies of development tested and the standardised inputs in the latest Local Plan Viability Update. The applicant must:

- a) Explain and provide evidence of any changes since the latest Local Plan Viability Update was conducted.
- b) Explain and provide full supporting evidence to substantiate any departures from the standardised inputs of the latest Local Plan Viability Update – in the case of build costs this will require a detailed breakdown of costs provided by an appropriate professional.

16.7 Failure to provide a – b above, will result in the Council giving no weight to the applicants' viability assessment. A full viability report prepared by the applicant should be submitted with the planning application.



16.8 Once submitted, this report (including scheme viability statements, appraisals and relevant information) will be considered and assessed by the Council and an independent viability advisor appointed by the Council with reasonable agreed costs borne by the applicant.

16.9 Any viability assessment should reflect the government's recommended approach to defining key inputs as set out in National Planning Guidance.

16.10 Essex Planning Officers Association (EPOA) has produced a Viability Protocol that sets out overarching principles for how Essex Local Planning Authorities will approach development viability. The protocol does not alter Local Plan policies or the guidance in this SPD but does provide additional advice and guidance on the information requirements and approach taken when assessing viability at the decision-making stage. The EPOA Viability Protocol is available to download at <https://www.essexdesignguide.co.uk/supplementary-guidance/essex-planning-and-viability-protocol/>

16.11 The assessment will define land value for any viability assessment based on the existing use value of the land, plus a premium for the landowner. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the Local Plan.

16.12 The weight to be given to a viability assessment is a matter for the Council, having regard to all circumstances, including any changes since the Local Plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.

16.13 If the viability report submitted by the Applicant fails to satisfy the Council that a reduced level of contributions should be applied or that the level of planning contributions that the development can viably support cannot mitigate the impact of the proposed development, then the planning application will be refused.

16.14 Where the level of planning contributions that the development can viably support cannot mitigate the impact of the proposed development, the development will need to wait until development values improve, land values can be re-negotiated, or alternative funding sources can be secured. If delaying development is not an option, applicants will be encouraged to consider their profit margins to see if the development could proceed with slightly reduced returns.

16.15 If the Applicant can demonstrate, to the satisfaction of the Council, that the scheme cannot be fully compliant and remain financially viable, the Council may consider a reduced level of contributions in one or more areas. In these circumstances, the Council will seek to protect and prioritise contributions for affordable housing for rent to address the critical need for this tenure of accommodation to tackle rising levels of homelessness, as identified in the housing crisis declared in February 2022. When a reduced level of contributions is accepted, mechanisms will be included in the Section 106 agreement to ensure that the Council will benefit from improved contributions if viability improves over time.

16.16 The Council will apply the following formula as part of a review mechanism to calculate the surplus profit available for reduced contributions. A worked example is also provided below:



Surplus profit calculation:

X = Review Contribution

$$X = (((((A + B) - C) - ((D + E) - F)) - P) - G) * 0.6$$

Where:

A = Actual Gross Development Value (£)

B = Estimated Gross Development Value (£)

C = Application Stage Gross Development Value (£)

D = Actual Build Costs (£)

E = Estimated Build Costs (£)

F = Application Stage Build Costs (£)

P = $(A + B - C) * Y$

Y = Owner's Profit as a percentage of Gross Development Value as determined at the time the Planning Permission was granted being seventeen point five per cent (17.5 %)

G = Deficit (£)

Notes:

$(A + B - C)$ represents the change in Gross Development Value from the date of the Planning Permission to the Review Date.

$(D + E - F)$ represents the change in Build Costs from the date of the Planning Permission to the Review Date.

P represents Owner's Profit on change in Gross Development Value (£)

0.6 represents sixty per cent (60%) of any Surplus to be used by the Council for the reduced contributions, after the Owner's Profit (P) and Deficit has been deducted.

Worked Example for Surplus Profit Calculation

X = Review Contribution

$$X = (((((A + B) - C) - ((D + E) - F)) - P) - G) * 0.6$$



Where:		
A =	Actual GDV (£)	6,774,600
B =	Estimate GDV (£)	1,090,000
C =	Application Stage GDV(£)	-7,452,000
D =	Actual Build Costs (£)	3,000,000
E =	Estimate Build Costs (£)	760,000
F =	Application Stage Build Costs (£)	3,660,111
P =	(A + B - C) * Y	72,205
Y =	Owner's Profit as a percentage of GDV as determined at the time the planning permission was granted being 17.5%	
G =	Deficit (£)	226,408
<u>X = (((((6,774,600 + 1,090,000) - 7,452,000) - ((3,000,000 + 760,000) - 3,660,111)) - 72,205) - 226,408)*0.6</u>		
<u>X = (((7,864,600 - 7,452,000) - (3,760,000 - 3,660,111)) - 72,205) - 226,408)*0.6</u>		
<u>X = (((412,600 - 99,889) - 72,205) - 226,408)*0.6</u>		
<u>X = ((312,711 - 72,205) - 226,408)*0.6</u>		
<u>X = (240,506 - 226,408)*0.6</u>		
<u>X = 14,298 * 0.6</u>		
<u>X = 8,458.80</u>		

Drafting of Section 106 Agreements

16.17 Section 106 Agreements will be drafted by the Council's Legal Services team, or by external solicitors acting on behalf of the Council. Applicants will be required to pay the Council's reasonable costs incurred in drafting and completing the agreement or the costs of external solicitors acting on behalf of the Council, where relevant. In most cases ECC provide a first draft of the clauses required to deliver contributions it has requested. A template agreement is provided in Appendix A of ECC's Developers' Guide to Infrastructure Contributions (Revised 2024).



16.18 Straightforward obligations which normally require only a financial contribution and/or planning obligations on one party only will be the subject of a Unilateral Undertaking. A Unilateral Undertaking will be prepared or approved by the Planning Contributions Officer or, where appropriate, the Council's Legal Service team. Applicants will be expected to meet the Council's reasonable costs incurred in preparing or approving an Undertaking.

16.19 In all circumstances where a legal agreement is required, the applicant will be expected to provide details of land ownership at the beginning of the application process. These should be copies of the Title document and plan obtained within the preceding three months from the Land Registry, or if the land is unregistered, copies of the most recent conveyance.

Financial Contributions

16.20 Where a financial obligation is necessary, payment would normally be required on commencement or on first occupation of a development. However, in the case of a large-scale development, it may be that the payments would be phased to meet the proportional impact of each phase. Trigger points for payments will be included in the legal agreement, as will the period in which any contribution will have to be spent. Section 3.2 of ECC's Developers' Guide to Infrastructure Contributions (Revised 2024) provides further guidance for larger, phased development regarding contributions requested by ECC.

16.21 It is reasonable to expect that, when contributions are paid to the Council the monies will be held in an interest-bearing account. Those financial contributions (excluding commuted payment relating to maintenance) that are paid to the City Council and remain unspent at the end of 10 years from the date when the money was paid will be returned to the payee in accordance with the terms of the individual agreements, unless they relate to infrastructure items that are required beyond 2036.

Index Linking

16.22 The quantum of Section 106 financial contributions will be re-assessed at the point of planning application and fixed from the point of planning permission. All Section 106 financial contributions that are subject to indexation, will be calculated from the point of planning permission and end with the date each payment becomes due. The indices to be used are the BCIS PUBSEC Tender Price Index of Public Sector Building Non-Housing Indices and BCIS All-in Tender Price Index for contributions relating to housing. The calculation will be based on the published index (indices) at the point of calculation as set out in the planning obligation. If a commuted sum is required for maintenance purposes, this will be assessed at the point of planning application and fixed from the point of planning permission.

16.23 The CIL charging rate is fixed in the CIL Charging Schedule and indexed on the 1st of January each year based on the RICS Community Infrastructure Levy (CIL) Index, published in the preceding November.

16.24 A summary of whether indexation applies, and the index used for the most common financial contributions is set out in Table 15 below:



Table 15 Indexation Applied to Section 106 Contributions

Contribution Type	Index Linked Y/N	Index Applied/Notes
Affordable Housing	Y	BCIS All-In Tender Price Index
CCC Monitoring Fees	N	
CIL	Y	Charging Schedule and indexed on the 1st January each year based on the RICS Community Infrastructure Levy (CIL) Index, published in the preceding November.
ECC Monitoring Fees	N	
Education	Y	BCIS PUBSEC Tender Price Index of Public Sector Building Non Housing Indices.
Healthcare	Y	Retail Price Index.
Maintenance (of any kind)	N	
Open Space	Y	BCIS PUBSEC Tender Price Index of Public Sector Building Non Housing Indices.
Public Realm	Y	BCIS PUBSEC Tender Price Index of Public Sector Building Non Housing Indices.
RAMS	N	Latest published tariff as at the date of the Section 106 Agreement OR such higher amount as may be applicable at the date of payment in line with the published increased tariff
Specialist Residential Accommodation	Y	BCIS All-In Tender Price Index



Travel Plan Monitoring Fee/Smarter Choices Monitoring	Y	Consumer Price Index (CPI) (see latest published ECC developers guide).
Tree Planting	Y	BCIS PUBSEC Tender Price Index of Public Sector Building Non Housing Indices.
* ECC applies different indexation indices to different types of infrastructure. Further guidance is provided in Section 3.3 of ECC's Developers' Guide to Infrastructure Contributions (Revised 2024).		

Monitoring and Enforcement of Obligations

16.25 Monitoring of obligations will be undertaken by the Council's Planning Contributions Officer to ensure that all obligations entered into are complied with by both the developer and the Council.

16.26 In cases where developers have difficulty making payments at the appropriate times as required by the legal agreement, the Council will work with the developer to find a solution. This may involve the payment of an obligation at a later stage in the development, or payment by installments. However, where it is imperative that the relevant measure is in place prior to a development being occupied, the obligation to fund it will always become payable on commencement.

16.27 If enforcement of financial obligations fails then the Council will use the relevant legal channels to remedy this, and the party in breach will be liable for any legal costs incurred by the Council.

Monitoring Fees (excluding affordable housing obligations)

16.28 A monitoring fee will be charged where Section 106 agreements include covenants to the Council. A charge of £350 per obligation type will be levied for each phase of the development containing the obligation. For example, a charge of £350 will be applied to monitoring planning obligations securing local open space. If the local open space is provided in three phases on a new development site, a total monitoring fee of £1,050 will apply to the local open space provisions secured through a section 106 agreement. These charges exclude affordable housing obligations, which are subject to a separate monitoring fee.

16.29 The fee includes collection of information from the developer and other relevant internal and external sources, appropriate site visits, officer action associated with non-compliance, maintenance of the monitoring database and reporting on delivery of obligations.



Monitoring Fee (affordable housing obligations)

16.30 A monitoring fee of £100 per affordable housing unit will be charged. This fee will not be applied to commuted sums in lieu of on-site affordable housing.

16.31 The £100 monitoring fee includes monitoring, conducted on a plot-by-plot basis, of the completion and initial occupation of affordable dwellings. In respect of affordable housing for rent, monitoring this obligation includes the time and costs associated with entering into nomination agreements with Registered Providers (excluding the cost of the Council's Legal Services). Where relevant, it also includes monitoring housing costs.

16.32 In the event of a review mechanism being agreed as justified for a development proposal, a separate fee of £1,000 per review will be applied to meet the Council Officers costs in reviewing the information. This is in addition to the Council's legal costs (where relevant) and the costs of the Council appointing independent viability experts to review the financial information submitted. All such costs will be met by the developer / landowner proposing the development

Monitoring Fees (Essex County Council)

16.33 ECC charge separate monitoring fees for Section 106 obligation types that they are responsible for, for example education and highways. Further guidance is provided in Section 3.3 of ECC's Developers' Guide to Infrastructure Contributions (Revised 2024). ECC staff time in supporting the Travel Plan process will be secured through developer contributions with set fees to be paid by the Developer, to ECC, with regards the monitoring and support of Travel Plans.

16.34 All ECC's monitoring fees will be subject to indexation and payable on commencement of the development.

Fees for Deeds of Variation to a Section 106 agreement

16.35 In respect of Section 106 Agreements the Planning Fee covers the cost of involvement of the Housing Policy Team (Spatial Planning Services), however where a Deed of Variation (DoV) to a Section 106 Agreement is required and the involvement of the Housing Policy Team is needed, a fee of £1,200 will be charged per agreement. This fee must be paid upfront, and the Housing Policy Team will not commence work on a DoV until payment is received. Should the DoV not be executed within three months of receipt of the initial fee a further fee of £1,200 will become due in respect of any work to be undertaken by the Housing Policy Team. For the avoidance of doubt a Housing Policy Team Fee of £1,200 will be due every three months until completion of the DoV. The Housing Policy Team Fees will be reviewed on a regular basis.

16.36 Legal Fees will also be due in respect of a DoV to a Section 106 Agreement and are reviewed on a regular basis. Legal work cannot commence on a DoV until an undertaking has been provided that the Council's legal fees will be met in full.

Reporting on the use of Section 106 Obligations

16.37 Infrastructure Funding Statements are required to set out the infrastructure projects or types of infrastructure that the authority intends to fund, either wholly or partly, by CIL or planning obligations.



16.38 Infrastructure Funding Statements need to be published annually from 31 December 2020 (for the preceding financial year 2019/20) reporting on CIL and planning obligations revenue received and allocated. ECC is also required to publish an annual Infrastructure Funding Statement, primarily with regards education; highways and transportation; Public Rights of Way; libraries and monitoring.

This publication is available in alternative formats including large print, audio and other languages

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**Chelmsford
City Council**

CHELMSFORD POLICY BOARD WORK PROGRAMME

15 January 2026
<ul style="list-style-type: none">- Planning Obligations SPD – Consultation Feedback- Norwich to Tilbury Powerline – Development Consent Order, Local Impact Report (LIR)- Local Lettings Plans
19 March 2026
<ul style="list-style-type: none">- Consultation Feedback on Review of Local Plan Focused Consultation on Additional Sites and Integrated Impact Assessment (IIA) (Regulation 19)
18 May 2026
<ul style="list-style-type: none">- Review of Local Plan - Agreement to submit the Local Plan (Regulation 22) and Integrated Impact Assessment (IIA) for Independent Examination (recommendation to Full Council)
<i>Standing or other items not currently programmed</i>
<ul style="list-style-type: none">- Recommendation and referral to Full Council to adopt the review of Local Plan (Regulation 26)- Agreement to consult on new and updated Supplementary Plans