HS019

HEARING STATEMENT

Chelmsford Local Plan

Matter 1: Legal and Procedural Requirements

On behalf of
Taylor Wimpey Strategic Land
(Respondent 1380218)

October 2026

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1. INTRODUCTION

1.1 This Hearing Statement is submitted on behalf of Taylor Wimpey Strategic Land (TWSL) and in respect of Matter 1 of the Matters, Issues and Questions of the Examination of the Chelmsford Local Plan.

1.2 It responds to Questions 1.1, 1.2 and 1.3.

1.3 TWSL is actively promoting the residential development of Land at Reeds Spring, Roxwell Road, Writtle, Chelmsford, identified through the Council's evidence base as 21SHELAA41 ('the Site').

1.4 TWSL made representations on the Chelmsford Regulation 19 Local Plan ('the Regulation 19 DLP') consultation in March 2025 ('the Regulation 19 Representations'). Those comprised a site-specific representation concerning 21SHELAA41 and, together with Crest Nicholson and Dandara, a joint representation concerning the wider West Chelmsford growth option ('the Joint Representations').

1.5 TWSL subsequently made further representations to the consultation on the Regulation 19 Pre-Submission Addendum ('the Addendum Representations') and its accompanying Integrated Impact Assessment (IIA) in December 2025, submitted in final form in January 2026.

1.6 The Addendum Representations expressly stated that it should be read with the March 2025 representations, that the earlier points remained extant unless otherwise stated, and that the earlier soundness concerns continued to be relied upon. This Hearing Statement adopts the same approach. To avoid unnecessary duplication, references are made below to the relevant sections of the Regulation 19 Representation, the Joint Representation and the Addendum Representation, although the principal arguments are repeated where necessary to answer the Inspectors' questions directly.

1.7 The Site represents a logical extension to the existing West Chelmsford strategic growth location in the current Development Plan, at Warren Farm. It is suitable, available and achievable and can be delivered either as part of comprehensive westward growth or as a standalone allocation. Development could provide approximately 800 homes, including affordable housing and any required specialist housing, together with education provision, a community sports facility, a park and ride or mobility hub, green infrastructure, habitat creation, biodiversity net gain and pedestrian and cycle connections.

1.8 The Site can contribute homes within the first five years following adoption. Its delivery does not depend upon every parcel within the wider West Chelmsford option being allocated or developed simultaneously. That distinction is central to TWSL's case because both the January 2025 IIA and November 2025 Addendum IIA assessed the Site principally through grouped strategic options rather than as the independently deliverable proposition promoted by TWSL.

1.9 The DLP is being progressed under transitional arrangements, and having regard to the 2024 NPPF. Consequently, references to the NPPF in this response are to the 2024 NPPF, unless stated otherwise.

1.10 As Matter 1 concerns legal requirements, this Statement addresses questions 1.1 to 1.3 principally as questions of legal compliance and, specifically, with the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations').

2. MATTER 1, ISSUE 1: SUSTAINABILITY APPRAISAL

Question 1.1: Is it clear how preparation of the Plan has been informed by the Sustainability Appraisal?

2.1 The IIA records appraisal outcomes, but the decisive connection between those outcomes and the chosen spatial strategy is not sufficiently transparent. In particular, the evidence does not clearly demonstrate how the sustainability performance of individual sites informed their inclusion or exclusion.

2.2 It is possible to identify the broad sequence of appraisal, but it is not clear how the appraisal findings were translated into the selection or rejection of individual sites.

2.3 This is the type of defect addressed in *Save Historic Newmarket Ltd v Forest Heath District Council* [2011] EWHC 606 (Admin). In this case, the Court held that the Environmental Report must contain, or clearly identify, the information required by the SEA regime, including the reasonable alternatives considered, the reasons for rejecting them and the environmental consequences of material changes. Earlier appraisal work may form part of an iterative process, but the relevant information must be brought together or adequately signposted so that consultees and the decision-maker can understand the comparative exercise.

2.4 Here, the Site was assessed in the SHELAA and IIA and achieved positive scores against a number of objectives, yet the environmental reporting does not give a clear site-specific explanation for excluding 21SHELAA41 while selecting other sites.

2.5 The Regulation 19 Representations, Section 5, noted that the Site scored the maximum available score against 12 of 21 SHELAA criteria and 4 out of 5 for access to the strategic road network. The Regulation 19 Representations also explained why the four lower-scoring matters did not prevent development: built development could be located in Flood Zone 1; the gas compressor installation is approximately 600 m away and outside the hazardous substances safeguarding zone; noise and air-quality work found no unacceptable effect; the proposed National Grid corridor had been refined so it no longer conflicted with the Site; and adjoining development would provide new services and connections.

2.6 As such, the IIA does not appear to assess the reasonable alternative that was actually before the Council. The Site was promoted alongside a clear and deliverable package of mitigation measures specifically designed to address the identified constraints. However, the IIA appears to assess only

an unmitigated version of the Site and then relies upon those unmitigated effects as a basis for rejecting it.

2.7 This approach is problematic because the reasonable alternative available to the Council was not simply the Site in abstract, but the Site incorporating the mitigation measures that were proposed and capable of implementation. By failing to assess that option, the SA does not provide a reliable comparison between reasonable alternatives.

2.8 The Court of Appeal in *Ashdown Forest Economic Development LLP v Wealden District Council* emphasised the importance of properly assessing reasonable alternatives through the SEA process and rejected an approach that effectively assumed a preferred solution without undertaking that comparative assessment. While the judgment does not require every alternative to be assessed with mitigation, it supports the proposition that the authority must assess the realistic reasonable alternatives available to it. Where a site is promoted with a clearly defined and deliverable mitigation strategy, assessment of an unmitigated scenario alone risks failing to evaluate the alternative that was actually before the decision-maker.

2.9 Accordingly, the preparation of the Plan may be described chronologically, but the substantive influence of the IIA upon the selected strategy is not transparent. A reader cannot identify why the sustainability and mitigation evidence for this Site did not lead to its allocation. The deficiency is therefore procedural and legal: the environmental report does not demonstrate compliance with Regulation 12 and Schedule 2 in respect of the treatment of mitigation and the reasons informing selection.

Question 1.2: Do the Sustainability Appraisals robustly test reasonable alternatives?

2.10 Regulation 12(2) of the SEA Regulations requires the environmental report to identify, describe and evaluate the likely significant effects of the plan and reasonable alternatives. Paragraph 32 of the Framework requires sustainability appraisal to inform the plan throughout its preparation and demonstrate how economic, social and environmental objectives have been addressed.

2.11 At the Regulation 19 stage, the IIA identified six spatial strategy options. West and North West Chelmsford appeared within Option 2c alongside land at Howe Green, Sandon. The reasons given for rejecting that option concerned strategic highway capacity, isolation and accessibility of employment uses, and landscape capacity for employment development. As explained in the Joint Representations, those matters related substantially or entirely to Howe Green and did not provide a reasoned assessment of residential development west of Chelmsford.

2.12 Option 3 compounded the problem. It combined the Council's preferred option with Option 2c, but the tables were internally unclear as to whether additional West Chelmsford housing was included. Its rejection again relied on objections relating to strategic employment development at Howe Green, even though the option also included the Council's preferred employment location. The result was a false choice. A higher-growth strategy including West Chelmsford but excluding Howe Green was not properly tested, despite this clearly been a reasonable alternative given that the locations are not connected and their allocation / development are not mutually dependent.

2.13 The Addendum IIA then defined two further alternatives. Option 1 combined increased capacities at existing sites with additional small sites. Option 2 combined the Regulation 19 sites with one or more larger strategic sites. That binary division was not a reasonable representation of the choices available.

2.14 Site size does not determine sustainability or deliverability. Option 1 included extensions to lower-tier rural settlements with limited services and public transport. Option 2 included land adjoining Chelmsford, the highest-order and best-connected settlement. Some larger sites may have long lead-in times, but 21SHELAA41 can be developed independently and contribute in the first five years. The appraisal's assumptions therefore did not apply consistently to all components of either option.

2.15 The alternatives should have included a mixed portfolio comprising selected small sites, medium and larger edge-of-City sites, and strategic allocations. They should also have assessed 21SHELAA41 separately and as part of comprehensive West Chelmsford growth. That would have enabled the Council to compare actual sites and combinations against the same sustainability objectives.

2.16 The grouping also risked favourable effects from one site masking adverse effects from another. It is not sufficient to conclude that Option 1 as a whole accords with the settlement hierarchy where some of its component allocations are in third-tier settlements and represent very substantial proportional growth.

2.17 It is not suggested that the IIA must determine the planning judgement. It must, however, inform that judgement by fairly testing genuine reasonable alternatives. The present appraisal does not do so. On the information available, the failure to appraise the standalone and mixed-portfolio alternatives is not merely disagreement with planning judgement; it is a failure to demonstrate that the statutory reasonable-alternatives exercise was undertaken.

Question 1.3 What alternatives were considered, which were discounted and were the reasons clear?

2.18 The Regulation 19 Local Plan IIA considered lower, transitional and higher housing-growth levels and six spatial strategy options.

2.19 The Addendum IIA considered the additional-small-sites approach and the additional-strategic-sites approach. Those alternatives are identifiable, but the reasons for discounting them are not clear in relation to the actual sites promoted.

2.20 The Regulation 19 Local Plan IIA acknowledged a higher housing-growth figure as a reasonable alternative but stated that the December 2024 Standard Method figure had not been considered further because it was not available in sufficient time. The Joint Representations questioned whether timing could justify not assessing an alternative expressly regarded as reasonable.

2.21 This IIA also criticised higher growth by reference to potential housing oversupply disrupting coordinated delivery. The representations explained that the provision of additional flexibility and housing choice is not, without identified harm, a sound reason to reject sustainable housing growth. That is especially so where the need for the Addendum itself subsequently demonstrated that assumed supply could deteriorate quickly.

2.22 The reasons for rejecting West Chelmsford were not clear because residential and employment components were conflated. The Addendum reasons were similarly over-generalised: deviation from spatial priorities, poor performance in sustainable living and transport, unproven infrastructure and lack of five-year delivery were attributed to the strategic grouping as a whole. They were not shown to apply to 21SHELAA41.

2.23 A compliant and sound approach would set out, for each reasonable individual site and realistic combination: its role in the strategy; significant effects; proposed mitigation; residual effects; deliverability and timescale; and the reason for selection or rejection. That exercise may still involve planning judgement, but it would make the judgement intelligible and testable. Without that information, the requirements of SEA Regulations have not been shown to have been met.

Word count: 1,449 words

3. REMEDY

3.1 The issues identified in respect of the IIA need not be fatal to the emerging new Local Plan.

3.2 As demonstrated by the judgment in *Cogent Land LLP v Rochford District Council* [2012] EWHC 2542 (Admin), defects in the sustainability appraisal can be resolved, even at a late stage in the process.

3.3 As *Cogent* also made clear, however, the additional work undertaken has to have the potential to genuinely influence the Local Plan – it cannot be an *ex post facto* exercise that merely seeks to justify the proposed approach.

3.4 The following is suggested to remedy the IIA issues identified:

- Prepare and consult upon a focused IIA/SA addendum which assesses realistic individual and combined alternatives at an equivalent level of detail.
- Assess 21SHELAA41 as a standalone allocation and as part of wider West Chelmsford growth, without compulsory linkage to unrelated employment development at Howe Green.
- Reassess the Addendum allocations individually and cumulatively, rather than relying on the aggregate performance of Option 1.
- Publish a transparent selection and rejection schedule explaining how mitigation and submitted evidence have been treated.
- Any consequential main modifications to be made to the new Local Plan, including allocation of 21SHELAA41 if supported by the corrected appraisal.

Word count: 204 words