

**INDEPENDENT EXAMINATION OF THE
BOREHAM NEIGHBOURHOOD PLAN**

EXAMINER: Andrew Freeman BSc (Hons) DipTP DipEM FRTPI

Examination Ref: 01/AF/BNP

Linda Reed
Chairman Neighbourhood Plan Steering Group

Jenny Robinson
Senior Planning Officer
Chelmsford City Council

Via email

24 March 2026

Dear Ms Reed and Ms Robinson

Following the submission of Boreham Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I have one key initial action point for Chelmsford City Council, based on the legal changes outlined in Annex 1. I also have a number of questions for the City Council and Boreham Parish Council, set out in Annex 2, to which I would like to receive a written response(s) by **Tuesday 7 April 2026**.

1. Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including the Consultation Statement; the Basic Conditions Statement; the SEA and HRA Screening Opinion and the Regulation 16 representations to enable me to undertake the examination.

Subject to my detailed assessment of the draft Plan, I have not at this initial stage identified any very significant and obvious flaws in the Plan that might lead me to advise that the examination should not proceed.

Notwithstanding this, you will be aware that since the Neighbourhood Plan underwent Regulation 16 consultation, sections 98¹ and 99² of the Levelling-up and Regeneration Act 2023 will come into force on 25 March 2026. This is by virtue of *The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026*, which were made on 2 March 2025. I set out the principal changes that may potentially have an impact on the Neighbourhood Plan examination at Annex 1.

As a result, I am providing you with an opportunity to comment on the changes set out in Annex 1, in so far as they relate to the submitted Boreham Neighbourhood Plan. I also consider that any persons who may have an interest in the examination should be given the similar opportunity to comment, including those who submitted representations at Regulation 16.

Therefore, I request that Chelmsford City Council place a notice on their website cross referencing this letter, advising that the anyone with an interest in the examination may, should they wish, comment on the legal compliance and Basic Conditions changes outlined in Annex 1 so far as they relate to the Boreham Neighbourhood Plan.

¹ View at: <https://www.legislation.gov.uk/ukpga/2023/55/section/98>

² View at: <https://www.legislation.gov.uk/ukpga/2023/55/section/99>

It should be made clear that there is no need for responses to repeat representations that have already been made in relation to any other matters (since the Regulation 16 representations stand as submitted). Similarly, it is not an opportunity to raise new matters that do not relate to these legal points.

I suggest that the local authority's website should advise that **2 weeks** will be provided to submit comments to Chelmsford City Council. I would also request the City Council contact those who made representations at Regulation 16 to alert them to this opportunity. Should any person(s) request additional time in order to respond, you should seek to accommodate this provided a revised and reasonable response date is proposed.

Any responses received at the end of the 2 week (or, where requested, extended) period, along with those of Boreham Parish Council and Chelmsford City Council, should be forwarded to the IPe office team for my attention.

2. Site Visit

Depending on a response to my questions at Annex 2, I will aim to carry out a site visit to the neighbourhood plan area during week commencing 13 April 2026. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from Chelmsford City Council and Boreham Parish Council.

I have 11 questions seeking further clarification, which I have set out in Annex 2 to this letter. I would be grateful if you can seek to provide a written response(s) by **Tuesday 7 April 2026**.

5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within around 6 – 8 weeks of submission of the draft Plan. However, in view of the additional engagement requested on the changes to the legal framework, coupled with the additional questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable may be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter and any subsequent response is placed on Boreham Parish Council and Chelmsford City Council websites.

Thank you in advance for your assistance.

Yours sincerely

Andrew Freeman

Examiner

Annex 1: Legislative Changes

*The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026*³, commence sections 98⁴ and 99⁵ of the Levelling-up and Regeneration Act 2023. These amend the Planning and Compulsory Purchase Act 2004⁶ and the Town and Country Planning Act 1990⁷ in respect of the legal compliance and the Basic Conditions requirements for neighbourhood plans.

In summary, the further legal compliance requirements are as follows:

- so far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change; and
- so far as the qualifying body considers appropriate and having regard to the subject matter of the plan, the plan must be designed to take account of any local nature recovery strategy under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood plan area.

In addition, there is a new Basic Condition requirement:

- the making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made. **Note:** this **replaces** the former Basic Condition that the neighbourhood plan be in general conformity with the strategic policies contained in the development plan for the area.⁸

These revised requirements apply from 25 March 2026. As the examination is currently in progress (and a 'decision' has not yet been taken by the Local Planning Authority on whether the Neighbourhood Plan should proceed to referendum), the requirements will need to be assessed as part of the examination of the Boreham Neighbourhood Plan.

A further Basic Condition⁹ related to the new environmental assessment framework¹⁰ is commenced albeit, until such time as a completed framework for the implementation of Environmental Assessment Reports is in place, compliance with this Basic Condition cannot be assessed.

³ View at: <https://www.legislation.gov.uk/uksi/2026/169/made#top>

⁴ View at: <https://www.legislation.gov.uk/ukpga/2023/55/section/98>

⁵ View at: <https://www.legislation.gov.uk/ukpga/2023/55/section/99>

⁶ Section 38B of the 2004 Act: <https://www.legislation.gov.uk/ukpga/2004/5/section/38B>

⁷ Paragraph 8(2), Schedule 4B to the 1990 Act (and s.38C to the 2004 Act):

<https://www.legislation.gov.uk/ukpga/1990/8/schedule/4B> and

<https://www.legislation.gov.uk/ukpga/2004/5/section/38C>

⁸ Basic Condition '(e)' is replaced by '(ea)'.

⁹ New Basic Condition '(fa)'.

¹⁰ Part 6, Levelling-up and Regeneration Act 2023: <https://www.legislation.gov.uk/ukpga/2023/55/part/6>

Annex 2: Examiner Questions

From my initial reading of the Boreham Neighbourhood Development Plan, the supporting evidence and the representations that have been made to the Plan, I have the following questions for Chelmsford City Council and Boreham Parish Council. I have requested the submission of responses by **Tuesday 7 April 2026**.

Where I am requesting additional clarification, suggested text and similar, this is with a view to informing the specific terms of any relevant examiner modification(s) that I may recommend. Accordingly, all of the points set out below flow from the requirement to satisfy the Basic Conditions.

Questions for Chelmsford City Council

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

Questions for Boreham Parish Council

2. Is the Parish Council satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998)?
3. Policy 2: Is there any reason why the policy should not apply to *all* development (including significant changes of use)?
4. Policy 3.2 – views to be protected. Is it reasonable to seek to protect the views referenced in the representations of LVJ Maldon Ltd for the reasons stated?
5. Policy 3.2: Applicants will need to know, with certainty, whether their application site falls within an area to which the policy applies. In this regard, how are “the Chelmer Valley” and “east of the village of Boreham” to be defined?
6. Policy 3 2: Are there two types of views to be protected – those within the Chelmer Valley or east of Boreham; and those identified in Figure 5.6 (to which the final sentence of the policy applies)? Alternatively, what is the geographical area which the final sentence is intended to cover and why is it necessary to refer to the Defined Settlement Boundary (will not all the protected views lie outside the settlement)?
7. Policy 4: Should not the settlement boundary be aligned with that of the draft Chelmsford Local Plan?
8. Policy 4: Should the Waltham Road industrial estate be identified as a separate employment area outside the settlement boundary?
9. Policy 4.2: Why is it necessary to require major development to meet “a specific need within the village”?
10. Policy 5: Is the policy intended to apply to non-residential development such as industrial development?
11. Policy 6: Is it appropriate to refer to First Homes given that the requirement to deliver a minimum of 25% of affordable housing as First Homes, as set out in 'Affordable Homes Update' Written Ministerial Statement dated 24 May 2021, no longer applies?