CARNEYSWEENEY

HS103

PLANNING AND REGENERATION

Hearing Statement Matter 10 – Protecting Important Assets



Client Name: Hammonds Estates LLP and Wates Developments

Site Address: East Chelmsford Garden Community (Hammonds Farm)

Date: 21 October 2026

Chelmsford Local Plan Review Examination

Representor ID: 872955
On behalf of: Wates Developments Ltd and Hammonds Estates LLP
Date: 21 October 2026

Issue 3 - Is the approach to the protection and enhancement of the natural environment and biodiversity justified, effective and consistent with national policy?

Strategic Policy S4

Question 10.13 - Is the requirement for the garden community developments to deliver 20% Biodiversity Net Gain (BNG), required by Strategic Policy S4 and Policy DM16, justified and deliverable? Is the 20% BNG figure for the garden communities a minimum requirement or a target? Is this clear and are modifications needed to make the policy effective?

1.1.1 Statutory net gain in accordance with the Environment Act 2021 is 10%. The application of a higher policy target to the Garden Communities than other site allocations in the plan is broadly accepted, in recognition of their scale and the ability to achieve a high level of onsite green infrastructure. However, it is acknowledged that the proposed modified text does not make fully clear if the 20% is a minimum or a target, although the intention was to convey the 20% as a target. In response to our representations the Council's Schedule of Modifications (Mod Ref 45, Strategic Policy S4] includes amended wording to clarify that delivery of 20% net gain is "*subject to site constraints*". Similarly, Policy DM16 (Mod Ref 200, Policy DM16a] now refers to 20% net gain "*capped at what can be practically delivered onsite*".

1.1.2 To provide further clarity, it is proposed that the text is modified to clarify that the 20% net gain is a target rather than a minimum requirement for the Garden Communities. We suggest that Strategic Policy S4 is modified as follows (red text is inserted with deleted text in strikethrough):

> *The garden community developments will be required to deliver up to the target of 20% Biodiversity Net Gain, subject to site constraints.*

1.1.3 Policy DM 16 Section D) iv modified to:

> *Unless exempt, must provide a minimum 10% biodiversity net gain (or up to the target of 20% on Chelmsford Garden Community and East Chelmsford Garden Community subject to site constraints) above the existing ecological baseline value of the site, or subsequent government standard, to be calculated and reported in accordance with local and national best practice guidance prevailing at the time of the application, and for significant on-site enhancements or off-site gains, to be secured for a minimum of 30 years after completion of the development.*

1.1.4 To conform with the above, it is recommended that Paragraph 8.145 be amended to state:

In line with Policies SGS6 and SGS16a, a ~~minimum~~ target of 20% biodiversity net gain will be required for Chelmsford Garden Community and East Chelmsford Garden Community, subject to site constraints.

1.1.5 And the final bullet point of Historic and Natural Environment of Strategic Growth Site Policy 16a modified to:

Provide a ~~minimum~~ target of 20% biodiversity net gain above the ecological baseline in accordance with Policy DM16, capped at what can be practically delivered onsite.

1.1.6 These changes would make the plan sound in terms of effectiveness and consistency with national policy.

Question 10.16 - Are any changes needed to Policy DM16 for soundness?

1.1.7 In response to our representations, the Schedule of Proposed Modifications (Mod Ref 276, Policy DM16) includes a modification to Paragraph 8.147 to clarify that mitigation measures for protected sites can count towards BNG requirements. However, the wording is not fully clear in how this is to be implemented.

1.1.8 Current government guidance on BNG (What you can count towards a development's biodiversity net gain. Last updated 25 August 2026) includes guidance around 'stacking' of different environmental benefits and states that mitigation and compensation measures for protected sites or species (e.g. SANG) can be counted in part towards a developments BNG requirement, specifically that:

> *"If you are carrying out habitat mitigation or compensation activities required through statutory obligations or policies, some of these can only count up to no net loss. Your additional 10% net gain above no net loss must come from separate activities other than mitigation and compensation."*

1.1.9 For example, with a baseline habitat value of 100 units, an additional 10 units would need to be delivered to achieve 10% BNG. These 10 units must come from activities which can count in full towards BNG delivery and not mitigation for protected sites such as SANG. The current draft policy guidance is similar; however, the wording leaves it open regarding whether there will be a requirement for 10% of the overall biodiversity units to come from additional activities, which in the above example would necessitate 11 units (10% of 110 units).

1.1.10 It is therefore recommended that the wording in Paragraph 8.147 should be modified to be consistent with government guidance to state:

> *"Mitigation measures for protected sites (including SANG) can count towards BNG requirements up to no net loss, as long as ~~at least 10% of the biodiversity units come from additional activities other than mitigation and compensation~~ the additional 10% net gain above no net loss comes from separate activities."*

1.1.11 These changes would make the plan sound in terms of effectiveness and consistency with national policy.