# HS009 Matter 9

## Chelmsford Local Plan

## Examination Hearing Statement – Creating Well Designed and Attractive Places

November/December 2026



Chelmsford Local Plan

## Introduction

1. This hearing statement sets out the Council's response in relation to the Inspector's Matters, Issues and Questions.

2. All the evidence base documents referred to in this statement are listed at the end of the Hearing Statement, with their evidence base or examination document reference numbers as applicable.

3. Any relevant proposed modifications are included in a table at the end of each question.

| **Matter 9 – Creating Well Designed and Attractive Places** | |
|---|---|
| **Issue 1** | **Is the Plan's approach to promoting health and wellbeing justified and effective?** |
| **Q 9.1** | **What is the justification for the unit and floorspace thresholds contained in Strategic Policy S14?** |

### CCC Response to Q 9.1

4. It is the Council's position that the thresholds set out in Strategic Policy S14 are justified and effective.

5. In relation to place-making objectives, the Local Plan, paragraph 6.1 **(SD001)** (page 67 (PDF page 67), defines Strategic Growth Sites as providing 100 or more new homes, which require masterplans to be produced. Policy S14 therefore applies the same threshold of 100 or more units to demonstrate how the place making objectives set out in the policy have been considered. For clarity, a modification is proposed **(SD005 MOD Ref 34)** as detailed in the table below.

6. In relation to Health Impact Assessments (HIA), the unit and floorspace thresholds set out in Policy S14 and Para 5.26 **(SD001)** (PDF page 55 and 57), have been determined using best practice and guidance and in discussions with officers from the Council's and Essex County Council's public health team and planning officers as detailed below.

7. The Health Impact Assessment in Spatial Planning **(HS009)** guidance by Public Health England (PHE, 2020), now the Office for Health Improvement and Disparities (OHID), encourages Local Plan policies to include a requirement for a HIA to be carried out for certain types of development. The Council has implemented this by applying the Essex Planning Officers Association (EPOA) Health Impact Assessment (HIA) Guidance **(HS001)** and through on-going dialogue with Essex County Council, as the organisation with lead responsibility for public health in Essex, through the drafting of policies and reasoned justification.

8. The PHE guidance **(HS009)** does not prescribe a single national threshold for when an HIA should be required. Instead, it supports locally determined triggers that reflect local health needs and priorities identified through Joint Strategic Needs Assessment (JSNA) and the relevant Health and Wellbeing Plan (**HS009** Paras 3.4 – 3.6, PDF page 21 and 22), taking account of health inequalities and vulnerable groups **(HS009**, Paras 3.7-3.9, 3.11-3.12 PDF page 22-24), and are proportionate to the likely significance of impacts given the size, use and location of development (**(HS009**, para 3.10, Table 5, paras 3.13 and 7.3). Its example size trigger is "major" development of 10 or more dwellings or over 1,000 sqm (**(HS009,** para 3.13 PDF page 25). Policy S14 matches this for non-residential floorspace and sets a higher threshold for housing; the inclusion of class C2 uses reflect the guidance's health and social care "use" trigger (**(HS009**, para 3.13 PDF page 25).

9. The Essex Healthy Places advice notes for planners developers and designers (**HS010)** as a guide recommends the thresholds of 50 or more dwellings; C2 Development (residential institutions) and 1,000 sq m or more non-residential floorspace consistent with Strategic Policy S14. It is acknowledged that these thresholds may be used as a benchmark given the nature of different locations in Essex, and the scale of development coming forward. The Essex Design Guide also includes a Health Impact Assessment Checklist (2025) (**HS011)** which enables HIAs to be produced proportionately according to the scale of the development. The EPOA Greater Essex Planning and Health Protocol (**HS012)** provides advice and support to ensure effective implementation of Health Impact Assessment.

10. The approach to HIAs in the submitted Local Plan is supported by the Integrated Impact Assessment **(SD008)** which includes a Health Impact Assessment of the submitted Local Plan and is consistent with national planning practice guidance on Healthy and Safe Communities. This is also reflected in the Council's Local Planning Validation Requirements (February 2024) (**HS013**).

11. It is the Council's position that the thresholds are justified and respond to local need. The Essex JSNA **(HS008)** informs the Chelmsford Health and Wellbeing Plan (2022) **(HS007),** with the Plan's priorities focusing on physical activity and healthy weight, loneliness and isolation, poor housing and ageing well which are directly shaped by the location, design and mix of new development, and the Plan commits to "enhance the use of Health Impact Assessment for new developments". Policy S14 is the Local Plan's means of delivering this. C2 uses are included irrespective of size because their occupants are more susceptible to poorer health and place direct demand on local health and care services.

12. A stepped process of HIA is undertaken from screening, scoping, assessment, recommendations to monitoring, and ensures a robust, flexible and manageable process. The type of HIA will depend on the type and scale of proposed development, ranging from a short desktop review; a rapid review or a full/comprehensive detailed review. This ensures that a proportionate approach is taken to the type of HIA work required according to the merits of each, on a case by case basis. The level of

evidence required can be determined at pre-application stage in discussion with the Essex County Council Public Health team.

13. The Plan is being examined against the December 2023 NPPF, Policy S14 accords with paragraph 96(c), which seeks to support healthy lifestyles "especially where this would address identified local health and well-being needs", and with paragraph 31 on adequate and proportionate evidence. The PPG identifies HIA as "a useful tool to use where there are expected to be significant impacts" (ID: 53-005-20190722). The thresholds in Policy S14 are not considered unduly onerous or disproportionate as a screening process will determine the extent and detail/complexity of each specific HIA. They are therefore justified, effective, and consistent with national policy (NPPF para 35).

14. The Council is proposing modifications to Strategic Policy S14 and reasoned justification for clarity in relation to the thresholds as detailed in the table below.

15. The Council considers that Policy S14 is sound, subject to **MODS Ref 34 and 35 and amended MOD Ref 37** which are required to ensure Policy S14 is clear in relation to the thresholds.

**Modifications**

| Ref in SD005 | Page No in PSLP | Page No in ASLP | Policy/ Para etc | Modification proposed | Reason |
|---|---|---|---|---|---|
| 34 | 54 | | Strategic Policy S14 | *Amend third paragraph:*<br>In addition to the above, ~~all new strategic scale residential~~ developments (~~defined as development for~~ of 100 or more units~~)~~ will be required to demonstrate through the masterplan process how ~~they~~ the following have been considered ~~the following~~ in their place making objectives: | For clarity |
| 35 | 55 | | Strategic Policy S14 | *Amend first sentence of fourth paragraph:*<br>For development of 50 or more dwellings, Use Class C2 (Residential Institutions) and non-residential development ~~in excess~~ of 1,000sqm or more (excluding agricultural buildings) a Health Impact Assessment will be required to assess the likely positive | For clarity |

| Ref in SD005 | Page No in PSLP | Page No in ASLP | Policy/ Para etc | Modification proposed | Reason |
|---|---|---|---|---|---|
| | | | | and negative impacts on the health and wellbeing of different groups in the population, particularly those who may be more susceptible to poorer health outcomes, and on existing health services and facilities. | |
| AMEND REF 37 | 57 | | Strategic Policy S14 Paragraph 5.26 | *Amend third sentence:* For development of 50 or more ~~units~~ dwellings, Use Class C2 (Residential Institutions) and non-residential development ~~in excess~~ of 1,000 sqm or more (excluding agricultural buildings) which have relatively little impact upon health and wellbeing and health services, a rapid or desktop assessment may be sufficient to satisfy the requirements of this policy | Correcting modification proposed in SD005, Ref 37 to be in consistent with changes to Strategic Policy S14 |

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| **Q 9.2** | **What are the Sport England and National Design Guide Active Design principles and how do they differ from other requirements of Strategic Policy S14?** |

**CCC Response to Q 9.2**

16. The Sport England Active Design Guide **(HS004)** sets out 10 active design principles which when applied to the built and natural environment help encourage people to be active through their everyday lives. The guidance produced by Sport England helps planners and designers in delivering and managing places to create and maintain active environments.

17. The 10 active design principles are:
    - Activity for all
    - Walkable Communities
    - Providing Connected Active Travel Route
    - Mixing uses and co-locating facilities

- Network of multifunctional open spaces
- High-quality streets and spaces
- Providing activity infrastructure
- Active buildings, inside and outside
- Maintaining high-quality flexible spaces
- Activating spaces

18. The National Design Guide Active Design Principles **(HS003)** sets out ten key characteristics for well-designed places, including identity and movement, public spaces with good access to a mix of uses and facilities, mixture of housing types and tenure, comfortable and safe internal and external layouts and walkable neighbourhoods. These are based on national planning policy and practice guidance and includes good practice examples. The relevant principles to health and wellbeing are summarised in the Council's Health and Wellbeing Topic Paper **(TP013, para 4.11, PDF page 8).**

19. A wide range of factors beyond a person's physical health and mental wellbeing influences their health and wellbeing; issues such as lifestyle, social networks and community, unemployment, poor housing, and feeling unsafe can all impact mental and physical health. The built and natural environment, infrastructure, local economy, availability of services supporting the community also all play a crucial role in influencing our health and wellbeing. These are often called the wider determinants of health.

20. Section 8 of the NPPF (2023) focuses on promoting healthy and safe communities. This section in particular outlines planning policies should aim to achieve healthy, inclusive and safe places and outlines criteria such as promoting social interaction, safe and accessible places, and enable and support healthy lives through both promoting good health and preventing ill health for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

21. Some of the key components of the wider determinant of health are cross-cutting themes and appear across the Local Plan policies for example, green infrastructure and delivering a mix of housing types and tenures and protecting community facilities.

22. Strategic Policy S14 is an overarching policy focusing on how the Local Plan seeks to promote healthy, inclusive and safe communities. Whilst the Sport England and National Design Guide Active Design Principles in **HS003 and HS004** provide a strong basis to underpin Strategic Policy S14, the policy goes further in respect of striving to achieve some of the Council's wider aspirations and commitment to improving the health and wellbeing of our residents and communities for example cultural infrastructure and public art to create a sense of place and identity, promoting physical and mental wellbeing and reducing social isolation. This policy supports the Chelmsford Health and Wellbeing Plan which identified five key health and wellbeing priorities and helps to meet Local Plan Strategic Priority 7 **(SD001, PDF page 41).**

23. Strategic Policy S14 also sets thresholds whereby new strategic scale residential development is required to specifically consider opportunities such as community involvement in the long-term management and stewardship, dementia friendly environments, community allotments, gardens and orchards providing learning opportunities about how to grow food and eat local fresh produce when it is in season. These all contribute towards the aspirations in the Council's corporate strategy Our Chelmsford, Our Plan **(OSP014)**.

24. It is the Council's position that Strategic Policy S14 is considered sound and consistent with national policy.

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| **Q 9.3** | **Are any modifications to Strategic Policy S14 needed for soundness?** |

**CCC Response to Q 9.3**

25. The Council is proposing modifications to Strategic Policy S14 and its reasoned justification for clarity in relation to the thresholds as detailed in the table in Question 9.1. The Council considers that Policy S14 is sound, subject to **MODS Ref 34 and 35 and amended MOD Ref 37** which are required to ensure Policy S14 is clear in relation to the thresholds to ensure the policy is effective and provides clarity.

26. One other proposed additional change to this policy in the Local Plan is set out in the Schedule of Proposed Modifications, May 2026 as **MOD Ref 36 (SD005)**. This does not go to matters of soundness but is a proposed deletion of a paragraph within the Policy due to duplication.

| **Matter 9 – Creating Well Designed and Attractive Places** | |
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| **Issue 2** | **Is the approach to high-quality place making justified, effective and consistent with national policy?** |
| **Q9.4** | **Are design policies in the plan justified and will they be effective in securing sustainable and high-quality places?** |

**CCC Response to Q9.4**

27. It is the Council's position that the design policies in the Local Plan, i.e. Strategic Policy S15 and Policies DM23, DM24, DM25, DM26, DM27, DM28, DM29, DM30 and DM31 **(SD001, page 58 and pages 286 – 307)** are justified and will be effective in securing sustainable and high-quality places, subject to MOD Refs 291 to 329; Amended Modifications References 303, 322 and 325; and a New Modification to

Policy DM25 and a New Modification to Policy DM30. Modifications Refs 291 to 329 are set out in the Council's Schedule of Proposed Modifications **(SD005)**. Please refer to the Council's Hearing Statement for Matter 8 - Issue 1 in relation to Policies DM25 and DM31, and Matter 9 - Issue 3 in relation to Policies DM29 and DM30.

28. The Council considers the design policies in the Local Plan are consistent with Chapter 12 – Achieving well-designed and beautiful places and Chapter 14 – Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework **(NPPF, December 2023, pages 39 – 41 and pages 46 – 51)**, in particular Paragraphs 131, 132, 135, 157, and 160.

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| **Q9.5** | **What does Strategic Policy 15 add to the Plan? Is it necessary? If the role of Policy S15 is to address Strategic Priority 7, could it be combined with Strategic Policy S14?** |

**CCC Response to Q9.5**

29. It is the Council's position that Strategic Policy S15 **(SD001, page 58)** is necessary. It provides the strategic direction for Chapter 9 – Making High Quality Places in the Local Plan **(SD001, pages 286 – 307)** including Policies DM23 – High quality and inclusive design, DM24 – Design and place shaping principles in major developments, Policy DM25 – Sustainable buildings, Policy DM26 – Design specification for dwellings, Policy DM27 – Parking standards, Policy DM28 – Tall buildings, Policy DM29 – Protecting living and working environments, Policy DM30 – Contamination and pollution, and DM31 – Net zero carbon development (in operation). The reasoned justification to Strategic Policy S15 set out in Paragraphs 5.27 to 5.31 **(SD001, page 58)** sets out further explanation of Strategic Policy S15 and its implementation including reference to the National Design Guide **(HS003),** the National Model Design Code **(Ref PL040)**, the Council's Making Places Supplementary Planning Document **(Ref PL019)** and the Essex Design Guide **(Ref PL041)**.

30. The Council considers that Strategic Policy S15 should be retained as a separate policy from Strategic Policy S14 as the policies have different functions. Strategic Policy S14 **(SD001, pages 54 - 55)** is focused on a suite of measures which aim to improve the health and well-being of our residents and communities, whereas Strategic Policy S15 is focused on creating successful places by ensuring high quality design. High quality design is one mechanism for achieving improved health and well-being but is more far-reaching in its scope. High quality design also includes beauty and sustainability. Furthermore, Strategic Policy S15 supports and is consistent with Chapter 12 – Achieving well-designed and beautiful places and Chapter 14 – Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework **(NPPF, December 2023, pages 39 - 41 and pages 46 - 51)**.

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| **Q9.6** | **Are the following changes proposed by the Council needed to make Policy DM23 effective?**<br><br>**a) In Part A of the policy and paragraph 9.9, require that the new residential development accords with the standards set out in Appendix B**<br>**b) In Part B of the policy, clarification that the requirements in Policy DM25 apply to the new buildings**<br>**c) Amend paragraph 9.8 to clarify that uncharacteristically uniform buildings will not be permitted** |

**CCC Response to Q9.6**

31. It is the Council's position that proposed modifications to Policy DM23 **(SD001, page 286)** are required to ensure the policy is effective. These modifications are set out in the Council's Schedule of Proposed Modifications **(SD005)**.

32. The Council considers that for clarity it is necessary to include in Policy DM23 – Part A and paragraph 9.9 of the Local Plan **(SD001, pages 286 and 287)** the requirements that new residential development must accord with the development standards set out in Appendix B of the Local Plan – **MOD Ref 291** and **MOD Ref 293**. This also ensures that Policy DM23 is consistent with Policies DM24 and DM26.

33. The Council considers that for clarity it is necessary to confirm in Policy DM23 that new buildings must minimise the use of natural resources in accordance with Policy DM25 – **MOD Ref 291**. This also ensure that Policy DM23 is consistent with Policy DM25.

34. The Council is proposing a change to **MOD Ref 291** to include reference to 'wider policy considerations' in Policy DM23 for clarity. This recognises that there may be circumstances when other policy objectives require a different design approach resulting in a departure from standard, e.g. climate change, sustainable transport or heritage. The Council is also proposing a change to **MOD Ref 293** to include reference to 'wider policy considerations' in Paragraph 9.9 for clarity.

35. The Council considers that for clarity it is necessary to add 'uncharacteristically' to the second sentence of Paragraph 9.8 of the Local Plan to recognise that uniform buildings can have architectural merit, subject to their context and purpose – **MOD Ref 292.**

36. The Council considers that Policy DM23 is sound, subject to **MOD Ref AMEND 291, MOD Ref 292 and MOD Ref AMEND 293** required to ensure Policy DM23 is effective.

**Modifications**

| Ref in SD005 | Page No in PSLP | Page No in ASLP | Policy/ Para etc | Modification proposed | Reason |
|---|---|---|---|---|---|
| AMEND 291 | 286 | - | Policy DM23 | *Insert new paragraph at end of Part A Responding to Context:*<br><br>Where relevant, new residential development must be in accordance with the standards set out in Appendix B, unless it can be fully demonstrated that the specific site circumstances or wider policy considerations require a different design approach resulting in a departure from standard.<br><br>*Delete Part B) vii.*<br><br>*Insert new paragraph at end of policy:*<br>In addition to the above, new buildings must minimise the use of natural resources in accordance with Policy DM25. | For clarity. |
| 292 | 287 | - | Policy DM23 Paragraph 9.8 | *Amend third sentence:*<br>Monolithic or uncharacteristically uniform buildings will not be permitted. | For clarity. |
| AMEND 293 | 287 | - | Policy DM23 Paragraph 9.9 | *Amend paragraph:*<br>All new residential developments in Chelmsford including conversions, apartments, maisonettes, houses, Houses in Multiple Occupation (HMO's) or extensions, will be required to comply with the development standards within Appendix B, unless it can be fully demonstrated that the specific site circumstances or wider policy considerations require a different design approach resulting in a departure from standard. Applicants should have regard to the Council's | For clarity. |

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| | | | | Making Places SPD, the Essex Design Guide, and, where appropriate, Neighbourhood Development Plans for detailed design guidance. | |

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| **Q9.7** | **In the ninth bullet point of Policy DM24, is the addition of the words 'safe and secure' needed for soundness? Is it clear what this would look like in relation to streets and spaces?** |

**CCC Response to Q9.7**

37. It is the Council's position that the addition of the words 'safe and secure' to the ninth bullet point of Policy DM24 is required for soundness. This modification is set out in the Council's Schedule of Proposed Modifications **(SD005)**.

38. The Council considers the addition of 'safe and secure' to Policy DM24 is consistent with Chapter 8 – Promoting healthy and safe communities and Chapter 9 – Promoting sustainable transport of the National Planning Policy Framework **(NPPF, December 2023, pages 28 – 33)**, in particular Paragraph 96 – criteria b and c, and Paragraph 116 – criteria c.

39. The Council's Making Places Supplementary Planning Document **(PL019, pages 25-26, PDF pages 30-31)** sets out detailed guidance for the implementation of Policy DM24 in relation to the safety of spaces. Paragraph 7.14 of the SPD explains that 'safety and security stem from good site planning and careful designing of buildings and spaces.' Paragraph 7.15 of the SPD references the Secured by design guidance which includes a series of guidance documents that provide step by step guides on how to include security in development proposals. The 'Principles to be considered for all spaces' box that follows paragraph 7.15 in the SPD provides a checklist which developers and decision-makers can use when preparing and assessing development proposals.

40. The Council considers that Policy DM24 is sound, subject to **MOD Ref 294** which is required to ensure it is consistent with national policy and effective.

**Modifications**

| Ref in SD005 | Page No in PSLP | Page No in ASLP | Policy/ Para etc | Modification proposed | Reason |
|---|---|---|---|---|---|
| 294 | 287 | - | Policy DM24 | *Amend ninth bullet point:*<br>• Provide streets and spaces that are overlooked, safe and secure, active and which promote inclusive access | For consistency with national policy and for effectiveness. |

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| **Q9.8** | **Are the requirements for new dwellings in Policy DM26 clearly set out? To improve clarity, should Part B) of the policy be deleted?** |

**CCC Response to Q9.8**

41. It is the Council's position that the requirements for new dwellings in Policy DM26 are clearly set out subject to proposed modifications which are required to ensure the policy is effective. These modifications are set out in the Council's Schedule of Proposed Modifications **(SD005)**.

42. Paragraphs 9.80 to 9.82 of the Local Plan **(SD001, page 303)** provide further explanation of the requirements for new dwellings. Appendix B of the Local Plan sets out the Development Standards referenced in Policy DM26 **(SD001, pages 399 to 412)**. The Council's Making Places Supplementary Planning Document sets out detailed guidance for the implementation of Policy DM26 **(PL019, page 18/ PDF page 22, pages 20-21/ PDF pages 24-25, pages 49-51/ PDF pages 56-58 and page 54/ PDF page 62)**.

43. The Council considers that for clarity Part B of Policy DM26 should be deleted as it unnecessarily repeats part of Paragraph A – see **MOD Ref 327**.

44. In addition, the Council considers that for clarity Part C of Policy DM26 should be amended to include reference to the Local Plan's Appendix B – Development Standards – see **MOD Ref 327**.

45. The Council considers that for clarity paragraph 9.80 of the Local Plan (SD001, page 303) should be amended to explain that Policy DM26 applies to all new dwellings; and the circumstances in which a departure from standard would be considered. In addition, for clarity the Council considers that reference should be added to Neighbourhood Development Plans in paragraph 9.80 – see **MOD Ref 328**.

46. The Council is proposing a change to **MOD Ref 328** to include reference to 'wider policy considerations' in Paragraph 9.80 for clarity. This recognises that there may be circumstances when other policy objectives require a different design approach resulting in a departure from standard, e.g. climate change, sustainable transport or heritage.

47. The Council considers that Policy DM26 is sound, subject to **MOD Ref 327** and **MOD Ref AMEND 328** which are required to ensure Policy DM26 is clear and effective.

**Modifications**

| Ref in SD005 | Page No in PSLP | Page No in ASLP | Policy/ Para etc | Modification proposed | Reason |
|---|---|---|---|---|---|
| 327 | 302 | - | Policy DM26 | *Delete Part B) of the policy.*<br><br>*Amend Part C) of the policy:*<br>B ~~C)~~ All large houses in multiple occupation (accommodating 7 or more people) shall:<br>i Achieve sufficient communal garden space; and<br>ii. Provide cycle storage for one cycle per bedroom, within the plot of the building in which the property is located; and<br>iii Provide appropriate and well-designed recycling and waste storage within the plot of the building in which the property is located, or a communal store where the development relates to more than one property; and<br>iv Provide off-street parking at a ratio of one space per bedroom unless the site is located within the City Centre in a sustainable location.<br><br>The above must be in accordance with the relevant development standards within the Local Plan, including Appendix B. | For clarity. |

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| AMEND 328 | 303 | - | Policy DM26 Paragraph 9.80 | *Amend paragraph:*<br>This policy is intended to provide developers with a checklist of requirements for new dwellings. All new dwellings (including flats, conversions, apartments, maisonettes, houses, Houses in Multiple Occupation (HMO's) or extensions) will be required to comply with the development standards within Appendix B, unless it can be fully demonstrated that the specific site circumstances or wider policy considerations require a different design approach resulting in a departure from standard.<br>Consideration should be given to the detailed guidance contained within the Council's Making Places SPD and, where appropriate, Neighbourhood Development Plans, for detailed design guidance. | For clarity. |

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| **Q9.9** | **In Policy DM28, is the approach to tall buildings justified and clear?** |

**CCC Response to Q9.9**

48. It is the Council's position that the approach to tall buildings in Policy DM28 is justified. The approach reflects the local character of Chelmsford. As explained in Paragraph 9.86 of the Local Plan **(SD001, page 304)**:

> 'For the purpose of this policy, tall buildings means above 5 storeys or 16 metres high. This is because throughout Chelmsford the building scale is predominantly two, three and four storeys, typically forming street frontages. Six storeys represent a shift in scale, necessitating consideration of the impacts of greater height.'

49. This approach is consistent with criterion c) of Paragraph 135 of the National Planning Policy Framework **(NPPF, December 2023, pages 39 – 40)** which states:

> *'Planning policies and decisions should ensure that developments:*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).'*

50. The Council considers that Policy DM28 clearly sets out the matters that should be considered when determining if proposals for tall buildings in the City Centre should be permitted. Paragraphs 9.87 to 9.89 of the Local Plan provide further explanation of these matters. The Council's Making Places – Supplementary Planning Document sets out detailed guidance for the implementation of Policy DM28 **(PL019, pages 34-36)**.

51. It is however considered that the policy would benefit from greatly clarity on how the City Centre is defined in the context of this policy. A new modification is therefore required to paragraph 9.86 to clarify this definition as being the area set out on the Policies Map, and a subsequent amendment to the Policies Map Legend to include reference to Policy DM28.

52. The Council considers that Policy DM28 is sound, subject to a **New modification** to Policy DM28, paragraph 9.86 and a **New modification** to the Policies Map Legend to ensure the policy is clear and effective.

**Modifications**

| Ref in SD005 | Page No in PSLP | Page No in ASLP | Policy/ Para etc | Modification proposed | Reason |
|---|---|---|---|---|---|
| NEW | 304 | - | Policy DM28 Paragraph 9.86 | *Amend first sentence:*<br>For the purposes of this policy, <u>the City Centre is as defined on the Policies Map, and</u> tall buildings means above 5 storeys or 16 metres high. | For clarity |
| NEW | 346 | - | Policies Map Legend | *Include Policy DM28 in the list of policies referred to as being relevant to the City Centre notation* | To ensure consistency with Policy DM28 |

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| **Q9.10** | **Are any other modifications to Strategic Policy S15 and Policies DM23-24 and DM26-28 needed for soundness reasons?** |

**CCC Response to Q9.10**

53. It is the Council's position that other modifications are required to Policy DM24. These modifications are set out in the Council's Schedule of Proposed Modifications **(SD005)**. No other modifications are required to Strategic Policy S15, Policies DM23, or Policies DM26 – DM28.

54. The Council considers that the reference to 'more than 1,000sqm' in the second sentence of Paragraph 9.10 should be amended to '1,000sqm or more' for clarity - **MOD Ref 295**.

55. The Council considers that the second sentence of Paragraph 9.16 should be amended to remove the word 'Larger', to add the word 'for', to remove the unnecessary brackets around the phrase '50 or more dwellings, Use Class C2 (Residential Institutions) or more than 1,000sqm of non-residential development', and to amend 'more than 1,000sqm' to '1,000sqm or more' for clarity – **MOD Ref 296**.

56. The Council considers that Paragraph 9.17 should be amended to remove the phrase 'parks and' and add 'realm and green' to the second sentence for clarity. In addition, the second sentence should be amended to include reference to other design advice and resources, i.e. the Home Office Strategy of reducing 'Violence Against Women and Girls' and the Green Flag Award 'Safer Parks' guidance – **MOD Ref 297**.

57. The Council considers that Paragraph 9.19 should clarify that all new residential development will be required to comply with the development standards in Appendix B of the Local Plan, 'unless it can be fully demonstrated that the specific site circumstances require a different design approach resulting in a departure from standard.' – **MOD Ref 298**.

58. The Council is proposing a change to **MOD Ref 298** to include reference to 'wider policy considerations' in Paragraph 9.19 for clarity. This recognises that there may be circumstances when other policy objectives require a different design approach resulting in a departure from standard, e.g. climate change, sustainable transport or heritage.

59. The Council considers that Policy DM24 is sound, subject to **MOD Refs 295, 296, 297** and **MOD Ref AMEND 298** which are required to Policy DM24 to ensure the policy is clear and effective.

**Modifications**

| Ref in SD005 | Page No in PSLP | Page No in ASLP | Policy/ Para etc | Modification proposed | Reason |
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| 295 | 288 | - | Policy DM24 Paragraph 9.10 | *Amend second sentence:*<br><br>Major development is defined as sites over 1 hectare, 10 or more dwellings or ~~more than~~ 1,000sqm or more of floorspace. | For clarity. |
| 296 | 289 | - | Policy DM24 Paragraph 9.16 | *Amend second sentence:*<br><br>~~Larger d~~Development proposals for ~~(~~50 or more dwellings, Use Class C2 (Residential Institutions) or ~~more than~~ 1,000sqm or more of non-residential development~~)~~ will be required to demonstrate how new development would make a positive contribution to the health and wellbeing of different groups in the population, particularly those who may be more susceptible to poorer health outcomes, through submission of a Health Impact Assessment. | For clarity. |
| 297 | 289 | - | Policy DM24 Paragraph 9.17 | *Amend paragraph:*<br><br>The Council encourages developments to take account of all users, and is committed to enhancing safety for girls and women in new development. Where major development proposals are providing or improving ~~parks and~~ public realm and green spaces, regard should be had to design advice and resources ~~provided by~~ including Make Space for Girls (www.makespaceforgirls.co.uk); Home Office Strategy of reducing 'Violence Against Women and Girls' https://assets.publishing.service.gov.uk/media/6194d05bd3bf7f054f43e011/Tackling_Violence_Against_Women_and_Girls_Strategy_-_July_2021.pdf), and Green Flag Award 'Safer Parks' guidance (https://www.greenflagaward.org/resources/safer-parks-for-women-and-girls/safer-parks-improving-access-for-women-and-girls-summary/). | For clarity. |

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| AMEND 298 | 289 | - | Policy DM24 Paragraph 9.19 | *Amend paragraph:*<br><br>All new residential development will be required to comply with the development standards within Appendix B, unless it can be fully demonstrated that the specific site circumstances or wider policy considerations require a different design approach resulting in a departure from standard. Applicants should have regard to the Council's Making Places SPD and, where appropriate, Neighbourhood Development Plans, for detailed design guidance. | For clarity. |

| **Matter 9 – Creating Well Designed and Attractive Places** | |
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| **Issue 3** | **Is the approach to protecting living and working environments justified and effective** |
| **Q9.11** | **In relation to Part B) of Policy DM30, under what circumstances would an air quality impact assessment be required? Is it clear?** |

**CCC Response to Q9.11**

60. It is the Council's position that an air quality impact assessment will be required for development applications in a designated Air Quality Management Area (AQMA) or adjacent to a designated AQMA, and where development could cause unacceptable harm to the air quality of the area.

61. As explained in paragraph 9.96 of the Local Plan **(SD001, Page 307)** the purpose of the air quality impact assessment is to take into account the proposed development's effect on a designated AQMA and its objectives, and/ or where the development would cause unacceptable harm to the air quality of the area. As set out in Part B of Policy DM30 **(SD001, Page 306)** the air quality impact assessment will then inform the identification of appropriate mitigation.

62. The Council considers that for clarity in Part B of Policy DM30 the phrase 'or where an air quality impact assessment has been provided …' should be deleted and replaced with 'or where it has been identified that the development has the potential to have an impact on air quality due to the development's type, scale or location …'.

63. In addition, for clarity the phrase 'selection of' should also be deleted from Part B of Policy DM30.

64. The Council considers that the circumstances of when an air quality impact assessment would be required are clearly set out in paragraph 9.96 of the Local Plan.

65. The Council considers that Policy DM30 is sound, subject to a **New modification** which is required to Part B of Policy DM30 to ensure the policy is clear and effective.

**Modifications**

| Ref in SD005 | Page No in PSLP | Page No in ASLP | Policy/ Para etc | Modification proposed | Reason |
|---|---|---|---|---|---|
| NEW | 306 | - | Policy DM30 | *Amend Part B) of Policy DM30:*<br><br>B) Air Quality Management Area For developments in or adjacent to an Air Quality Management Area, or where it has been identified that the development has the potential to have an impact on air quality due to the development's type, scale or location ~~or where an air quality impact assessment has been provided~~, permission will only be granted where the Council is satisfied that after ~~selection of~~ appropriate mitigation the development will not have an unacceptable impact on air quality and the health and well-being of people. | For clarity. |

| | |
|---|---|
| **Q9.12** | **Are any modifications to Policies DM29 and DM30 needed for soundness?** |

**CCC Response to Q9.12**

66. In addition to the modification to Policy DM30 set out above in response to Q9.11, it is the Council's position that for clarity the last sentence of paragraph 9.97 for Policy DM29 (**SD001, Page 307**) should be deleted and moved to create a new paragraph 9.98 – **MOD Ref 329**. This is because the Land Contamination Remediation Methods (LCRM) guidance is relevant to any site managing the risks from land contamination, which may include non-hazardous pollutants as well as hazardous substances. This modification is set out in the Council's Schedule of Proposed Modifications **(SD005)**.

67. The Council considers that Policies DM29 and DM30 are sound, subject to a **NEW modification, and MOD Ref 329** which are required to ensure Policy DM30 is effective.

**Modifications**

| Ref in SD005 | Page No in PSLP | Page No in ASLP | Policy/ Para etc | Modification proposed | Reason |
|---|---|---|---|---|---|
| NEW | 306 | - | Policy DM30 | *Amend Part B) of Policy DM30:*<br><br>B) Air Quality Management Area<br>For developments in or adjacent to an Air Quality Management Area, or where it has been identified that the development has the potential to have an impact on air quality due to the development's type, scale or location ~~or where an air quality impact assessment has been provided~~, permission will only be granted where the Council is satisfied that after ~~selection of~~ appropriate mitigation the development will not have an unacceptable impact on air quality and the health and well-being of people. | For clarity. |
| 329 | 307 | - | Policy DM30 Paragraph 9.97 | *Delete last sentence of paragraph.*<br><br>*Add new paragraph after paragraph 9.97:*<br>Developments should accord with latest technical guidance, or as updated and amended, including 'The Land Contamination Technical Guidance' and the Environment Agency's 'Land Contamination Risk Management' (LCRM) guidance. | For clarity. |

| **EVIDENCE BASE LIST FOR MATTER 9** | |
|---|---|
| SD001 | Pre Submission (Regulation 19) Local Plan Consultation Document |
| SD005 | Schedule of Proposed Modifications (June 2026) |
| SD008 | Pre-Submission Integrated Impact Assessment (January 2026) |
| HS001 | Essex Healthier Places Guidance for Health Impact Assessment (EPOA) |
| HS003 | National Design Guide |
| HS004 | Sport England Active Design Guide |
| HS007 | Chelmsford Health and Wellbeing Plan (2022) |
| HS008 | Essex Joint Strategic Needs Assessment (2024) |
| HS009 | Health Impact Assessment in Spatial Planning |
| HS010 | Essex Healthy Places Advice Notes for Planners, Developers and Designers |
| HS011 | Essex Healthy Places Updated HIA Checklist 2023 |
| HS012 | Greater Essex Planning and Health Protocol |
| HS013 | Local Validation Requirements |
| PL019 | Making Places Supplementary Planning Document, January 2021 |
| PL040 | National Model Design Code |
| PL041 | Essex Design Guide |
| TP013 | Submission Topic Paper: Health and Wellbeing |
| OSP014 | Our Chelmsford Our Plan (February 2024) |



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