HS008 Matter 8

Chelmsford Local Plan

Examination Hearing Statement – Creating Sustainable Development

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 8 - CREATING SUSTAINABLE DEVELOPMENT	
Issue 1	**Does the plan set out positively prepared policies relating to climate change and flood risk which are justified, effective and consistent with national policy?**
Q8.1	**Is the approach to addressing climate change effective and justified? Is it consistent with national policy and the objectives and provisions of the Climate Change Act 2008?**

CCC Response to Q8.1

4. It is the Council's position that the approach to addressing climate change is effective and justified, and consistent with national policy and the objectives and provisions of the Climate Change Act (CCA 2008).

5. The Council's Submission Topic Paper on Climate Change (**TP011)**, paragraph 3.1 to 3.5, page 3 outlines the Government's targets (carbon budgets) and duties relating to the Climate Change Act 2008, along with reports on progress. Since **TP011** was prepared, the Climate Change Committee (CCC) has issued its advice on the Seventh Carbon Budget **(CC026)** which the Government accepted and passed into law in June 2026. The Essex Open Legal Advice (**CC004, CC004-A, CC004-B**), which has been consolidated and re-updated (published as the Essex Open Legal Advice (Consolidated and Re-updated September 2026) (EOLA) **(CC004-C)** provides a summary at paragraph 32, page 17 **CC004-C**, of the key targets of the Seventh Carbon Budget and notes that much more reliance is being placed on progress being made on residential buildings than was previously the case. The Council's approach in the Local Plan on climate change aligns with this as it includes Policy DM31 which reduces operational carbon emissions for residential (and non-residential) development to effectively zero from the point of occupation. Therefore, the policy approach is consistent with, and justified by, the Seventh Carbon Budget.

6. National Policy (2023 NPPF, paragraph 157), as set out in paragraph 4.3 to 4.5, page 5 of **TP011,** recognises that the duties under the CCA 2008 are relevant to the planning system, and that the proactive approach to mitigating and adapting to climate change in local plans must be in line with the objectives and provisions of the CCA 2008. Although this Local Plan is being examined under the 2023 NPPF, the December 2024 NPPF brought in changes outlined in Paragraph 4.6 of **TP011** which strengthened requirements for plans to mitigate and adapt to climate change by supporting the net zero by 2050 carbon reduction target.

7. Furthermore, the **2026 NPPF** gives additional prominence to climate change, including bringing footnote 56 of paragraph 158 of the 2023 NPPF into plan-making policy CC1, and embedding climate change into other policy topic areas such as the design focused policies of DP1, DP2. The EOLA (**CC004-C)** at **Paragraphs 34 to 43**, **page 18 – 21**, provides an analysis of climate change and the 2026 NPPF and at **Paragraph 35, page 18** highlights that the Government made clear its intention regarding the prominence of Climate Change in the planning system through its response to the consultation on the NPPF where it stated that: "*The government recognises the importance of addressing climate change in a comprehensive and integrated way. The Framework should be read as a whole, with climate considerations also being reflected across other relevant policies, including design, transport, health and the natural environment."* (Government response to the proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation (**OSP019)** (August 2026, page 39). The suite of policies in the Local Plan which address climate change are therefore fully justified by, and consistent with, national policy.

8. **TP011** at paragraphs 4.5 (page 6) to 4.22 (pages 9), sets out how relevant planning policy and guidance has been considered in the Local Plan. Since then, the situation has become further clarified with the publication of the 2026 NPPF (as noted above in Paragraph 7) and which also superseded the Written Ministerial Statement (WMS 2023) referred to in **TP011**. The EOLA **CC004-C** takes account of these changes and other relevant updates in policy and case law and also brings in case studies of additional local plans which have recently been adopted with similar approaches to energy efficiency policies (e.g. Uttlesford, Winchester, Salt Cross).

9. The EOLA **CC004-C** confirms and further strengthens the previous Advice (**CC004-A** and **CC004-B)** and continues to provide strong legal justification for including policies in local plans that mitigate and adapt to climate change, including those which set local energy efficiency standards (such as Policy DM31), and that these are consistent with national policy and statutory obligations. For example, the EOLA **CC004-C** in **paragraph 84, Page 35** explains that 2026 NPPF Policy PM13(1)(b)(iii) has not just preserved, but has extended local authorities' ability to set local energy efficiency standards that go beyond existing and planned Building Regulations in local plan policies, as long as the policies are justified by a robust evidence base (such as that developed for Essex as highlighted in **paragraph 20, Page 13** of the EOLA **CC004-C**). In paragraph 2.4 of the EOLA **CC004-C**, it is advised that energy

efficiency policies (such as Local Plan policy DM31) address both mitigation and adaptation and are therefore strongly supported in national policy.

10. It is the Councils position that the suite of climate change policies in the local plan are effective. For example, the effectiveness of the Policy DM31 in minimising energy use and reducing operational carbon emissions is demonstrated in the technical evidence referred to in **TP011** at paragraphs 4.98 – 4.122, pages 28 – 34) and which is also published on the Essex Design Guide **PL041**. The Essex Open Legal advice forms a key part of the evidence base, and the EOLA **CC004-C** consolidates and re-updates **CC004-A** and **CC004-B,** and re-confirms the position set out in previous advice that the approach set out in Local Plan Policy DM31 (which is equivalent to the Essex model Policy GE1 published on the Essex Design Guide **PL041**) is justified and effective in addressing climate change, and is consistent with national policy and the objectives and provisions of the Climate Change Act 2008.

11. Overall, as can be seen from the Local Plan Form and Contents Checklist May 2026 **(OSP011)** page 18 to 20, the relevant 2023 NPPF requirements for Climate Change, flooding and coastal change are met through the policies within the Local Plan.

12. In conclusion, the Council considers that the policies of the Local Plan address climate change in a way that is effective and justified, and is consistent with national policy and the objectives and provisions of the Climate Change Act 2008.

Q8.2	**In the last sentence of Policy DM19, what is the basis for the requirement that major renewable and low carbon energy proposals should include a package of community benefits? Is this justified, and is it clear what would be required?**

CCC Response to Q8.2

13. It is the Council's position that the requirement that major renewable and low carbon energy proposals approach should deliver a package of community benefits should be removed. Whilst the Council supports the principle of community benefits from major renewable and low carbon energy proposals, the policy would be more effective and consistent with national planning policy and guidance if it was removed New and amended modifications to Policy DM19 and the Reasoned Justification **(SD001, page 279)** are proposed to reflect this.

14. The basis for seeking a community benefit package was informed by the Council's adopted Solar Farm Supplementary Planning Document (SPD) 2021 **(PL043)** Paragraph 7.37, pdf page 22), which encourages applicants to explore opportunities for community benefit from renewable and low carbon energy proposals, and Essex

County Council's Nationally Significant Infrastructure Projects (NSIP) Policy 2022 **(PL042)** which seeks to maximise potential community benefits from NSIPs.

15. However, the Council acknowledges that community benefits can currently only be secured on a voluntary basis and that there is no national planning policy or guidance to require them. As such, the Council proposes to remove the requirement through the following new modifications and amended modification **(Ref 286)** in order to ensure that the policy is sound.

Modifications

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
285	279		Policy DM19	*Amend part iii:* Iii can demonstrate no <u>significant harm</u> ~~adverse effect~~ on the natural environment including designated sites; and	To ensure the plan is effective
NEW	280		Policy DM19	*Delete the last paragraph:* ~~For major renewable and low carbon energy proposals, a package of community benefits should be delivered to ensure a positive community legacy.~~	To ensure the plan is clear, effective and up to date
NEW	280		Policy DM19 Paragraph 8.172	*Delete paragraph:* ~~Major solar farm proposals are those with a site area of 1 hectare or above, as defined in the Town and Country Planning (Development Management Procedure) England Order 2010. Such proposals should deliver community benefits and a positive community legacy from development in accordance with the guidance set out in the Solar Farm Development SPD.~~	To ensure the plan is consistent with national planning policy
286 AMEND	280		Policy DM19 Paragraph 8.173	*Amend paragraph:* ~~The Council's Solar Farm Development SPD provides further detailed guidance on~~	To ensure the plan is effective and up to date

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				~~major solar farm development proposals.~~ The Council's Making Places SPD provides further planning advice for smaller building mounted solar energy systems. The Environment Agency's 'Closed loop ground source heating and cooling systems: when you need a permit' and 'Open loop heat pump systems: apply to install one' may also be useful sources of information	

Q8.3	**Is the Council's proposed modification to part iii. of the policy, requiring no significant harm to the natural environment, needed for soundness?**

CCC Response to Q8.3

16. It is the Council's position that proposed **MOD Ref 284** on page 75 of the Schedule of Proposed Modifications **(SD005)** is required for soundness.

17. The wording in Policy DM19 as set out in the Pre-Submission (Regulation 19) Local Plan Consultation Document **(SD001)** is inconsistent with the wording in paragraph 186 a) of the 2023 NPPF, which considers 'significant harm'.

18. The current wording has a higher test than the NPPF with the need to demonstrate 'no adverse effect'. The proposed modification is therefore required to ensure the policy is consistent with the NPPF and therefore is needed for soundness.

Modifications

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
284	279		Policy DM19	*Amend part iii:* iii can demonstrate no significant harm ~~adverse effect~~ on the natural environment including designated sites; and	For consistency with NPPF

Q8.4	**What is meant by 'integrated water management techniques' in the context of Strategic Policy S2 and Policy DM25? Is it clearly set out?**

CCC Response to Q8.4

19. Integrated water management techniques embed multi-functional water assets directly into housing and urban design, combining surface water storage, sustainable drainage systems (SuDS) and water reuse schemes such as rainwater harvesting.

20. Integrated water management techniques are referred to in three policies in the Pre-Submission (Regulation 19) Document **(SD001)**:

- In bullet point three of Strategic Policy S2 **(SD001, page 51, pdf page 51)**. It is also referred to in the Reasoned Justification paragraph 5.9, page 53, pdf page 53 of this policy where it states that '*The Chelmsford Council Water Cycle Study 2024* **(CC003)** *recommends the use of integrated water management techniques to address the challenge of water stress in the Council's administrative area*.'
- In Policy DM18 Part C **(SD001, page 273, pdf page 273)** which requires the use of integrated water management measures such as rainwater/stormwater harvesting
- Policy DM25 **(SD001, page 290, pdf page 290)** also requires the use of integrated water management techniques and refers to rainwater harvesting. Paragraph 9.20 in the Reasoned Justification of Policy DM18 (page 290, pdf page 290) again refers to **CC003**.

21. The Council proposes a modification to paragraph 5.9 in the Reasoned Justification of Strategic Policy S2 for clarity.

Modifications

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
NEW	53		5.9	*Add a sentence to the end of para 5.9:* Essex County Council is working alongside the Council to secure the highest standards required to address climate change and net carbon zero development. The Chelmsford Council Water Cycle Study (February, 2024) recommends the use of integrated water management	For clarity

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				techniques to address the challenge of water stress in the Council's administrative area. Integrated water management techniques embed multi-functional water assets directly into housing and urban design, combining surface water storage, sustainable drainage systems (SuDS) and water reuse schemes such as rainwater harvesting.	

Q8.5	**In Strategic Policy S2 and Policy DM31, are the requirements for all new buildings to be net zero carbon in operation justified by evidence, fully costed, and consistent with national policy?**

CCC Response to Q8.5

22. It is the Council's position that the requirements for all new buildings to be net zero carbon in operation are justified by evidence, fully costed, and consistent with national policy.

23. As set out in the Council's Submission Topic Paper on Climate Change (**TP011**), paragraphs 4.98 – 4.122 (page 28-33, pdf page 29 to 34), the requirement in Policies S2 and DM31 for all new buildings to be net zero in operation is justified by a comprehensive evidence base which includes technical feasibility, costs analysis and legal justification. The evidence has been collaboratively prepared on a Greater Essex geography and has already underpinned net zero carbon policies that have been found sound at two examinations in Essex (Uttlesford Local Plan – ULP, and Tendring Colchester Borders Garden Community Development Plan Document – TCBGCDPD).

24. The Report 1 Essex Net Zero Policy Study – Technical Evidence Base July 2023 (September 2025 update) **(CC005-A)**, as noted in **TP011** at paragraph 4.101, page 29 (pdf page 30), forms a key part of the technical evidence and it found that achieving net zero carbon in operation in new buildings from the point of occupation, in a way that addresses total energy use and aligns with climate targets, is technically feasible at reasonable cost. The cost analysis information provided in

CC005-A at Pages 47 - 50 has been used to inform the Chelmsford Local Plan Viability Update (April 2026) (**V003**).

25. The benefits of the Policy DM31 are outlined in **TP011** at paragraphs 4.92 – 4.97, page 27 to 28 (pdf pages 29 to 29), and also paragraph 4.104 on page 29 (pdf page 30) highlight that by delivering homes and buildings to the standards set out in DM31, they will: help alleviate current and future fuel poverty for residents; be more resilient to a changing climate which benefits the health, comfort and well-being of residents; be more energy efficient; generate more renewable energy; and align with local and national climate targets. Furthermore, in **CC005-A** at Page 9, the benefits of delivering ultra-energy efficient homes and buildings in relation to the energy cost crisis are highlighted. A more energy efficient home will mean that less energy is used which will reduce energy costs, and also a better insulated home means that the indoor temperature is more stable enabling a 'smart' heating system to make the most of flexible dynamic electricity prices, thus reducing costs further. This will ensure residents have lower energy bills and are also more resilient to energy price shocks. Overall homes will be more resilient to a changing climate, be more energy efficient, generate more renewable energy, and align with local and national climate targets.

26. Furthermore, additional wider benefits are delivered to the energy sector, including greater renewable energy generation, and less demand for energy on the local electricity grid and improved energy security (**CC005-A,** Page 9). Also, as noted at paragraph 4.92, page 27 (pdf page 28) of **TP011,** the net zero requirement for new homes and buildings forms an integral part of the most cost effective and energy efficient pathway to net zero by 2050 set out in the Greater Essex Local Area Energy Plan **(CC027)** (December 2025).

27. Consequently, these identified benefits provide further evidence-led justification for the net zero requirement set out in Local Plan policies S2 and DM31 in **SD001**.

28. To assist with local plan viability assessments in Greater Essex and to ensure a consistent, transparent approach to assessing costs of the net zero requirement, **CC005-A** was published on the Essex Design Guide (**PL040)** for all Essex LPAs to use. **CC005-A** includes updated elements that occurred following scrutiny of the original Study, (Report 1 Essex Net Zero Policy Study – Technical Evidence Base July 2023 (**CC005**)), through local plan consultation and examination (ULP and TCBGCDPD). One element that was updated was the cost analysis information, which the Council considers to be very robust.

29. For clarity, the Council confirms that the cost information presented in **CC005-A** covers the capital cost uplift of implementing Requirements 1 to 4 of Policy DM31. Therefore, the Council's position is that the requirement for all homes and buildings to be built to be net zero carbon in operation is fully costed in the evidence base at the time of submission of the Local Plan.

30. With regard to Requirement 5 of Policy DM31, this is excluded from the cost analysis as it is deemed appropriate to do this as there are no additional metering requirements. All solar PV installations as a standard come with an export meter and a generation meter, and all buildings have a smart meter. Regarding the funding of the collection and management of the energy data, it's important to note that this policy requirement is only applicable to large schemes with +100 homes, and only 10% of homes must be monitored, when taken across the whole scheme the costs are assumed to be negligible.

31. As set out in the Council's Submission Topic Paper on Climate Change (**TP011**), paragraph 4.109, the Council's viability consultants have taken account of the costs analysis information initially provided in **CC005** and then updated in **CC005-A.**

32. Overall, the Local Plan viability evidence (**V001, V002, V003**) has made reasonable assumptions based on well-established principles/methodology and appropriate evidence provided by cost consultants, Currie & Brown in **CC005-A**. The Local Plan Viability Updates (**V001, V002, V003**) conclude, on this basis, the plan's strategy and policies are viable and would not undermine delivery over the plan period.

33. To supplement the technical evidence, the Essex Open Legal Advice (**CC004, CC004-A, CC004-B**), sets out the strong legal justification for local plan policies, such as Policy DM31, that require more stringent energy efficiency standards than Building Regulations and hence achieve net zero carbon in operation from the outset. Paragraph 3.9 of the **TP011** summarises the legal position and describes the strong legislative basis (under the duty set out in section 19 (1A) of the Planning and Compulsory Purchase Act (PCPA 2004) and the obligations in the Climate Change Act (CCA 2008)) for policy DM31.

34. **TP011** at paragraphs 4.5 (page 6) to 4.22 (page 9), sets out how national policy has been considered in the Local Plan, and each iteration of the Essex Open Legal Advice **CC004, CC004-A, CC004-B** has confirmed that policies, such as DM31, can be found sound at examination and consistent with national policy. Since then, the situation has become further clarified with the publication of the 2026 NPPF (which also superseded the Written Ministerial Statement (WMS 2023) referred to in **TP011)**. The Essex Open Legal Advice published in September 2026 Essex Open Legal Advice (Consolidated and Re-updated September 2026) (EOLA) (**CC004-C**) provides a consolidation of the earlier iterations of the advice **CC004-A** and **CC004-B** and re-updates the advice in light of the 2026 NPPF and other relevant updates in policy and case law.

35. The **CC004-C** confirms and further strengthens the position in the previous Advice (**CC004-A** and **CC004-B)** and continues to provide strong legal justification for including policies in local plans that mitigate and adapt to climate change, including those which set local energy efficiency standards (such as Policy DM31), and that these are consistent with national policy and statutory obligations. For example, the 2026 EOLA in **CC004-C paragraph 84, Page 35** explains that 2026 NPPF Policy PM13(1)(b)(iii) has not just preserved, but has extended local authorities' ability to

set local energy efficiency standards that go beyond existing and planned Building Regulations in local plan policies, as long as the policies are justified by a robust evidence base (such as that developed for Essex as highlighted in **paragraph 20, Page 13** of the 2026 EOLA **(CC004-C**). In paragraph 2.4 of the 2026 EOLA (**CC004-C)**, it is advised that energy efficiency policies (such as Local Plan policy DM31) address both mitigation and adaptation and are therefore strongly supported in national policy.

36. The 2026 EOLA (**CC004-C)** includes a summary at section 2, pages 1 – 4, which confirms the position of the earlier Advice **CC004-A** and **CC004-B** that policies that set energy efficiency and performance standards beyond Building Regulations, including those that are expressed using alternative metrics, can be found sound at examination and consistent with national policy, where justified by robust evidence. The 2026 EOLA **(CC004-C)**, concludes at paragraphs 152-153, page 59, that:

    152. In light of the above, LPAs should be confident in bringing forward, and Inspectors confident in finding sound, policies which set requirements for energy efficiency and performance standards for development that go beyond the national baseline in Building Regulations, including policies that do not use TER and SAP metrics. LPAs remain under the strong statutory duty in section 19(1A) of the PCPA 2004 to ensure their development plan documents include policies designed to secure that development mitigates and adapts to climate change impacts.

    153. This is amplified by the requirements in the 2026 NPPF that plans must take a proactive approach to mitigating and adapting to climate change and plan making must support the transition to net zero by 2050, including through securing radical reductions in greenhouse gas emissions. Policy PM13(1)(b)(iii) of the 2026 NPPF supports such policies, so long as they are justified by a robust evidence base that addresses cost, viability and deliverability.

37. Policies S2 and DM31 **(SD001)** ensure that all new buildings are delivered to be net zero in operation from the outset and consequently align with the Section 19 (1A) of PCPA 2004 duty to mitigate climate change and support the transition to net zero by 2050 as set out in the CCA 2008. By building to the standards set out in DM31, the buildings will also be more resilient to a changing climate e.g. high temperatures, which supports the comfort, well-being and health of residents and occupiers over the long term. This means that the buildings are also better adapted to climate change impacts, thus further aligning with the Section 19 (1A) duty. National policy in each iteration of the NPPF (2023 NPPF, 2024 NPPF and 2026 NPPF) has progressively amplified the statutory requirements on climate change, and requires Local Planning Authorities (LPAs) in their plans to take a proactive approach to mitigating and adapting to climate change, including securing radical reductions in greenhouse gas emissions and supporting the transition to net zero by 2050 by being in line with the objectives and provisions of the CCA 2008. Policies S2 and DM31 clearly align with this and are therefore wholly consistent with national policy.

38. The updated 2026 EOLA (**CC004-C** Paragraph 2.11, page 4) and paragraph 2.8 of **CC004-A** states: So long as there is a robust evidence base - a reasoned and robustly costed rationale - it is open to examining inspectors, in the exercise of their planning judgment, to determine that policies using these metrics and methods of calculation other than those specified in NPPF 2026 PM13 (1)(b)(iii) or other approved methodologies are sound. Such policies would be consistent with national policy on climate change mitigation, adaption and the net zero obligation. As noted above, the evidence base for Essex is considered *very robust* (para 20 of **CC004-C** and paragraph 14 of **CC004-A**) and this has been further endorsed by Inspectors where the same evidence has already supported similar policies in Essex (ULP and TCBGCDPD) successfully through examination. There is also a robustly costed rationale, see Paragraph 29-31.

39. In conclusion, the Council considers that the requirement for all new buildings to be net zero carbon in operation as set out in Local Plan policies S2 and DM31 is justified by robust technical and legal evidence, which includes cost analysis, and is supported by, and consistent with, national policy.

Q8.6a	**In Policy DM31:** **Is the use of energy use targets, rather than target emission rates, supported by evidence?**

CCC Response to Q8.6a

40. As set out in the Council's Submission Topic Paper on Climate Change **(TP011)** (paragraphs 4.95 and 4.96, page 28) it is the Council's position that the use of energy use targets, rather than target emission rates, is supported by evidence. The use of energy targets is a key component in ensuring that new homes and buildings are net zero carbon in operation from the outset and are built to a robust net zero standard accounting for all of a building's energy use (known as regulated and unregulated energy). The use of energy targets enables the Council to be able to demonstrate, partly through Policy DM31, that it is fulfilling its legal duty and contributing to national statutory climate targets. In addition, the policy also helps contribute to locally set targets which the City Council has committed to through its Climate Emergency declaration and subsequent Action Plan. Setting the energy efficiency standards included in Policy DM31 is consistent with the duties of the Climate Change Act (CCA 2008) and the Planning and Compulsory Purchase Act (PCPA 2004) and aligns with the NPPF.

41. The legal justification for using an energy use target in the policy has been clearly set out in each iteration of the Essex Open Legal Advice (**CC004, CC004-A, CC004-B** refer), including the February 2024 **(CC004)** version which specifically looked at the 2023 NPPF, and the Advice has recently been consolidated and re-updated to take account of the 2026 NPPF and other relevant updates in case law and other

matters. The latest Advice is published as the Essex Open Legal Advice (Consolidated and Re-updated September 2026) (**CC004-C**) and although the Local Plan is being examined against the 2023 NPPF, it is pertinent to refer to this updated 2026 EOLA as it also reflects current national policy and case law and advises that the 2026 NPPF provides further flexibility in the approach that can be taken by Local Planning Authorities (LPAs) in setting policies which use energy metrics.

42. The updated 2026 EOLA (**CC004-C** paragraph 152, page 60) concludes by stating: that LPAs should be confident in bringing forward, and inspectors confident in finding sound, policies which set requirements for energy efficiency and performance standard for development that go beyond the national baseline in Building Regulations, including policies that do not use Target Emission Rate (TER) and Standard Assessment Procedure (SAP) metrics. LPAs remain under the strong statutory duty in section 19 (1A) of the PCPA 2004 to ensure their development plan documents include polices designed to secure that development mitigates and adapts to climate change impacts.

43. The updated 2026 EOLA (**CC004-C** Paragraph 2.11, page 4) states: So long as there is a robust evidence base - a reasoned and robustly costed rationale - it is open to examining inspectors, in the exercise of their planning judgment, to determine that policies using these metrics and methods of calculation other than those specified in NPPF 2026 PM13 (1)(b)(iii) or other approved methodologies are sound. Such policies would be consistent with national policy on climate change mitigation, adaption and the net zero obligation.

44. The Essex evidence base, particularly Report 1 Essex Net Zero Policy Study – Technical Evidence Base July 2023 (September 2025 update) **(CC005-A)**, underpins the Chelmsford Local Plan evidence, and is considered to be '*very robust*' in the updated 2026 EOLA (**CC004-C** Paragraph 20, page 13), and hence justifies the approach taken in Policy DM31. This robustness of the evidence base was also considered important by the Inspector examining the Tendring Colchester Borders Garden Community Development Plan Document (TCBGC DPD) as noted in Paragraph 126, page 51 of updated 2026 EOLA **(CC004-C)**.

45. The reasoning behind not using the target emission rate (TER) in Policy DM31 is because the TER metric does not deliver the best outcome for residents and communities and it is not measurable, verifiable in use, or comparable between buildings. It is also not a measure of energy efficiency; it measures carbon emissions rather than energy use (kWh) and changes over time depending on carbon factor of the electricity grid.

46. Firstly, it is important to note that buildings in Chelmsford will be required to meet Building Regulations, which uses the TER metric. Building regulations are *minimum* standards and the Local Plan seeks to go beyond this – accordingly the Local Plan uses a different, but complementary metric.

47. In Building Regulations, a 'notional building' is generated by a computer model that has the same shape as the 'actual building' being developed. The building regulations 'notional specification' is applied by the computer model based on building fabric and heating, hot water and lighting system etc. A computer model is also generated to represent the 'actual building' being developed. A policy based on % reduction from TER means that the carbon emissions from the 'actual building' must be a certain percentage lower than the 'notional building' regulations compliance building.

48. The energy use metric used in Policy DM31 equals the amount of total energy needed to run a building over a year and is divided by gross internal floor area to get a per square metre figure (which enables comparisons to be made between buildings). It is described as 'energy use intensity' (EUI) and expressed as kWh/m^2/year. The approach of setting an EUI limit is justified and effective because the EUI is a predictable, measurable and verifiable approach to ensuring new homes and buildings are designed to achieve the energy efficiency levels necessary to be net zero carbon in operation from the outset and to be able to technically achieve operational energy balance (where renewable energy generation matches demand over the course of a year). It also, however, leaves sufficient flexibility and design freedom to designers so they can achieve those standards in whatever way they consider most suitable given the local site-specific circumstances and unique purpose of each development.

49. The EUI also takes account of total building related energy consumption, not just the portion 'regulated' – often 50%[1] – by Building Regulations. The energy performance gap is kept to a minimum because the EUI can be accurately predicted at design stage and measured in-use. Using an EUI approach means a focus on minimising energy use in the first place which is much better for residents as it reduces energy running costs, as well as reducing pressure on the electricity grid and mitigating climate change. It therefore can be used to deliver truly net zero carbon and energy homes and buildings which LPAs can be confident align with climate and energy targets.

50. An energy use metric is a much more helpful metric to understand energy efficiency as:

    a. It is a simple metric that is easy to understand by the developer, design team, contractor, residents and those managing housing/building asset portfolios.
    b. It includes all energy uses.
    c. It can be used as a proxy for energy costs and can easily be translated into energy costs, a key consideration for the local authorities.

[1] Page 85 in 'Making SAP and RdSAP 11 fit for Net Zero' available at https://etude.co.uk/how-we-work/the-future-of-sap calculations/

d. Performance of the buildings can be checked in use - it can be directly derived from utility meters, or energy bills. This means that the outcomes of the policy can be monitored once the buildings are built and occupied.
e. It does not rely on 'system' conversion factors (such as carbon factors) which will change over time and may not be consistent.
f. It includes the impact of the building form, a key factor in energy efficiency.
g. At the design stage, predictive energy modelling is used to estimate the EUI which helps inform the design team on how to reduce energy use, thus giving the design team the ability to consider options to reduce the energy and carbon emissions of the building.

51. Furthermore, the target emission rate method:
    h. uses assumed carbon factors to convert energy use to carbon emissions; these are based on the average carbon emissions from the electricity grid. This means that as the electricity grid decarbonises this will dilute differences in energy efficiency performance between the 'notional' and 'actual' building making it harder to compare and understand performance;
    i. aggregates the influence of building fabric and ventilation specifications as well as the heating system and Solar PVs. Therefore, one parameter may compensate for another, e.g. poor energy efficiency can be compensated by a large PV array.

52. Achieving the EUI means that high quality building fabric standards are necessary which in turn ensure ventilation is incorporated which helps to deliver improved indoor air quality and climate resilience, for example, to rising temperatures. This positively benefits the health, comfort and well-being of future residents and occupiers, and so adds further justification to the Policy approach.

53. In addition, the Essex evidence – particularly the Essex Net Zero Policy Study **(CC005-A and CC006-A)** provides specific robust evidence for the justification and effectiveness of using an EUI limits requirement approach in Policy DM31, and also for the specific EUI limits set in the Policy. These limits are demonstrated through the Study **CC005-A** to be technically feasible at reasonable cost.

54. Modifications (**MOD Ref 302**) on page 79 in (**SD005**) Schedule of Proposed Modifications are required to reflect changes to the Essex-wide 'model' policy following local plan examination at Uttlesford and to reflect updates to the evidence and latest available information. The modifications are required to ensure the effectiveness of the policy.

55. Essex Planning Officers Association (EPOA), through the Essex Design Guide **PL041** (EDG), is building up a resource to assist LPAs and the development industry to smoothly transition into the delivery of new homes built to the EUI standards set in Policy DM31. For example, a Standard Assessment Procedure (SAP) conversion tool has been developed, called the 'Essex Energy Tool (SAP Conversion)'. This tool enables developers that have not yet invested in predictive energy modelling software such as Passivhaus Planning Package (PHPP) to insert their SAP outputs

into the tool, and simply calculate whether policy compliance is achieved or not. The 'tool' is available on the Essex Design Guide policy implementation page (**CC015**). A similar tool has been used to aid policy implementation in Cornwall and Bath and North East Somerset. A further addition to the Essex evidence base on the EDG in July 2024 (and which was updated in September 2025) was the Net Zero Specification Guidance and Supporting Information (**CC020-A** and **CC020-B**). This provides technical information to support the delivery of net zero homes. Outline packaged solutions that meet the requirements, including the EUI limits, as per those set out in policy DM31 are presented.

56. It is important to note that there is no 'conflict' between the use of EUI and TER. The latter is a Building Regulations metric, but the former underpins performance in the latter as well.

57. EUIs are being consistently used as an alternative to percentage % reduction TER by local authorities and developers across the country.

    a. For example in: Cornwall (adopted climate emergency development plan 2023), Central Lincolnshire (adopted local plan 2023), Bath & North East Somerset (Partial Local Plan update 2023), Kensington and Chelsea new local plan review (adopted 2024), Merton Local Plan (adopted 2024), Greater Manchester Combined Authority Places for Everyone Joint Development Plan (adopted 2024), Tendring Colchester Borders Garden Community DPD (adopted 2025), Salt Cross AAP (adopted 2026), Uttlesford Local Plan (adopted 2026) and Winchester Local Plan (adopted 2026). These local plans have been found sound by planning inspectors.
    b. More than 20 local authority areas are currently pursuing energy metrics in draft/ emerging local plans; and
    c. London where the Greater London Authority requires that EUI is reported in planning applications intends to increase this requirement to introduce energy limits, this is currently proposed in the draft London Plan (2026) that is currently in consultation.
    d. There is broad industry alignment on using EUI as a metric, demonstrated by the release of the UK Net Zero Carbon Buildings Standard (NZCBS) in March 2026 (following a pilot version released in 2024). It is the UK's first cross-industry NZCBS that brings together Net-Zero Carbon requirements for all major building types, based on a 1.5°C trajectory, and in line with UK climate targets. The Standard is a joint initiative between BBP, BRE, the Carbon Trust, CIBSE, IStructE, LETI, RIBA, RICS, UKGBC, PIA, RIAS and ICE.
    e. It is also likely that EUI will become used in future Energy Performance Certificates (EPCs):
        i. Use of Energy Use Intensity in kWh/m².yr would be consistent with the recommendations of the Climate Change Committee for the reform of EPCs.
        ii. In December 2024 the government released a consultation on reforms to the energy performance of buildings regime. Delivered energy

(which is the same as EUI) was put forward as a potential metric in revised EPCs.

f. Furthermore, government departments are using an EUI limit as part of their briefs and guidance, including: Department for Education; Ministry of Justice; Government Property Agency; and a bespoke EUI target is developed depending on the use of the building in the NHS Net Zero Carbon Standard.

58. In conclusion, it is the Council's position that the use of energy use targets, rather than target emission rates, in Policy DM31 is justified, effective and supported by robust evidence. The evidence base, in particular the Essex Net Zero Policy Study **CC005-A and CC006-A**, demonstrates that energy use targets are technically feasible at reasonable cost, with implementation tools and guidance already in place to support delivery. Energy use targets are a predictable, measurable and verifiable metric that complements, rather than conflicts with, Building Regulations, and its use is well established in local plans found sound elsewhere and across the industry. The Essex Open Legal Advice (**CC004-A**) (Paragraph 145, Page 51) and the updated 2026 EOLA (**CC004-C** paragraph 117, page 47) confirms that, where supported by a robust evidence base, policies using metrics other than those specified in national policy (either the former Written Ministerial Statement - Local Energy Efficiency Standards 13th December 2023 or the 2026 NPPF) are capable of being found sound and consistent with national policy.

59. The Council therefore considers that the use of energy use targets, rather than target emission rates in Policy DM31 is supported by evidence to demonstrate that it is sound in this respect, subject to **MOD Ref 302** which is required to ensure the policy is effective.

Modifications

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
302	292		Policy DM31	*Amend policy:* POLICY DM31 – OPERATIONAL ENERGY AND CARBON (NET ZERO) IN HOMES AND BUILDINGS ~~CARBON DEVELOPMENT (IN OPERATION)~~ A) New build development (residential and non-residential) All new buildings must be designed and built to be Net Zero Energy and Carbon ~~and Net Zero Energy~~ in operation. They must be ultra-low energy buildings, fossil fuel free, and generate renewable energy on-site to at least match predicted annual energy use. All new buildings (1 dwelling and above for residential; 100m^2 floorspace and above for non-residential) are required to comply with Requirements 1 to 5 as set out below: Requirement 1: Space heating demand limits i Residential buildings (apart from 1 storey bungalows) and non-residential buildings must achieve a space heating demand of 15 kWh/m^2 GIA (gross internal floor area)/year or less ii Bungalows must achieve a space heating demand of 20 kWh/m^2 GIA/year or less. Requirement 2: Fossil fuel free i No new buildings shall be connected to the gas grid; and	To ensure the policy is effective and reflects changes to the Essex wide policy following Uttlesford Examination and updates to latest available information.

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				ii Fossil fuels must not be used on-site to provide space heating, domestic hot water or cooking. Requirement 3: Energy Use Intensity (EUI) limits i Residential buildings (Use Class C3 and C4) must achieve an Energy Use Intensity (EUI) of no more than 35 kWh/m^2 GIA/year ii On larger sites in exceptional circumstances this may be met on each individual phase as a site-wide residential average (weighted by floor area) provided that no single dwelling has an EUI greater than 45 kWh/m^2 GIA/yr. iii The following non-residential buildings must achieve an Energy Use Intensity (EUI) of no more than the following (where technically feasible) by building type or nearest equivalent: • Offices 70 kWh/m^2 GIA/year • Schools - 65 kWh/m^2 GIA/year • Light Industrial 35 kWh/m^2 GIA/year iv~~ii~~ For other residential and non-residential buildings, that are not covered by (i) and (iii) above, applicants should report their energy use intensity but are not required to comply with a certain limit. Requirement 4: On-site renewable energy generation Renewable energy must be generated on-site for all new developments by ~~whichever of the following results in the greater amount of~~ roof top solar PV energy (electricity) generation~~:~~ and the ~~i The~~ amount of energy generated in a year should match or exceed the predicted annual energy use of the building, i.e. renewable energy generation (kWh/m^2/year) = or > predicted annual energy use (kWh/m^2/year)*; ~~or~~	

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				~~ii The amount of energy generated in a year is:~~ ~~• at least 80 kWh/m^2 building footprint per year* for all building types; and~~ ~~• at least 120 kWh/m^2 building footprint per year* for industrial buildings.~~ *For development proposals where it is demonstrated to the satisfaction of the Local Planning Authority that meeting Requirement 4 is not technically feasible then renewable energy generation on-site should be maximised and the residual amount of renewable energy generation (equivalent to the shortfall in meeting the annual energy use of the building in kWh/year) must be offset by a financial contribution (to cover the administration, purchasing and installation of a solar PV renewable energy (electricity) system elsewhere in the plan area or County, which is able to generate a similar amount of energy) and be paid into the Council's offset fund. The offset price is set at £1.82 ~~1.35~~ per kWh or the most recent updated version published on the Essex Design Guide[2] and the contribution shall be calculated at the time of planning application determination. Requirement 5: As-built performance confirmation and in-use monitoring i All developments must submit as-built performance information at completion and prior to occupation; and ii In-use energy monitoring is required on a minimum of 10% of dwellings for development proposals of 100 dwellings or more, for the first 5 years of operation.	

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				Alternative routes to meeting policy requirements Proposals that are built and certified to the Passivhaus Classic or higher Passivhaus standard are deemed to have met Requirements 1 and 3. Requirements 2, 4 and 5 must also be met to achieve policy compliance. <u>Minor residential development proposals (less than 10 dwellings) that are designed and built to the fabric and systems specifications (the 'minimum standards approach') set out in Table 7 (or successor) are deemed to have met Requirements 1 and 3. Requirements 2, 4 and 5a must also be met to achieve policy compliance.</u> B) Extensions and Conversions Applications for residential extensions and conversions affecting existing buildings (but excluding Listed Buildings) are encouraged to meet the minimum standards approach fabric specifications set out in Table 7 and maximise renewable energy generation technology where practical and feasible. [1] ~~https://www.essexdesignguide.co.uk/climate-change/essex-net-zero-evidence/~~ https://www.essexdesignguide.co.uk/media/3171/essex-energy-offsetting-tariff-report-sept-2025.pdf	

Q8.6b	**In Policy DM31:** **Are the requirements for different types and scales of development proportionate? Are they clearly set out?**

CCC Response to Q8.6b

60. It is the Council's position that the requirements for different types and scales of development are proportionate. The policy clearly states that requirements 1-5 are to be met for all new buildings (1 dwelling and above for residential; 100m2 floorspace and above for non-residential). The modifications proposed in (**SD005**) Schedule of Proposed Modifications **MOD Ref 302** on page 79, include an alternative route to compliance for Requirements 1 and 3 (minimum standards approach fabric specifications), that is more proportionate to smaller schemes. The modifications also bring additional flexibility into the policy for larger sites to be able to meet the EUI limit as a 'site-wide residential average. This is explained further in the Council's Submission Topic Paper on Climate Change (**TP011**) at paragraph 4.116, page 32.

61. For major development proposals (10 or more homes) predictive energy modelling should be used, however to support the transition of small / medium developers who may have not yet invested in predictive energy modelling software, the Essex Energy Tool has been developed as an interim measure which can be used for development proposals of under 100 dwellings. This tool can accommodate the outputs of the Building Regulations compliance software (known as SAP – Standard Assessment Procedure) and turn them into an appropriate format to indicate whether compliance with the policy requirements has been achieved. The Tool is available to download on the Essex Design Guide (**PL041**). The proposed amendment to modification **MOD ref 322** makes it clear that this route can be used on developments of under 100 dwellings.

62. Applications for residential extensions and conversions affecting existing buildings (but excluding Listed Buildings) are encouraged to meet the minimum standards approach fabric specifications and maximise renewable energy generation technology where practical and feasible.

63. In addition to this, Requirement 5ii (in-use energy monitoring) is only applicable to development proposals of 100 or more dwellings.

64. Within the supporting text there is clarification on which use classes are deemed residential and non-residential for the purpose of the policy.

65. It is the Council's position that the requirements for different types and scales of development are clearly set out in the policy with further information set out in the supporting text.

66. In conclusion, the Council considers that the requirements of Policy DM31 for different types and scales of development are proportionate and clearly set out. The policy defines the thresholds at which Requirements 1–5 apply to new residential and non-residential buildings, and Schedule of Proposed Modifications **MOD Ref 302 (SD005)** introduces an alternative minimum standards route to compliance for Requirements 1 and 3, which is more proportionate for smaller schemes. An amendment to **MOD Ref 322** would clarify the Essex energy tool can be used as an interim measure for developments under 100 dwellings**.** There are less stringent requirements for extensions and conversions of existing buildings. The Council therefore considers that Policy DM31 is sound in this respect, subject to **MOD Ref 302** and **AMEND MOD Ref 322.**

Modifications

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
302	292		Policy DM31	*Amend policy:* POLICY DM31 – OPERATIONAL ENERGY AND CARBON (NET ZERO) IN HOMES AND BUILDINGS ~~CARBON DEVELOPMENT (IN OPERATION)~~ A) New build development (residential and non-residential) All new buildings must be designed and built to be Net Zero Energy and Carbon ~~and Net Zero Energy~~ in operation. They must be ultra-low energy buildings, fossil fuel free, and generate renewable energy on-site to at least match predicted annual energy use. All new buildings (1 dwelling and above for residential; 100m^2 floorspace and above for non-residential) are required to comply with Requirements 1 to 5 as set out below: Requirement 1: Space heating demand limits i Residential buildings (apart from 1 storey bungalows) and non-residential buildings must achieve a space heating demand of 15 kWh/m^2 GIA (gross internal floor area)/year or less ii Bungalows must achieve a space heating demand of 20 kWh/m^2 GIA/year or less. Requirement 2: Fossil fuel free i No new buildings shall be connected to the gas grid; and	To ensure the policy is effective and reflects changes to the Essex wide policy following Uttlesford Examination and updates to latest available information.

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				ii Fossil fuels must not be used on-site to provide space heating, domestic hot water or cooking. Requirement 3: Energy Use Intensity (EUI) limits i Residential buildings (Use Class C3 and C4) must achieve an Energy Use Intensity (EUI) of no more than 35 kWh/m^2 GIA/year ii On larger sites in exceptional circumstances this may be met on each individual phase as a site-wide residential average (weighted by floor area) provided that no single dwelling has an EUI greater than 45 kWh/m^2 GIA/yr. iii The following non-residential buildings must achieve an Energy Use Intensity (EUI) of no more than the following (where technically feasible) by building type or nearest equivalent: • Offices 70 kWh/m^2 GIA/year • Schools - 65 kWh/m^2 GIA/year • Light Industrial 35 kWh/m^2 GIA/year iv~~ii~~ For other residential and non-residential buildings, that are not covered by (i) and (iii) above, applicants should report their energy use intensity but are not required to comply with a certain limit. Requirement 4: On-site renewable energy generation Renewable energy must be generated on-site for all new developments by ~~whichever of the following results in the greater amount of~~ roof top solar PV energy (electricity) generation~~:~~ and the ~~i The~~ amount of energy generated in a year should match or exceed the predicted annual energy use of the building, i.e. renewable energy	

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				generation (kWh/m^2/year) = or > predicted annual energy use (kWh/m^2/year)*; ~~or~~ ~~ii The amount of energy generated in a year is:~~ • ~~at least 80 kWh/m^2 building footprint per year* for all building types; and~~ • ~~at least 120 kWh/m^2 building footprint per year* for industrial buildings.~~ *For development proposals where it is demonstrated to the satisfaction of the Local Planning Authority that meeting Requirement 4 is not technically feasible then renewable energy generation on-site should be maximised and the residual amount of renewable energy generation (equivalent to the shortfall in meeting the annual energy use of the building in kWh/year) must be offset by a financial contribution (to cover the administration, purchasing and installation of a solar PV renewable energy (electricity) system elsewhere in the plan area or County, which is able to generate a similar amount of energy) and be paid into the Council's offset fund. The offset price is set at £1.82 ~~1.35~~ per kWh or the most recent updated version published on the Essex Design Guide[3] and the contribution shall be calculated at the time of planning application determination. Requirement 5: As-built performance confirmation and in-use monitoring	

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				i All developments must submit as-built performance information at completion and prior to occupation; and ii In-use energy monitoring is required on a minimum of 10% of dwellings for development proposals of 100 dwellings or more, for the first 5 years of operation. Alternative routes to meeting policy requirements Proposals that are built and certified to the Passivhaus Classic or higher Passivhaus standard are deemed to have met Requirements 1 and 3. Requirements 2, 4 and 5 must also be met to achieve policy compliance. Minor residential development proposals (less than 10 dwellings) that are designed and built to the fabric and systems specifications (the 'minimum standards approach') set out in Table 7 (or successor) are deemed to have met Requirements 1 and 3. Requirements 2, 4 and 5a must also be met to achieve policy compliance. B) Extensions and Conversions Applications for residential extensions and conversions affecting existing buildings (but excluding Listed Buildings) are encouraged to meet the minimum standards approach fabric specifications set out in Table 7 and maximise renewable energy generation technology where practical and feasible. [1] ~~https://www.essexdesignguide.co.uk/climate-change/essex-net-zero-evidence/~~ https://www.essexdesignguide.co.uk/media/3171/essex-energy-offsetting-tariff-report-sept-2025.pdf	

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
AMEND MOD 322	299		Policy DM31 Paragraph 9.65	*Amend paragraph:* To support the transition of small / medium developers who may have not yet invested in predictive energy modelling software, the Essex Energy Tool ~~(SAP Conversion)~~ has been developed as an interim measure <u>for development proposals of under 100 dwellings</u>. This tool can accommodate the outputs of the Building Regulations compliance software (known as SAP – Standard Assessment Procedure) and turn them into an appropriate format to indicate whether compliance with the policy requirements It <u>is</u> ~~will be~~ available to download from the Essex Design Guide (EDG).	To ensure the policy is effective

Q8.6c	**In Policy DM31:** **In relation to Requirement 4 of Policy DM31, what is the basis for limiting on-site renewable energy generation to roof top solar PV energy? Should the policy provide greater flexibility to allow for other forms of renewable energy generation?**

CCC Response to Q8.6c

67. It is the Council's position that Requirement 4 of Policy DM31 is pragmatic, realistic and justified by robust evidence and that there is no need for greater flexibility to be added to the policy as this is not justified or evidence-led.

68. The only appropriate type of renewable energy generation is the generation of renewable electricity as this provides the electricity to power the development. The only available commercial, at-scale technologies that are technically feasible in Essex are wind turbines and solar PV. (Hydro, tidal and wave are other forms of renewable electricity generation, but these are not deemed relevant or appropriate). At the moment there are no convincing, reliable, cost effective, at scale, building mounted wind turbines, or wind turbines that work effectively very close to buildings. It is not intended that the installation of renewable generation is a testbed for new technology, thus it is appropriate that the policy should not provide flexibility to allow other forms of renewable electricity generation.

69. Other forms of technology that are sometimes labelled as renewable energy are solar thermal and heat pumps. These technologies reduce the energy consumption of hot water generation, rather than produce renewable electricity, and thus are not suitable to fulfil Requirement 4.

70. It is appropriate for Solar PV to be mounted on buildings, rather than on the ground as this displaces other uses such as agriculture or amenity. Unused roofs represent an opportunity that should be maximised.

71. Roof mounted solar PV is cost effective, however Solar PV could also be installed on building facades and canopies, and the Council would accept and recognise this. However, it is assumed that in most cases applicants will choose to install roof top Solar PV. The technical evidence (mainly **CC005-A**) that underpins this policy uses roof top solar PV only, as it's the most cost-effective and most common option.

72. If there are other technologies that are more suitable in future then this can be addressed if needed through the 5 year review of the Local Plan. It is important that the policy is evidence-led, justified and technically feasible to achieve at reasonable cost, and at present that means that roof-top Solar PV panels are part of the policy approach.

73. The Council considers limiting on-site renewable energy generation to roof-top solar PV energy is sound as there are no current cost effective relevant alternatives to generating renewable electricity.

Q8.6d	**In Policy DM31:** **In cases where on-site energy is impractical, is the approach to offsetting via a financial contribution reasonable and supported by evidence?**

CCC Response to Q8.6d

74. It is the Council's position that offsetting via a financial contribution is reasonable and supported by evidence in cases where fulfilling the entire renewable energy requirement on-site is impractical.

75. Solar PV is the most appropriate and cost effective source of renewable electricity generation for developments in Essex. To allow flexibility for circumstances where it is not technically feasible for development proposals to meet "Requirement 4: On-site renewable energy generation", the policy includes an offsetting mechanism. This is only acceptable as a last resort to meeting Net Zero in operation, where the applicant has proved that energy efficiency measures have been prioritised, and on-site renewable energy generation has been maximised. In this case, a financial payment secured through planning obligations will be required. The payment will be used to fund additional renewable energy generation capacity elsewhere in the plan area or County, for example it will be used to provide roof top solar PV installations by eligible applicants, for example, on public amenity buildings.

76. The energy offsetting price has been based on the deployment of medium sized PV arrays (10-50 kW), as this size is considered the most suitable for installation on public buildings and blocks of flats. The projected costs include the annual PV installation cost based on the most recent government solar photovoltaic (PV) cost data, and other maintenance and admin costs. See the Update Report - Essex Energy Offsetting Tariff (September 2025) (page 10, **CC005-B)** for more details. A modification **MOD Ref 302 (SD005)** is proposed that updates the price of the energy offset tariff, and modification **MOD Ref 316 (SD005)** similarly updates paragraph 9.52, page 297 of the Local Plan. The costs are based on the median price of solar PV panels. This means that costs of offsets can achieve the residual renewable energy generation, such that the development is net zero energy and carbon in operation. The policy means that the price that is paid by the developer is proportionate and fair (If it is technically not feasible to fit the required number of solar PV panels on the roof of the development, it is fair that the developer should pay for these solar PV panels to be installed elsewhere).

77. In conclusion, the Council considers that the approach to offsetting via a financial contribution in Policy DM31 is reasonable and supported by evidence. Offsetting is available only as a last resort, where the applicant has demonstrated that energy efficiency has been prioritised and on-site renewable energy generation has been maximised, and it provides necessary flexibility for developments, such as taller blocks of flats, that cannot technically meet Requirement 4 on-site, to achieve policy compliance. The offset price is based on the cost of delivering equivalent solar PV generation elsewhere, as set out in the Essex Energy Offsetting Tariff update report (**CC005-B**), so the contribution is proportionate and fair while still ensuring the development achieves net zero carbon in operation. The Council therefore considers that Policy DM31 is sound in this respect subject to **MOD Ref 302 and MOD Ref 316.**

Modifications

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
302	292		Policy DM31	*Amend policy:* POLICY DM31 – OPERATIONAL ENERGY AND CARBON (NET ZERO) IN HOMES AND BUILDINGS ~~CARBON DEVELOPMENT (IN OPERATION)~~ A) New build development (residential and non-residential) All new buildings must be designed and built to be Net Zero Energy and Carbon ~~and Net Zero Energy~~ in operation. They must be ultra-low energy buildings, fossil fuel free, and generate renewable energy on-site to at least match predicted annual energy use. All new buildings (1 dwelling and above for residential; 100m^2 floorspace and above for non-residential) are required to comply with Requirements 1 to 5 as set out below: Requirement 1: Space heating demand limits i Residential buildings (apart from 1 storey bungalows) and non-residential buildings must achieve a space heating demand of 15 kWh/m^2 GIA (gross internal floor area)/year or less ii Bungalows must achieve a space heating demand of 20 kWh/m^2 GIA/year or less. Requirement 2: Fossil fuel free i No new buildings shall be connected to the gas grid; and	To ensure the policy is effective and reflects changes to the Essex wide policy following Uttlesford Examination and updates to latest available information.

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				ii Fossil fuels must not be used on-site to provide space heating, domestic hot water or cooking. Requirement 3: Energy Use Intensity (EUI) limits i Residential buildings (Use Class C3 and C4) must achieve an Energy Use Intensity (EUI) of no more than 35 kWh/m^2 GIA/year ii On larger sites in exceptional circumstances this may be met on each individual phase as a site-wide residential average (weighted by floor area) provided that no single dwelling has an EUI greater than 45 kWh/m^2 GIA/yr. iii The following non-residential buildings must achieve an Energy Use Intensity (EUI) of no more than the following (where technically feasible) by building type or nearest equivalent: • Offices 70 kWh/m^2 GIA/year • Schools - 65 kWh/m^2 GIA/year • Light Industrial 35 kWh/m^2 GIA/year iv~~ii~~ For other residential and non-residential buildings, that are not covered by (i) and (iii) above, applicants should report their energy use intensity but are not required to comply with a certain limit. Requirement 4: On-site renewable energy generation Renewable energy must be generated on-site for all new developments by ~~whichever of the following results in the greater amount of~~ roof top solar PV energy (electricity) generation~~:~~ and the ~~i The~~ amount of energy generated in a year should match or exceed the predicted annual energy use of the building, i.e. renewable energy	

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				generation (kWh/m^2/year) = or > predicted annual energy use (kWh/m^2/year)*; ~~or~~ ~~ii The amount of energy generated in a year is:~~ • ~~at least 80 kWh/m^2 building footprint per year* for all building types; and~~ • ~~at least 120 kWh/m^2 building footprint per year* for industrial buildings.~~ *For development proposals where it is demonstrated to the satisfaction of the Local Planning Authority that meeting Requirement 4 is not technically feasible then renewable energy generation on-site should be maximised and the residual amount of renewable energy generation (equivalent to the shortfall in meeting the annual energy use of the building in kWh/year) must be offset by a financial contribution (to cover the administration, purchasing and installation of a solar PV renewable energy (electricity) system elsewhere in the plan area or County, which is able to generate a similar amount of energy) and be paid into the Council's offset fund. The offset price is set at £1.82 ~~1.35~~ per kWh or the most recent updated version published on the Essex Design Guide[4] and the contribution shall be calculated at the time of planning application determination. Requirement 5: As-built performance confirmation and in-use monitoring	

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				i All developments must submit as-built performance information at completion and prior to occupation; and ii In-use energy monitoring is required on a minimum of 10% of dwellings for development proposals of 100 dwellings or more, for the first 5 years of operation. Alternative routes to meeting policy requirements Proposals that are built and certified to the Passivhaus Classic or higher Passivhaus standard are deemed to have met Requirements 1 and 3. Requirements 2, 4 and 5 must also be met to achieve policy compliance. Minor residential development proposals (less than 10 dwellings) that are designed and built to the fabric and systems specifications (the 'minimum standards approach') set out in Table 7 (or successor) are deemed to have met Requirements 1 and 3. Requirements 2, 4 and 5a must also be met to achieve policy compliance. B) Extensions and Conversions Applications for residential extensions and conversions affecting existing buildings (but excluding Listed Buildings) are encouraged to meet the minimum standards approach fabric specifications set out in Table 7 and maximise renewable energy generation technology where practical and feasible. [1] ~~https://www.essexdesignguide.co.uk/climate-change/essex-net-zero-evidence/~~ https://www.essexdesignguide.co.uk/media/3171/essex-energy-offsetting-tariff-report-sept-2025.pdf	

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
316	297		Policy DM31 Paragraph 9.52	*Amend paragraph:* The offset mechanism is expressed as a renewable energy offset and the price is set in £/kWh, which will be reviewed at least every 3 years and updated for Essex. The price (as of September 2025 ~~July 2023~~) is set at £1.82 ~~£1.35~~ per kWh ~~(published in the Report 1: Essex Net Zero Policy – Technical Evidence Base, July 2023)~~ and has been calculated using a robust methodology based on the cost of providing roof top solar PV in Essex and incorporating an allowance for maintenance and administration. The calculation of the contribution required will be made at the point a planning application is determined using the most up to date offset price (£/kWh) for Essex (and published on the Essex Design Guide[3]). [3] https://www.essexdesignguide.co.uk/climate-change/essex-energy-carbon-evidence/	To ensure the policy is effective and to reflect latest available information

Q8.6e	**In Policy DM31:** **Are the requirements for reporting and monitoring clear and proportionate?**

CCC Response to Q8.6e

78. It is the Council's position that requirements for developers for reporting and monitoring are clear, proportionate, justified and effective.

79. To demonstrate policy compliance, all development proposals should submit an energy assessment, which for major development proposals would be in the form of an Energy Strategy and for minor development proposals a reporting spreadsheet or later update (available on the Essex Design Guide Implementation page (**CC015**) would be sufficient. The energy assessment information should demonstrate at the planning application stage that the development is designed to meet Requirements 1 to 4 of the policy. Minimum information requirements to include are set out in Report 2 Essex Net Zero Policy Study – Summary of Policy, Evidence and Validation Requirements July 2023 (September 2025 update) **(CC006-A),** and specific applicant submission guidance is under preparation and will be available on the Essex Design Guide (a similar piece has already been prepared to support Uttlesford Local Plan policy implementation).

80. At completion stage, prior to occupation, requirement 5 of the policy clearly sets out that all developments must submit as-built performance information. For development proposals of 100 dwellings or more, in-use energy monitoring is required on a minimum of 10% of dwellings for the first 5 years of operation.

81. The as-built stage performance indicators (required to be submitted at completion, prior to occupation) are set out clearly in Table 6, as well as a clarification that Minor applications following the "minimum standards approach" (without an energy model), do not have to report their space heat demand, energy use intensity and offset contribution at as-built stage. Applications instead need to re-confirm the specifications to which the development has been built.

82. DM31 is in alignment with the requirement for post-completion monitoring for residential development set out in the Essex 'model' policy which is based on the recommendations of the Report 1 Essex Net Zero Policy Study – Technical Evidence Base July 2023 (September 2025 update) (**CC005-A**). On page 35, **CC005-A** explains that '*in order for the net zero carbon buildings policy to be effective, it is important that new buildings deliver to their intended performance'.* A focus on the design stage is recommended (hence the recommended use of predictive energy modelling software at design stage), but verification in use is also important. This is not just to demonstrate the building has been built as it was designed but also to aid the improvement in learning, skills and knowledge of the developer and wider construction sector.

83. It is good practice for developers to monitor and verify that their new homes and buildings are operating to the energy performance level they were designed to, and it is commonly done by leading developers to help aid continuous learning and improvement on the delivery of net zero buildings. The information can also help understand residents' and occupiers' experience of how their home / building operates, which can then be used to improve handover packs and training.

84. **CC006-A** includes a 'net zero evidence checklist' which indicates what should be provided (as a minimum) at each stage of the planning process, including in Appendix D relating to in-use monitoring, which is implemented in the supporting text of the policy. The in-use monitoring can be highly effective because the Policy uses EUI limits (expressed as kWh/m2/year) and the EUI can easily be calculated by working out the energy used in a year (measured through meter readings) divided by the floor area of the house/building. The EUI can be accurately predicted at the design stage, measured in use and verified. It can also be used to compare buildings as well. All of which helps with developing good techniques and practices to successfully achieve net zero homes and buildings.

85. In addition, the Essex Planning Officers Association is building up a resource on the Essex Design Guide (**CC015**) which will help support Essex local authorities. This will shortly be updated to include a single energy and carbon pro-forma (to replace the suite of Essex Energy Reporting spreadsheets) and an applicant submission guide, which will simplify and streamline reporting requirements.

86. In conclusion, the Council considers that the reporting and monitoring requirements for developers in Policy DM31 are clear and proportionate. As-built reporting is clearly set out in Table 6, with a lighter requirement for minor applications, and in-use monitoring applies only to schemes of 100 or more dwellings. The Council therefore considers that Policy DM31 is sound in this respect without further modifications.

87. The Local Plan at Paragraph 9.74, page 301 explains that guidance will be published via the Essex Design Guide (**CC015**) to support LPAs with the implementation of this policy in Greater Essex, It will include simple proformas and templates for applicants to use when submitting their energy information. Officer guidance for internal use will also be produced (and has already been completed to support Uttlesford Local Plan policy implementation). The guidance will help ensure that meeting the requirements of the policy is demonstrated efficiently, effectively and consistently. The Built Environment Planning Unit at ECC is available as a consultee to provide support with implementing the policy. Arrangements for monitoring compliance of permissions granted will also be published, to give confidence that new homes and other buildings are built to the standards granted consent. It is proposed that **MOD Ref 325 (SD005)** is amended to clarify and update this information.

88. As a minimum, the following indicators (which are reflected in the Monitoring Framework in Section 10 of the Local Plan) will be monitored by the Council on new development proposals:

- Space Heating Demand – has the limit been met? (Policy Requirement 1)
- Fossil fuel – is the development fossil fuel free? (Policy Requirement 2)
- Energy Use Intensity – has the limit been met? (Policy Requirement 3)
- Renewable energy generation – is it maximised? And does it at least match predicted annual energy demand? (Policy Requirement 4)
- Renewable energy offsetting mechanism – is this being used to achieve policy compliance? And has this been justifiably triggered?
- In-use energy monitoring – is this being carried out? What percentage of homes and for how long?

89. The use of assured performance standards (e.g. Passivhaus) that are accredited and certified independently will also be monitored.

90. In conclusion, the Council considers that the arrangements for monitoring and implementing Policy DM31 are clear and proportionate. The Council therefore considers that Policy DM31 is sound in this respect, subject to amendment to modification **MOD Ref 325** in **SD005** to ensure the policy is effective.

Modifications

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
AMEND 325	301		Policy DM31, Paragraph 9.74	*Amend paragraph:* To support the implementation of this policy in Greater Essex, the Built Environment Planning Unit (BEPU) on behalf of EPOA ~~ECC~~ will publish via the Essex Design Guide (EDG) ~~a 'Net Zero (in operation) Implementation and Monitoring~~ Guidance ~~Guide~~' which will include simple proformas and templates for applicants to use when submitting their energy information. The ~~guide~~ guidance will help ensure that meeting the requirements of the policy is demonstrated efficiently, effectively and consistently. The BEPU ~~Climate and Planning Unit at ECC~~ is available as a consultee to provide support with implementing the policy.	To ensure the policy is effective and to reflect the latest position

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				Arrangements for monitoring compliance of permissions granted will also be published, to give confidence that new homes and other buildings are built to the standards granted consent.	

Q8.6f	**In Policy DM31:** **Are any changes or updates to Policy DM31 or its supporting text needed for effectiveness?**

CCC Response to Q8.6f

91. It is the Council's position that the modifications set out in the table below are required to Policy DM31 to ensure the policy is effective. These ensure the policy is up to date and reflect the latest available information.

Modifications

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
302	292		Policy DM31	*Amend policy:* POLICY DM31 – OPERATIONAL ENERGY AND CARBON (NET ZERO) IN HOMES AND BUILDINGS ~~CARBON DEVELOPMENT (IN OPERATION)~~ A) New build development (residential and non-residential) All new buildings must be designed and built to be Net Zero Energy and Carbon ~~and Net Zero Energy~~ in operation. They must be ultra-low energy buildings, fossil fuel free, and generate renewable energy on-site to at least match predicted annual energy use. All new buildings (1 dwelling and above for residential; 100m^2 floorspace and above for non-residential) are required to comply with Requirements 1 to 5 as set out below: Requirement 1: Space heating demand limits i Residential buildings (apart from 1 storey bungalows) and non-residential buildings must achieve a space heating demand of 15 kWh/m^2 GIA (gross internal floor area)/year or less ii Bungalows must achieve a space heating demand of 20 kWh/m^2 GIA/year or less. Requirement 2: Fossil fuel free i No new buildings shall be connected to the gas grid; and	To ensure the policy is effective and reflects changes to the Essex wide policy following Uttlesford Examination and updates to latest available information.

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				ii Fossil fuels must not be used on-site to provide space heating, domestic hot water or cooking. Requirement 3: Energy Use Intensity (EUI) limits i Residential buildings (Use Class C3 and C4) must achieve an Energy Use Intensity (EUI) of no more than 35 kWh/m^2 GIA/year ii On larger sites in exceptional circumstances this may be met on each individual phase as a site-wide residential average (weighted by floor area) provided that no single dwelling has an EUI greater than 45 kWh/m^2 GIA/yr. iii The following non-residential buildings must achieve an Energy Use Intensity (EUI) of no more than the following (where technically feasible) by building type or nearest equivalent: • Offices 70 kWh/m^2 GIA/year • Schools - 65 kWh/m^2 GIA/year • Light Industrial 35 kWh/m^2 GIA/year iv~~ii~~ For other residential and non-residential buildings, that are not covered by (i) and (iii) above, applicants should report their energy use intensity but are not required to comply with a certain limit. Requirement 4: On-site renewable energy generation Renewable energy must be generated on-site for all new developments by ~~whichever of the following results in the greater amount of~~ roof top solar PV energy (electricity) generation~~:~~ and the ~~i The~~ amount of energy generated in a year should match or exceed the predicted annual energy use of the building, i.e. renewable energy	

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				generation (kWh/m^2/year) = or > predicted annual energy use (kWh/m^2/year)*; ~~or~~ ~~ii The amount of energy generated in a year is:~~ • ~~at least 80 kWh/m^2 building footprint per year* for all building types; and~~ • ~~at least 120 kWh/m^2 building footprint per year* for industrial buildings.~~ *For development proposals where it is demonstrated to the satisfaction of the Local Planning Authority that meeting Requirement 4 is not technically feasible then renewable energy generation on-site should be maximised and the residual amount of renewable energy generation (equivalent to the shortfall in meeting the annual energy use of the building in kWh/year) must be offset by a financial contribution (to cover the administration, purchasing and installation of a solar PV renewable energy (electricity) system elsewhere in the plan area or County, which is able to generate a similar amount of energy) and be paid into the Council's offset fund. The offset price is set at £1.82 ~~1.35~~ per kWh or the most recent updated version published on the Essex Design Guide[5] and the contribution shall be calculated at the time of planning application determination. Requirement 5: As-built performance confirmation and in-use monitoring	

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				i All developments must submit as-built performance information at completion and prior to occupation; and ii In-use energy monitoring is required on a minimum of 10% of dwellings for development proposals of 100 dwellings or more, for the first 5 years of operation. Alternative routes to meeting policy requirements Proposals that are built and certified to the Passivhaus Classic or higher Passivhaus standard are deemed to have met Requirements 1 and 3. Requirements 2, 4 and 5 must also be met to achieve policy compliance. Minor residential development proposals (less than 10 dwellings) that are designed and built to the fabric and systems specifications (the 'minimum standards approach') set out in Table 7 (or successor) are deemed to have met Requirements 1 and 3. Requirements 2, 4 and 5a must also be met to achieve policy compliance. B) Extensions and Conversions Applications for residential extensions and conversions affecting existing buildings (but excluding Listed Buildings) are encouraged to meet the minimum standards approach fabric specifications set out in Table 7 and maximise renewable energy generation technology where practical and feasible. [1] ~~https://www.essexdesignguide.co.uk/climate-change/essex-net-zero-evidence/~~ https://www.essexdesignguide.co.uk/media/3171/essex-energy-offsetting-tariff-report-sept-2025.pdf	

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
AMEND Ref 303	294		Policy DM31 Paragraph 9.29	*Amend paragraph:* To meet the Requirements 1- 5, developments will need to be designed in a way that prioritises a fabric first approach to building design and embeds the energy hierarchy. This means improving building fabric ~~standards~~ and energy efficiency to ensure energy demand is minimised, and then installing renewable energy generation capacity to meet or exceed demand where possible, followed by offsetting residual energy (if required) as a last resort.	To reflect changes to the Essex wide policy following Uttlesford Examination and updates to latest available information
304	294		Policy DM31 Paragraph 9.30	*Amend paragraph:* Designing new development to be net zero carbon and net zero energy in operation needs to be addressed at both building level and site level and at the earliest possible stage so that factors such as the orientation, built form, building fabric, site layout and landscaping measures can be taken into account to minimise energy demand. These factors also influence the renewable energy generation potential of a site and through good design, can help make a development more resilient to a changing climate, for example, through using landscaping measures and green/blue infrastructure to mitigate potential overheating risk to the comfort and well-being of occupants. It is important when ~~that~~ designing homes and buildings to meet their own operational energy needs on average over a year (hence achieving ~~for~~ 'net zero'), that this is done in a holistic manner ~~at an early stage of the design process, and in a way~~ that considers wider sustainability objectives and issues. Report 2: Essex Net Zero Policy – Summary of Policy, Evidence and Validation Requirements (July 2023, updated September 2025) contains a 1 page high level design guide for a	To reflect changes to the Essex wide policy following Uttlesford Examination and updates to latest available information

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				terrace block and low rise apartment block. Also the Essex Design Guide (EDG) contains practical advice on good solar design which focuses on balancing the needs of daylighting, useful solar gain and mitigating overheating risk. To support delivery, the Essex Net Zero Specifications Guide provides technical information and outline 'packaged solutions' which meet the policy requirements.	
305	294		Policy DM31 Paragraph 9.31	*Amend paragraph:* The space heating demand is the amount of heat energy needed to heat a home or building over a year and is expressed in kWh/m^2/year. The ~~It is a~~ measure expresses ~~of~~ the building's elements annual ~~thermal~~ efficiency, so how effectively they are resisting heat transfer ~~of the building elements~~. ~~Various~~ All design and specification decisions affect space heating demand including building form and orientation, insulation, air-tightness, windows and doors and the type of ventilation system. The Essex Net Zero Specifications Guidance provides more information.	To reflect changes to the Essex wide policy following Uttlesford Examination and updates to latest available information
306	294		Policy DM31 Paragraph 9.32	*Amend paragraph:* Reducing space heating demand to the target levels identified is necessary to achieve a net zero energy and carbon (in operation) building and aligns with recommendations from the Climate Change Committee, Royal Institute of British Architects (RIBA), Low Energy Transformation Initiative (LETI) and the UK Green Building Council (UKGBC). It is also beneficial to residents and building users as it directly reduces energy costs.	To reflect changes to the Essex wide policy following Uttlesford Examination and updates to latest available information

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
307	294		Policy DM31 Paragraph 9.35	*Amend paragraph:* New buildings must not burn fossil fuels for heating, hot water and cooking if Essex, and the UK, is to stay within carbon budgets and successfully transition to a low carbon society. Alternatives are available. For example, heat pumps can provide both space heating (and cooling) and hot water and can serve individual homes or communal heating systems. They use renewable heat sources such as air, ground or water. The key benefit of heat pumps is their efficiency. Efficiencies vary but are typically around 250-400% for an Air Source Heat Pump. Direct electric heating systems are less efficient, typically 100%, and are therefore more expensive to run. Solar thermal panels, which turn solar energy into heat can help with space and water heating too.	To reflect changes to the Essex wide policy following Uttlesford Examination and updates to latest available information
308	295		Policy DM31 Paragraph 9.40	*Amend paragraph:* The EUI target set in the policy for dwellings is based on modelling undertaken in the technical evidence base (Report 1: Essex Net Zero Policy – Technical Evidence Base, July 2023, updated September 2025) and includes both regulated and unregulated energy uses. For clarity, the EUI target set out in 3i) applies to residential uses which include: dwellinghouses, flats, self-contained residential units (C3) and houses of multiple occupation (C4).	To reflect latest available information
309	295		Policy DM31 Paragraph 9.41	*Amend paragraph:* For non-residential buildings, the EUI's for the uses listed (office, school and light industrial) are based on gross internal floor areas (GIA) and include regulated and unregulated energy loads. Buildings which represent these generic typologies have been modelled in the evidence (Report 1:	To reflect latest available information

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				Essex Net Zero Policy – Technical Evidence Base, July 2023, updated September 2025) and appropriate EUIs limits identified.	
310	296		Policy DM31 Paragraph 9.45	*Amend paragraph:* Evidence (Report 1: Essex Net Zero Policy – Technical Evidence Base (July 2023, updated September 2025) shows that it is technically feasible for a building to generate sufficient renewable energy to match or exceed its predicted annual total energy use and thereby achieve an operational energy balance on-site (‘net zero energy’). For clarity, the predicted annual total energy consumption of a building includes both regulated and unregulated energy uses, but excludes energy used for electric vehicle charging.	To reflect changes to the Essex wide policy following Uttlesford Examination and updates to latest available information
311	296		Policy DM31 Paragraph 9.46	*Amend paragraph:* The policy ~~sets out two routes for calculating the renewable energy provision required from a development to be policy compliant. Route i)~~ requires renewable energy generation to at least match the predicted annual energy use of a building. ~~Route ii) sets a minimum amount of renewable energy generation to be achieved in a year based on the building footprint (thereby ensuring that opportunities are taken for rooftop solar PV on large buildings e.g. warehouses). Whichever calculation results in the greater amount of solar PV renewable electricity generation is the route that must be achieved.~~	To reflect changes to the Essex wide policy following Uttlesford Examination and updates to latest available information
312	296		Policy DM31 Paragraph 9.47	*Amend paragraph:* The Report 1: Essex Net Zero Policy – Technical Evidence Base July 2023, updated September 2025 sets out some worked examples, and guidance on roof design and orientation is provided in Appendix 2 of that report, which will help applicants maximise renewable energy generation.	To reflect latest available information

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				The renewable energy generation output should be calculated following the Microgeneration Certification Scheme (MCS) guidance method including the impact of shading.	
313	296		Policy DM31 Paragraph 9.48	*Amend paragraph:* Matching or exceeding predicted total annual energy use on site with renewable energy generation achieves an on-site energy balance and hence a net zero <u>energy and</u> carbon development in operation from the outset. As well as helping progress towards climate targets, there are other benefits for ensuring new build development maximises renewable energy generation. For example, it would generate 'free' electricity close to its point of use and help deliver significant energy cost savings for residents and building users. It would also aid the transition to a more sustainable energy system by contributing to the significant increase in renewable energy generation required between now and 2050 in the UK and make efficient use of land and resources.	To reflect latest available information
314	296		Policy DM31 Paragraph 9.50	*Amend paragraph:* For the offset mechanism to be triggered, the applicant must justify and demonstrate, to the satisfaction of the Local Planning Authority (LPA), why it is not technically possible for the development to achieve policy compliance with Requirement 4. To do this, applicants should refer to, and meet, the minimum information requirements for policy compliance set out in Report 2: Essex Net Zero Policy – Policy Summary, Evidence and Validation Requirements (July 2023<u>, updated September 2025</u>). The information will be critically reviewed by the LPA, particularly as evidence shows that it is technically possible to achieve all the policy requirements and at a reasonable cost in most development typologies. It is generally	To reflect latest available information

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				only high rise blocks of flats that would likely need to use the offsetting mechanism.	
315	297		Policy DM31 Paragraph 9.51	*Amend paragraph:* If the offsetting mechanism is justifiably triggered by non-compliance with Requirement 4, then the development proposal must still meet the other Policy requirements 1, 2, 3 and 5, and maximise on-site renewable energy generation. By considering solar PV at the very earliest of design stages, it is possible to optimise roof shape and orientation to maximise output. How well a roof space is designed and utilised for PV can be expressed in kWh of energy generated per m^2 of building footprint. The Solar Design Guide (Sept 2022) on the Essex Design Guide provides further advice on how to maximise solar PV on buildings.	To reflect changes to the Essex wide policy following Uttlesford Examination and updates to latest available information
316	297		Policy DM31 Paragraph 9.52	*Amend paragraph:* The offset mechanism is expressed as a renewable energy offset and the price is set in £/kWh, which will be reviewed at least every 3 years and updated for Essex. The price (as of September 2025 ~~July 2023~~) is set at £1.82 ~~£1.35~~ per kWh ~~(published in the Report 1: Essex Net Zero Policy – Technical Evidence Base, July 2023)~~ and has been calculated using a robust methodology based on the cost of providing roof top solar PV in Essex and incorporating an allowance for maintenance and administration. The calculation of the contribution required will be made at the point a planning application is determined using the most up to date offset price (£/kWh) for Essex (and published on the Essex Design Guide[3]). [3] https://www.essexdesignguide.co.uk/climate-change/essex-energy-carbon-evidence/	To reflect latest available information

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
317	297		Policy DM31 Paragraph 9.55	*Amend paragraph:* Further information on how the offsetting mechanism will operate is ~~will be~~ available in the Renewable Energy Offsetting Framework[4] ~~document that is in preparation and will be~~ published on the Essex Design Guide[6] ~~Net Zero Implementation page (~~EDG~~)~~. Current proposals are for a countywide funding mechanism to be administered by ECC. The Offset tariff will be secured through a planning obligation ~~collected as a single payment (via a direct payment / Section 106 / Unilateral Undertaking).~~ It is initially envisaged that the payments will be used to provide roof top solar PV on public amenity facilities (to be determined). Spending of the offset fund is preferred to be within reasonable distance of the original development, and within the plan area as the development. However, pooling may be necessary to enable installation of sufficient scale schemes. [4]~~https://www.essexdesignguide.co.uk/media/3122/renewable-energy-offsetting-framework-version-11-april-2025-final.pdf~~ https://www.essexdesignguide.co.uk/media/3230/renewable-energy-offsetting-framework-v12-dec-2025-final.pdf [5] ~~https://www.essexdesignguide.co.uk/climate-change/essex-net-zero-implementation~~/Available on the implementation resource page: https://www.essexdesignguide.co.uk/climate-change/essex-policy-implementation/	To reflect changes to the Essex wide policy following Uttlesford Examination and updates to latest available information
318	297		Policy DM31 Paragraph 9.57	*Amend paragraph:* In order for the Net Zero Energy and Carbon buildings policy to be effective, it is important that new buildings deliver their intended performance.	To reflect latest available information

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
319	298		Policy DM31 Paragraph 9.59	*Amend paragraph:* The information that must be submitted at completion stage of a development (prior to occupation) to demonstrate to the satisfaction of the LPA that the building / development has been built to the approved design and energy standards, is set out in Report 2: Essex Net Zero Policy – Policy Summary, Evidence and Validation Requirements (July 2023, updated September 2025) and includes the indicators listed in the table below:	To reflect latest available information
320	298		Policy DM31, Table 6	*Amend text in Row 3:* Confirm renewable energy installation • Installed solar PV (kWp)	To ensure the policy is effective
321	299		Policy DM31 Paragraph 9.63	*Amend paragraph:* Policy compliance will need to be demonstrated through the submission of an appropriate energy assessment, which for major development proposals should be in the form of an Energy Strategy and for minor development proposals the applicable Essex Energy Reporting Spreadsheet ~~'net zero spreadsheet'~~ (which is ~~will be~~ available to download from EDG[6]). Minimum information requirements and checklists for Major and Minor development proposals at each stage of the planning process are set out in Report 2: Essex Net Zero Policy – Policy Summary, Evidence and Validation Requirements (July 2023 updated September 2025)~~, along with the template spreadsheet~~.	To reflect latest available information

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				[6] ~~https://www.essexdesignguide.co.uk/climate-change/essex-net-zero-implementation~~/https://www.essexdesignguide.co.uk/climate-change/essex-policy-implementation/	
AMEND MOD 322	299		Policy DM31 Paragraph 9.65	*Amend paragraph:* To support the transition of small / medium developers who may have not yet invested in predictive energy modelling software, the Essex Energy Tool ~~(SAP Conversion)~~ has been developed as an interim measure for development proposals of under 100 dwellings. This tool can accommodate the outputs of the Building Regulations compliance software (known as SAP – Standard Assessment Procedure) and turn them into an appropriate format to indicate whether compliance with the policy requirements It is ~~will be~~ available to download from the Essex Design Guide (EDG).	To ensure the policy is effective
323	299		Policy DM31 Paragraph 9.66	*Amend paragraph:* With regards minor development proposals, applicants may use predictive energy modelling, or the Essex Energy Tool as outlined above, or follow a 'minimum standards approach' which sets out the specifications that the development must be designed and built to. These fabric and systems specifications are presented in Table 7 below ~~Appendix C of Report 2: Essex Net Zero Policy – Summary of Policy, evidence and validation requirements (July 2023)~~. By following this approach (i.e. without an energy model), minor applications do not have to report the space heating demand, energy use intensity and offset contribution, but they do need to re-confirm on completion the specifications that the development has been built to and the solar PV system installed.	To reflect latest available information

<table>
<tr><th>Ref in SD005</th><th>Page No in PSLP</th><th>Page No in ASLP</th><th>Policy/ Para etc</th><th>Modification proposed</th><th>Reason</th></tr>
<tr><td>324</td><td>301</td><td></td><td>Policy DM31 Table 7</td><td>Replace Table 7:
<table>
<tr><th colspan="2">Residential Developments</th><th>Block of Flats – Low Rise</th><th>Detached, Semi-Detached and Terraced Houses</th><th>Bungalow</th></tr>
<tr><td rowspan="8">Fabric</td><td>Floor U-Value</td><td>≤ 0.10</td><td>≤ 0.10</td><td>≤ 0.10</td></tr>
<tr><td>External Wall U-Value</td><td>≤ 0.14</td><td>≤ 0.13</td><td>≤ 0.12</td></tr>
<tr><td>Roof U-Value</td><td>≤ 0.11</td><td>≤ 0.11</td><td>≤ 0.10</td></tr>
<tr><td>Windows U-Value</td><td>≤ 0.90</td><td>≤ 0.90</td><td>≤ 0.90</td></tr>
<tr><td>Windows G-Value*</td><td>0.45 - 0.55</td><td>0.45 - 0.55</td><td>0.45 - 0.55</td></tr>
<tr><td>External Doors** U-Value</td><td>≤ 1.2</td><td>≤ 1.2</td><td>≤ 1.2</td></tr>
<tr><td>Thermal bridging (W/m^{2}K)</td><td>≤ 0.04</td><td>≤ 0.04</td><td>≤ 0.04</td></tr>
<tr><td>Air Permeability</td><td>≤ 1m^3/m^{2}h @ 50 pascals</td><td>≤ 1m^3/m^{2}h @ 50 pascals</td><td>≤ 1m^3/m^{2}h @ 50 pascals</td></tr>
<tr><td rowspan="7">System</td><td>Ventilation System (VS)</td><td>Mechanical Ventilation with Heat Recovery</td><td>Mechanical Ventilation with Heat Recovery</td><td>Mechanical Ventilation with Heat Recovery</td></tr>
<tr><td>VS Heat Recovery Efficiency</td><td>≥ 90%</td><td>≥ 90%</td><td>≥ 90%</td></tr>
<tr><td>VS Specific Fan Power (W/l/s)</td><td>≤ 0.85</td><td>≤ 0.85</td><td>≤ 0.85</td></tr>
<tr><td>Space Heating System (SHS)</td><td>Heat Pump</td><td>Heat Pump</td><td>Heat Pump</td></tr>
<tr><td>SHS Flow Temperature</td><td>≤ 45ºC</td><td>≤ 45ºC</td><td>≤ 45ºC</td></tr>
<tr><td>Domestic Hot water system</td><td>Heat Pump</td><td>Heat Pump</td><td>Heat Pump</td></tr>
<tr><td>Lighting Efficacy (lm/W)</td><td>≥ 95</td><td>≥ 95</td><td>≥ 95</td></tr>
</table></td><td>To reflect latest available information</td></tr>
</table>

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				*The specified G-value range (0.45–0.55) allows for design flexibility to account for variations in window specifications, façade orientation, and shading strategies. **External door refers to a door that leads directly to the outside, not to an unheated internal corridor Source: Essex Net Zero Policy Study (Report 2) – Policy Summary, Evidence & Validation Requirements (July 2023, updated September 2025)	
AMEND 325	301		Policy DM31, Paragraph 9.74	*Amend paragraph:* To support the implementation of this policy in Greater Essex, the Built Environment Planning Unit (BEPU) on behalf of EPOA ~~ECC~~ will publish via the Essex Design Guide (EDG) ~~a 'Net Zero (in operation) Implementation and Monitoring~~ Guidance ~~Guide~~' which will include simple proformas and templates for applicants to use when submitting their energy information. The ~~guide~~ guidance will help ensure that meeting the requirements of the policy is demonstrated efficiently, effectively and consistently. The BEPU ~~Climate and Planning Unit at ECC~~ is available as a consultee to provide support with implementing the policy. Arrangements for monitoring compliance of permissions granted will also be published, to give confidence that new homes and other buildings are built to the standards granted consent.	To ensure the policy is effective and to reflect the latest position

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
326	302		Policy DM31 Paragraph 9.77	*Insert additional paragraph after paragraph 9.77:* It is important to take a design-led approach to the consideration of overheating risks, including evaluating the impact of different building materials and features around a building, such as green infrastructure. The Good Homes Alliance have produced a useful tool and guidance[10] to help design teams to identify and mitigate overheating risks at an early stage. [10]https://goodhomes.org.uk/overheating-in-new-homes	To reflect changes to the Essex wide policy following Uttlesford Examination and updates to latest available information

Q 8.7	**In Part A of Policy DM25, is the requirement for all new dwellings to achieve a water efficiency standard of 90 litres/person/day justified and supported by evidence? Should it also apply to changes of use to dwellings?**

CCC Response to Q8.7

92. It is the Council's position that the water efficiency standard of 90 litre/person/day (l/p/d) is justified and supported by evidence and should apply to changes of use to dwellings. Modifications to Policy DM25 **(SD001, page 290)** are proposed to reflect this.

93. Essex has been identified as an area of water stress by the Environment Agency (EA), as set out in the Council's Water Cycle Study **(CC003, paragraph 4.3.5, page 42, pdf page 42)**. The EA published the classifications in 2007, with updates in 2013 and 2021. In 2013 Essex and Suffolk Water area was classified as being under "Serious" water stress. This was not changed in the 2021 update.

94. **CC003** recommends that the water efficiency standard is updated to 105 or 100 l/p/d in line with Government guidance (page 167). (The document sometimes uses l/h/d instead of l/p/d where h means head. It also uses PCC = per capita consumption). However, it also states that tighter water efficiency standards can be achieved by developers through the fixtures described at section 9.2.1 (pages 155-157).

95. The standard of 90 l/p/d falls within the range of demand scenarios set out in Table 4.12 of **CC003** (page 68). The low demand scenario is 90 l/p/d. Section 4.8.2 of **CC003** (page 67) states: '*The 'Low' scenario will be informed by evidence within the east of the country such that PCC values of approximately 90 l/h/d have been successfully achieved*.'

96. Chelmsford Water Cycle Study Detailed Water Cycle Study Addendum **(CC017)** on page 43 refers to the Shared Standards in Water Efficiency for Local Plans in East Anglia. It sets out a joint initiative between Natural England, the Environment Agency and water companies to provide recommendations for Local Planning Authorities (LPA) policies. These require new dwellings to be more water efficient than the shared standards in water efficiency for local plans, recommending an efficiency of between 85 and 95 litres per person per day (l/p/d), as opposed to the optional Building Regulations standard of 110 (l/p/d). The proposed water efficiency standard in policy DM25 of 90 l/p/d falls right in the middle of the recommended 85-95 l/p/d. **CC017** concludes on page 44 that '*the emerging Local Plan is broadly in line with the new shared water efficiency standards published in June 2025*'.

97. Furthermore, **CC017** states in the final paragraph of section 5.1 on page 48 that '*Tighter water efficiency standards for new development, as proposed in the Local Plan, together with the roll out of smart meters in the Essex & Suffolk Water area, will*

help to reduce water demands, *but consequently could help to reduce the amount of wastewater needing to be treated at Water Recycling Centres (WRC*)'.

98. Anglian Water supports the policy approach to set a water efficiency standard of 90 l/p/d (representation PSQ25-6395, as set out in a Statement of Common Ground **(SOCG019)**. The Environment Agency (representation PSQ25-6276) states '*As Chelmsford resides wholly in an area of serious water stress the requirement for all new dwellings to achieve a water efficiency standard of 90 litres/person/day or greater is welcome*'. This is set out in a Statement of Common Ground **(SOCG018)**. Essex & Suffolk Water has raised no objection to the standard.

99. The policy requirement has been viability tested. This is confirmed in the Local Plan Viability Update 2026 Further Update Note **(V003)**. A cost allowance of £2,000 per unit has been applied to meet the policy requirement of 90 l/p/d, (**V003, paragraph 6.10, page 33**).

100. The Council considers that Part A of Policy DM25 is sound, subject to proposed modification **Ref 299 (SD005, page 78)** to clarify the scope of the policy and to ensure that it is effective.

Modifications

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
299	290		DM25 Part A	*Amend first paragraph in policy:* The Council will expect ~~all new buildings~~ <u>development proposals</u> to incorporate sustainable design features to reduce carbon dioxide and nitrogen dioxide emissions, and the use of natural resources, as follows: *Amend Part A) Water efficiency:* A) Water efficiency All new dwellings, <u>including changes of use</u>, are required to:	To ensure the policy is clear and effective

Q 8.8	**In Part B of Policy DM25, what is the basis for the specific requirements for Electric Vehicle Charging infrastructure? How do the requirements relate to Building Regulations? Should the requirements for EV charging infrastructure also apply to extensions or changes of use? In the fourth bullet point of Part B, what is meant by 'remaining spaces for residential development'? Is it clearly set out?**

CCC Response to Q8.8

101. The Electric Vehicle charging point standards for residential and non-residential development set out in Part B of Policy DM25 of the Pre-Submission Local Plan **(SD001, page 209)** aligns with 2024 Essex Parking Guidance Part 1 **(PL016, Table 4.1, page 36, pdf page 40)**.

102. The standards in **PL016** were developed having regard to, and are aligned with, Approved Document Part S, which took effect in June 2022, and last updated in April 2023. In some respects, the standards go beyond the minimum Building Regulations requirements. This applies e.g. to the requirements set out in the third and fourth bullet points.

103. It is however noted that the first bullet point in Policy DM25 Part B requires 1 active charging point for each dwelling whereas **PL016** and Building Regulations state 'at least' 1 **(Table 4.1, page 36, pdf page 40)**. The Council proposes that for flexibility and to ensure alignment with **PL016** and Building Regulations, the first bullet point should be modified, as set out in the modifications table below.

104. **PL016** (paragraph 2.9, page 13, pdf page 17) sets out that '*Prior to any extension or change of use that requires planning permission, the developer must demonstrate that the level of parking provision would be in accordance with the standards in this guidance*'. Therefore, if a change of use or an extension triggers the need for a parking space, then it should follow that the EV provision is made. See also **MOD Ref 299 (SD005**).

105. Remaining spaces for residential development in bullet point four relates to those spaces that are not required to have an active EV charging point. See also Table 4.1 in **PL016** (page 36, pdf page 40). It is agreed that bullet four in Part B needs to be clarified, see the modifications table below.

106. The Council considers that Part B of Policy DM25 is sound, subject to two modifications 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
299	290			*Amend first paragraph in policy: The Council will expect ~~all new buildings~~ development proposals to incorporate sustainable design features to reduce carbon dioxide and nitrogen dioxide emissions, and the use of natural resources, as follows:* *Amend second paragraph in Part B) Electric Vehicle charging point infrastructure:* • Proposals for ~~N~~new buildings, extensions or changes of use shall provide convenient access to Electric Vehicle (EV) charging point infrastructure as follows:	For clarity
NEW	290		DM25	*Amend the first and fourth bullet point:* • Residential development shall provide at least 1 active charging point for each dwelling with allocated parking • On-street, shared or visitor spaces for residential development shall require 1 active EV charging point for every 5 spaces • Non-residential development shall provide active and passive charging points for a proportion of the total number of parking spaces • ~~Remaining s~~Spaces for residential development without an active EV	To align with Building Regulations, the 2024 Essex Parking Guidance and for clarity in response to MIQ 8.8.

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				charging point shall include passive provision of cable routes and power supply to install additional charging points when demand arises	

Q 8.9	**In Part C of Policy DM25, what is the basis for the requirement for all new non-residential buildings with a floor area in excess of 500sqm to achieve a minimum BREEAM rating of 'Very Good' and at least three credits under Wat 1 of the Water Consumption measure? Have these requirements been fully costed and are they justified?**

CCC Response to Q8.9

107. BREEAM is a widely recognised tool for assessing and improving sustainability of buildings. It can be used on schemes of any size at the discretion of the Local Planning Authority. The Council realises that there are other factors that are important as well such as the complexity of a building. The threshold of 500sqm has been set to allow for economy of scale and avoids imposing the requirement on modest structures which have in the past struggled to achieve the requirement such as temporary structures, community buildings and scout huts. This is set out in the Council's Making Places SPD **(PL019, Chapter 9, page 46, pdf page 53)**.

108. Setting a BREEAM standard aligns with the 2023 NPPF e.g. paragraph 8c, page 5, the environmental objective of achieving sustainable development and paragraphs 158-164, pages 46-48, Planning for Climate Change and Chapter 15 Conserving and enhancing the natural environment.

109. The 500sqm threshold is supported by the Council's Water Cycle Study **(CC003, section 9.9, page 168, pdf page 168)**, which acknowledges that it is sufficient for most businesses. The 500sqm threshold also forms part of the Council's Adopted Local Plan, Policy DM25 **(OSP015)**.

110. The Council considers that the requirement for three credits within Wat 01 represents a meaningful improvement in water efficiency without imposing the cost and viability impacts associated with higher BREEAM standards. This requirement is considered justified as Chelmsford is an area identified as being under serious water stress, as made clear in the Council's Water Cycle Study **(CC003, paragraph 4.3.5, page 42, pdf page 42)**.

111. The Council's Local Plan Viability Update **(V001)** quotes research by the Building Research Establishment in paragraph 8.82, page 145 and states that '*The additional cost of building to a BREEAM Very Good standard is negligible'*. Whilst the viability evidence has not separately assessed the cost of achieving three WAT 01 credits, **V001** allows for a cost increase of 2% to achieve BREEAM Excellent which exceeds the policy requirement of BREEAM Very Good. As such, the Council considers that the allowance of 2% on base build costs is a reasonable adjustment to account for the three WAT 01 credits and is therefore satisfied that the policy requirement would not adversely affect development viability.

112. The Council considers that Part C of Policy DM25 is sound.

Q 8.10	**Do Strategic Policy S2 and Policy DM18 provide an appropriate framework for dealing with the potential impacts of development on flood risk in all circumstances? Is it justified and consistent with national policy?**

CCC Response to question 8.10

113. It is the Council's position that both these policies provide an appropriate and overarching structure that would enable the decision maker to address key issues relating to flood risk. The Council is however proposing a series of modifications to ensure these policies remain effective.

114. Strategic Policy S2 in the Pre-Submission (Regulation 19) Document **(SD001, page 52)** provides a structured approach to guiding new development. It requires development to minimise the impact on flooding, to be safe, both now and into the future. It requires development to take account of all forms of flooding and should not make flood risk worse elsewhere. This is underpinned by Level 2 Strategic Flood Risk Assessment 2024 **(CC010)** and Level 2 Strategic Flood Risk Assessment Additional Sites 2025 **(CC018)**. Furthermore, at the site level, the Council's Sequential and Exception Tests completed **(CC012)** and Additional Sites – Sequential and Exception Test (**CC019)** demonstrate the sequential approach to site allocation and site planning to ensure that sites are located following a sequential risk-based approach, sustainably and are safe. Strategic Policy S2 is therefore broadly consistent with NPPF 2023 paragraphs 167 to 170.

115. Paragraph 167 of the NPPF 2023 requires the development plan to follow '*a sequential risk-based approach to the location of development'* taking into account all sources of flood risk both now and into the future. Strategic Policy S2 requires development to minimise the impact on flooding. It is acknowledged that whilst the sequential risk-based approach is not set out in Strategic Policy S2, it is included in the Reasoned Justification at paragraph 5.12 (page 53) and the entire body of

evidence underpinning the policy. The Council proposes to include 'sequential risk-based approach' into Strategic Policy S2 to ensure the policy better reflects national policy, see the Modifications table below.

116. Paragraph 004 Reference: 7-004-20220825 of PPG Flood Risk and Coastal Change states the hierarchy of flood risk – assess, avoid, control, mitigate and manage. Strategic Policy S2 references 'mitigate'. The Council proposes that assess, avoid, control and manage should also be included as this would provide greater clarity for the application of the policy.

117. Policy DM18 of **SD001** (page 278) provides detailed requirements for development at the site level. It is structured into three parts covering all development, development within areas of flood risk, and major development. The requirement for water management measures is described, including the pivotal role SUDS have in this system, including their provision of amenity, biodiversity and recreational benefits. This is further set out in the Reasoned Justification at paragraphs 8.166 and 8.167 (page 279) with particular reference to the Essex County Council SUDS Design Guide **(PL028)**. At Part B) iii it is considered that paragraph could be further clarified by the inclusion of sequential risk-based approach to site planning and layout, see Modifications below. This policy also references mitigation at Part B criterion iv but not the remaining elements of the flood risk hierarchy. The Council proposes that assess, avoid, control and manage should also be included, see the Modifications table below.

118. The Council considers that Strategic Policy S2 and Policy DM18 are sound, subject to the proposed modifications below required to ensure these policies are effective. This will ensure that development takes a sequential, risk-based approach to development, takes account of all sources of flood risk, that flooding is not made worse elsewhere, and the development is safe now and into the future.

Modifications

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
NEW	51		Strategic Policy S2	*Amend last paragraph:* The Council will require that all development take the sequential risk-based approach, is safe, taking into account the expected life span of the development, from all types of flooding and appropriate measures to (in preferential order) assess, avoid, control, mitigate~~ion~~ and manage flood risk ~~measures~~ are identified,	To ensure consistency with national planning policy and guidance

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
				secured and implemented. New development should not worsen flood risk elsewhere and where possible improve the situation.	
NEW	53		Strategic Policy S2 Paragraph 5.11	*Amend first sentence:* The Council will require that development is safe ~~protected~~from flooding and that appropriate measures are implemented to assess, avoid, control, mitigate and manage flood risk both within the development boundary and off-site in all flood zones, and from all sources of flood risk, and to ensure that the development remains safe throughout its life and does not worsen flood risk elsewhere.	To ensure consistency with national planning policy and guidance
NEW	278		Policy DM18	*Amend part B:* B) In addition to above Part A) development within areas of flood risk will be required to: iii follow the sequential risk-based approach to site planning and layout and locate the most vulnerable development in areas of lowest flood risk unless there are overriding reasons for not doing so; and iv provide wider sustainability benefits to the community that assess, avoid, control, mitigate and manage flood risk.	To ensure consistency with national planning policy and guidance

Ref in SD005	Page No in PSLP	Page No in ASLP	Policy/ Para etc	Modification proposed	Reason
NEW	279		Policy DM18 Paragraph 8.165	The Council will require that development is safe ~~protected~~ from flooding and that appropriate measures are implemented to assess, avoid, control, mitigate and manage flood risk ~~taking into consideration the lifespan of a development~~ from all sources of flood risk, ensuring that development remains safe for its lifespan and does not negatively impact flood risk elsewhere beyond the site boundary.	To ensure consistency with national planning policy and guidance

Q 8.11	**Are any other modifications to Strategic Policy S2 or Policies DM18, DM19, DM25 or DM31 needed for soundness?**

CCC Response to question 8.11

119. With the exception of the proposed modifications listed in this Hearing Statement, no further modifications are needed for soundness to Strategic Policy S2 or Policies DM18, DM19, DM25 or DM31.

EVIDENCE BASE LIST FOR MATTER 8	
SD001	Pre-Submission (Regulation 19) Local Plan Consultation Document
SD005	Schedule of Proposed Modifications (June 2026)
TP011	Submission Topic Paper – Climate Change (May 2026)
CC003	Water Cycle Study, Stage 2 Detailed Study 2024
CC004	Essex Open Legal Advice – Energy Policy and Building Regulations 2024
CC004-A	Essex Open Legal Advice A (Updated May 2025) – Energy policy in Plans and Building Regulations (May 2025)
CC004-B	Addendum to Essex Open Advice (October 2025)
CC004-C	Essex Open Legal Advice A (Consolidated and Re-updated September 2026)
CC005	Report 1: Essex Net Zero Policy – Technical Evidence Base 2023
CC005-A	Report 1 Essex Net Zero Policy Study – Technical Evidence Base July 2023 (September 2025 update)
CC005-B	Update Report - Essex Energy Offsetting Tariff (September 2025)
CC006-A	Report 2 Essex Net Zero Policy Study – Summary of Policy, Evidence and Validation Requirements July 2023 (September 2025 update)
CC010	Level 2 Strategic Flood Risk Assessment May 2024
CC012	Sequential and Exception Test completed May 2024
CC015	Essex Net Zero Implementation
CC017	Chelmsford Council Water Cycle Study Detailed Water Cycle Study Addendum October 2025
CC018	Level 2 Strategic Flood Risk Assessment: Addendum October 2025
CC019	Additional Sequential and Exception Test October 2025
CC020-A	Essex Net Zero Specifications Guidance – Main Document (September 2025)
CC020-B	Essex Net Zero Specifications Guidance - Supporting Document (September 2025)
CC026	Seventh Carbon Budget 2025
CC027	Greater Essex Local Area Energy Plan
V001	Local Plan Viability Update August 2023
V002	Chelmsford Local Plan Viability Update Note (November 2024)
V003	Chelmsford Local Plan Viability Update (April 2026)
PL016	Essex Parking Guidance 2024 Part 1 - Design and Good Practice
PL019	Making Places SPD January 2021
PL028	Sustainable Drainage Systems Design Guide February 2020
PL040	National Model Design Code

PL041	Essex Design Guide
PL042	Essex County Council's Nationally Significant Infrastructure Projects Policy December 2022
PL043	Solar Farm Development Supplementary Planning Document
OSP011	Toolkit 2 – Submission Local Plan Form and Contents Checklist (May 2026)
OSP015	Adopted Chelmsford Local Plan May 2020
OSP019	Government response to proposed reforms to the NPPF August 2026
SOCG018	Statement of Common Ground with the Environment Agency
SOCG019	Statement of Common Ground with the Environment Agency



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