HS090

Chelmsford Local Plan Examination Hearing Statement

Matter 8: Creating Sustainable Development

Obo the Chelmsford Garden Community Development Consortium (PSQ25-6341, -6343, -6347, -6350)

October 2026

Turley

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?

1. The following paragraphs set out responses to the questions set out in Matter 8, the CGC Consortium have no comments on Questions 8.2, 8.3, and 8.10.

2. **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?

   1.2.1 The Consortium recognises the implications of climate change and, as part of the CGC Development Framework Document (DFD) approved in 2023 as part of the Stage 1 Masterplan (ref: 22/00001/MAS), has set out a proactive phased approach to design which goes beyond the current local and national planning requirements, setting a pathway to delivering Net Zero homes. The Consortium support measures to adapt to climate change and reduce carbon emissions through both construction and operation, however, we believe that elements of the policies DM25 and DM31 are not fully justified and will face issues of deliverability and viability.

3. **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?

   1.3.1 Policy S2, and DM25 reference the Chelmsford Council Water Cycle Study (February, 2024) (ref: CC003). The Policy supporting text refers to rainwater recovery but provides no further details of what this requires.

   1.3.2 The Water Cycle Study Section 9 includes a section on Integrated Water Management which is defined as 'a collaborative process which promotes a coordinated management of water storage, supply, wastewater, flood risk, water quality and the wider environment.'

   1.3.3 However, it is not clear how the evidence base defines integrated water management in the context of the policy requirements which only relate to water efficiency. Further clarification is required.

4. **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?

   1.4.1 The justification for the Net Zero policy requirements is set out in Report 1 Essex Net Zero Policy Study (ref:CC005), and Report 2 Essex Net Zero Policy (ref:CC006) first published in 2023 and updated in September 2025 (ref:CC005-A andref:CC006-A).

   1.4.2 These note the Net Zero policy is based on the UK's Net Zero target and Committee on Climate Change reporting which identifies measures to achieve Net Zero Carbon.

   1.4.3 This is summarised in Report 1 which states, *'Due to the points made above, it is necessary for new local planning policy to fill the gap left by Building Regulations and current carbon-based planning policies and be used as a mechanism for the delivery of*

net zero carbon buildings in operation to achieve local and national climate change commitments.'

1.4.4 The Government is addressing carbon emissions in new development through the continued improvements to the Building Regulations, with the Future Homes Standard (FHS) and Future Buildings Standards (FBS) announced in 2026 and coming into force in 2027. The FHS will deliver 'Zero Carbon Ready' homes, allowing residents to live net zero through the purchase of certified renewable electricity.

1.4.5 It is not the role of Local Policy to achieve national climate change commitments; in this context the Plan policies are inherently inconsistent with national policy and introduction of the FHS and FBS. This is reinforced by the 2026 NPPF and Policy PM13, Setting Standards which limits the setting of quantitative standards beyond the Building Regulations, with energy efficiency standards limited to regulated emissions only.

1.4.6 The current evidence base costs provided for the Net Zero requirement are set out in Report 2 (2025) (ref: CC006-A)

1.4.7 We would note that these are now out of date given the confirmation of the FHS and need to be updated.

1.4.8 As set out in previous Representations submitted on behalf of the CGC Consortium (Rep No. PSQ25-6347, PSQ25-6350) the Future Homes Hub, Ready for Zero, Evidence to inform the 2025 Future Homes Standard – Task Group Report (February 2023) provides an itemised cost basis for delivering an equivalent specification (CS3) which includes The Future Homes Hub report includes a set of additional costs which considers the need for additional air tightness testing and other modelling costs, which is not considered in the Essex Net Zero Evidence Base document. The costs included are therefore likely understated, consequently impacting the viability assessment.

1.4.9 In this context it is considered the requirements of Policy DM31 are not adequately justified, costed or in line with national policy.

5. **Q8.6a -** Is the use of energy use targets, rather than target emission rates, supported by evidence?

1.5.1

1.5.2 Previous Representations submitted on behalf of the CGC Consortium (Rep No. PSQ25-6347, PSQ25-6350) at the Regulation 19 stage have highlighted that the 2023 Written Ministerial Statement, 'Local Efficiency Standards Update' stated, '*the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations..*

1.5.3 The August 2026 NPPF update introduced Policy PM13, Setting Standards, which states, *'Energy efficiency, for which any standards that go beyond the current or proposed Building Regulations should have a clear and robustly costed rationale which shows that there will not be an adverse impact on the viability and deliverability of development.*

Any such standards should be expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP) or other approved calculation methodology.'

1.5.4 While the Plan is being considered against the 2024 NPPF the latest update confirms the Governments consistent approach that any policies which go beyond the requirements of the Building Regulations should focus on the regulated emissions of development only, therefore setting energy use targets is not appropriate.

1.5.5 tTe 2019 FHS and FBS consultation also states, *'We consider that metrics which include unregulated loads are not a suitable because designers and housebuilders have little or no control over these end uses of energy'.*

1.5.1 In this context we do not believe the use of energy use targets is justified as it is inconsistent with national policy and should be removed.

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

1.6.1 We would recommend aligning the non-residential requirements with the floor area used for the BREEAM requirement set out in Policy DM25 to provide a more proportionate and consistent approach.

1.6.2 The Energy Use Intensity targets for non-residential development are supported by Report 1 (ref:CC005), and Report 2 (ref:CC006), updated in September 2025 (ref:CC005-A and ref:CC006-A), setting out specification requirements and costs for a discrete set of uses including offices, schools and light industrial. Other uses outside of those noted, i.e. retail are not required to meet a specific target, and are only required to report energy use intensity.

1.6.3 While costs are provided for those uses specified it is not clear these have been considered as part of the viability assessment.

1.6.4 As noted in the response to Question 8.6a developers cannot be responsible for reducing unregulated energy demand.

1.6.5 It is considered that to be proportionate and to set a consistent approach no specific non-residential targets should be included.

7. **Q8.6c -** 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?

1.7.1 Report 1 (ref:CC005), and Report 2 (ref:CC006), updated in September 2025 (ref:CC005-A and ref:CC006-A) provide no direct justification as to why Solar PV is included as the only option for onsite generation. While Solar PV likely offers the most suitable option

for generating renewable energy on residential dwellings there may be alternative options to consider.

1.7.2 A more flexible approach should be applied to allow other potential energy generation or demand management options, for example onsite battery storage which can be used more effectively to store onsite energy generation, utilising this energy source better in the winter, and managing grid export during the summer.

1.7.3 In this context it is recommended this element of the Policy is modified. As noted in the response to Q8.6a the requirement should apply to regulated energy only, and allow for alternative energy generation and energy management options.

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

1.8.1 As the energy performance requirements of the Policy are not considered justified, or consistent with national policy, the basis on which offsetting applies in Policy DM31 is not considered suitable.

1.8.2 The Policy justification, and supporting evidence including Report 2 (ref: CC006-A) assume that all residential development will be able to meet the space heating and energy performance targets with no offsetting required. However, the performance of buildings goes beyond the physical fabric and systems included but also relates to design which is subject to other Plan policies. It is very likely that not all homes will be able to meet the targets as set out, and an element of offsetting will be required. Further modelling is required to perform sensitivity analysis of potential offsetting costs.

1.8.3 In addition, issues such as grid capacity, reinforcement costs and associated delays are outside of developer control and may impact on the deliverability of Solar PV.

1.8.4 The Essex Net Zero Policy, Energy Offsetting Tariff (September 2025) provides clarity on the offsetting mechanism and provides a cost of £1.82/kWh. It is the intention of offset payments to be used for installation of Solar PV systems on public buildings and blocks of flats. The cost is therefore derived from data based on building scale Solar PV deployment.

1.8.5 However, currently the Policy justification is unspecific on how the offset fund would be applied, it states, *'It is initially envisaged that the payments will be used to provide roof top solar PV on public amenity facilities (to be determined)'.* If other scenarios are envisaged for the use of the fund, then alternative costs should be considered so as to not over state costs for delivering the residual renewable energy generation.

1.8.6 We would note that limiting the use of offsetting funds to buildings creates a high-cost scenario for delivering the equivalent residual energy demand. There are likely more cost-effective scenarios which have not been considered, for example large scale Solar PV or Wind generation. No evidence has been provided to justify why this is the most appropriate method of delivering the residual energy demand.

1.8.7 While the principle of offsetting is accepted there are a number of issues identified which require further consideration and modification to ensure soundness.

9. **Q8.6e -** Are the requirements for reporting and monitoring clear and proportionate?

1.9.1 We support the provision of as-built performance information, however there can be a lag between the completion of a dwelling, or building and commissioning of systems and provision of as-built information. To ensure there is no delay in the completion of dwellings and buildings and occupation we would recommend that a provision is included to allow information to be provided a short time post-occupation, i.e. within 3 months of occupation.

1.9.2 The Council's Report 1 (ref:CC005) states energy monitoring is encouraged, and is not set out as a direct requirement. It also provides no rationale for the requirement for 10% of dwellings to be monitored, nor does it provide a cost of data collection, data storage and management, which may not be insignificant on large scale developments such as CGC.

1.9.3 No details are provided on the implementation of the policy, including how householders would be engaged to support this requirement. Homeowners need to have the option to refuse the use of their data, this also impacts on the enforceability of the requirement. The evidence base notes that it is difficult to implement for individual homes, requiring agreement from the tenant, or tenants to supply data.

1.9.4 In this context it is considered this element is not sound and could not be effectively implemented.

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

1.10.1 As set out in response to Q8.5, and Q8.6a, b, c, d, and e, a number of changes are required for Policy DM31 to be effective.

11. **Q8.7 -** 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?

1.11.1 The Chelmsford Council Water Cycle Study (February 2024) (ref: CC003) identifies potential water supply issues faced by Essex and Suffolk Water, setting out justification for enhancing the Building Regulations enhanced water efficiency standard of 110l/p/d to 105 or 100l/p/d, as well as recommendation that rainwater harvesting is included for new build homes.

1.11.2 The October 2025 report (ref: CC017) considers the impact of additional sites within the Plan on water availability, and incorporates the Policy target of 90l/p/d in its assessment.

1.11.3 No justification is provided in the February 2024 Study for the provision of the Policy target of 90l/p/d, nor is any justification provided and is therefore not adequately supported by evidence, with no consideration of internal or external space requirements for rainwater harvesting systems.

1.11.4 While the viability assessment includes an allowance of £2,000 per unit, and an additional £2,500 per unit for rainwater harvesting, as the policy requirement has not been justified, or evidence correctly it is considered the target is not applicable and should instead be based on the Building Regulations Part G.

1.11.5 With regards to the application of the policy to include change of use applications this is not considered appropriate, the evidence base includes no reference to change of use and therefore this is not justified.

12. **Q8.8 -** 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?

1.12.1 The requirements of Policy DM25 for Electric Vehicle Charging infrastructure replicate, and go beyond the requirements of Building Regulations Part S, incorporating additional requirements for on-street, shared or visitors sapces; active and passive provision for non-residential development; and passive provision for cable routes and power supply for remaining residential spaces.

1.12.2 The August 2023 Viability Update (ref: V001) includes an allowance of £600/unit for residential development, it is not clear this is included in subsequent updates, and no additional costs have been included beyond that for the provision of an EV charge point for homes in line with Part S. In this context the Policy as written has not been fully justified or costed and is not sound.

13. **Q8.9 -** 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?

1.13.1 With regards to the BREEAM Very Good target as noted in our Regulation 19 Representations, we support the use of BREEAM to assess new non-residential construction. However, we would note that applying this to development of under 1,000m^2 is unlikely to lead to enhanced sustainable design.

1.13.2 The policy justification in Policy DM25 notes that BREEAM is an environmental assessment method that assesses the environmental performance of non-residential buildings across ten categories with minimum standards being required in key areas such as energy, water and waste, and notes the 500m^2 threshold is intended to take account of economies of scale and avoid imposing the requirement on modest structures.

1.13.3 However, the supporting evidence base includes no further justification on imposing a BREEAM target. This is important as since the preparation of the draft Plan the BREEAM New Construction scheme has been updated twice and the Version 7.1 introduces changes which impact on development design and costs.

1.13.4 While costs were included in the viability assessment (August 2023) (ref: V001) these were based on research from 2014, since then the BREEAM Scheme has been updated five times since then. It is considered the viability costs considered for BREEAM are therefore significantly out of date.

1.13.5 Achieving 3 Wat01 Water Efficiency credits against the latest version of BREEAM requires water consumption to be reduce by 45% and no allowance is included for the non-residential requirement.

1.13.6 With no evidence provided to justify the use of BREEAM, target rating, scale of the development it applies to, or assessment of costs for development scenarios it is considered the policy is not fully costed or justified.

14. **Q8.11 -** Are any other modifications to Strategic Policy S2 or Policies DM18, DM19, DM25 or DM31 needed for soundness?

1.14.1 As set out in response to Q8.4, Q8.5, and Q8.6a – e, Q8.7, Q8.8 and Q8.9, a number of changes are required for Policy S2, DM25 and DM31 to be effective and sound.

1.14.2 In addition, consideration needs to be given to the interaction between the Local Plan policy requirements and existing outline planning permissions such as those as CGC. The CGC DFD sets out the climate change and net zero requirements. The new Local Plan should not superimpose additional targets onto existing permissions. An allowance should be included in the Plan and decision making for sites such as CGC which have pre-existing strategies and requirements based on separate viability assessments.