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PLANNING AND REGENERATION

Hearing Statement Matter 8 – Creating Sustainable Development



Client Name: Hammonds Estates LLP and Wates Developments

Site Address: East Chelmsford Garden Community (Hammonds Farm)

Date: 21 October 2026

Chelmsford Local Plan Review Examination

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

Issue 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?

Question 8.5 – 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?

1.1.1 Wates continue to support the overall objective of DM31 and net zero carbon in operation but consider that additional flexibility is necessary where its requirements cannot be demonstrated to be technically feasible or financially viable. This is set out in the modification sought in Wates' Regulation 19 representations at Paragraph 14.2.2 (Main written representations document appended to Rep PS25-242; also Rep PS25-333). Concerns also remain as to whether the requirements of DM31 have been sufficiently costed and whether their implications for viability and delivery have been adequately addressed in the evidence base.

1.1.2 Wates' representations (Rep PS25-333) submitted an appraisal that compared DM31 with Part L 2021, the proposed Future Homes Standard, LETI, RIBA, Passivhaus and the UK Net Zero Carbon Building Standard Pilot (Paragraph 14.1.2; Appendix 4 - Policy DM31 Net Zero Carbon appraisal). Whilst Part L 2021 has been superseded by Part L 2026, the findings of Wates' representations remain valid that concluded that the requirements of DM31 represented the peak of industry best practice and that, although many individual requirements aligned with other standards, their collective implementation exceeded the requirements of national standards and policy.

1.1.3 Wates maintain their concerns regarding supply-chain capacity and skills; the cost uplift required to achieve the policy requirements in full; delivery of the requirements from the outset on a large-scale site delivered over around 15 years; and the significant technical improvement represented by DM31 beyond the current Future Homes Standard.

1.1.4 National evidence from the UK Parliament's Energy Security and Net Zero Committee (Workforce planning to deliver clean, secure energy - December 2025) outlines that *the supply of skilled labour does not currently match the levels of demand expected to be required* to deliver decarbonised buildings by 2050. A policy that the industry cannot deliver at scale (because the skills, supply chain and specifications required are not yet business-as-usual) directly conflicts with this new national emphasis on build-out rates.

1.1.5 It is also noted that achieving and demonstrating compliance with DM31 introduces additional requirements, including predictive energy modelling, architectural and building-performance optioneering, thermal-bridge calculations, enhanced construction quality and verification, and workforce training. These will add technical expertise, time and cost.

Question 8.6 – In Policy DM31:

a. Is the use of energy use targets, rather than target emission rates, supported by evidence?

1.1.6 Wates do not object in principle to the use of Energy Use Intensity (EUI) but sought modification to the level and timing of the targets with their representations at Paragraph 14.2.2 (Rep PS25-333).

1.1.7 In the case of DM31, benchmarking against the most recent data-led national guidance demonstrates that the departure from national benchmarks is substantial, as outlined in Appendix 4 of Wates' representations. Further, the current UK Net Zero Carbon Buildings Standard (UKNZCBS, 2026) sets a current target of 50 kWh/m²/yr for homes and does not reach 40 kWh/m²/yr even at its 2050 horizon. DM31 demands 35 kWh/m²/yr from day one, more onerous than this. As outlined in our response to Question 8.5, delivery to these standards requires a step change that the industry is not yet ready to deliver.

1.1.8 On Space Heating Demand, the UK Net Zero Carbon Buildings Standard (UKNZCBS, 2026) sets a target of 20 kWh/m²/yr for homes. DM31 demands 15 kWh/m²/yr (25% more onerous).

1.1.9 The UKNZCBS targets are themselves derived from extensive industry consultation and empirical performance data across completed buildings and pilot schemes. It is notable that these recent, data-led standards (developed with input from across the construction industry and informed by real-world building performance) arrived at less stringent thresholds than those set by DM31.

1.1.10 Wates' concern is therefore focused on the level and application of the EUI and space heating demand targets, and how these impact cost and delivery, rather than objection to EUI as a performance metric.

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

1.1.11 In our representations, we raised concerns as to whether the requirements of Policy DM31 are sufficiently flexible to the scale and delivery timescales of different developments, particularly large strategic sites such as East Chelmsford Garden Community (Policy 16a).

1.1.12 Whilst DM31 outlines clear targets for different types of development we question whether a single residential EUI limit (across Use Class C3 and C4) is the most proportionate approach across all forms of residential development.

1.1.13 Different residential typologies have different characteristics, and this is recognised within the approach taken by the UK Net Zero Carbon Buildings Standard (UKNZCBS, 2026). Wates' representations (Paragraph 14.4.2) therefore proposed a stepped trajectory over time, with

differentiated space heating demands and EUI limits for houses and bungalows and for dwellings within apartment buildings, reflecting that equipment loads can be physically constant across dwelling types but concentrated over smaller floor areas making the limit more difficult to achieve in smaller typologies.

1.1.14 The proposed modifications to DM31 by Chelmsford set out in the Council's schedule of modifications (SD005, Mod ref 302) allow that "*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/m2 GIA/yr".* While this may assist large, house dominated schemes, it does not address the greater challenge faced by smaller typologies and flat-dominant phases. Flats typically have smaller internal floor area but comparable equipment and internal gains to houses, meaning they are disproportionately affected by a site average approach and may struggle to meet the EUI threshold.

1.1.15 Wates concern is not for reducing the overall ambition of Policy DM31, which is supported. Rather, it is a concern for ensuring that the route to achieving that ambition and policy requirements appropriately reflects different building typologies in the industry and the long-term delivery of strategic developments.

1.1.16 We therefore consider that differentiated space heating demands and residential EUI limits would provide a more proportionate and technically responsive approach than applying a single limit to all residential building types, whilst maintaining the overall net zero objective of the policy.

c. 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?

1.1.17 Wates consider that whilst roof top solar PV should be prioritised, greater flexibility should be provided to allow appropriate renewable energy technologies to contribute towards the policy requirement of Requirement 4. With regards to Policy 16a, our representations expressly proposed that land east of Sandon Brook should be capable of accommodating solar or other appropriate renewable energy uses, alongside the provision of roof top solar PV (Paragraph 4.1.4 and 4.2.1 of our representations and Rep PS25-256). Furthermore, the Regulation 19 Policies Map representations (Rep PS25-301) similarly sought amended notation to encompass solar or other site-appropriate renewable energy provision.

1.1.18 Wates therefore request sufficient flexibility within DM31 for other appropriate renewable energy generation.

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

1.1.19 The proposed modifications to DM31 increase the offset tariff from £1.35/kWh to £1.82/kWh. Wates do not object to the principle of offsetting, but raise concern regarding whether the financial

implications of the revised tariff have been adequately addressed within the viability evidence, which represents a 35% uplift on the draft Regulation 19 policy requirements (SD001).

e. Are the requirements for reporting and monitoring clear and proportionate?

1.1.20 No, while Wates recognise the Council's aspiration for 10% of new buildings to incorporate in-use monitoring, this requirement exceeds the national Future Homes Standard and Future Building Standards of the Building Regulations, which do not mandate in-use monitoring for general new development. In-use monitoring should be encouraged rather than required, allowing it to be implemented voluntarily where it is appropriate, proportionate and agreed with building owners and occupiers.

f. Are any changes or updates to Policy DM31 or its supporting text needed for effectiveness?

1.1.21 Yes. Wates position remains consistent with that presented at Regulation 19 that further flexibility is necessary to support implementation and effectiveness.

1.1.22 The ambition to achieve net zero carbon development is supported. At Regulation 19, however, concerns were raised regarding viability, supply-chain capacity, skills and the cost implications associated with delivering the DM31 requirements at scale from the outset.

1.1.23 Modifications to DM31, Requirement 1 and Requirement 3 are requested as stated within Paragraph 14.4.2 of the Wates' representations. This was to provide a phased approach where full compliance could not be demonstrated to be technically feasible or financially viable (Wates' representations, pp.59-61, Section 14).

1.1.24 Wates therefore continue to seek the flexibility requested at Regulation 19, noting that the proposed modifications requested to Requirements 1 and 3 in those Representations were broadly aligned to the UK Net Zero Carbon Building Standard Pilot (NZCBS) 2024. The 2024 NZCBS Pilot has since been superseded by Version 1 of the UK Net Zero Carbon Building Standards, published in March 2026, which now represents the industry's current leading definition of Net Zero Carbon. Wates consider that the space heating demand and stepped EUI targets from NZCBS 2026 should be used as the basis of the respective targets in Policy DM31, noting that any future guidance which supersedes will be a material consideration, therefore reference to the potential for future updates is also considered a pragmatic inclusion for effectiveness purposes.

1.1.25 As such the modifications which are still sought as per our representations Paragraph 14.2.2 would be revised as follows to reflect the latest 2026 or future guidance:

*DM31 - All new buildings must be designed and built to be Net Zero ~~Energy and~~ Carbon 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; 100m2 floorspace and above for non-residential) are required to comply with Requirements 1 to 5 as set out below ***:*

*** For development proposals where it is demonstrated to the satisfaction of the Local Planning Authority that meeting the requirements are not technically feasible or financially viable, then the policy intent should be met in a phased approach over longer period with stepped targets reducing over time. In this case Requirements 1 & 3 would instead be met as follows, or with regard to future guidance:*

Requirement 1: Space heating demand limits:

i. *Dwellings in apartment buildings ~~(apart from 1 storey bungalows) and non-residential buildings~~ must achieve a space heating demand of 15 kWh/m2 GIA (gross internal floor area)/year or less*

ii. *Houses and bungalows must achieve a space heating demand of 20 kWh/m2 GIA/year or less.*

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/m2 GIA/year~~ the values identified in the Table below:*

	EUI (kWh/m2 GIA/year)	*Residential (Houses and Bungalows)*	*Residential (dwellings in apartment buildings)*
Year of commencement onsite	*From 2026*	*50*	*50*
	From 2030	*47*	*48*
	From 2035	*44*	*46*
	From 2040	*40*	*44*

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) taking into account the stepped individual targets for houses and bungalows, and dwellings in apartment buildings in (i), and their respective % mix within the phase. ~~provided that no single dwelling has an EUI greater than 45 kWh/m2 GIA/yr.~~*

Queston 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?

1.1.27 Wates supports the overall objectives of Strategic Policy S2 and Policy DM18 and consider that, in broad terms, the policies provide an appropriate framework for managing flood risk in accordance with

national policy. The approach reflects the requirements of Paragraph 165 of the NPPF (December 2023), which seeks to ensure that inappropriate development is avoided in areas at risk of flooding through the application of the sequential approach and that where development is necessary in such areas it is made safe for its lifetime without increasing flood risk elsewhere.

1.1.28 The evidence prepared in support of our representations (Rep PS25-308; and representations document Section 7 and Appendix 2, as well as the Appended Flood Risk Strategy for the site at PS25-242) demonstrates that these principles can be achieved. The Flood Risk Strategy confirms that the developable areas proposed for housing, schools and employment uses are located within Flood Zone 1 and are outside the modelled 1 in 100 annual probability flood extent including an allowance for climate change. Hydraulic modelling undertaken specifically for the site confirms that built development can be directed to the areas at lowest risk of flooding, with floodplain areas associated with the River Chelmer and Sandon Brook retained and incorporated into green infrastructure and flood management functions.

1.1.29 The NPPF Paragraph 167 requires local plans to apply a sequential, risk-based approach to the location of development and to be informed by Strategic Flood Risk Assessments. The Council's evidence base, including the Level 1 and Level 2 Strategic Flood Risk Assessments and Sequential and Exception Test work, has considered these matters. The Flood Risk Strategy notes that the Council has already concluded that there are no reasonable alternative allocations available in lower flood risk areas that can deliver development of the scale and nature proposed at Hammonds Farm, and that the Sequential Test has therefore been passed.

1.1.30 As part of the Local Plan evidence base the Council prepared an Integrated Impact Assessment (IAA, 2024) alongside the level 1 and Level 2 Strategic Flood Risk Assessments (SFRA, February 2024 and May 2024). Through this assessment the Council has applied the Sequential Test to consider whether there are any reasonably available and appropriate alternative locations for strategic growth at a lower flood risk. In doing so, it does not compare flood risk in isolation but assesses flood risk alongside the planning and sustainability considerations required by Planning Practice Guidance when judging whether alternative sites are suitable for the proposed scale and type of development.

1.1.31 The comparative assessment found that all reasonable strategic alternatives are affected by some form of flood risk constraint requiring mitigation, and that Hammonds Farm is capable of directing housing, employment, schools and other vulnerable uses to Flood Zone 1, with only essential infrastructure interacting with higher-risk areas. The IAA therefore supports the conclusion that there are no reasonably available alternative strategic locations capable of delivering comparable development objectives in a lower flood risk location, and that the Sequential Test is satisfied.

1.1.32 In addition to the Council's assessment, a comparative flood risk review of the reasonable strategic alternatives was submitted as part of the Wates' representations. This assessed Chatham Green, West and North-West Chelmsford, Howe Green and Rettendon Common, and Hammonds Farm using

updated Environment Agency flood mapping, surface water data and planning evidence. The comparative review supported the conclusions of the Council's findings, as set out above. In each case, the alternative locations assessed would require site-specific flood risk assessment and development would need to be directed around identified flood risk areas and supported by appropriate mitigation measures.

1.1.33 The assessment therefore considered both flood risk and the wider planning factors required by national guidance when determining whether alternative sites are reasonably available and appropriate for the proposed development. Consistent with the Council's findings, it concluded that there are no reasonable alternative sites capable of delivering development of comparable scale and strategic benefit in a lower flood risk location. The Sequential Test is therefore satisfied.

1.1.34 Accordingly, Wates consider that Strategic Policy S2 and Policy DM18 are broadly justified, effective and consistent with national policy. The evidence demonstrates that flood risk can be appropriately managed through the established framework and application of the sequential approach, site-specific flood risk assessment, the Exception Test where necessary, and sustainable drainage design. In relation to Hammonds Farm, the supporting evidence (Flood Risk Strategy) confirms that development can be delivered safely throughout its lifetime, without increasing flood risk elsewhere, and in a manner fully aligned with the requirements of the NPPF.