

## ECC Climate and Planning Unit

### Response to TCB Main Modifications Consultation

GC Policy 8 - Sustainable Infrastructure

Mod Ref	Part	Modification	Reason
MM71 (Main)	Part A	Part A, first para. page 117 to read:  All buildings <del>must</del> <i>shall</i> be net zero in operation <u>at occupation or, in exceptional circumstances, have an agreed strategy to achieve net zero within five years of occupation,</u> and achieve net zero operational energy balance <del>onsite</del> <u>across the Garden Community.</u>	At the request of Latimer and as discussed on Day 1 of the hearing sessions under Main Matter 8.

### Response

#### **Suggested amendment:**

Replace the additional wording of:

*'or, in exceptional circumstances,'* with *'or, where evidence is provided that this is not technically feasible'*

Delete the additional wording of:

*'across the Garden Community'* and reinstate *'onsite'*.

#### **Reason:**

To ensure the effectiveness of the Policy by tightening a potential 'loop hole' which could lead to confusion and protracted negotiations during the Development Management process; and thereby impacting on delivery of clear, transparent and robust decision making.

#### **Justification:**

Whilst Essex County Council recognises and welcomes the considerable efforts made by the Inspector to achieve agreement between all parties on this matter, we are concerned that the additional text as proposed in MM71 is too broad and ambiguous for effective delivery, introduces elements of uncertainty into the policy, and, from experience, this type of wording will lead to confusion and protracted discussion, and potential delay to the effectiveness of the development management process.

Specifically, the term "exceptional circumstances" is not defined within the policy and the term "across the Garden Community" could lead to the objectives of the policy (to facilitate net zero development) being set back until later phases of the Garden Community with no binding safeguards that later phases will indeed deliver an overall net zero development. We are concerned that the additional text to the policy will effectively act as an unnecessary brake on bringing forward net zero development at the Garden Community. We strongly consider, and this is supported by the robust evidence, that there is no need to delay building to net zero as it is achievable now.

As highlighted at the examination hearing sessions, the [Essex evidence base](#) (Report 1: Essex Net Zero Policy – Technical Evidence Base, July 2023) demonstrates that building to net zero standards is technically feasible with additional costs that are very marginal. Since the examination, the evidence base has been further strengthened with the publication of the [Essex Net Zero Specifications Guidance and Supporting Information](#) (July 2024). This guidance is aimed at supporting developers

with the design and specifications of new homes which would result in compliance with the net zero policy approach outlined in the DPD.

As further evidence of the viability of net zero housing, we are aware that private housebuilders, practiced at building to these standards, are currently being attracted to Essex because of our strong approach towards 'net zero' homes; it is seen as a significant enabler.

As a leading authority on climate mitigation and adaptation, we wish to support our partner authorities in setting a strong clear policy that can act as a stimulus or magnet for innovation and progression in the construction sector. We therefore want to avoid 'muddying the waters' by introducing an element of uncertainty into the TCB policy. However, we acknowledge the Inspector wishes to introduce a measure of flexibility into the policy and suggest that alternative wording is used for '*exceptional circumstances*'.

This suggested alternative wording will tighten the policy somewhat whilst still allowing an element of flexibility and we believe it will lessen the ambiguity and risk of protracted discussion at Development Management stages. Providing clear and precise policy wording is essential for efficient and effective decision-making and we believe the suggested amendment will help support this.

In summary, Essex County Council, along with the partner authorities, is committed to progressing new development in TCB that aligns with statutory climate targets, and we consider that the MM71 additional text in the policy is an unnecessary inclusion to what is already a robust policy and could inhibit the effectiveness of the policy in delivering net zero outcomes at the TCB Garden Community. The suggested amendment to the additional text is therefore put forward to assist the Inspector in finding a suitable way forward.