



Colchester Preferred Options Local Plan - Regulation 18 Representation

Policy NZ1: Net Zero Carbon Development (in Operation)

We object to Policy NZ1 as currently drafted. While we support the ambition to reduce carbon emissions from new development and the transition to net zero by 2050, the policy is **overly complex, inflexible and insufficiently justified**, and risks undermining the deliverability and viability of development across Colchester. The term Net Zero in operation is often banded around but the reality of all c.15,000 home allocations in this plan is extremely onerous and uncertain especially when set against a national picture that requires the transition to occur by 2050.

The draft NPPF under Plan making policies say for policy CC1, CC2 & CC3 (Planning for Climate Change) that as far as plan policy this should be with regards spatial strategy and leaves delivery to national building regulations. PM13 (Setting Standards) says that local plan policy should not cover matters which are already addresses by Building Regulations

We would expect this policy to cost c.£20,000 per dwelling on average, which would have a significant impact on viability. For example the cost of this policy alone has a potential cost of five times greater per acre than the land value is in the BLV calculations within viability evidence for Medium Greenfield sites.

1. Policy Complexity, Workability and Usability

Policy NZ1 is not workable in its current form. It introduces a highly technical, multi-layered set of requirements (space heating demand limits, EUI targets, on-site generation thresholds, offsetting mechanisms and monitoring obligations) that go significantly beyond Building Regulations and are difficult to interpret, apply and enforce consistently through development management.

The cumulative effect is a policy that is **overly prescriptive**, risks delay and dispute at application stage, and lacks clarity as to how compliance will be delivered and assessed in practice.

2. Viability and Deliverability Concerns

The policy does not adequately consider viability, particularly when viewed alongside the cumulative requirements of the emerging Local Plan (including affordable housing, biodiversity net gain, green infrastructure, SuDS, tree canopy cover and infrastructure contributions).

There is a real risk that Policy NZ1, as drafted, will:

- Increase development costs to a point that undermines site viability (We do not agree that the allowance of a 5% increase in base build costs used in the viability evidence base is realistic);

- Discourage smaller and medium-sized developers; and
- Ultimately constrain housing and employment delivery.

3. Relationship with National Policy and Building Regulations

National policy already provides a clear and appropriate framework for addressing climate change mitigation and the transition to net zero.

Paragraph 168 of the NPPF confirms that local planning authorities should:

- Give significant weight to the benefits of renewable and low carbon energy;
- Not require applicants to demonstrate need; and
- Support contributions to a net zero future.

Similarly, the emerging NPPF (2025 consultation draft, Policy DP3) embeds climate mitigation and adaptation within design-led decision-making, without imposing rigid technical standards at plan level.

Building Regulations, including the **Future Homes Standard**, will continue to make significant progress in reducing operational carbon emissions in line with Government policy, while maintaining national consistency and certainty. These reforms will deliver substantial carbon reductions and fuel poverty benefits without undermining deliverability.

By contrast, Policy NZ1 risks pre-empting and potentially undermining future national policy, particularly given that:

- There is no single agreed statutory definition of “net zero” in the UK; and
- The net zero agenda is evolving rapidly.

4. Risk of Policy Obsolescence

The fast-changing nature of energy policy, technology and regulation means that Policy NZ1 risks becoming obsolete within the plan period. Previous initiatives such as the **Code for Sustainable Homes** demonstrate how quickly prescriptive local standards can become outdated once national policy changes.

The policy does not clearly explain how it will be kept under review or how it will relate to future updates to Building Regulations, creating uncertainty for applicants and decision-makers.

5. Alternative Approach

Policy NZ1 should be significantly simplified and made more flexible, with a stronger reliance on:

- National policy and Building Regulations as the primary delivery mechanism;
- Clear encouragement (rather than blanket requirements) for low and zero carbon technologies; and
- A proportionate, design-led approach that recognises site context, viability and feasibility.

This would better align the Local Plan with national policy, maintain flexibility, and avoid undermining development delivery during the plan period.