

Address

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Date

Dear Sir/ Madam

## **COLCHESTER LOCAL PLAN**

1. Thank you for consulting with the Home Builders Federation (HBF) on the Colchester Local Plan.
2. HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which include multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.

### **Policy references**

3. HBF would recommend that each of the paragraphs in the policies are numbered for ease of referencing. This will not only help at the examination but also for both decision makers and applicants. Paragraphs would be helpful and add to clarity for decision makers and applicants. Should the local plan be adopted.

### **NPPF consultation**

4. In December 2025 the Government published a consultation on the new NPPF. HBF recognise this will have no weight until it is formally adopted but once adopted the Council may need to give weight to some aspects of the policy. On the basis of paragraph 4 and 8 in Annex A of the draft NPPF being consulted on, this local plan, which the Council propose to submit under the current plan making process, will be examined under the NPPF24. However, it is also notable that in relation to decision making Annex A also states that from the date the new NPPF is published local plan policies that are "*...any way inconsistent with national decision making policies in this Framework should be given very limited weight, except where they have been examined and adopted against this Framework*". Therefore, should this new iteration of the NPPF be adopted un-changed the Council may need to have regard to national policies for decision making given that any inconsistency would effectively render policies in the local plan that are not consistent with the new Framework redundant as soon as the local plan is adopted.

### **Duty to co-operate**

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#### **Home Builders Federation**

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5. Following the publication of the Housing and Planning Minister Written Ministerial Statement on the 27<sup>th</sup> of November the Government have decided not to save the Duty to Co-operate. Therefore, once the relevant regulations have been enacted Colchester will no longer be under a duty to co-operate with its neighbours. However, this does not remove the policy requirement in the NPPF to maintain effective co-operation nor the need to consider, in addition to their own housing needs, “... *any needs that cannot be met within neighbouring areas* ...” as set out in paragraph 62 of the NPPF. The only difference arising from the the removal of the duty is that a failure to co-operate effectively is a soundness matter that can be rectified through main modifications.
6. With regard to the potential for unmet housing needs the HBF note that paragraph 2.56 of the Sustainability Appraisal states that initial discussions with neighbouring authorities progressing plans did not raise any issues in respect to unmet development needs, but we could find no other evidence on what co-operation has taken place – such as statements of common ground as required by paragraph 26 of the NPPF. As such it is not possible at this stage to comment on the effectiveness of any co-operation that has taken place with regard to housing or other cross boundary issues. Any co-operation must also extend beyond those neighbouring authorities at a similar stage of plan making.

#### **Policy ST1: Health and Wellbeing**

7. The Council will require a Health Impact Assessment on residential developments in excess of 50 units. HBF do not consider such a policy to be necessary. The health impacts of development across Colchester should be considered as part of plan making with the policies in the plan ensuring that development addresses the health objectives for the area. As such sites that are compliant with the relevant policies in this plan should not need to complete a health impact assessment. The only situation where a HIA may be appropriate for residential schemes would be for larger windfall schemes that that have not been considered as part of plan preparation and may negatively on health services.

#### **ST5 Colchester’s Housing Need**

##### *Housing requirement*

8. Based on the most recent data the standard method establishes the housing needs in Colchester as 1,293 dpa. The Council are proposing to meet the housing over the plan period with ST5 stating that the Council will deliver a minimum of 20,800 homes over the plan period. While not a soundness issue HBF would suggest that the annual housing requirement is also included within the body of the policy for the sake of clarity.
9. However, the Council will need to amend the period over which housing needs are considered in order to be consistent with paragraph 22 of the NPPF which states that plans should as a minimum look ahead for at least 15 years. Based on the LDS the expectation is that the plan will be submitted in October of next year following the regulation 19 consultation in the summer. As a minimum the time from submission to adoption will take a minimum of 12 months. Therefore, it is likely that the plan will be adopted in early 2028. As a result, the plan

will look ahead for 13 full years from point of adoption rather than the required 15 years. In order for the plan to be consistent with national policy it must be extended by two years to 2042/43. This will increase the overall housing requirement to be met in this local plan to 24,567 homes.

10. The Council are not proposing in this consultation to use a stepped housing requirement. While HBF recognises that PPG allows for stepped trajectories, a key starting point for any spatial strategy should be to ensure that the plan delivers homes consistently across the plan period and does not seek to unnecessarily delay the delivery of new homes on the basis of the sites that are selected to meet housing needs. Therefore, the Council must do all it can to avoid pushing back the delivery to new homes to later in the plan period on the basis of its spatial strategy. If the Council choice of strategy reveals it cannot meet needs and does not have a five year land supply on adoption it should seek to allocate additional sites not to amend the trajectory. A stepped trajectory should only be entertained once all other options to ensure a consistent supply of homes across the plan period have been considered and shows that the Council is not, as required by paragraph 68-12 of PPG, unnecessarily delaying meeting identified development needs.

#### *Housing supply*

11. The Council has identified supply over the proposed plan period of 21,106 homes, just over 300 homes more than the proposed requirement and 3,461 homes below what is required over a policy compliant plan period. The Garden Community will delivery beyond the plan period and will provide some additional supply to meet needs in the additional years. However, the Council will still need to find additional supply in order to meet their housing needs in full. In addition, HBF would also recommend that there is a 10% buffer between the number of homes expected to be delivered over the plan period and the housing requirement. This buffer in supply is required to take account of the fact that not all sites deliver as expected and will ensure that the Council and others can be confident that development needs will be met in full over the plan period and that the plan is therefore both positively prepared and effective.
12. The Council has not included a housing trajectory within this local plan. While a draft trajectory has been produced to inform infrastructure planning the Council state that further refinement is necessary. As the Council will be aware they are required by paragraph 78 of the to include housing trajectory in the local plan which illustrates the expected rate of housing delivery over the plan period. HBF would recommend that this does not just provides an overall trajectory but also includes the anticipated rate of delivery for each of the specific sites required to meet housing needs as well as the rate of windfall development. Given that the trajectory in the IADP is done in 5 year tranches we would recommend that any trajectory produced for the next iteration of the local plan is provided annually.
13. The detailed trajectory for each site does not necessarily need to be provided the local plan itself but should form part of the evidence base. Detailed information on supply expectations is essential in order for those parties with an interest in the local plan, as well as the Inspector appointed to examine it, can effectively, and easily, scrutinise the assumptions that have been made and the soundness of those assumptions.

*10% of delivery on sites of less than one hectare*

14. The Council will need to ensure that it meets the aims of paragraph 73 of the NPPF in order to support SME developers and promote a good mix of sites in the local plan. In particular it will be important for the Council to ensure the spatial strategy allows the Council to meet limb a) of paragraph 73 that the at least 10% of its housing requirements are on sites of one hectare or less.
15. In meeting the requirement in paragraph 73 of the NPPF the Council must ensure it is achieved from identified sites – either as an allocation in the local plan or as a site in the Council’s Brownfield Register. The Council must not rely on assumed levels of windfall delivery on small sites to meet this requirement. Such an approach would be inconsistent with the NPPF which defines windfall sites in its Glossary as “Sites not specifically identified in the development plan”. It is important to recognise that the allocation of small sites is a priority and stems from the need to support small house builders by ensuring that they benefit from having their sites identified for development either through the local plan or brownfield register. The effect of an allocation is to take some of the risk out of that development and provide greater certainty that those sites come forward. This in turn will allow the SME sector to grow, deliver homes that will increase the diversity of the new homes that are available as well as bring those homes forward earlier in the plan period.
16. The Council should also recognise that allocating small sites and supporting SME house builders not only ensures a stronger supply in the short term but also improves the diversity of choice within local housing markets, support local and regional supply chains and are often pivotal in bring forward innovation and supporting jobs growth locally, with 1 in 5 of the SME work force comprising of apprentices. A failure to allocate small sites will contribute to the continued decline in small and medium sized house builders. Recent re-search by the HBF has found that there are 85% fewer small house builders today than there were 20 years ago and that of a survey of SME house builders 93% said that planning was a major barrier to SME growth. Whilst this decline is due to a range of factors, more allocations of small sites would ease the burden on many SME developers and provide more certainty that their scheme will be permitted, allowing them to secure the necessary finance that is often unavailable to SMEs until permission is granted.

**EN2 – Biodiversity Net Gain**

17. HBF welcomes decision not to go beyond the statutory minimum of 10%. We also welcome the identification of specific sites for purchase of credits and that the use of these is a recommendation rather than a requirement as it should be for developer to decide how net gain is met where they cannot be delivered on site.
18. With regard to cost of delivering BNG we note that the viability assessment use Defra Impact Assessment from 2019. This could significantly underestimate the cost of meeting BNG in Colchester as the cost of off-site credits used in that study are based on the 2019 DEFRA Impact Assessment which assumed costs of these at £11,000. However, our members are experiencing costs of over £30,000 per unit with the cost varying based on the habitat type and the where the offsetting units are being delivered. Evidence on costs of off-site credits shows that in

the south of England costs range from £25,000 for neutral grassland of medium distinctiveness up to £190,000 for the very high distinctiveness water courses. Careful consideration will need to be given as to the type of BNG that may be required on allocated sites, the level of on-site delivery that is possible and ensure that any viability assessments reflect the potential cost of delivering this habitat offsite.

#### **GN1 – Open space**

19. HBF recognises where there is insufficient open space to support a development additional space may need to be provided on site. However, the scale of any requirement must be based on evidence and have regard to paragraph 58 of the NPPF. As such we do not consider this policy to be sound in relation to allocated sites as it states they should provide “*substantively in excess of 10%*” of the allocation as open space. It is not clear why such sites should provide substantially more open space than 10% or what substantially in excess means. Such a vague statement also means it is difficult to know how this policy will impact on the developable area of a site and ultimately the viability of that site. It will also create confusion for both the decision maker and developer alike. Greater clarity and justification are required with regard to this policy.

#### **GN4 : Tree Canopy Cover**

20. This policy requires a minimum 10% across site area where the baseline is below 10%. HBF does not consider this policy to be sound. The need for tree planting should be based on the character of the area and the nature of the site, not arbitrary canopy cover figures. In particular there may be good reasons why it is not possible to achieve 10% due to other reasons such as the delivery of biodiversity net gain where different habitats are required. While some flexibility is provided at the end of the policy in recognition of this, it seems perverse that in securing improvement in biodiversity related to that site the developer is then required to secure tree provision elsewhere.

#### **NZ1: Net Zero Carbon Development (in Operation)**

21. As set out above while very little weight can be attached to the current consultation on the NPPF careful attention will need to be given to the outcomes of the consultation and the final document that is adopted. With regard to standards related to carbon emission and energy efficiency standards consideration will need to be given to PM13 which states that other than standards for accessibility, water efficiency and nationally described space standards local plans should not cover matters already addressed in building regulations. In addition, it is also notable that the latest consultation on the NPPF proposes to amend the Planning and Energy Act 2008 in relation to the setting of local energy efficiency standards that go beyond building regulations to make clear that local plans should not set higher energy efficiency standards for residential development. Once adopted the NPPF would also replace the 2023 Written Ministerial Statement (WMS) ‘Planning – Local Energy Efficiency Standards Update’. As such if PM13 remains both NZ2 and NZ3 would be inconsistent with national policy from the point at which the new NPPF is adopted with limited weight being given to these policies with decision making. In such a situation HBF would suggest that these policies are deleted.

22. However, at present the Planning and Energy Act 2008 and the WMS allow local planning authorities to set standards that are higher than building regulations, with the WMS noting that “*Compared to varied local standards nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes*” and that local standards can “*add further costs to building new homes by adding complexity and undermining economies of scale*”. After setting out these concerns, the 2023 WMS does go on to state that any standard that goes beyond building regulations should be rejected at examination unless the LPA does not have a well-reasoned and robustly costed rationale that ensures:
- That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.
  - The additional requirement is expressed as a percentage uplift of a dwelling’s Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).
23. HBF do not consider the approach set out in NZ1 to be consistent with the WMS nor that the implications of such a policy have been properly assessed in the supporting evidence base. Our detailed points are set out below.
24. The approach proposed by the Councils based on energy use is inconsistent with the approach set out in the WMS and as such is unsound. The intention of the WMS and the Planning and Energy Act was to enable local authorities to go beyond building regulations but not to set wholly new standards. This was noted in by Justice Lieven’s decision which referred to statement by the Minister at the time where the minister confirmed that councils “*can go further and faster than building regulations, but within the national framework*” and that the intention was for “*... local authorities, in setting energy efficiency standards, to choose only those standards that have been set out or referred to in regulations made by the Secretary of State, or which are set out or endorsed in national policies or guidance issued by the Secretary of State. That approach was taken with a view to avoiding the fragmentation of building standards, which could lead to different standards applying in different areas of the country ...*”.
25. It should also be noted that the Government have considered as part of consultation on the Future Homes Standard whether it was appropriate to use a delivered energy metric such as the one being proposed in the policy position paper and have concluded that these do not offer any additional benefits to those being taken forward by Government. Therefore, if the Council are to require standards above those set out in building regulations they must be expressed as a percentage of the target emission rate and not as an energy use target in order to avoid fragmentation of the standards with different requirements being set in different areas which it must be recognised was not only an expectation of the WMS but also of the legislation that permits council to adopt higher standards in local plan in the first place. As such the HBF do not consider the council to be justified in departing from either the WMS or the Planning and Energy Act (2008).
26. With regard to viability, the Council’s Viability Assessment includes an uplift of £7,500 per unit to take account of the Future Homes Standard with an additional 8% or 5% uplift to build costs depending on the size of the development. Both these uplift would mean the costs of delivering the proposed standards are not dissimilar to

those in set out in the report ‘Ready for Zero’ that was published by the Future Homes Hub in 2023<sup>1</sup>. However, in addition to considering viability the Council will also need to provide evidence as to the potential impact on the affordability of new homes and the ability of the development industry to meet these standard when the plan is adopted.

27. With regard to deliverability of zero carbon homes HBF would not disagree that the proposed standards are technically feasible. However, HBF are concerned as to the impact these requirements will have on the rates at which sites can deliver new homes on all types of sites. Given that the standards proposed are higher than those proposed by Government in the Future Homes Standard and will require higher levels of fabric efficiency, which in turn will require new skills and materials that may not be readily available, HBF are concerned this could slow delivery in the short to medium term as supply chains are developed.
28. It has been recognised by the FHH that to deliver higher standards will require phased transitional arrangements to enable a steady build-up of skills and ensure quality. The FHH also notes in its report Ready for Zero that even if a short transition period between current standards and those similar to the Councils are proposing that this would “... *create a high risk of quality problems, inflated costs and, potentially, stalled build programmes.*” However, HBF could find no evidence that the Council has considered whether its proposed standard will impact on the rate at which new homes can be built. The Council will need to speak directly to a range of housebuilders operating in Reading to understand the impact of its policy on the rate at which homes will be delivered on its allocated sites. Without any consideration of delivery then the Council’s decision to go beyond what is required by building regulations is clearly unjustified
29. While HBF understands the desire for LPAs to go further it must be recognised that current policy outlines that even where development can viably implement higher standards this must be within a consistent technical framework and approach to assessing building performance against those technical standards. Indeed, this has long been the case in planning policy with paragraph 159b of the NPPF stating that “*Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards*”.
30. If the Councils have the evidence to show that the policy is deliverable, they will need to ensure that all other policies in the local plan are consistent with delivering the levels of embodied carbon being proposed. The most energy efficient design will inevitably lead to less variety in the built form in order to reduce the surface area of the building. This will need to be reflected in design policies and any design codes that are produced to ensure that development is not refused for seeking to meet energy efficiency standards but, for example, not being designed in the character of the local area.

## **NZ2: Net Zero Carbon Development embodied carbon**

31. As with NZ1 should the NPPF be adopted with PS13 unchanged, this policy should be deleted as it will be inconsistent with national policy. In addition, HBF have a number of other concerns. HBF do not consider this

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<sup>1</sup> [Ready for Zero](#), Future Homes Hub (2023)

requirement to be consistent with national policy. In effect this Council are proposing a new technical standard without any formal testing as to whether the development industry can actually reasonable meet this standard consistent from the point at which the plan is adopted. There is as yet limited understanding as whether there are sufficient low carbon alternatives to certain building materials to achieve the standard, the potential cost of meeting this standard and the availability of evidence as to the embodied carbon of different materials and products. Without comprehensive national testing as to what is actually deliverable the Council should not be seeking to impose new technical standard on the building industry.

32. The Council also do not appear to have taken into account the cost of meeting this standard in the viability assessment. This may have been included in the 8 to 10%. However as stated above, this uplift alongside the £7,500 per unit cost of meeting the Future Homes Standard is probably sufficient to cover the cost of meeting NZ1 and as such no allowance has been made for embodied carbon. As with reducing carbon emissions from operational energy use HBF considers it best that such matters addressed at a national level to avoid different approaches and standard being set in different areas. The housebuilding industry is working with the Future Homes Hub it to develop a roadmap to reducing embodied carbon and whilst Council's may want to go further faster HBF have concerns that this will impact on the deliverability of development with a disproportionate impact on SME developers.

33. Therefore, HBF consider the policy to be unsound, and it should be deleted.

### **NZ3: Wastewater and Water Supply**

34. This policy requires development to reduce water use per day to 80 litres per person per day (lppd). This is 30 litres below the minimum optional standard allowed for by planning policy. HBF recognises that there is a need for all new development seek to reduce the amount of water that is used however, this is most effectively achieved through the application of building regulations and the optional technical standards which are clear as to the level of reduction the Government considers to be necessary in a water stressed area. As there is an existing national standard for such areas then the only sound approach is to apply that standard – which remains 110 lppd. This may change, and our understanding is that the Government are looking at a lower standard for water stressed areas but, in the meantime, the only sound approach is to apply the optional technical standards. Amending the water use standard will also remove the need for the final; sentence of the third paragraph of this policy as compliance with the standard will be addressed through building control.

### **H1: Housing Mix**

35. HBF welcomes the flexibility within this policy which allows for other evidence to provide to support an alternative housing mix. This recognises that the LHNA is a snap short in time across the borough and as such may lack relevance in some locations. However, we would suggest that the table in part a is removed given that the evidence relating to mix could change over time. Part a should simply state that residential development will be supported where it is informed by the most recent local housing needs assessment. informed by most recent local housing needs assessment.

## **H5: Specialist Housing including Housing for an Aging Population**

36. While HBF welcomes the support for the provision of specialist accommodation the Council should be seeking to identify sites that support such development rather than rely on sites of 500 dwellings or more to provide such development. The Council needs to engage with the developers and providers and specialist accommodation and work with them to identify appropriate sites rather than rely on more speculative approaches to meeting the needs of older people.
37. With regard to the requirement for 5% of market homes to and 10% of affordable homes to be built to part M4(3) of the building regulations it is notable that the council have chosen to base their assessment of need on data relating to individuals who use a wheelchair both inside and outside the home rather than just those who use a wheelchair inside the home and who will require it to be built to part M4(3). The figures are quite different with only 0.7% of owner occupier using a wheelchair both inside and outside the home. While HBF recognise the need for some home to be built to part M4(3) where required there is a danger that the council's assessment over estimates the demand for such homes. HBF would suggest the council reconsider the evidence and examine need on the basis of those who use a wheelchair inside the home.

## **H6: Self and Custom Build**

38. This policy requires 2% of homes on sites of 150+ homes to be provided as self-build plots. Firstly, HBF could not find the evidence as the demand for self-build homes in Colchester. Secondly if there is demand for self-build homes then the Council must first consider alternative options for providing self-build plots it has considered before placing the burden of meeting these needs on house builders. PPG sets in paragraph 57-025 that planning authorities should not only use planning policies to meet needs but also whether they could use their own land to meet those needs, how have they engaged directly with landowners to try and bring forward specific sites for self-build. It is essential that these mechanism are considered prior to setting requirements in local plans for plot delivery on larger sites.
39. The Council also needs to consider the difficulties in providing self-build plots on new housing developments and how there are coordinated with the development of a wider site. At any one time, there are often multiple contractors and large machinery operating on-site and therefore from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity. It may also be the case that it is unfeasible to provide self-build plots on sites taking into account topography and access and the degree to which self-build and the rest of the site can be developed separately. HBF would therefore recommend that in part 2 of the policy that where developer can show that provision of plots is either unfeasible or unviable then they will not need to be provided.
40. In conclusion HBF does not consider this policy to be justified or effective at present. Without further evidence the HBF would suggest that the requirement in this policy has not been robustly justified. We would also suggest that the Council consider allocating specific sites for self-builders which are more likely to meet the needs of

those households as well as avoiding the potentially harmful impacts of mixing the delivery of self-build units alongside commercial housebuilding.

#### **Policy CS4 Sport provision**

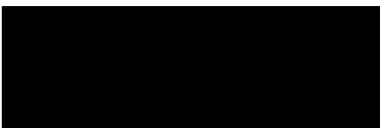
41. The policy states that all major residential development must assess the need for new sport provision. It should not be for individual development to assess the need for sport provision on their sites. This should be set out in the local plan to ensure that there is transparency about what is needed and ensure that any provision is fully accounted for within the viability assessment.

#### **Future Engagement**

42. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider housebuilding industry.

43. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,



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