

**Colchester's Local Development Framework  
Sustainable Design and Construction  
Supplementary Planning Document (SPD)**

**Statement of Consultation**

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## **Introduction**

The Sustainable Design and Construction Supplementary Planning Document (SPD) is one of the planning documents that make up Colchester's Local Development Framework (LDF). The overarching Core Strategy DPD was the first document to be produced, in line with Government guidance on priorities for the LDF. The Core Strategy sets out the spatial vision, strategic objectives and policies for the Borough up to 2021. The Core Strategy was declared 'sound' by a Government-appointed Planning Inspector and was adopted by the Council on 11 December 2008. The Site Allocations and Development Policy documents were subsequently adopted in October 2010. The policy direction set in these Development Plan Documents has been used as the cornerstone for the production of subsequent planning policy documents including this SPD.

Colchester Borough Council published the draft Sustainable Design and Construction Supplementary Planning Document (SPD) for public consultation on Tuesday 1 March 2011. The consultation period ran until Friday 1 April 2011.

This statement of consultation is required under regulation 17(1)(b) of the Town and Country Planning (Local Development) Regulations (as amended) 2004. This statement sets out:

- (i) the names of the organisations the authority consulted in connection with the preparation of the SPD;
- (ii) how those persons were consulted;
- (iii) a summary of the main issues raised in the representations received; and
- (iv) how those issues have been addressed in the SPD.

## **Consultation**

All organisations and individuals on the Council's Local Development Framework consultation database were consulted on this SPD. They were contacted informing them that the SPD was published for consultation. An electronic link to the SPD was sent to them and consultees were informed where hard copies of the SPD were available. Appendix C lists the consultees and appendix D includes a copy of the email sent to all consultees.

A statutory advert was placed in the Evening Gazette on Tuesday 1 March 2011 (see appendix E).

In total 18 representations were received raising a number of issues. 4 were in support of the SPD, 4 objected to it and 10 were general comments. A list of respondents is included in appendix A. The representations received are summarised in this statement and a response is included. A more detailed summary of each individual/organisations representation is included in appendix B. Where necessary a change to the SPD is suggested. Where more than one person submitted a similar representation a single response has been drafted, which seeks to address the key points from all of the relevant representations.

They key issues raised during the consultation were:

- Welcome Council's commitment to reducing carbon emissions within the Borough
- Strongly support sustainable development and believe that the Code and BREEAM are the best way of achieving this. What will happen if developers fail to achieve targets?
- The SPD will help to focus developers' attention on the evidence-based options to make their proposals more adaptable and resilient to the challenges of climate change
- Colchester Borough Council should set higher targets
- Targets are too onerous and will affect viability of development; the Council should not try to lead national policy on construction techniques
- The cost assumptions in the SPD have been underestimated
- Dwellings built after 2016 may fall short of Code level 6 if they have received planning consent before 2016
- The Lexden Restoration case study misses the point in that it is the fabric and design of buildings that will be far more important in the future than renewable energy technologies
- The Flagship housing scheme is not a viable scheme but a subsidised experiment
- For a large urban development Colchester Borough Council suggest 'best fabric + community biomass CHP + PV'. The SPD therefore exposes a lack of technical expertise by CBC and if adopted will result in significant additional costs for developers
- The Council should consider a consequential improvement policy requiring the installation of energy efficiency infrastructure whenever refurbishments require planning permission
- Clear guidance on renewable energy should be prepared
- There are problems with imposing low carbon technologies on the house building industry at this stage
- SuDS is omitted from the SPD
- Building testing for air tightness should be integrated into the planning system and enforced
- The SPD does not place sufficient emphasis on the pollution potential of the construction of a project
- SPD will undermine wider objectives of the Core Strategy
- The Code for Sustainable Homes was not mentioned in the Plan for Growth
- The 'drip drip' effect of regulatory burden is a significant issue
- Introducing policy after policy will affect the overall quality of development
- References to carbon reductions only really mean that measures taken in this SPD will reduce impact, not reduce current levels
- It may be worth considering the BREEAM very good/ excellent standard for housing beyond level 4
- No communication has been received on this SPD

- Theatres can provide a valuable opportunity to demonstrate ways in which local people can act in their own homes to help mitigate the effects of climate change
- Not clear what additional impact/ assistance will be given by the accredited Sustainable Homes & BREEAM assessors

***University of Essex, Twenty 16 Design, CBC Climate Change Officer, Myland Community Council***

*Welcome Council's commitment to reducing carbon emissions within the Borough and are encouraged that the Council is addressing the issue of sustainable design and construction in buildings*

Support noted.

***Ingleton Wood***

*Strongly support sustainable development and believe that the Code and BREEAM are the best way of achieving this. What will happen if developers fail to achieve targets?*

Support noted. A condition will be attached to planning consents requiring the Code for Sustainable Homes/ BREEAM target to be met. As part of the condition applicants will be required to submit a post-completion certificate. Non-compliance with planning conditions is grounds for enforcement.

***Tendring District Council***

*A Sustainable Design and Construction SPD will help to focus developers' attention on the evidence-based options to make their proposals more adaptable and resilient to the challenges of climate change.*

Support noted.

***University of Essex, Myland Community Council, Twenty16Design, Laura Mansel-Thomas, CBC Climate Change Officer***

*Colchester Borough Council should set higher targets*

The Code for Sustainable Homes includes nine categories and so whilst the energy category of level 3 is equal to current building regulations the eight other categories will ensure that more sustainable buildings are delivered in Colchester. For example, the water consumption requirement in the Code is more stringent than building regulations. Further, the SPD paves the way for the Council requiring higher Code levels in the future.

It is important to strike a balance between the delivery of more sustainable buildings and ensuring that development comes forward. At the present time requesting Code level 4 or higher and BREEAM 'excellent' could render many developments unviable. Indeed representations have been submitted as part of this consultation expressing concern over the Council's requirement for Code level 3 and BREEAM 'very good'. Whilst the Council wants to deliver more sustainable buildings it is important that development is able to come

forward to meet the Core Strategy housing and employment targets and other policy requirements.

The SPD states that major development will be encouraged to achieve higher standards. Using stronger wording such as 'expected where viable' would place a burden on developers to demonstrate in every case that higher levels cannot be met. It is considered that it is instead better to encourage higher levels but to expect reductions in carbon emissions inline with building regulations.

***Capstan Homes, Mersea Homes, Rose Builders, Lexden Restorations***  
*Targets are too onerous and will affect viability of development; the Council should not try to lead national policy on construction techniques*

Colchester Borough Council is not leading on national policy on sustainable construction techniques. Indeed some of the representations to this SPD have requested that the Council set higher targets. The Council recognises that at the current time requesting higher levels of energy efficiency than set out in building regulations could affect the viability of development. The Council is therefore not setting higher standards and, as set out in the Core Strategy, is supporting the phased improvements to building regulations in terms of reduced carbon emissions.

The government has signalled a radical shift of responsibility to local authorities and communities and good design is at the heart of the localism agenda. Colchester Borough Council is entirely justified in implementing requirements for the Code for Sustainable Homes and BREEAM. Other local authorities, including Braintree and Chelmsford, have been requiring development to be built to Code level 3 and BREEAM 'very good' for several years now. Colchester Borough Council will not, therefore be raising the bar or setting an unlevel playing field and so it is not considered that development is likely to go elsewhere purely based on the targets in this SPD.

Colchester Borough Council has decided to improve the sustainability of development in the Borough through the Code for Sustainable Homes and BREEAM as these are national standards, which are verified by an independent body. Some other local authorities have set local standards and/or asked developers to fill out sustainability checklists. However, research commissioned by DCLG has shown that local authorities should be clear about the targets they are setting as vague targets are difficult for developers. Colchester Borough Council has tried to ensure that the sustainability of new development is improved in a way that developers are familiar with and have been tested and set nationally.

The Code for Sustainable Homes cost review commissioned by DCLG found that the average costs, above base build costs of building to level 3 is 3-4%. Twenty organisations were credited with contributing to the cost review, including the Home Builders Federation. This cost review was undertaken before the October 2010 improvements to building regulations, which are

equal to level 3 of the Code and so the costs above base build costs will now be even lower (the cost review was published in 2010).

It is clearly stated in the SPD that if the application of the Code and BREEAM targets would render development unviable the Council will not impose these targets. Sustainable design and construction measures will still be expected, however if the developer can demonstrate that building to the Code/ BREEAM would make the development unviable it will be up to them how to improve the sustainability of new buildings.

It is accepted that current schemes that have achieved high Code levels, such as the Code level 6 Greenspace project, may not be viable. However, Code level 3 can be achieved and there are numerous examples throughout the region of market housing built to Code level 3. The medium-longer term targets set out in the SPD correspond to the national timetable for improvements to building regulations. If these are changed by government they will be reviewed by the Council.

#### ***Mersea Homes, Twenty 16 Design***

*The cost assumptions in the SPD have been underestimated. A recent scheme in Great Horkesley, which is built to Code level 3 resulted in a 14% increase on current build costs & there are numerous errors within the SPD*

The details on the costs of the Code for Sustainable Homes were taken from the document 'Code for Sustainable Homes: A Cost Review'. This research was carried out on behalf of the Department for Communities and Local Government in 2010. Twenty organisations were credited with contributing to the research, including the Home Builders Federation. The cost review is an up to date document and cost data was obtained through a direct consultation with the house building industry. It looks at average costs of meeting the Code rather than the cost of just one development meeting the Code. The typical cost of building to Code level 3 was found to be 3-4% over the base build cost.

It is clearly explained in the SPD that the cost relates to cost above base build cost. Some of the categories within the Code for Sustainable Homes are already required by national or local planning policies and so the Code for Sustainable Homes will not therefore increase the base build cost for some categories. The Council is entirely justified in using this national cost review as evidence in support of the SPD.

Further, it is widely recognised that the most costly element of the Code for Sustainable Homes is the energy requirement. The development referred to in the representation from Mersea Homes was built before the amendments to building regulations came into force in October 2010. These amendments bring the energy category of Code level 3 in line with building regulations, which will reduce the cost of building to Code level 3 above base build costs.

#### **Suggested change**

Notwithstanding the response to these representations, it is considered that table 7 in the SPD should be deleted and replaced with text that describes the typical costs above base built costs in percentage terms.

“According to the DCLG document: Code for Sustainable Homes, A Cost Review (2010) the typical extra over costs from a baseline of building a 2006 building regulations compliant dwelling are as follows:

- < 1% level 1
- 1-2% level 2
- 3-4% level 3
- 6-8% level 4
- 25-30% level 5
- 30-40% level 6.

There is significant variation at each Code level between dwelling types and across development scenarios. However, the figures use a 2006 building regulations compliant dwelling as the baseline and the October 2010 building regulations are more stringent. Therefore the extra over costs of building to a building regulations compliant dwelling will now be less.”

***University of Essex, Myland Community Council***

*Dwellings built after 2016 may fall short of Code level 6 if they have received planning consent before 2016*

In the first instance buildings are required to be built to the building regulations at time of construction, regardless of when planning permission is granted. If planning permission is granted prior to 2016 but not built until after this date zero carbon homes will still be delivered as this will be the Part L building regulations requirement from 2016.

However, the other categories of the Code for Sustainable Homes are very important. Table 6, which sets out phased requirements, states that from 2015 all major development will be encouraged to achieve level 6. This allows the Council to negotiate with developers as part of pre-application discussions to help ensure that development coming forward after 2016, but granted consent prior to 2016 will be built to Code level 6.

Finally, this SPD relates to the Code for Sustainable Homes and BREEAM and the suggestion from Myland Community Council for an initial chapter defining the inclusion, options, character, social infrastructure and consultation methodology is considered to be outside of the scope of this SPD.

Suggested change

To ensure that homes and commercial buildings are built to the appropriate Code and BREEAM level it is recommended that the following sentence be inserted after table 6:

“For outline planning applications, where it is very likely that development will come forward several years after outline planning consent is granted, the Code and BREEAM targets will reflect the requirement at the time the development is likely to come forward.”

***Mersea Homes***

*The Lexden Restoration case study misses the point in that it is the fabric and design of buildings that will be far more important in the future than renewable energy technologies. If this case study is to be used the quantum of carbon reduction and Code for Sustainable Homes rating should be explained*

This case study was included in the SPD to show that it is possible to successfully integrate renewable energy systems into houses of traditional design without compromising on the design, appearance and functionality of the property (as stated in the SPD). Whilst the objector may have criticisms of the Green Edge development it has won and been nominated for green design awards and shows that building more sustainable homes in historic areas can be done. It is however accepted that it may have been more appropriate to include a case study of a Code for Sustainable Homes development.

The Council understands that improving building fabric is more effective, both in terms of cost and CO<sub>2</sub> reduction, than installing renewable energy technologies. Indeed the SPD states that up to Code level 3 it is possible to meet the mandatory CO<sub>2</sub> reduction through fabric improvement measures. Unlike many other local authorities Colchester Borough Council is not intending to require a percentage of development to come from renewable or low carbon energy. The Council is focussing on improving the sustainability of the whole building through the Code for Sustainable Homes and BREEAM.

***Mersea Homes***

*The Flagship housing scheme is not a viable scheme but a subsidised experiment*

This comment is noted and the Council is not suggesting that developers build to Code level 6 at the present time. The SPD explains that this case study has been included to demonstrate that the construction and renewable energy technologies are available to achieve level 6 of the Code.

**Suggested change to SPD**

It is recommended that the two case studies are removed from the SPD. They were included with the intention of helping developers; however, this consultation has shown that they have led to confusion.

***Mersea Homes***

*For a large urban development Colchester Borough Council suggest ‘best fabric + community biomass CHP + PV’. The SPD therefore exposes a lack of technical expertise by CBC and if adopted will result in significant additional*



*costs for developers. From 2013 there will simply be insufficient heat demand to warrant the investment in CHP*

Table 8 in the SPD was taken from the DCLG document 'Code for Sustainable Homes: A Cost Review'. It was intended to help developers think about the different options for achieving the Code energy category under different development scenarios and locations based on cost data from numerous house builders throughout the country. Whilst it is accepted that from 2013 (due to improvements to building regulations) there may be insufficient heat demand to warrant investment in CHP this table represents the case at the time the cost review was undertaken. The table is included as an aid; the SPD does not suggest in any way that this is what the Council requires. The SPD is very clear that the achievement of the Code for Sustainable Homes and BREEAM standards are flexible.

### Suggested changes to SPD

It is recommended that table 8, which summarises the lowest cost energy strategy at each Code level, is removed from the SPD. It was included with the intention of helping developers; however, this consultation has shown that it has led to confusion and furthermore as building regulations improve it may become obsolete.

### **University of Essex**

*The Council should consider a consequential improvement policy requiring the installation of energy efficiency infrastructure whenever refurbishments require planning permission*

The issue raised by the university was considered in detail by the Council as part of the preparation of this SPD. The Council considers that it is important to encourage energy efficiency improvements to the existing building stock and that it is sensible to make energy efficiency improvements as part of extensions/improvements to buildings. The Uttlesford Rule was considered, however it was concluded that this would be too resource intensive to implement. As an alternative the Council will add an informative to householder applications advising householders to obtain a free home energy check from the Energy Saving Trust and implement the recommended measures. The Council does not want to demand that householders improve the energy efficiency of their dwellings and does not have policies in Development Plan Documents to support this. Instead the Council wants to encourage householders to improve the energy efficiency of their dwellings and anticipates that householders will appreciate the benefits of improvements in terms of cost savings and improved comfort. The Council has also published information on the Planning pages of the website on the various energy and water efficiency measures that householders can take. Information is included on the likely cost of measures, payback period and average annual energy/water savings. Finally, the Council's Climate Change Officer and Warm Homes Project seek to increase the uptake of retro-fitting measures in existing properties and carry out various initiatives to do this

including the promotion of incentives for renewable technologies such as the new feed in tariff and proposed renewable heat incentives.

### ***University of Essex, Lexden Restorations***

*Clear guidance on renewable energy should be prepared*

Owing to the wealth of information available on renewable energy technologies and the continued progress being made it is not considered that there is a need for the Council to produce guidance on renewable energy technologies. Policy DP25 of the Development Policies DPD sets out the criteria that will be used by the Council to determine planning applications for renewable energy schemes. As part of the drafting of this policy the spatial policy team considered whether it would be appropriate to allocate land that is suitable for renewable energy. However, it was considered that it is preferable to let the market decide the best locations for renewable energy schemes. Allocating land for renewable energy schemes could lead to a situation whereby a planning application for land elsewhere could be refused purely on the basis of the land not being allocated. Allocating land suitable for renewable energy schemes would also be a time consuming and expensive exercise and could cause anxiety for local communities. When consulting them as part of drafting policy DP25 the British Wind Energy Association (BWEA) advised that the market will identify suitable sites.

### ***Lexden Restorations***

*There are problems with imposing low carbon technologies on the house building industry at this stage*

The objector has identified the following three problems with imposing low carbon technologies: cost, house buyers do not understand nor have the appetite to understand how these technologies work, and the major house builders will install whatever technology is the cheapest and simplest to install rather than the most effective.

Firstly, the Council are not requiring development to include renewable energy technologies. Whilst renewable energy technologies will be required to meet higher levels of energy efficiency in accordance with changes to building regulations the Council is not implementing the Merton rule. Secondly, the Council is not imposing a particular type of renewable energy technology. The Council has tried to ensure that the SPD will result in more sustainable buildings, but that housebuilders will have a degree of flexibility of how this is achieved.

The issue of the householders and housebuilders not understanding technologies is a national problem and it is agreed that it is one that needs to be addressed. The Council's Climate Change Officer and Warm Homes Team help to educate the public on issues relating to energy efficiency and renewable energy. A change is suggested to the SPD to help to address this problem.

### **Suggested change**

The following is suggested as an addition to the 'requirements' section, after table 6:

“Whilst Core Strategy policy ER1 encourages development to provide over 15% of energy from renewable or low carbon sources the Council considers that it is more effective to focus on a holistic approach and consider the whole building. Notwithstanding this however, renewable energy will be necessary for some schemes to meet the Code/ BREEAM energy category. Where renewable energy is included within a scheme this should be the most effective type of technology for the scheme. The Council will expect the developer to provide manuals/guidance for future occupants to ensure that they can effectively use the technology.”

***Myland Community Council***

*SuDS is omitted from the SPD*

Under the Flood Risk Regulations (2009) and the Flood and Water Management Act 2010 Essex County Council is the Lead Local Flood Authority for Essex (LLFA). The LLFA is required to prepare a preliminary flood risk assessment, flood hazard maps and flood risk maps, and flood risk management plans. The preliminary flood risk assessment will include information on the risk of various forms of flooding, including surface water. The flood hazard maps are due to be published by 2013.

The Council considers that it is appropriate to prepare a guidance note on SuDS once there is more information about the risk of surface water flooding in Colchester from the work that the LLFA is doing. This will ensure that the guidance is up to date, based on a credible evidence base and very specific to Colchester Borough.

In the interim period, until such guidance is produced by the Council, there is a wealth of information available nationally about SuDS and the Council will have regard to this.

***University of Essex***

*Building testing for air tightness should be integrated into the planning system and enforced*

***Denis Palmer***

*The SPD does not place sufficient emphasis on the pollution potential of the construction of a project*

Colchester Borough Council has chosen to improve the sustainability of new buildings through the Code for Sustainable Homes and BREEAM as these are national standards. It is thus hoped that this will be less of a regulatory burden on developers than setting local standards, such as a local requirement for air tightness, whilst still improving the sustainability of new buildings.

Standards of air tightness is a requirement under building regulations (Parts L1A L2A). The achievement of these standards must be proven by means of air leakage testing. It is therefore not considered that building testing for air tightness should be included in the SPD.

One of the Code for Sustainable Homes categories relates to the environmental impact of materials. Credits are awarded based on The Green Guide rating for elements of the building envelope. The Green Guide is a rating system for the embodied environmental impacts of construction products and materials, which assess the life cycle environmental impact.

### ***Mersea Homes***

*SPD will undermine wider objectives of the Core Strategy*

The requirements for the Code for Sustainable Homes and BREEAM, which are set out in the Core Strategy and expanded upon in this SPD, do not undermine the Core Strategy. The achievement of 'high standard of sustainable design and construction' is part of the vision of the Core Strategy and two of the objectives relate to reducing the Borough's carbon footprint and renewable energy. Further, the SPD fits in with the Sustainable Community Strategy (SCS), which the Local Development Framework reflects. Part of the vision of the SCS is reducing carbon emissions and the SCS states that one of aims of the Local Strategic Partnership is to improve the sustainability and reduce the carbon emissions of our housing by encouraging new developments to meet high standards of sustainability and energy efficiency.

### ***Mersea Homes***

*The Code for Sustainable Homes was not mentioned in the Plan for Growth*

The government has signalled in the Plan for Growth that there is a clear expectation that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. National policy set out in the PPS Planning and Climate Change supplement to PPS1 requires development in terms of its spatial distribution, location and design to limit carbon dioxide emissions and to be planned to make good use of the opportunities for decentralised, low carbon and renewable energy (paragraph 10).

Whilst the government has indicated that the definition of zero carbon homes will be less onerous than previously thought it remains the case that the government continues to recognise the importance of reduced carbon emissions in new homes. It is stated on the DCLG website that the Code for Sustainable Homes is the national standard for the sustainable design and construction of new homes.

The Plan for Growth states that the UK needs to deliver carbon savings in order to meet the Carbon Budgets to which the government is committed and the carbon footprint of new homes cannot be allowed to add to overall carbon

reduction burdens. It is considered that the SPD is not an unnecessary burden but complies with national planning and economic policy by reducing carbon emissions from new buildings.

### ***Mersea Homes***

*The 'drip drip' effect of regulatory burden is a significant issue. Colchester Borough Council should undertake an assessment of the cumulative effect before proceeding.*

Through this SPD the Council is giving effect to policy ER1 of the Core Strategy and also numerous other adopted Core Strategy and Development Policies which require sustainable design and construction measures.

### ***Lexden Restorations***

*Introducing policy after policy will affect the overall quality of development*

The Council expects high quality development within the Borough and it is accepted that some considerations are more important than others. The Council balances the various considerations on a case by case basis and it is considered that this is the correct approach and a hierarchy does not need to be set.

### ***Myland Community Council***

*References to carbon reductions only really mean that measures taken in this SPD will reduce impact, not reduce current levels*

Table 5 of the SPD shows regulated CO<sub>2</sub> emissions for new dwellings to be built in the period 2010-2016 under the scenarios of baseline, Code level 3 and Code level 4. As changes to building regulations implemented in October 2010 now make Code level 3 the baseline this section no longer reflects the current situation.

### **Suggested change**

It is recommended that the paragraph after box 4 and table 5 are deleted.

### ***Myland Community Council***

*It may be worth considering the BREEAM very good/ excellent standard for housing beyond level 4*

There are many different versions of BREEAM, which apply to different development types. BREEAM therefore cannot easily be applied to new dwellings. BREEAM did have a version for dwellings (Ecohomes) however this was cancelled in favour of the Code for Sustainable Homes, which was developed by BRE.

*The SPD should state the importance of new build being sustainable to prevent fuel poverty in future years*

It is agreed that fuel poverty should be referred to in the SPD.

### Suggested change

The following is suggested as an addition to the second paragraph of the introduction (page 3):

“More sustainable design will help to reduce fuel poverty, which has been rising nationally since 2004. One of the three main causes of fuel poverty is poor energy efficiency in the home.”

The following definition of fuel poverty is suggested as a footnote to the above sentence:

“Fuel poverty means being unable to afford to keep warm. A household is considered to be in fuel poverty if it spends more than 10% of its income on fuel for adequate heating.”

### ***Lexden Restorations***

*No communication has been received on this SPD*

The Council emailed all consultees on the LDF consultation database advising them of the consultation on the SPD. The objector is included on the consultation database. Action has been taken to improve IT communication to Lexden Restorations. As explained in this consultation statement the relevant regulations were adhered to. Furthermore, The Green Edge, which is a sister company to Lexden Restorations, were contacted whilst the SPD was being drafted regarding the Essex Energy Village case study. The Green Edge was also sent a draft copy of the SPD at the time the SPD was presented to LDF Committee in January 2011.

### ***The Theatres Trust***

*Theatres can provide a valuable opportunity to demonstrate ways in which local people can act in their own homes to help mitigate the effects of climate change*

Comment noted.

### ***Jehovah's Witnesses***

*Not clear what additional impact/ assistance will be given by the accredited Sustainable Homes & BREEAM assessors*

Code for Sustainable Homes & BREEAM assessors will assess new buildings & work out the Code/BREEAM level. As stated in the SPD the Council recommends that an accredited assessor is brought onto the design team at an early stage.

## **Appendix A. List of SPD respondents**

### Support

Ingleton Wood  
Laura Mansel-Thomas  
Tendring District Council  
Colchester Borough Council Climate Change Officer

### Object

Mersea Homes  
Capstan Homes  
Rose Builders  
Harding Homes

### General comment

University of Essex  
Myland Community Council  
Twenty 16 Design  
Lexden Restorations & Development  
The Theatres Trust  
Denis Palmer  
Jehovah's Witnesses  
The Coal Authority  
East of England Development Agency  
Anon

## Appendix B. Summary of representations

Name	Summary of rep
Ingleton Wood (Robert Diamond)	Strongly support sustainable development & believes that the Code for Sustainable Homes & BREEAM will be the best way to achieve this. What will happen if builders fail to achieve targets?
Colchester Borough Council Climate Change Officer	CBC is fully committed to tackling the causes & effects of climate change. This SPD will set in place the necessary groundwork to ensure that development in Colchester is fit for purpose in relation to national & local carbon reduction targets. The SPD states that major development will be 'encouraged' to achieve higher standards, to ensure that developers are seeking to achieve the higher targets it is suggested that the word 'encouraged' is replaced with 'expected where viable'.
Laura Mansel- Thomas	The Council should push for level 4 rather than 3. The jump from level 4 to 6 is massive & bringing level 4 forward earlier would ease the transition. Concerned that the BREEAM 'very good' target is only encouraged.
Mersea Homes (Stuart Cock)	<ol style="list-style-type: none"> <li>1. SPD will undermine wider objectives of the Core Strategy.</li> <li>2. The Code for Sustainable Homes was not mentioned in the Plan for Growth.</li> <li>3. The cost assumptions in the SPD have been underestimated.</li> <li>4. The Council should not try to lead national policy on construction techniques.</li> <li>5. The 'drip drip' effect of regulatory burden is a significant issue. Colchester Borough Council should undertake an assessment of the cumulative effect before proceeding.</li> <li>6. The Lexden Restoration case study misses the point in that it is the fabric and design of buildings that will be far more important in the future than renewable energy technologies.</li> <li>7. The Flagship housing scheme is not a viable scheme but a subsidised experiment.</li> <li>8. For a large urban development Colchester Borough Council suggest 'best fabric + community biomass CHP + PV'. The SPD therefore exposes a lack of technical expertise by CBC and if adopted will result in significant additional costs for developers. From 2013 there will simply be insufficient heat demand to warrant the investment in CHP</li> </ol>
Capstan Homes	The cumulative effect of all these policies is making it too hard to build homes. There is no need for it, building regulations and the policy in the Core Strategy should be stuck to.
Rose Builders Ltd (Steven Rose)	The implementation of this at this stage of the economic cycle will inhibit developments from commencing & may render many schemes unviable. The targets proposed are too great & too soon.
Harding Homes	No comment
University of Essex (Daniel Dempsey)	<ol style="list-style-type: none"> <li>1. The University welcomes CBCs commitment to reducing carbon emissions through sustainable design &amp; construction in buildings</li> <li>2. There is concern that the SPD only reflects what has been signalled by national government.</li> <li>3. Homes built after 2016 will fall short of Code level 6 if they have received planning consent before 2016.</li> <li>4. Building testing for air tightness should be integrated into the planning system.</li> <li>5. Energy efficiency infrastructure should be undertaken as part of refurbishment.</li> <li>6. Clear guidance on renewable energy &amp; a statement f where in the Borough developers can assume planning permission should be provided.</li> </ol>
Myland Community Council	<ol style="list-style-type: none"> <li>1. Myland Community Council would like to commend CBC for a clear, concise &amp; helpful document</li> <li>2. The excellent design &amp; construction guidance starts too late &amp; can only be applied after the brief for any development has been agreed.</li> <li>3. An initial chapter should be included defining the inclusion, options,</li> </ol>



	<p>character, social infrastructure and consultation methodology.</p> <p>4. References to reductions only really mean that measures taken in this SPD will reduce impact, not reduce current levels.</p> <p>5. The omission of SuDS is a serious flaw.</p> <p>6. It may be worth considering the BREEAM very good/ excellent standard for housing beyond level 4.</p>
Twenty16Design (Ollie Westover)	<p>1. Generally support the implementation of the revised SPD, and the requirement for new developments to meet Code or BREEAM levels. However, it is a real shame that firstly the council has taken so long to get to this point.</p> <p>2. The requirements (for housing at least) do not go beyond the regulatory minimum for energy and CO<sub>2</sub> emissions.</p> <p>3. The document is riddled with factual errors.</p> <p>4. No credit or reference is given for the photo of Mendip Place (aka Green Space) in Chelmsford.</p>
Lexden Restorations & Development	<p>1. Lexden Restorations has not received any form of communication about this consultation process from the Borough Council.</p> <p>2. Whilst the introduction of this proposed policy in isolation is unlikely to make a site uneconomic this combined with all the other requirements now being asked for by the Council mean that the small to medium sized developer is being squeezed to the point where many are no longer able to continue to operate.</p> <p>3. There are three main problems with imposing low carbon technologies on the house building industry at this stage: cost, house buyers do not understand nor have the appetite to understand how these technologies work, and the major house builders will install whatever technology is the cheapest and simplest to install rather than the most effective.</p> <p>4. Introducing policy after policy will affect the overall quality of development.</p>
The Theatres Trust (Rose Freeman)	Theatres can provide a valuable opportunity to demonstrate ways in which local people can act in their own homes to become more environmentally efficient and reduce carbon emissions.
Denis Palmer	The SPD does not place sufficient emphasis on the pollution potential of the construction of a project.
Anonymous	The SPD should state the importance of new build being sustainable to prevent fuel poverty in future years.
Jehovah's Witnesses (Lee Ramsey)	The proposal to enhance sustainability by reducing waste & seeking environmentally friendly alternatives is in principle good. However, what additional impact/ assistance will be given by the accredited Sustainable Homes & BREEAM assessors.
Tendring District Council	Tendring District Council recognises Colchester Borough Council's commitment to mitigating and adapting to climate change and supports its proposal to produce a Supplementary Planning Document on Sustainable Design and Construction. The Council considers that this will help to focus developers' attention on the evidence-based options to make their proposals more adaptable and resilient to the challenges of climate change.
The Coal Authority	We have no comments to make.
EEDA	EEDA has no comments to make on the document.

## Appendix C. List of Consultees

Statutory Consultees	
Alresford Parish Council	Lancaster University Network Services Ltd
Anglian Water Services Ltd	Maldon District Council
Anglian Water Services Ltd.	Natural England
Ardleigh Parish Council	Nayland with Wissington Parish Council
Babergh District Council	Neos Networks Ltd
Bradford Cable Communications Ltd	Network Rail
Braintree District Council	North Essex PCT
Brightlingsea Town Council	NTL Group Ltd
British Gas Connections Ltd	NWP Spectrum Ltd
British Telecom	Omne Telecommunications Ltd
Bures St Mary Parish Council	Opal Telecom Ltd
Colchester STW	Orange Personal Communications Ltd
Colt Telecommunications	Regional Communications Team O2 Airwave
Doncaster Cable Communications Ltd	Sheffield Canal Company Ltd
East of England Development Agency (EEDA)	South East Water Plc
Easynet Telecommunications Ltd	Sport England (East Region)
EDF Energy	SSE Telecommunications Ltd
Eircom UK Ltd	Stoke By Nayland Parish Council
Energis Communications	Stratford St Mary Parish Council
English Heritage	Suffolk Constabulary
Environment Agency	Suffolk County Council
Essex & Suffolk Water	Telia Sonera International Carrier Ltd
Essex County Council	Tendring District Council
Essex Police	Tendring Hundred Water Services Ltd
Essex University	Thames Water Utilities Ltd
Essex Wildlife Trust	The Coal Authority
Feering Parish Council	The Highways Agency
Fibernet Ltd	The Historic Buildings and Monuments Commission for England
Gamma Telecom Holding Ltd	The National Trust
Gemini Submarine Cable System Ltd	The Planning Inspectorate
Global Crossing	The Secretary of State for Transport
Great Braxted Parish Council	T-Mobile (UK) Ltd
Haven Gateway Partnership	Tollesbury Parish Council
Hutchison Network Services UK Ltd	Tolleshunt D'Arcy Parish Council
Kelvedon Parish Council	Tolleshunt Major Parish Council
Kingston Communications (Hull) Plc	Tolleshunt Nights Parish Council
	Vtesse Networks Ltd
	Wireless World Forum Headquarters

Other Stakeholders	
1st Church of Christ, Scientist, Colchester	Januarys
A S Planning Ltd	Jaygate Homes Ltd
Abberton & Langenhoe Parish Council	John Grooms H.A Ltd
Addendum Ltd	Keith Mitchell Building Consultancy Ltd
ADP	Kendall C E Primary School
AERC	Kent Blaxill & Co Ltd
Age Concern Colchester	Knowles Associates Ltd
Aldham Parish Council	La Farge Aggregates Ltd
Allegro Music	Langham Parish Council
Allen & Son, St Botolph's Butchery	Lawson Planning Partnership Ltd
AMA Planning	Layer Breton Parish Council
Andrew Martin Associates	Layer de la Haye Parish Council
Anglian Pumping Services Ltd	Layer Marney Parish Meeting
Army	Layer Road Surgery
Army Welfare Services	LCO Consulting Ltd
Ashwell Property Group Plc	Learning & Skills Council
ASM Logistics	Leith Planning
Atisreal UK	Levvel Ltd
Atkins Telecom	Lexden Restorations Ltd
Bags o Fun	Lind Automotive Group
Balkerne Gardens Trust	Little Horkesley Parish Council
Banner Homes	Living Streets, Colchester
BAP Transport Ltd	Long Tall Sally
Barratt Eastern Counties	Loofers Food & Coffee Place
Barton Willmore	Malcolm Judd & Partners
Barton Willmore	Malting Green Surgery
Bavestocks Chartered Accountants	Man B & W Diesel Ltd
BDG Design (South) Ltd	Marguerite Livingstone Associates
BDO Stoy Hayward LLP	Marks Tey Parish Council
Beaumont Seymour & Co	Mayfair Investments
Bidwells	McDonald's Colchester
Bidwells	McLean Design Services Ltd
Birch Parish Council	Merchant Projects
Birkett Long	Merrills Electrical
bloc Kilmartin/Hanover bloc LLP	Mersea Island Society
Bowhill Planning Partnership	Messing cum Inworth Parish Council
Boxted Parish Council	Mite Property Services Ltd
Boxted Village Hall	MOD - Estates
Boydens	MOD (Colchester Garrison)
Braswick Resident Association	Morley Richards & Ablewhite
Britannia Storage Systems Ltd	Motorcycle Action Group
British Telecom	Mount Bures Parish Council
Broadfield Planning	Bob Russell MP for Colchester
Brown & Co	Bernard Jenkin MP for North Essex
C H Lindsey & Sons Ltd	Mumford & Wood Ltd
C2 Fire Protection	Myland Parish Council
CABE	Nathaniel Lichfield & Partners
Cadman Contracts	National Grid
CAPITA	National Playing Fields
Catten College	Naylor Property Ltd

CF Anderson & Son Ltd	NCP Ltd
Chairman Mersea Island Trust	Newman Commercials
J Sainsbury Veterans Colchester Local Association Voluntary	Nicholas Percival
Chappel Parish Council	North Essex PCT
Chartered Surveyors	Old Heath County Primary School
Childrens Day Care Centre Charity	Orchard Baptist Church
Colchester & District Jewish Community	Ormiston Trust
Colchester & Tendring Women's Refuge	Owen Partnerships
Colchester and North East Essex Building Preservation Trust	P Tuckwell Ltd
Colchester Access Group	Painters Corner Residents Association
Colchester Archaeological Group	Paragon Legal Services Ltd
Colchester Archaeological Trust	Parliamentary Spokesman for Colchester
Colchester Area Community church	Parsons Heath Residents Association
Colchester Arts Centre	Paul & Company
Colchester Buddhist Centre	Peacock & Smith
Colchester Bus Users Support Group	Peldon Village Hall Management Committee
Colchester Chamber of Commerce	Pertwee Estate Ltd
Colchester Civic Society	Peyton Tyler Mears
Colchester Conservative Club	Philip Morant School
Colchester Credit Union Ltd	Planning and Regeneration Consultant
Colchester Croquet Club	Planning Design Building Consultant
Colchester CVS	Planning Potential
Colchester Cycling Campaign	Planware
Colchester Dental Care	Plater Claiborne Architecture & Design & Royal Institute of British Architects Colchester Charter of chartered Architects
Colchester Friends of the Earth	PMR Electrical Ltd
Colchester Furniture Project (The Shake Trust)	Post Office Property Holdings
Colchester Institute	Prettygate Dental Practice
Colchester Learning Shop	Prettygate Library
Colchester Mind	Priory Residents Association
Colchester PCT	Purcell Miller Tritton
Colchester PCT	Queen Elizabeth Hall
Colchester PCT	R & P Taylor Carpets
Colchester Retail Business Association (CORBA)	R G Carter Colchester
Colchester Quaker Housing	R H M Joinery
Colchester Rural Age Concern	Ramblers Association - Colchester
Colchester United FC	Rapid Electronics Ltd
Colchester Zoo	Rennison Consultants
Colne Harbour Project Group	Richard Fordham Tree Surgeons
Colne Housing Society	Ringway Group Ltd
Commission for New Towns and English Partnerships	Riverside Residents Association
Consensus Planning Ltd	Road Haulage Association
Copford with Easthorpe Parish Council	Robinson and Hall
Corporate Associates Ltd	Rollerworld
Countryside Properties	Rose of Colchester Ltd
Countryside Properties	Royal London

CPREssex	Royal Society for the protection of Birds
CRCL	Royal Yachting Association (Eastern Region)
D F Clark Contractors Ltd	Rural Community Council of Essex
David Wilson Estates	RWCL
Dedham Parish Council	Rydon Homes Ltd
Dedham Vale AONB Project	Sales Manager
Dedham Village Design	Saxon House Ltd
Defence Estates	Scott Wilson
Defence Estates	Seatrade
Dentistry	Secretary, The Strood WI
Diocese of Chelmsford Colchester Area team	Sexton Construction Ltd
Disability East (EDPA)	Shea Properties
DPDS Consulting Group	Shelter
Dr D Bateman & Partners	Sloppy Joes
Driver Jonas	Smith Stuart Reynolds
Dudley Anderson Ltd	Smythies Avenue Residents Association
East Anglian Chambers	Soroptimist International
East Donyland Parish Council	St Anne's Church
East Mersea Parish Council	St Georges New Town Junior School
East of England Tourism	St James C of E V A Primary School
Edward Gittins & Associates	St Johns & Highwoods Community Association Ltd
EEDA	St Johns Ambulance
Eight Ash Green Parish Council	St Johns Church
Emmaus Colchester	St Johns Residents Association
English Partnerships	St Mary Residents Association
Equality Estates	St Mary's Church
Essex & Suffolk Gliding Club	Stanley Bragg Partnership
Essex & Suffolk Water	Stanway Library
Essex Army Cadet Force	Stanway Parish Council
Essex Chambers of Commerce	Stanway Residents Association
Essex County Cricket Club	Stephen Egerton Associates
Essex County Youth Service	Stephen Hayhurst Chartered Town Planner
Essex Fire & Rescue Services	Strutt & Parker
Essex Fire & Rescue Services	Sustainable Environment Consultants Ltd
Essex Rivers Healthcare NHS Trust, Colchester General Hospital	T J Evers Ltd
Essex Roofing Company Ltd	Taylor Woodrow Developments
Essex Strategic Health Authority	Tesco
Estuary Housing Ltd	Tesco Stores Ltd
Etiss Ltd	The Barton Willmore Planning Partnership
Evening Gazette/Essex County Standard	The British Wind Energy Association
F & C Commercial Property Holdings Ltd	The C M Cadman Group Ltd
Facility Development Manager	The Craftsman
Federation of Small Businesses	The Food Company
Fenn Wright	The Guinness Trust
Fenn Wright	The Gypsy Council
Fingringhoe Parish Council	The Inland Waterways Association
First Essex Buses Ltd	The JTS Partnership
Fisher Jones Greenwood	The Philip Morant School
Fitness First	The Planning Bureau Ltd
Five Poets Residents Association	The Planning Bureau Ltd

Flagship Housing Group	The Rose and Crown Hotel
Flakt Woods Ltd	The Royal Association For Deaf People
FMA Ltd	The Sixth Form College, Colchester
Fordham Parish Council	The Stanway School
Forestry Commission	The Theatres Trust
Freight Transport Association, HR Department	The Thomas Lord Audley School & Language College
Friends of the Minorities	The Wine Centre
G P Practice	Thompson Smith & Puxon
George Wimpey UK Ltd	Thurstable School
Gilberd School	Tiptree Library
Gladdale Group	Tiptree Parish Council
Godden & Rudling Building Services	Transco
Great Horkesley Parish Council	Transport for London
Great Tey Parish Council	Turley Associates
Greenstead & St Andrews Nursery & Infants	Turners for Men & Women Ltd
Greenstead Library	Underwoods of Colchester
Gypsy & Traveller Law Reform Coalition	University of Essex
Hall Duncan Associates	University of Essex Dept of Biological Sciences
Hamilton Lodge Trust	University of Essex Students Union
Harwich International Port	Vaughan & Blythe (Construction) Ltd
Hazlemere Infants School & Nursery	Volunteer for Mind
Health & Safety Exec	W A Hills
Help the Aged	Wakes Colne Parish Council
Higgins Construction Plc	Warden Housing
Hills Residential Ltd	Warren Insulation
HLL Humberts Leisure	Welshwood Park Residents Association
Holiday Inn	West Bergholt Parish Council
Holmwood House School	West Bergholt Parish Planning Group
Hornburys	West Mersea Library
Housing Corporation	West Mersea Town Council
Hutton Construction Ltd	Whybrow Chartered Surveyors
Hythe Community Centre Association	Wildlife and Countryside Link
Hythe Residents Association	Wilkin & Sons Ltd
Hythe Residents Association & Colne Harbour Group	Winstred Hundred Parish Council
Ian R Matthers B.S & D	Wivenhoe Dental Practice
Iceni Homes	Wivenhoe Sailing Club
Iceni Projects Ltd	Wivenhoe Town Council
Indasa Abrasives (UK)Ltd	Womens National Commission
Indigo Planning	Wordwrite Associates
Inntel	Wormingford Parish Council
Jacks Famous Supplies Ltd	Young Essex Assembly
James & Lindsay Life & Pensions Ltd	Youth Enquiry Service
Jamesons Residential Care Home Ltd	

## **Appendix D. Text of e-mail sent to consultees:**

Colchester Borough Council has prepared a draft Sustainable Design and Construction Supplementary Planning Document (SPD) for public consultation.

The draft Sustainable Design and Construction SPD provides guidance for those involved in development in Colchester to help them deliver a high quality built environment. The SPD sets the case for development meeting minimum levels under the Code for Sustainable Homes and BREEAM, thereby minimising the detrimental social and environmental impacts of new development and bringing about enhancements. When adopted, it will form part of the Local Development Framework for Colchester Borough.

Please take the time to read the draft SPD and let us know what you think. The draft SPD can be accessed via the following link:  
[www.colchester.gov.uk/planningconsult](http://www.colchester.gov.uk/planningconsult)

Hard copies of the draft SPD will be made available at Colchester Library and in the Customer Service Centre. Colchester Library is open Monday – Friday 8.30am - 7.30pm, 8.30am – 5.00pm Saturday and 12.30pm – 4.30pm Sunday. The Customer Service Centre is open Monday – Friday 9am - 5pm.

The consultation period on the draft SPD will run from 1 March 2011 – 1 April 2011. Representations can be made online or can be emailed to [planning.policy@colchester.gov.uk](mailto:planning.policy@colchester.gov.uk). Please let us know if you would like to be informed of the adoption of the SPD.

Further information can be obtained from the Spatial Policy team on (01206) 282709 or [planning.policy@colchester.gov.uk](mailto:planning.policy@colchester.gov.uk).

## Appendix E. Statutory Advert published in Evening Gazette, Tuesday 1 March 2011

### **COLCHESTER BOROUGH COUNCIL**

#### **Notice of Consultation on Colchester's Draft Sustainable Design and Construction Supplementary Planning Document Under Regulation 17 of the Town & Country Planning (Local Development) (England) Regulations 2004 (as amended)**

Colchester Borough Council has prepared consultation drafts of two Supplementary Planning Documents:

Sustainable Design and Construction Supplementary Planning Document (SPD). The draft SPD provides guidance for those involved in development in Colchester to help them deliver a high quality built environment. The document sets the case for development meeting minimum levels under the Code for Sustainable Homes and BREEAM. The consultation period will run from 1 March – 1 April 2011.

Shopfront Guidance Supplementary Planning Document (SPD). Its purpose is to provide design guidance on the alteration or installation of shopfronts and shop signs in order to maintain or raise the design quality of these features of the townscape. The consultation period will run from 21 March – 15 April 2011.

Copies of the SPDs are available for inspection during the above periods at the following locations:

- Colchester Borough Council Customer Service Centre, High Street, Colchester. Monday – Friday 9am - 5pm.
- Colchester Central Library, Trinity Square, Colchester. Monday – Friday 8.30am - 7.30pm, 8.30am – 5.00pm Saturday and 12.30pm – 4.30pm Sunday

**Copies of all consultation material can also be downloaded from [www.colchester.gov.uk/planningconsult](http://www.colchester.gov.uk/planningconsult)**  
**Representations on the two SPDs should be made online or by email to [planning.policy@colchester.gov.uk](mailto:planning.policy@colchester.gov.uk)**

**Further information can be obtained from the Spatial Policy team on (01206) 282709/282473 or [planning.policy@colchester.gov.uk](mailto:planning.policy@colchester.gov.uk)**