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Dear Planning Policy Team,

CALDERDALE LOCAL PLAN: ENERGY EFFICIENCY AND GENERATION DPD ISSUES AND OPTIONS

1. Thank you for consulting with the Home Builders Federation (HBF) on the Energy Efficiency and Generation Development Plan Document Issues and Options consultation.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes 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.

Net Zero Buildings

NZBQ1: Should the Development Plan Document aim to ensure all new homes built are zero carbon?

3. Whilst the HBF would agree with the Councils that there is a need to act to reduce carbon emissions, the HBF would disagree that this needs to be undertaken through the local plan given that there is already a national approach, the Future Homes Standard (FHS), being taken forward to achieve the same goal. Delivering these improvements through building regulations has a distinct advantage over delivering a variety of different approaches across the country, in that it provides a single approach that all developers understand and can be rolled out at scale. This allows supply chains and skills to be improved prior to implementation and ensures that improvements to building standards are actually deliverable from the point at which they are introduced.
4. However, if the Councils chooses to go beyond current or future standards it must be done in a way that is consistent with national policy and robustly assesses its consequences and gives consideration as to how the requirements are consistent with the written ministerial statement (WMS) published on the 13th of December 2023. Before considering the content

of the WMS itself it is important to note the High Court judgement from the 2nd of July 2024 ([2024]EWHC 1693 Admin). This judgement was on the challenge to the WMS made by Rights Community Action on three grounds, including that the WMS restricted exercise by local authorities of powers conferred on them.

5. The judgment made by Justice Lieven was that the claim failed on all three grounds. In coming to these judgements, Justice Lieven importantly notes the intention of the Government at the time with respect to section 1(1)c of the Planning and Energy Act 2008, which allowed Local Authorities to set standards above those in building regulations. Paragraph 65 states:

“With respect to the current section 1(1)(c) specifically, the Minister confirmed councils “can go further and faster than building regulations, but within the national framework”. The Minister also addressed the overall intention of clause 1(2) in the following terms:

“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. Although supportive of the hon. Gentleman’s Bill, that was not an outcome that we wanted to achieve.”

6. It is therefore clear that the intention of the original legislation was to ensure that energy efficiency standards within local plans were to be set within the scope of building regulation to avoid a multiplicity of standards coming forward. The judgment goes on to note in paragraph 66 that the WMS does not stray from this purpose.
7. As such not only is the WMS compliant with legislation but also with the intention of Planning and Environment Act 2008 to ensure that any policies seeking improved standards on those set out in Building Regulations where set within the framework of those regulations. Local plan policies which seek to apply an alternative standard would not only be inconsistent with the WMS but also with the intentions of the legislation.
8. Moving to the WMS it notes 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 noting these concerns, the 2023 WMS goes on to state that any standard that goes beyond building regulations should be rejected at examination if the LPA does not have a well-reasoned and robustly costed rationale that ensures:
 - i. That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.

- ii. 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).
9. The HBF does not consider that the Council should ensure all new homes built are zero carbon, the HBF does not consider that this approach would be consistent with the WMS nor that the implications of such a policy have been properly assessed in terms of the evidence available.
10. In preparing its viability assessment the HBF suggests that the Council consider the costs published by the Future Homes Hub in their Ready for Zero report¹ as part of their work to support and inform the implementation of the Future Homes Standard. This study tests a number of archetypes against a range of specifications from the current standards set out in the 2021 Building Regulations through to standards that will achieve similar standards to those proposed by the Councils. The various specifications and costs considered are summarised in Figure 8 of Ready for Zero and indicates that in order to deliver standards above the Future Homes Standard on a three-bedroomed end of terrace house (specifications CS3, CS4 and CS5 in the FHH report) would be around 15-19% higher than the 2021 Building Regs, around £17,000 to £22,000 more per unit.
11. With regard to deliverability of zero carbon homes the HBF would not disagree that the proposed standards are technically feasible. However, the HBF is 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, the HBF are concerned this could slow delivery in the short to medium term as supply chains are developed.
12. It has been recognised by the Future Homes Hub that to deliver higher standards will require phased transitional arrangements to enable a steady build-up of skills and ensure quality. The Future Homes Hub also notes in its report Ready for Zero that even if a short transition period between current standards and new standards would "... create a high risk of quality problems, inflated costs and, potentially, stalled build programmes." However, the HBF can find no evidence that the Council has considered whether its proposal to introduce net zero would 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 the area 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

¹ https://irp.cdn-website.com/bdbb2d99/files/uploaded/Ready_for_Zero_2025.pdf

13. While the HBF understands the desire for LPAs to go further, current policy recognises 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 the NPPF² stating that “Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards”.
14. If the Council still intends to take this policy approach for net zero forward the HBF would recommend that it should require a development to be net zero rather than for individual homes. As the council will be aware, some homes, such as terrace houses and flats, are more intrinsically energy efficient and emit less carbon compared to detached homes and bungalows. As such it may be difficult for some individual homes to be net zero.

NZBQ2: Should the Development Plan require Whole Life Cycle carbon assessment or simply assessments relating to embodied carbon or assessments relating to operation carbon?

15. The HBF does not consider that the Plan should require Whole Life Cycle carbon assessment, assessments relating to embodied carbon or assessments relating to operational carbon. AECOM, on behalf of MHCLG, has completed a research report on the practical, technical and economic impacts of measuring and reducing embodied carbon in new buildings³. This report highlights issues with the lack consistency in reporting on carbon assessment outputs, the quality of carbon assessments, large gaps in the availability of both product specific EPDs and generic data, the variation in product carbon results for similar building products, and lack of consistency across carbon tools. The report also highlights issues with the uptake of lower embodied carbon materials and products due to costs, risks and insurance, the need to upskill the industry and access to carbon tools. Whilst this report makes recommendations as to how all of the challenges they identify can be addressed, they have not been addressed yet and are not likely to be addressed in the short term. The HBF is concerned that as such, there are significant challenges with introducing a policy in relation to embodied carbon, for many of the reasons identified in this research. Without consistent data and information, it will be almost impossible for applicants to provide decision makers with reliable information on which to base a decision.

NZBQ3: Should the requirements relating to net zero buildings in the Development Plan Document relate to both major and minor developments or just to major developments?

16. The HBF does not consider that the Council should introduce requirements relating to net zero buildings for any residential developments, and should leave this to national standards as set out above. However, if the Council decides to take this approach forward, the HBF strongly recommends that the Council does not introduce the requirements for minor devel-

² NPPF paragraph 164(b)

³ https://assets.publishing.service.gov.uk/media/6823078e53add7d476d8194c/The_Practical_Technical_and_Economic_Impacts_of_Measuring_and_Reducing_Embodied_Carbon_in_New_Buildings.pdf

opments. The HBF considers that this is a significant ask for all homebuilders, but particularly for SME home builders, and is likely to result in less development coming forward in Calderdale by SME home builders if this policy approach is introduced.

Would it be helpful to stage the introduction of measures to achieve net zero buildings?

17. Again, the HBF does not consider that the Council should introduce requirements relating to net zero buildings for any residential developments and should leave this to national standards as set out above. However, if the Council continues with this proposed approach, the HBF would strongly recommend that the requirement for net zero is staged and uses a significant transition period between each stage.

Future Engagement

18. 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 house building industry.

19. 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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