



Report to Cabinet

- Subjects:**
1. Consultation paper on Planning Policy Statement: Planning and Climate Change (December 2006)
 2. Consultation paper on Building A Greener Future: Towards Zero Carbon Development (December 2006)
 3. Code for Sustainable Homes: A Step-Change in Sustainable Home Building Practice (December 2006)

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Introduction

The purpose of this report is to summarise key issues raised by the above documents. These documents were released in December 2006 as part of a package of measures towards trying to achieve zero carbon development.

The Government believes that climate change is the greatest long-term challenge facing the world today.

For the first time local planning authorities will have to ensure that all new development make significant cuts in carbon emissions. The Government believes there are 'three policy levers' that can affect energy performance of new development and they are:-

- § planning system;
- § Code for Sustainable Homes; and
- § Building Regulations.

The Government aims to reduce carbon emissions by setting the planning framework for low carbon development and by improving the environmental standards of houses through the Code for Sustainable Homes and Building Regulations. In considering the location and design of new development, planning can reduce the need to travel and build in provision for low carbon or renewable sources of energy supply. Code for Sustainable Homes and Building Regulations are focussed on the performance of the building themselves.

1. Consultation paper on Planning Policy Statement: Planning and Climate Change (December 2006)

Introduction

This consultation paper is seeking comments on a draft Planning Policy Statement Planning and Climate Change which, when finalised, will supplement PPS1: Delivering Sustainable Development. This draft guidance is for consultation with responses requested by 8 March 2007.

This paper sets out how planning should contribute to reducing emissions and stabilising climate change (mitigation) and take into account the unavoidable consequences (adaptation). The policies on planning and climate change, when adopted, should be taken into account by regional planning bodies in the preparation of regional spatial strategies and by local planning authorities in the preparation of local development documents. They may also be material to decisions on individual planning applications.

Summary of Key Issues

Addressing climate change is the Government's principal concern for sustainable development. Policies and priorities for action are set out in the Climate Change The UK Programme 2006 (March 2006) and the report of The Energy Challenge (July 2006). The Government has set a domestic target to reduce carbon dioxide emissions by 20 per cent below 1990 levels by 2010.

Key Planning Objectives

Paragraph 6 states that regional planning bodies and all planning authorities should prepare and deliver spatial strategies that:-

- § make a full contribution to delivering the Government's Climate Change Programme and energy policies;
- § secure the highest viable standards of resource and energy efficiency and reduction in carbon emissions;
- § deliver patterns of urban growth that help secure the use of sustainable transport and reduce the need to travel, especially by car;
- § secure new development and shape places resilient to the effects of climate change in ways consistent with social cohesion and inclusion;
- § sustain biodiversity;
- § reflect the development needs and interests of communities and enable them to contribute effectively to tackling climate change; and,
- § respond to the concerns of business and encourage competitiveness and technological innovation.

Local Development Documents

The Core Strategy should set out policies and proposals in line with the RSS and consider the local circumstances that would allow further progress to be made to achieving the key planning objectives, as set out above.

In identifying land for development, local planning authorities should assess their consistency with the policies set out in the PPS. In doing so, planning authorities should take into account:-

- § accessibility (choice of access by means other than the private car and for opportunities to service the site through sustainable transport);
- § infrastructure (including for energy supply, waste management, water and sewerage, and community infrastructure such as schools and hospitals);
- § social exclusion (the ability to build and sustain socially cohesive communities with appropriate community infrastructure);
- § the effect of development on biodiversity;
- § the contribution to be made from existing and new opportunities for open space to urban cooling; and
- § physical and environmental constraints on the development of land such as flood risk.

When allocating land for development, it should perform well against the criteria set out above. Priority should be given to those likely to perform well against the criteria. Those that perform poorly should not be considered for allocation for new development. When considering the need to provide affordable houses in rural areas to meet the needs of local people, local planning authorities should recognise that the site may not be accessible by means of travel other than the private car.

Local planning authorities should ensure that a significant proportion of the energy supply of substantial new development is gained on-site and renewably and/or from a decentralised, renewable or low-carbon, energy supply.

Local planning authorities should make use of Local Development Orders (LDOs) to secure decentralised energy supply systems and renewable energy. LDOs could also be used to provide permission for certain types of development in parts of local authority area.

Planning Applications

Development plans should be kept-up-to-date and properly reflect the national policy. Paragraph 29 states that an applicant for planning permission to develop a proposal that will contribute to the delivery of the Key Planning Objectives (and is consistent with the development plan) should “expect expeditious and sympathetic handling of the planning application”.

Local planning authorities should be concerned with the environmental performance of new development. Planning authorities should be working with developers to help provide the delivery of sustainable buildings. However local planning authorities do not need to devise their own standards for the environmental performance of new development as these are set out nationally through the Building Regulations.

Monitoring and Review

Paragraph 40 states that effective monitoring and review is essential in securing responsive action to tackle climate change.

Annexes A, B, C, D and E

Annexes A, B, C, D and E look at types of greenhouse gas emissions, UK climate change programme 2006, Energy Review Report 2006, regional trajectories for carbon emissions and definitions and glossary.

Draft Framework for Practice Guide

A companion guide is being prepared to provide practice guidance and support for the implementation of the policies in this PPS.

Consultation Questions

Officer comments are set out below in **bold**.

- Q.1. There is an urgent need for action on climate change and we consider that, used positively, spatial planning has a pivotal and significant role in addressing this challenge. We will provide practice guidance to help implement the planning policy for climate change set out in the PPS. Read together, and as part of the wider package of action being taken forward by the Department in *Building a Greener Future* to help deliver the Government's ambition of achieving zero carbon development, will the new policy and proposed practice guidance secure planning strategies that deliver reductions in emissions and shape sustainable communities that are resilient to the climate change now accepted as inevitable?
- Yes. The new national guidance will help to deliver a reduction in emissions.**
- Q.2. The PPS sets out Key Planning Objectives and Decision-making principles for the preparation and delivery of spatial strategies by regional planning bodies and all planning authorities. Do you agree with these?
- Yes.**
- Q.3. It is proposed that climate considerations should be a key and integrating theme of the regional spatial strategy (RSS) and be addressed in conjunction with the economic, social and environmental concerns that together inform the overall spatial strategy and its components. Do you agree?
- Yes.**
- Q.4a. The PPS expects regional planning bodies (RPBs) to consider the likely performance of RSS on mitigating climate change. In doing so, the PPS makes clear that this should be a key part of the sustainability appraisal, which should be used to identify and evaluate possible tensions or inconsistencies between current, or likely future, baseline conditions and securing RSS in line with the Key Planning Objectives in the PPS. Do you agree with the suggested approach?
- Q.4b. The PPS encourages RPBs, as part of their approach to managing performance on carbon emissions, to produce regional trajectories, to be set out in RSS, for the expected carbon performance of new residential and commercial development. Do you agree with the suggested approach?
- Yes. This is for RPBs to answer these questions.**
- Q.5. We propose an approach to the identification and allocation of sites and areas for development in which priority should be given to those likely to perform well against the criteria set out in paragraph 19, and that those that perform badly should not normally be considered for allocation for new development. Do you agree with the suggested approach?
- Yes, although this will need to be balanced against the sequential approach and other considerations e.g. flood risk.**
- Q.6. The PPS expects local planning authorities to assess their area's potential accommodating renewable and low-carbon technologies, including for microrenewables to be secured in new residential, commercial or industrial development.
- Q.6a. Do you agree that local planning authorities should consider allocating sites for supplying renewable and/or low-carbon energy and supporting infrastructure, taking care to avoid stifling innovation?
- Yes, although there should remain a need for consideration to be given to environmental and green belt issues.**
- Q.6b. Do you agree that local planning authorities should ensure that a significant proportion of the energy supply of substantial new development is gained on-site and renewably and/or from a decentralised, renewable or low-carbon, energy supply?
- Yes, although there is some concern over how this would be enforced / monitored and whether local planning authorities have the appropriate technical knowledge to achieve this.**

Q.6c. Do you agree with the approach for setting out, in a development plan document, a significant proportion of the energy supply of substantial new development to be gained on-site and renewably and/or from a decentralised, renewable or low-carbon, energy supply?

Q.6d. Do you agree that in the interim period before “a significant proportion” is tested and defined through the preparation and adoption of a development plan document a standard of 10% should be applied?

We do not know. It is unclear at this stage as to how to define that figure. More guidance would be required.

Q.7. The PPS forms part of a wider package of action being taken forward by the Department to help deliver the Government’s ambition of achieving zero carbon development. This includes the Code for Sustainable Homes and a consultation document, *Building a Greener Future*, which sets out how planning, Building Regulations and the Code for Sustainable Homes can drive change, innovations and deliver improvements to the environment.

Q.7a. Do you agree that, for the reasons set out in *Building a Greener Future*, there should be a national strategy for regulating the emissions from buildings supported by local promotion of renewable and low-carbon energy supply?

Q.7b. Does the framework that we describe give adequate room to authorities and developers to make best use of the opportunities available at different spatial levels, for example district heating and district cooling?

Yes. However resources may be needed to achieve zero carbon development by 2016.

Q.8. Paragraph 35 of the PPS expects planning authorities to consider the environmental performance of proposed development, taking particular account of the climate the development is likely to experience over its expected lifetime. Do you agree with this approach?

Yes.

Q.9. We consider effective monitoring and review is essential in securing responsive action to tackle climate change. Do you agree that the expected annual monitoring should include outcome performance against the carbon performance trajectories or other yardsticks for identifying trends in performance, and renewables targets set in RSS?

Yes. This is for RPBs to answer this question. However local planning authorities may not have appropriate technical expertise to undertake this.

Q.10. Do you consider the proposed scope of the practice guide (at Part 3) covers all the topics it needs to? If not, what is missing, and why? Does the proposed scope of the practice guide include topics which don’t need to be covered? If so which, and why?

Yes. It covers all the topics.

Q.11. The Partial RIA (at Part 4) sets out the likely benefits and costs of the PPS, assessing two options, (i) the “do nothing” option and (ii) implementation of the PPS. Are these options viable? Would you add to/change the disadvantages/advantages of each? Are there any other options that should be considered?

No comment.

Q.12. The Partial RIA sets out potential impacts by stakeholder. Would you add to/change the impacts for each group? Are any stakeholders missing from the list?

No comment.

Q.13. The Partial RIA sets out the likely benefits and costs of the PPS. Do you agree with assumptions made? If not, it would be helpful if you could set out why not and provide any quantifiable evidence available to you on benefits and costs.

No comment.

2. Consultation paper on Building A Greener Future: Towards Zero Carbon Development (December 2006)

Introduction

This consultation paper is seeking comments on the Government's proposals to reduce the carbon footprint of new housing development. Responses to this consultation are requested by 8 March 2007.

The Government's key goal is to achieve zero carbon new homes within a decade.

Key Summary

Energy use in buildings accounted for nearly half of these emissions and more than a quarter came from the energy used to heat, light and run houses. The Government sets a target for moving to zero carbon housing within 10 years. They proposed to achieve this in 3 steps:-

1. in 2010 = to a 25 per cent improvement in energy / carbon performance set in building regulations (Code Level 3);
2. in 2013 = to a 44 per cent improvement (Code Level 4); and
3. in 2016 = to zero carbon (Code Level 6).

Zero carbon means that, over a year, the net carbon emissions from energy use in the home would be zero.

Over the last thirty years housebuilding rates halved while the number of households increased by 30 per cent. The Government's ambition is to increase housing supply to 200,000 per year by 2016. Local planning authorities need to ensure that new homes are planned and built in a way that helps to cut carbon emissions.

New homes are already significantly more energy efficient than the average of the housing stock. Changes to Building Regulations in April 2006 have achieved a 40 per cent improvement compared to pre-2002 standards (and 70 per cent improvement compared to pre-1990 standards) in energy efficiency of new homes. New homes make up less than 1 per cent of the housing stock every year. Around a third of housing stock will have been built between now and 2050.

Annexes

Annex C looks at Partial Regulatory Impact Assessment of the measures to drive higher environmental performance in new homes and to support the UK target to reduce carbon emissions by 60 per cent. This looks at the costs and benefits of the proposed options:-

- § **Option 1:** Do nothing, i.e. do not raise performance standards in 2010;
- § **Option 2:** Raise performance standards to Code Level 3 in 2010 and to Code Level 6 in 2016; and
- § **Option 3:** As Option 2, but add a further stage of improvement in around 2013 to Code Level 4.

Consultation Questions

Officer comments are set out below in **bold**.

Q1. Are we right about the need for new housing to lead the way in delivering low-carbon and zero-carbon housing, and is it achievable in the timescale we have set out?

Yes. The consultation excludes existing buildings. However in applying Building Regulations to existing buildings it need to be aware that it may not be appropriate for historic / older buildings to meet these new standards.

Q2. Have we got the assessment of costs and benefits right?

No comment.

Q3. Have we got the balance right between the contribution of the planning system and that of building regulations? Are there other policy instruments we should consider? Are there ways in which we can design our policy instruments to achieve the same goals more cost-effectively?

No comment.

Q4. Are there significant solutions to climate change that our policy framework does not encourage and are there other things we should be doing to address this?

No comment.

Q5. Are we right in our assessment of what we should seek to achieve through the planning system and through Building Regulations? Are there other policy instruments we should consider?

No comment.

Q6. Are there areas of duplicative – or even conflicting – regulation in the framework that we have described? Do these threaten to get in the way of meeting the goals we have set?

No comment.

Q7. Do you agree that all new homes should receive a rating against the standards set out in the Code for Sustainable Homes should be mandatory from April 2008?

Yes.

Q8. Do you believe that our timetable for delivering zero carbon development through more stringent Building Regulations is sensible and achievable, too stringent, or not stringent enough?

No comment.

Q9. Do you think our assessment of the costs of achieving these targets is realistic? Can you offer additional supporting evidence on costs?

No comment.

Q10. We believe that a zero carbon target is the most robust framework for reducing the carbon footprint of new development. Do you agree that our definition of zero carbon in paragraph 2.33 is the right approach? Where there are circumstances in which the additionality of offsetting measures outside the development can be demonstrated and are more cost-effective (e.g. on small infill developments), is there a case for carbon neutrality (i.e. taking account of offsetting measures)?

No comment.

Q11. Does the framework that we describe give adequate room to authorities and developers to make best use of the opportunities available at different spatial levels, for example district heating and district cooling?

No comment.

Q12. Do you agree that, for the reasons set out, there should be a national strategy for regulating the emissions from buildings supported by local promotion of renewable and low carbon energy supply?

Yes.

Q13. Are we right to assume that our twin goals – of delivering the new homes that are needed and reducing emissions from the housing stock – will be achieved more effectively by relying on national standards (i.e. Building Regulations and the Code) than through encouraging earlier action by individual local authorities?

Yes.

Q14. Given that the proposed PPS on climate change will apply in England but not in Wales, are there any specific implications in Wales for the future direction of Building Regulations implied by this consultation?

No comment.

3. Code for Sustainable Homes: A Step-Change in Sustainable Home Building Practice (December 2006)

Introduction

The sustainable code is being implemented for social housing presently and it will be brought into the Building Regulations by 2008 if it is not adopted voluntarily.

The final version of the 'Code for Sustainable Homes' has been developed to enable to step change in sustainable building practise for new homes. The Code is intended as a single national standard for sustainable design and construction of new homes. This sets out how house builders should prepare to meet the carbon zero home targets by 2016.

The Code for Sustainable Home is aimed at increasing the environmental; sustainability of new homes and provides home owners (and home buyers) with better information about the sustainability of their home.

A full technical guidance on how to comply with the Code will be published in April 2007.

Key Summary

The Code sets sustainability standards which can be applied to all homes. The Code uses a sustainability rating system to represent the overall sustainability performance of a home. It sets out a star rating from one to six. One star is the entry level (above the level of Building Regulations) and six stars is the highest level.

At each level there are minimum energy efficiency / carbon emissions and water efficiency standards. The minimum energy / carbon standards for Code Level 1 are higher than the minimum mandatory standards set in Building Regulations.

The Code takes into the account of energy emissions, water use, materials, surface water run-off, waste, pollution, health and well being, management and ecology.

Developers whose completed work are assessed will receive a certificate showing the overall sustainability rating for the home and a breakdown of how the rating has been achieved.

The Code will complement the system of Energy Performance Certificates which is being introduced in June 2007 as the UK implements the new European legislation on energy efficiency.