

Report of	Meeting	Date
Director of Development and Regeneration	Development Control Committee	13 February 2007

CONSULTATIONS ON PLANNING AND CLIMATE CHANGE- SUPPLEMENT TO PLANNING POLICY STATEMENT 1 AND BUILDING A GREENER FUTURE; TOWARDS ZERO CARBON DEVELOPMENT.

PURPOSE OF REPORT

1. To inform members of the publication of two draft consultation documents that have a potentially significant impact on planning in the Borough and to agree a response to them.

CORPORATE PRIORITIES

2. The main thrust of the two consultation documents are in line with the Council's Strategic Objective 5 to, "*Develop the character and feel of Chorley as a good place to live.*" In particular they are relevant to outcome 5.3 that a, "*basket of measures and targets for carbon emission reductions in the Borough to be developed*".

RISK ISSUES

3. The issues raised and recommendations made in this report involve no risk considerations.

BACKGROUND

4. The Stern Report has galvanised the government's response to climate change. Its conclusion was that the economic costs of not acting far outweigh any economic costs of strong and early action.
5. At the same time that the two draft documents were published a consultation on Water Efficiency in New Buildings has been released, although not directly related, it illustrates how climate change and scarce resources need to be linked.
6. The Code for Sustainable Homes was also released. This is the product of work with the government, the Building Research Establishment, the Construction Industry Research and Information Association, non-government organisations and the construction industry. This sets out a national standard for homes that exceed existing Building Regulation standards for sustainability. The Code ranges from 1 star to 6 and achieves at its most stringent zero carbon emissions. Design categories include energy/CO₂, water, materials, surface water run off, waste, pollution, health and well-being, management and ecology.

KEY ISSUES FROM PLANNING POLICY STATEMENT: PLANNING AND CLIMATE CHANGE SUPPLEMENT.



7. It is important to remember that Planning Policy Statements are no longer considered only to be guidance documents. Where appropriate it is possible to make decisions on planning applications based directly on the contents of a PPS without reference to planning policies.
8. The Supplement is significant as it emphasises that planning decisions are to be made giving the long-term impact on the environment greater importance than short-term economic or social considerations. It makes explicit that where there are any discrepancies between the Supplement to PPS 1 and other Planning Policy Statements that the Supplement should take precedence.
9. It had been expected that the PPS on Planning and Climate Change would be a separate PPS. In linking it to PPS1 which is the overarching PPS the Government has made clear that the issues of Climate Change should be central to decision making,
10. Many of the principles set out in the PPS for both the allocation of land for development and for the determination of planning applications are not new. However, it gives a prescriptive check list of where developments should be located and how developments should be determined. It stresses given the closer relationship between building control considerations and planning applications that they should be submitted at the same time.
11. It reiterates the requirement for developments to be located where they are not going to be dependent on the private car and have existing social and economic infrastructure such as schools and accessible hospitals. It emphasises much of the advice given in PPG 13 on Transport. It also emphasises the importance when determining applications of ensuring that the overall sustainability of a scheme is appraised and that the more complex but already required considerations such as commitments to Travel Plans to reduce the reliance on the private car are included.
12. The PPS gives detailed advice on renewable energy and gives considerable weight to the use of decentralised local power generation. It instructs that (unless modified after the consultation) all substantial developments (that is development over a 1000 sq m of useful floor area) should generate 10% of the energy supply as a percentage of carbon emissions. This is to ensure that zero or low carbon energy sources must be integrated into larger schemes, prior to the majority of local authorities having adopted targets in development plan documents. Much of the information to be required from applicants should be included within the Design and Access Statement that accompanies a planning application
13. The PPS also requires the possible climate changes that may take place in the lifetime of a building to be considerations in its design and location. Detailed design issues are also introduced such as providing areas for waste water treatment facilities and the use of open space to promote urban cooling. An accompanying Practice Guide giving detailed technical guidance on how this is to be done and is to be published shortly.
14. The PPS takes a strong approach vis-a-vis Councils' responsibilities to promote renewable energy, and the determining of applications for renewable energy and low carbon energy schemes. It suggests that areas be allocated for such schemes and that landscape and townscape considerations be discounted as these locally held amenity considerations may effectively preclude the granting of planning permission for certain types of development. It also makes clear that applicants need not demonstrate the need for the development nor justify a particular location for development.

KEY ISSUES FROM BUILDING A GREENER FUTURE: TOWARDS ZERO CARBON DEVELOPMENT.

15. Almost a third of current carbon emissions come from domestic properties. The Government proposes that by 2050, additional housing equivalent to half of the existing building stock will have been constructed. This gives an important opportunity to provide low carbon buildings.
16. It is possible to build zero carbon houses using existing technology, however, it costs marginally more to do so, and requires buildings to be designed differently, to be highly insulated and to include micro generation or local decentralised energy capture. The proposals that are being consulted on are that the development industry be given adequate notice of changes to the Building Regulations. These would by 2010 achieve a 25% improvement in the energy/carbon performance of the Building Regulations for housing (equating to Code 3 of the Code for Sustainable Homes) and by 2013 a 44% improvement (level 4) and by 2016 zero carbon homes (level 6). It is envisaged that these costs will be off set both by reduction in costs of microgeneration equipment through mass production and through being absorbed in the development process and off set against the initial land costs.
17. Where local authorities intend that there be higher levels of building performance this should be set out in a development plan document and in relation to housing refer to the Code for Sustainable Homes as an accepted benchmark.

IMPACT FOR CHORLEY BOROUGH

18. The consultation draft of the PPS1 reiterates the importance of basic sustainability principles and must be included in appraising applications and in allocating any additional land for development required in response to any additional requirements derived from the Examination in Public for the Regional Spatial Strategy.
19. The more sophisticated criteria in determining planning applications and the new skills involved in considering issues such as appraising levels of carbon emissions will require planning staff and building control colleagues to work more closely than previously and will increase the workload.
20. The proposals and policy direction set out in both documents underline the timeliness of the Preferred Options Development Plan Document for Sustainable Resources.
21. The proposed approach to new developments for stand alone renewable energy developments is likely to fetter Members ability to control developments within the Borough. The Chorley Borough Renewable Energy Study that has previously been completed is in line with the advice to promote renewable energy set out in the PPS.

CONCLUSIONS

22. The two consultation documents complement the approaches outlined in the Preferred Options for Sustainable Resources. This is to be considered at the same meeting of the Local Development Framework and Community Strategy Working Group.
23. The requirement to give climate change and the reduction in carbon emissions central importance in policy decisions is to be welcomed. It will require all those involved in local government and the development industry to take climate change seriously. However, it is also vital that the Planning Inspectorate support decisions in line with the advice set out.
24. Detailed responses to the questions set out in the Consultation Documents are set out in Appendix 1.

COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES

25. There are no human resources implications to this report.

COMMENTS OF THE DIRECTOR OF FINANCE

26. There are no financial implications associated with this report.

RECOMMENDATION

27. To note the report and to forward the attached responses to the Department of Communities and Local Government.

JANE E MEEK
DIRECTOR OF DEVELOPMENT AND REGENERATION

Background Papers			
Document	Date	File	Place of Inspection
Code for Sustainable Homes – A step change in sustainable home building practice	December 2006		Gillibrand Street Offices
Consultation- Building a Greener Future: Towards Zero Carbon Development			
Consultation- Planning Policy Statement: Planning and Climate Change Supplement to Planning Policy Statement 1			

Report Author	Ext	Date	Doc ID
Louise Nurser	5281	22 January 2007	

Appendix 1

CONSULTATION ON PPS: PLANNING AND CLIMATE CHANGE

Part 6 – Consultation Questions

Questions on which we would particularly like your views

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Respondents should place a mark in the yes or no boxes to indicate general agreement or disagreement. **You are encouraged to use the comments box provided to reinforce and/or explain the reasons for agreement and explain the reasons for disagreement. Please include examples from your own experience.**

	YES	NO
<p>Q1. 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 <i>Building a Greener Future</i> 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?</p>	*	
<p>Explanation/Comment:</p> <p><i>This is subject to the Secretary of State via the Inspectorate supporting planning decisions.</i></p>		

	YES	NO
<p>Q2. 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?</p>	*	
<p>Explanation/Comment:</p> <p><i>However, at a Regional Level there should be a minimal requirement for micro generation or decentralised energy generation to contribute to lowering carbon emissions linked to the Government's targets. More detailed and site specific policies should be contained within Local Development Frameworks.</i></p>		
<p>Q3. 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?</p>	*	
<p>Explanation/Comment:</p>		
<p>Q4a. The PPS expects regional planning bodies (RPB's) 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?</p>	*	
<p>Q4b. The PPS encourages RPB's, 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?</p>	*	
<p>Explanation/Comment:</p> <p><i>But what will happen if authorities do not succeed in conforming to these trajectories?</i></p> <p><i>How will the Government ensure that expediency does not result in the short term economic impacts of development being given more weight than the long term pressing requirement to mitigate impact change?</i></p>		

	YES	NO
<p>Q5. 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 those that perform badly should not normally be considered for allocation for new development. Do you agree with the suggested approach?</p>	*	
<p>Explanation/Comment:</p> <p><i>This approach is one that accords with current ideal planning practice. It is important as stated above that the requirement for controlling carbon emissions be seen as an overarching responsibility and requirement for local authorities and developers. Unless it is clear that the Inspectorate will consistently support such decisions at Appeal it is likely that the environmental impacts will come second to regeneration or other short term objectives.</i></p> <p><i>This is particularly the case as some of the wording in the PPS could give comfort to those who argue that the costs of reducing carbon emissions would make schemes unviable. This is particularly the case in areas that need regeneration.</i></p>		
<p>Q6. The PPS expects local planning authorities to assess their area's potential for accommodating renewable and low-carbon technologies, including for micro-renewables to be secured in new residential, commercial or industrial development.</p>		
<p>Q6a. 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?</p>		*
<p>Q6b. 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?</p>	*	
<p>Q6c. 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?</p>	*	
<p>Q6d. 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?</p>	*	

	YES	NO
<p>Explanation/Comment:</p> <p><i>The built environment is responsible for a significant proportion of carbon emissions. The 10% standard is relatively easy to comply with. Every time a traditional building is designed and constructed without integrating renewables it means the accumulation over the lifetime of the building of a considerable amount of carbon emissions which could have been prevented.</i></p> <p><i>Moreover, due to economies of scale and the increased volume of the market there would be increased competition between the suppliers of renewable technologies and a reduction in costs.</i></p>		
<p>Q7. 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, <i>Building a Greener Future</i>, which sets out how planning, Building Regulations and the Code for Sustainable Homes can drive change, innovations and deliver improvements to the environment.</p>		
<p>Q7a. Do you agree that, for the reasons set out in <i>Building a Greener Future</i>, there should be a national strategy for regulating the emissions from buildings supported by local promotion of renewable and low-carbon energy supply?</p>	*	
<p>Q7b. 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?</p>	*	
<p>Explanation/Comment:</p>		
<p>Q8. 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?</p>	*	

	YES	NO
<p>Explanation/Comment:</p> <p><i>However, to support planners working in development control as well as architects designing the proposed developments considerable input from specialist agencies such as the Environment Agency will be required to set out what the variations in climate change will mean in particular locations.</i></p>		
<p>Q9. 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?</p>	*	
<p>Explanation/Comment:</p> <p><i>It is likely that the increased use of renewable technology may have a visual impact on the local environment. This is particularly the case in areas which are rich in natural resources such as wind. Although, the long term impact of installing renewable facilities on global warming is undisputed in the scientific community and increasingly amongst the general public it is impossible to see a direct link between installing schemes and the amelioration of climate change at a local level.</i></p> <p><i>Therefore, monitoring should also be linked to some performance rewards so that the local communities can see a link.</i></p>		
<p>Q10. 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?</p>	*	
<p>Explanation/Comment:</p> <p>No further comment.</p>		
<p>Q11. The Partial RIA (explain what this stands for) (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?</p>		*

	YES	NO
Explanation/Comment:		
Q12. 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?	*	
Explanation/Comment: <i>It might be useful to take a long term view re impacts on stakeholders. In the short term impact on the general public may be relatively insignificant however, if you take a longer term view point ie 50 –100 years the impact may be considerably greater,. Therefore the impact assessment is weak in that it does not consider a longer time period.</i>		
Q13. 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.	*	
Explanation/Comment:		
Other Comment: <i>Chorley would support the main thrust of the PPS. However, there are concerns that local landscape and visual considerations would be undermined by not being able to restrict developments that negatively impact on valued local landscapes and townscapes.</i>		

**BUILDING A GREENER FUTURE:
TOWARDS ZERO CARBON DEVELOPMENT**

Consultation Questions

- 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.

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

Not in position to answer. Although, would agree that as the changes are signalled over time the development process will be able to absorb many of the costs through changes in land values.

- 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?

Yes.

- 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?

Should broaden out changes to development other than housing.

- 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?

Setting capital costs of micro generation and low carbon energy against tax.

- 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?

- 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.

Yes, consider it to be achievable. If it were less stringent it would result in the issues being considered “tomorrow’s problem” and would in the long run make things more difficult for the smaller builder who are not large enough to have their own research and development sections. The larger house builders are already undertaking pilot projects to ensure that they are ready to integrate modern technologies when they are required.

It is vital however that architects, mechanical engineers, building control officers and other building professionals are given access to training and advice to enable them to successfully interpret and implement the stricter building regulations.

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

Not in position to 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 (eg on small infill developments), is there a case for carbon neutrality (ie taking account of offsetting measures)?

Agree that it is the appropriate approach. The concept of carbon neutrality could cause problems in implementation. It will be difficult to ensure that off setting measures continue for the lifetime of the building. There could also be confusion between a zero carbon house (using off setting) and its Energy Performance Certificate rating.

- 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?

Yes.

- 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 (ie Building Regulations and the Code) than through encouraging earlier action by individual local authorities?

Yes, although local authorities have a role to play.

- 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?

Not applicable.