

LOCAL PLAN SUB-COMMITTEE
28 February 2023
PART I

**6. LOCAL PLAN: CHANGES TO PREFERRED POLICY OPTIONS FOLLOWING
REGULATION 18 CONSULTATION
(DCES)**

1 Summary

This report proposes changes to some of the preferred policy options contained in the Draft Local Plan Regulation 18 Part 1: Preferred Policy Options document in response to changes to national planning policy and comments received to the Regulation 18 consultation.

2 Details

2.1 The Regulation 18 Part 1 Preferred Policy Options was approved for consultation by Full Council on 25 May 2021. The consultation ran from 11 June – 20 August 2021.

2.2 The policy changes in this report are proposed in response to changes to national planning policy and representations received to the Regulation 18 consultation.

2.3 Any proposed changes to the wording of the policies in the appendices are in red text. Any text proposed to be removed is struck through. The remaining wording remains the same as approved by the Council prior to the Regulation 18 Part 1 Preferred Policy Options Document going out to consultation.

2.4 Key policy changes proposed in response to changes to national planning policy, the Environment Act (2021) and representations received to the Regulation 18 consultation were reported to the Local Plan Sub Committee meetings in 2022.

2.5 The Local Plan Sub Committee requested further work be undertaken by officers on the Climate Change and Energy Efficiency policies and that these are reported back to the Local Plan Sub Committee. These have been individually considered by the Local Plan Sub-Committee, however they are best presented as a whole as there is overlap between the policies.

Climate Change and Sustainable Construction

2.6 Preferred Policy Option 13 Climate Change and Sustainable Construction has been moved up to Preferred Policy Option 12 as it should come first in this section as the overarching policy on climate change. A number of policies will provide the detailed approach, these include Carbon Dioxide Emissions & On Site Renewable Energy, Transport & Connections, Flood Risk & Water Resources, Renewable & Low Carbon Energy Developments and Waste Management & Recycling. Only the Climate Change & Sustainable Construction and Carbon Dioxide Emissions & On Site Renewable Energy policies have had further amendments made the other policies are included just for noting and cross-referencing.

2.7 Additional text has been added to the preamble to introduce the policy and emphasise Three Rivers' commitment to the climate emergency. 'Mitigating' has been added to the first subtitle, now 'Mitigating and Adapting to Climate Change'. This is to

acknowledge the difference between the two. Although we need to adapt to climate change we should still be mitigating too.

- 2.8 Criterion 2e) has been added to cross reference to (now) preferred policy option 13 (CO2 Emissions and On-site Renewable Energy) for completeness. Criterion 2f) is the overarching principle on minimising embodied carbon, which is the main thrust of the subtitle 'Sustainable Design and Construction' for example the fabric first approach.
- 2.9 New criterion (5) has been added in reference to the major non-residential development requiring to go beyond the Building Regulations standard set out in Preferred Policy Option 13. New text has been added in paragraph 7.15 to help explain the policy.
- 2.10 The revised Climate Change and Sustainable Construction policy is in Appendix 1 to this report.

Carbon Dioxide Emissions and On Site Renewable Energy

- 2.11 Changes to Part L (Conservation of fuel and power) of Building Regulations came into force on 15 June, 2022 in the form of two new Approved Documents - Volume 1: Dwellings and Volume 2: Buildings other than dwellings. There are now higher performance targets – CO2 emissions are to be reduced by 31% for dwellings and 27% for other buildings – and a new emphasis on low carbon heating systems.
- 2.12 The preferred policy option has been updated to explain how the new requirement should be applied now that these regulations have taken effect. Part L 2021 is a stepping-stone towards the Future Homes Standard and Future Buildings Standard which the Government is expected to consult on in 2023 and introduce in 2025. The policy approach will be updated further once these standards are agreed.
- 2.13 A new section on general principles has been added at the beginning of the policy. These cover different aspects of energy reduction (and reducing consumption) including the requirement for low energy on-site production to match total energy use. Energy statements prepared by applicants will have to demonstrate how the development complies with these principles.
- 2.14 Reference to the CIBSE TM54 standard has been included, which is a commonly accepted industry standard. TM54 provides guidance on how to evaluate operational energy use more fully and accurately at the design stage and enables more detailed accounting for operating hours and occupancy based on the intended use of the building. We will need to produce evidence to justify its implementation and at this stage it remains as a best practice example. Evidence required supporting these policies will be considered later in this report.
- 2.15 Where work is required on existing buildings we would expect it to be demonstrated that energy demand has been reduced to the lowest practical level using energy efficiency measures. It is important to improve existing stock where possible. This is in line with proposed changes to national policy in the Government's consultation on planning reform.
- 2.16 Sections have been added encouraging the use of Passivhaus standards as a best practice approach. We would not go as far as requiring this as there are other approaches than can yield similar results.

- 2.17 Officers have considered whether it is possible to go beyond the targets set out in Building Regulations. Planning Practice Guidance clearly sets out the government's expectation that policies should not be used to set conditions on planning permissions with the requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes. The latest Building Regulations have now surpassed Level 4 of the Code, however it is officers' opinion that until the Planning Practice Guidance and/or the NPPF are updated to reflect a desire to go further than Building Regulations the Local Plan policy would be unsuccessful at examination unless there is local evidence that makes a compelling case to do so.
- 2.18 Although the policy does not go beyond energy efficiency requirements set out in Building Regulations there have been additions to the policy that in combination effectively push beyond the regulations. The NHBC study on Modern Methods of Construction states that a fabric first approach is technically, environmentally and economically more viable than the installation of low carbon and renewable energy technologies, including decentralised energy systems. Encouraging this approach in our policy could help result in CO2 reduction beyond Building Regulations.
- 2.19 The government's consultation on reforms to national planning policy refers to the benefits of ensuring future development is resilient to changes in climate, beyond the role of building regulations. This is not intended to mean going beyond the targets set out in the 2022 building regulations, rather considering alternative approaches such as climate adaptation through green infrastructure provision for example.

Evidence base work

- 2.20 If the Council wishes to go further than the energy efficiency requirements set out in Building Regulations, we would need to produce evidence to justify doing so. The few examples of local authorities that have been through examination and successfully adopted policies requiring CO2 reductions beyond Building Regulations have had robust local evidence supporting their policies. A common theme has been that part of the case set out in the evidence work for their policies has been based around the nature of historic cities and the poor energy efficiency performance of historic buildings. The historic cities being Oxford, Cambridge and Bath. Three Rivers cannot make the same argument, however supporting evidence should still be produced.
- 2.21 In support of the Carbon Dioxide Emissions Policy officers will consider undertaking an Energy Study as evidence for the policy. This would establish an energy and carbon baseline for buildings in Three Rivers and calculate a 'business as usual' trajectory, in other words what would be expected without any policy interventions. It would then assess opportunities for local action on areas including low and zero carbon energy generation and supply, new buildings and existing buildings. It would then test CO2 reduction scenarios. Some of the scope of the study would go beyond planning and as such a discussion with sustainability officers will be required to agree a joint approach where possible.

3 Policy/Budget Reference and Implications

The recommendations in this report are within the Council's agreed policy and budgets.

4 Financial, Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

4.1 None specific.

5 Recommendation

5.1 That the Local Plan Sub-Committee note the contents of this report, and recommend to the Policy & Resources Committee the following policy updates:

- Climate Change & Sustainable Construction (Appendix 1)
- Carbon Dioxide & Onsite Renewable Energy (Appendix 2)

5.2 That Members note that officers will undertake further evidence work on energy efficiency and carbon dioxide emissions.

Background Papers

National Planning Policy Framework (2021)

Planning Practice Guidance (2022)

National Planning Policy Framework: draft text for consultation (2022)

Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011)

Environment Act (2021)

Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Building Regulations (2022)

APPENDICES

Appendix 1 Climate Change & Sustainable Construction Policy

Appendix 2 Carbon Dioxide & Onsite Renewable Energy Policy

Appendix 3 Transport & Connections Policy

Appendix 4 Flood Risk & Water Resources Policy

Appendix 5 Renewable & Low Carbon Energy Developments Policy

Appendix 6 Waste Management & Recycling Policy