

KENNET DISTRICT COUNCIL

PLANNING POLICY EXECUTIVE COMMITTEE – 20th Sept 2007

Sustainable Development: Interim Policy for Adoption

Report Number: PSM/31/2007

Report by Planning Services Manager

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to recommend to members an interim policy to be adopted as a material consideration for development control until policies within the Local Development Framework are adopted.

2. FINANCIAL IMPLICATIONS

- 2.1 None. Any action can be undertaken as part of the local development framework and development control processes.

3. STAFFING IMPLICATIONS

- 3.1 There could be a slight increase in Development Control Officer time as this is an extra topic to be discussed with developers at the planning application stage. However, a renewable energy target will be required in new development at some point in the near future so this is only bringing this requirement forward.

4. LEGAL IMPLICATIONS

- 4.1 None

5. BACKGROUND

- 5.1 Sustainable development is the central principle underpinning planning and both renewable energy and sustainable construction are stated in 'Planning Policy Statement One: Sustainable Development', which provides the government's overarching policies for planning, as important ways to help ensure new development is more sustainable.
- 5.2 Policies in relation to renewable energy can provide guidance in relation to both applications purely for renewable energy (in the form of standalone systems) and renewables required as part of development.
- 5.3 Policies in relation to renewables required as part of development are often called on-site renewable energy policy. These policies require that a certain percentage of the energy that will be required by the

development once occupied is provided by renewables (or from a low carbon source). Below is an example of this type of policy taken from the current draft regional spatial strategy for the south west:

Larger-scale developments will be expected to provide, as a minimum, sufficient on site renewable energy to reduce CO2 emissions from energy use by users of the buildings constructed on site by 10%.

Developers will be expected to demonstrate that they have explored all renewable energy options, and designed their developments to incorporate any renewable energy requirements.

Larger scale developments are over 10 dwellings or 0.5ha for residential and 1000sqm or 1 ha for other development.

- 5.4 This type of policy was first pioneered by Merton Borough Council (and it therefore sometimes referred to as the Merton Rule) and has been gaining importance with a study undertaken by central government in 2006 showing that 90% of councils were proposing an on-site renewable energy policy within their emerging local development documents (LDDs). The percentage required varies between local authorities and regions and the table below gives some examples.

Example Percentage targets and thresholds

Plan	%	Threshold
Draft Regional Spatial Strategy	10%	<i>Residential: 10 dwellings or 05. ha Other development: 1000sqm or 1ha or more</i>
Guildford	10%	<i>Residential: All. Commercial: 1000sq m</i>
Wiltshire Renewable Energy Action Plan	15%	Based on North Devon policy: <i>Residential: 25 dwellings Other development: 1000sqm</i>
London	20%	Not stated
Calderdale	10%-2010, 15% -2015, 20% -2020	<i>Residential:15 dwellings Other development: 1000sqm</i>

- 5.5 The wording of the policies is important as they can be subtly different but can lead to different requirements. For example, most state carbon dioxide reduction rather than energy as some fuels emit more carbon dioxide than others (such as electricity for heating instead of gas) so the policy encourages the developer to use fuels that emit less carbon within the development.

- 5.6 On-site renewables can be used to contribute to the wider theme of sustainable construction. Sustainable construction involves designing buildings to improve issues such as water efficiency or to incorporate issues such as biodiversity or lifetime design. The key way this is

implemented is to use a standard called 'The Code for Sustainable Homes'.

- 5.7 The Code for Sustainable Homes is an assessment standard (currently voluntary) recently introduced by central government. There are six levels of the code marked by a star, with the entry level requiring a higher standard than building regulations. The code has nine areas that development is assessed against these are: Water efficiency, Energy efficiency (both of which have minimum standards to be met at each code level), Materials, Surface water run-off, Waste (all of which have minimum standards to be met at code entry level) Pollution, Health and well-being, Management and Ecology (which have no minimum levels).
- 5.8 Though there is government drive and ambition for development to be more sustainable and to incorporate on-site renewable energy, Kennet's first main local development document, the core strategy, will not be adopted until 2010. Though the regional spatial strategy, which will form part of the local development framework for Kennet, is nearing the end of its production it will still not be adopted for at least six months. This leaves a gap where developments will come forward but there will not be policy requiring either on-site renewables or a level of the Code for Sustainable Homes.
- 5.9 There has been recent and strong member support in relation to improved levels of sustainability, including improving standards in new development, and as there has been new central government guidance (in both adopted and draft form) and draft regional guidance since the current local plan was adopted, there is the opportunity to introduce interim policy that will be considered as a material consideration for development control.

6. INTERIM TARGET ASSESSMENT

Renewable Energy

- 6.1 'Planning Policy Statement 22: Renewable Energy' was published in 2004 and stated that local authorities could include a policy on on-site renewable energy in their local development documents but did not require local authorities to have one. Central government now however expects local development documents to contain an on-site renewable energy policy. This was first confirmed in a written ministerial statement by Yvette Cooper on the 8th June 2006 and then re-stated in a recent draft Planning Policy Statement (PPS) on Climate Change.
- 6.2 The draft PPS on climate change also sets out that the government would like to bring in an interim standard of 10% of on-site energy provided from renewable or low carbon sources. This would remove the gap between the need for more sustainable development now and

the timescale before local development documents (LDDs) such as the core strategy will be adopted. The final version of this document should be published by the end of the year but it is not possible to know exactly when this will happen or if it will be delayed.

- 6.3 The emerging regional spatial strategy (RSS) will make up part of the local development framework (LDF) and it has an on-site renewable energy policy contained within it. In the submitted draft it states that: *Larger-scale developments will be expected to provide, as a minimum, sufficient on-site renewable energy to reduce CO2 emissions from energy use by users of the buildings constructed on site by 10%.* Thresholds are set to determine what is meant by a larger scale development, and these are 1000sqm for non-residential and ten or more houses for residential.
- 6.4 It seems likely that the RSS policy will increase to 20% of regulated energy. This is not actually (as it may first appear) a doubling of the target as the word changing to regulated energy is significant and has been done to make the implementation of the policy easier. Regulated energy is energy that is already measured for the purposes of Building Control regulations and includes space and water heating, lighting and pumps and fans. This new 20% policy is equivalent to around 10-14% of all emissions from users of the buildings.
- 6.5 As both the draft PPS on climate change and the current submitted draft of the RSS have an amount of 10% then this would appear to be the most suitable target to introduce as an interim measure.
- 6.6 Kennet is also not the only authority to introduce interim policy. Stroud is an example of a council that has adopted interim policy advice for the purposes of development control.

Sustainable Construction

- 6.7 Introducing on-site renewable energy is one way of ensuring more sustainable construction, which is another important policy area. The 'Proposed Planning Policy Statement: Planning and Climate Change' mentioned above, introduces an ambition from government for all new development to be zero carbon by 2016. This is confirmed as a definite target within the recently released policy document 'Building a Greener Future- a policy statement'.
- 6.8 To achieve zero carbon development by 2016 central government proposes that building regulations are increased in three steps, first to a 25 per cent improvement in 2010, in 2013, to a 44 per cent improvement; then, finally in 2016, to zero carbon. The policy statements state local authorities have some flexibility to introduce their own targets as long as these are based on the Code for Sustainable homes. However Building a Greener Future states local authorities should only bring in local standards through the development plan

process so they are independently examined and therefore an interim target may conflict with this.

- 6.9 To ensure more sustainable development within the region the emerging RSS contains a policy that states that all development should achieve level 3 of the Code for Sustainable Homes, with larger scale developments being expected to achieve level 5. The threshold for larger development is set the same as for on-site renewables.
- 6.10 The policy may however change in the adopted plan as though level 3 should be achievable for all development at the present time (as it only constitutes a small increase on build cost) the aspiration for level 5 on larger development may not be achievable and a staggered increase is now suggested.
- 6.11 Further evidence of the viability of level 3 of the Code for Sustainable Homes can be shown by the fact that to obtain housing association grant the housing must be built to Level 3 of the Code. Also the code is roughly equivalent to the Eco-homes 'Very Good' standard which has been met by over 18,000 dwellings since its introduction.
- 6.12 The above information shows that there is a national drive for zero carbon development by 2016, draft policy within the draft RSS to introduce a minimum level from the Code for Sustainable Homes and evidence to show that this level can be reached. However, there is not national support for local authorities to introduce district wide policies in relation to the Code for Sustainable homes in the same way that there is for renewable energy. In fact the document 'Building for a Greener Future' seems to suggest that local authorities should not bring in interim policy in relation to this matter. Therefore, it does not seem advisable to recommend the adoption of an interim policy in relation to sustainable construction.

7. **RECOMMENDATION**

- 7.1 **In response to the new and emerging guidance and policy stated above that the interim policy, as stated below, is adopted for the purposes of development control:**

Interim Policy One: Renewable Energy and New Development
Larger-scale developments will be expected to provide, as a minimum, sufficient on-site renewable energy to reduce CO2 emissions from energy use by users of the buildings constructed on site by 10%. Developers will be expected to demonstrate that they have explored all renewable energy options, and designed their developments to incorporate any renewable energy requirements.

Background Papers

Appendix One: Sustainable Development Issues Paper

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