

A review of local planning policies addressing climate change

Prepared for Crawley Borough Council
by the Energy Centre for Sustainable Communities



ecsc Ltd.

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Report written by:

Helen Swainger

Report reviewed by:

Sean Rendall

ecsc Ltd., Unit 327, 30 Great Guildford Street, London, SE1 0HS

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1 Introduction

It is now widely accepted that human induced climate change is occurring and that this will have a number challenging consequences, not least for the South East of England which is predicted to experience an average rise in temperature of up to 4.5°C by the 2080s. The region is also expected to experience warmer summers, wetter winters and a greater frequency of extreme events including heat waves, drought and flooding.¹

The UK government has signalled through its 2006 Climate Change Programme the urgency with which action is needed to both mitigate the causes of climate change and adapt to its effects. The recently adopted Climate Change Act legally binds the UK to achieve an 80% reduction in CO₂ emissions by 2050² and a Renewable Energy Strategy for the UK is currently being prepared which will provide a framework to achieve the UK's share of the EU's target for 20% of energy to be provided by renewable energy sources by 2020.³

Local authorities have an important role to play in facilitating these changes through their position as community leaders, regulators, service providers and estate managers. Specifically, local authorities can help to reduce carbon emissions through leading by example to reduce the impact of their buildings and by using their planning powers to encourage a shift towards lower carbon energy supply in new development.

1.1 Aspirations of Crawley Borough Council

Crawley Borough Council has a desire to become a leading local authority on tackling climate change at a local level and became a signatory of the Nottingham Declaration in 2003. In December 2008, the Council adopted a Corporate Climate Change strategy which sets a target for the Council's operations to be carbon neutral by 2050.

The Council has particular aspirations to become a leader in sustainable planning policy; however, it does not at present have formally adopted planning policies on climate change mitigation or adaptation. During the examination of the Core Strategy, proposed policies *S1: Achieving sustainable development* and *S2: Management of resources and energy efficiency of new development* were found to be unsound as they did "not provide a meaningful local perspective" (paragraph 39) and their inclusion was "not necessary to provide 'advice to developers' or 'a hook for a proactive approach by the Council" because "the national policies already do so" (paragraph 41).⁴

As a result, the policies were removed prior to the formal adoption of the Core Strategy in November 2007. Subsequently, the Council is not currently implementing any policies designated as specifically addressing climate change mitigation or adaptation. Paragraph 1.6 of the adopted core

¹ IPCC Fourth Assessment Report, 2007

² Climate Change Act 2008, http://www.opsi.gov.uk/acts/acts2008/ukpga_20080027_en_1

³ Renewable Energy Strategy Consultation, BERR, 2008, <http://renewableconsultation.berr.gov.uk/>

⁴ Report on the examination into the Crawley Core Strategy Development Plan Document, August 2007. <http://www.crawley.gov.uk/stellent/groups/public/documents/report/int131808.pdf>

strategy instead states that the national and regional policy “will underlie the Council’s decision making in all areas affected by the strategy, including those on individual planning applications.”⁵ A summary of the key advice contained in the national and regional policy on climate change mitigation and adaptation is set out in chapter 2.

However, the Inspector recommended that “If there are genuinely locally-specific aspects of sustainability that need to be worked out in distinctive detail the preferred options for doing so can be examined, brought forward and justified in a future review of the core strategy” (paragraph 42). The core strategy is in fact subject to early review and this provides the Council with an opportunity to develop a robust and locally justified evidence base for its future policies on climate change mitigation and adaptation. This review of current policy practice is one part of this process.

1.2 Purpose of this report

This is part of a series of reports which will together comprise evidence in support of the review of Crawley Borough Council’s Core Strategy policies for climate change adaptation and mitigation.

The objectives of this report are:

- To provide an overview of the national and regional planning policy landscape in relation to climate change
- To provide an indication of progress of both leading and neighbouring local authorities in adopting planning policies for:
 - the promotion of low carbon/renewable energy (‘mitigation’ policies)
 - the promotion of climate change resilience and adaptation
- To determine how the Climate Change supplement to PPS1 has affected the nature of policies being adopted
- To evaluate how these policies are being implemented

⁵ Crawley Borough Council Core Strategy October 2008 revision,
<http://www.crawley.gov.uk/stellent/groups/public/documents/report/int136669.pdf>

2 Wider Policy Context

2.1 National policy

The supplement to PPS1 on Planning and Climate Change⁶ sets out the Government's national policies on how planning should contribute to the mitigation of, and adaptation to, climate change and identifies a number of key planning objectives for both regional and local planning. Paragraph 26 sets out local requirements for decentralised energy to supply new development, and states that local planning authorities should "set out a target percentage of the energy to be used in new development to come from decentralised and renewable or low-carbon energy sources where it is viable." In addition, the PPS supplement recommends that "where there are particular and demonstrable opportunities for greater use of decentralised and renewable or low carbon energy" they should prepare development area or site-specific targets to secure this potential.

Site specific and area wide policies should be supported by an "evidence-based understanding of local feasibility," and crucially, paragraph 33 makes it clear that the local planning authority must ensure that what is proposed is "viable, having regard to the overall costs of bringing sites to the market...the need to avoid any adverse impact on the development needs of communities...and is consistent with securing the expected supply and pace of housing development."

Further Government commitment to reducing the carbon emissions arising from new development is evident in its adoption of the Code for Sustainable Homes (CSH) and the Government's ambition to ensure that all new homes are 'zero carbon' by 2016 (and all non-residential development by 2019). The PPS1 supplement states that "when proposing any local requirement for sustainable buildings, planning authorities should specify the requirement in terms of achievement of nationally described sustainable buildings standards" (paragraph 32), such as the CSH.

The PPS supplement also emphasises the role that planning can play in shaping "sustainable communities that are resilient to and appropriate for the climate change now accepted as inevitable." Paragraph 24 states that local planning authorities should have careful regard for the selection of land for development so that open space and green infrastructure can be utilised for "urban cooling, sustainable drainage systems, and conserving and enhancing biodiversity;" and so that consideration is given to the "physical and environmental constraints on the development of land such as sea level rises, flood risk and stability."

In addition, new development should "take account of landform, layout, building orientation, massing and landscaping" to maximise cooling and avoid solar gain in the summer and also "encourage layouts that accommodate waste water recycling." The PPS supplement also advises a holistic approach to these issues by recommending that "mitigation and adaptation should not be considered independently of each other" (paragraph 10).

⁶ Planning Policy Statement 1 Supplement: Planning and Climate Change, CLG, 2007, <http://www.communities.gov.uk/documents/planningandbuilding/pdf/ppsclimatechange.pdf>

2.2 Regional policy

The Draft South East Plan⁷ is the Regional Spatial Strategy for the South East of England. In July 2008, the Secretary of State published proposed changes to the draft document.⁸ The summary of the climate change policies below is based on this revised version of the Plan.

The Plan reflects national policy by featuring sustainable development, climate change, resource use and sustainable construction as cross cutting policies with Policy *CC1: Sustainable Development* stating that the “principle objective of the plan is to achieve and to maintain sustainable development in the region.”

Policy *CC2: Climate Change*, set out the measures which should be taken by local planning policy to enable the mitigation of, and adaptation to, climate change. The most relevant of these to this evidence base are:

- Improving energy and carbon efficiency performance of new and existing buildings
- Encouraging development and use of renewable energy
- Guiding development to locations offering greater protection from impacts
- Ensuring new and existing building stock is more resilient to climate change impacts
- Incorporating sustainable drainage measures and high standards of water efficiency
- Ensuring that opportunities and options for sustainable flood management and migration of habitats and species are not foreclosed.

Policy CC2 also advises that local planning authorities should “include policies and proposals in their plans, strategies and investment programmes to help reduce the region’s carbon dioxide emissions by at least 20% below 1990 levels by 2010 and by at least 25% below 1990 levels by 2015.”

The need to reduce the ecological footprint of the region by 2026 through the increased efficiency of new and existing buildings is the focus of policy *CC3: Resource Use*, and *CC4: Sustainable Construction* makes it clear that “the design and construction of all new development, and the redevelopment and refurbishment of existing building stock will be expected to adopt and incorporate sustainable construction standards and techniques,” including the use of natural lighting, heat and ventilation and decentralised, renewable and low carbon energy. Policy CC4 also makes it clear that local planning authorities should “promote best practice in sustainable construction” and can set standards which exceed national levels of building sustainability for specific sites if the local circumstances that warrant this are set out in DPDs. To support this, policy *H5: Housing Design and Density* requires local authorities to “prepare guidelines for the design of new housing in their areas that encourage the use of sustainable construction methods.”

Specific guidance is given on mitigation in policy *NRM11: Development Design for Energy Efficiency and Renewable Energy*, which has been updated to take into consideration the recommendations in the PPS1 supplement and which suggests that local authorities should:

⁷ Draft South East Plan with Secretary of State’s proposed changes, South East England Regional Assembly, 2008. <http://gose.limehouse.co.uk/portal/rss/pcc/consult?pointId=91233#document-91233>

⁸ Consultation on these changes ended in October 2008 and a final version of the plan is expected to be published in 2009

“promote and secure greater use of decentralised and renewable or low-carbon energy in new development, including through setting ambitious but viable proportions of the energy supply for new development to be required to come from such sources. In advance of local targets being set in Development Plan Documents, new developments of more than 10 dwellings or 1000m² of non-residential floorspace should secure at least 10% of their energy from decentralised and renewable or low-carbon sources unless, having regard to the type of development involved and its design, this is not feasible or viable.”

Energy efficiency and renewable and low carbon energy should be particularly promoted in areas which will see significant amount of development. The use of Combined Heat and Power for large mixed use developments is recommended in policy *NRM12*.

Adaptation is covered in more depth in policy *NRM1: Sustainable Water Resources and Groundwater* which states that in preparing Local Development Documents and determining planning applications, local authorities will “identify any circumstances under which new development will need to be supported by water efficiency standards exceeding extant Building Regulations standards” and “set out the circumstances under which sustainable drainage solutions should be incorporated.”

The Plan also features policies on *Sustainable Flood Risk Management (NRM4)*, the *Conservation and Improvement of Biodiversity (NRM5)* and *Coastal Management (NRM8)* all of which are likely to be affected by climate change.

The South East England Regional Assembly (SEERA) is expected to publish guidance to local planning authorities on how to implement the climate change-related policies in the South East Plan early in 2009.

2.3 Implications for local planning policy

The national and regional policy framework presented above provides a clear message that local planning authorities should be acting to develop and implement their own (locally justified) policies to achieve both significant reductions in carbon emissions from new development and the creation of communities that are resilient to the likely impacts of climate change on water availability, biodiversity, flood risk and more extreme temperatures. Some of these issues had previously been outside the remit of the planning system and in light of the more recent national and regional guidance, it is useful to consider how other local authorities are interpreting this advice in the development of their own policies.

3 Review of adopted local planning policies

3.1 Methodology

A review has been undertaken to gauge the current scale and breadth of adopted local planning policies relating to low carbon/renewable energy and climate change resilience and adaptation. This took the form of desk based research into the adopted policies of a selection of local planning authorities⁹ and was followed up by telephone interviews with planning policy officers at the respective councils to gain further insight into the effectiveness of these policies.

It should be noted that as the PPS1 supplement was only published in December 2007, it is likely that most of the adopted policies reviewed in this study will pre-date this, and therefore they are unlikely to take account of its key recommendations, including the need for viability testing and the opportunity to require higher standards in particular areas. Where policies have been adopted in DPDs within the 12 months following publication of the PPS1 Supplement, it is unlikely that the local planning authority will have taken account of this in their submission document, although inspectors will have been mindful of government guidance on the implementation of the PPS1 supplement¹⁰ during the examination of DPDs. In addition, the changes to the LDF process brought about by PPS12¹¹ in June 2008 will not yet have worked their way through to many adopted DPDs.

3.1.1 Selection of policies

The policies of nine local planning authorities were chosen for review, based upon the three components:

- An update on the policies of the leading LPAs identified in the document produced by ecsc on behalf of Crawley Borough Council in October 2007 in support of a proposed SPD on Planning and Climate Change¹².
- A review of the adopted policies of LPAs in the South East to provide regional context.
- Other relevant emerging policies.

In addition to the review of adopted policies, information is included providing a brief overview of a number of policies which are at the preferred options stage. Whilst the merit of these cannot be assessed prior to their examination, it provides a useful overview of current thinking by other LPAs which are now developing policies which have full regard for the recommendations in the PPS1 Supplement and the government's guidance on its implementation.

⁹ The adopted policies reviewed are mostly set out in DPDs developed as part of the LDF process, but in the case of Milton Keynes Council and the London Borough of Croydon, the policies are set out in old style Local Plans with supplementary SPDs providing additional detail.

¹⁰ Practice Guidance to support the Planning Policy Statement: Planning and Climate Change, Planning Advisory Service and Homes and Communities Academy, 2008, <http://www.pas.gov.uk/pas/core/page.do?pagelId=94314>

¹¹ PPS12 Local Spatial Planning removes the requirements for both an issues and options stage and a preferred options stage by replacing it with a single plan preparation stage.

¹² Planning and Climate Change: A report for Crawley Borough Council by the Energy Centre for Sustainable Communities (ecsc) Ltd, October 2007

The selection of the local authorities reviewed in this document is based primarily on those with adopted policies that seek to address climate change mitigation as this is an area which has received significant attention in recent years and is a clearly identifiable variable as it is concerned with a relatively narrow range of issues (energy generation and consumption, and carbon emissions). However, when contacted about their mitigation policies, the planning authorities reviewed in this document were also questioned about their policies for climate change adaptation in order to give an overview of the current practice in this area. As a result, specific references in adopted policies to measures addressing passive cooling, water consumption and sustainable drainage were identified and noted, along with any requirements for development to meet particular levels of the Code for Sustainable Homes or BREEAM standards as these also incorporate a number of adaptation measures. However, flood risk management and biodiversity policies were not reviewed as although these issues are relevant in the context of climate change, they are well established aspects of local planning.

A more detailed summary of the current guidance available to local planning authorities when devising policies for climate change adaptation is included in chapter 4.

3.1.2 Assessment criteria

During the review, the policies of each local authority were assessed against six criteria in order to allow a comprehensive understanding of their potential merit:

- Policy development
- Compliance assessment
- Outcomes
- Resource implications
- Monitoring and reporting
- Plans for policy review

The full assessment of each policy against these criteria can be found in the appendix, whilst the key findings from the review of each local authority's policies are presented in the remainder of this chapter.

3.2 Policy review

3.2.1 Summary of policies

The following table provides a summary of the local policies assessed in this review. Where percentages/targets for renewable energy and or carbon reduction are given, these are minimum standards. See the appendix for the policies of each local planning authority in full. Please note that whilst the main policy of each local planning authority is contained in either an adopted local plan or DPD, some of detail may actually be set out in an SPD rather than in the main policy text.

LPA	Date of adoption	Summary of policy
Milton Keynes Council	December 2005 (SPD with detail July 2007)	<p>CSH/BREEAM: Not included.</p> <p>MITIGATION: For developments of 6 or more dwellings or in excess of 1000m², a 25% reduction in CO₂ is required, of which at least 10% (after the deduction of energy efficiency emissions saved) should be from renewables.</p> <p>Remaining emissions must be offset by payment into a carbon offset fund managed by the Milton Keynes Energy Agency. This takes the form of a one-off payment of £200 for each tonne of CO₂, secured by section 106 agreement. The fund goes towards reducing energy use or producing renewable energy elsewhere in the district.</p> <p>ADAPTATION: Expected water use of not more than 105 litres per person per day, water butts for water collection and at least 50% permeable surfaces.</p>
Tandridge District Council	October 2008	<p>CSH/BREEAM: All residential developments <i>encouraged</i> to meet CSH level 3 and commercial development over 500m² <i>encouraged</i> to meet BREEAM 'Very Good.'</p> <p>MITIGATION: For residential developments of 1-9 dwellings, or commercial developments in excess of 500m², a 10% reduction in CO₂ is required from the use of renewables. For residential developments of 10 or more dwellings, a 20% reduction in CO₂ from the use of renewables is required where viable. CHP is encouraged for developments over 5000m²</p> <p>ADAPTATION: Requirement for SuDS where necessary, encouragement of green infrastructure (i.e. green roofs) and grey water recycling.</p>

Reading Borough Council	January 2008	<p>CSH/BREEAM: Eco-homes ‘Very good’ (equivalent to CSH level 3) is required for all residential developments and BREEAM ‘Very good’ for commercial developments of over 500m². For larger developments of 10 or more dwellings or 1,000m² of floorspace, 50% of the provision should meet the most up to date Eco-Homes and BREEAM ‘Excellent’ standards.</p> <p>MITIGATION: For developments of 10 or more dwellings or over 1,000m², a 20% reduction in CO₂ is also required from renewable sources and energy efficient design measures, including the use of CHP where appropriate.</p> <p>ADAPTATION: Developments are required to reduce mains water use and incorporate water conservation measures so that consumption is in line with CSH and BREEAM standards. Developments are also required to incorporate sustainable urban drainage facilities and techniques as part of the layout of a development, including minimising the size of impermeable areas.</p>
London Borough of Croydon	July 2006	<p>CSH/BREEAM: Requirement for residential developments of 10 or more dwellings, or between 4 and 9 dwellings with a high density to meet CSH level 4, and for commercial developments over 1000m² to meet BREEAM ‘excellent’ ratings. (through SDP)</p> <p>MITIGATION: For developments of 10 or more dwellings or over 1,000m², a 10% reduction of CO₂ from the use of renewables is required.</p> <p>ADAPTATION: New developments requiring drainage must use sustainable drainage systems where practical.</p>
Ashford Borough Council	July 2008	<p>CSH/BREEAM: Different levels of the CSH or BREEAM are required depending upon the type of site:</p> <ul style="list-style-type: none"> • Urban Extensions & Greenfield sites - CSH level 4, BREEAM “excellent” (inc. “maximum” water and “excellent” energy credits) • Town Centre & Urban Brownfield sites - CSH level 3, BREEAM “very good” (inc. “maximum” water and “excellent” energy credits) • Tenderden, the Villages - CSH level 2, BREEAM “good” (inc. “excellent” water and energy credits) • Existing and refurbishment - EcoHomes and BREEAM “very good” (inc. “excellent” water and energy credits) <p>MITIGATION: Different percentages of CO₂ reduction through the use of on-site renewables are required depending upon the type of site:</p> <ul style="list-style-type: none"> • Urban Extensions & Greenfield sites - 30% • Town Centre & Urban Brownfield sites - 20% • Tenderden, the Villages - 10% • Existing and refurbishment - 10% <p>Remaining emissions must be offset by payment into a carbon offset fund. This takes the form of a one-off payment per tonne of CO₂ based on DEFRA’s shadow price of carbon based on 10 years’ worth of emissions. The fund goes towards reducing energy use or producing renewable energy elsewhere in the district.</p> <p>ADAPTATION: All development should include appropriate sustainable drainage systems (SuDS)</p>

LPA	Date of adoption	Summary of policy
Tonbridge and Malling Borough Council	September 2007	<p>CSH/BREEAM: <i>Aim</i> for all new residential development to meet CSH level 3</p> <p>MITIGATION: The Council to have regard for the need for 10% energy demand from renewable energy sources. As a threshold is not given in the core strategy, the Draft South East Plan's recommendations of 10 or more dwellings or 1000m² are being utilised.</p> <p>ADAPTATION: The following measures are suggested:</p> <ul style="list-style-type: none"> • the natural drainage of surface water, including, where appropriate, the use of Sustainable Urban Drainage Systems (SUDS) • taking account of tidal and fluvial flood risk; • maximising the efficient use of water including recycling of dirty water; • wherever possible, creating carbon neutral development; • orientating buildings to maximise the benefit from sunlight and passive solar heating unless to do so would conflict with the grain of the surrounding area's townscape, landscape or topography.
Bracknell Forest Council	February 2008	<p>CSH/BREEAM: All applicants should meet CSH level 3 or BREEAM 'very good' or 'excellent.'</p> <p>MITIGATION: For development of 5 or more dwellings or 500m², a 20% reduction in energy demand from renewable is required along with a 10% reduction in CO₂. For all developments below this threshold, a 10% reduction in energy demand from renewables is required.</p> <p>ADAPTATION: For all developments, there are specific requirements for water consumption to be reduced to 105 litres per person per day (or best practice for non-residential), adaptation to the micro climate through design and shading, the enhancement of biodiversity and a feasibility assessment for green roofs. For developments over 1 hectare, SuDS and other measures for surface water run-off are required.</p>

LPA	Date of adoption	Summary of policy
Epsom and Ewell Borough Council	July 2007	<p>CSH/BREEAM: Not included</p> <p>MITIGATION: The policy encourages the use of renewable energy by the incorporation of generating facilities within the design of the scheme. However the Council is using Surrey Structure Plan policy SE2¹³ prior to the inclusion of specific targets in a Development Control DPD.</p> <p>ADAPTATION: Ensure development avoids increasing the risk of flooding and helps reduce potential water consumption, for example by the use of water conservation and recycling measures and SuDS.</p>
North Norfolk District Council		<p>CSH/BREEAM: For all residential development, CSH level 2 is required. This rises to level 3 in 2010 and level 4 in 2013.</p> <p>MITIGATION: All developments to include at least one measure to minimize energy consumption from an SPD checklist.</p> <p>For developments of 10 or more dwellings or over 1,000m², a 10% reduction in energy demand through the use of onsite renewables is required. This rises to 20% in 2013. For developments of over 100 dwellings, a 20% reduction in energy demand through the use of renewable is required. This rises to 30% in 2013. Contributions for off-site solutions are sought where on-site solutions are shown to be unviable.</p> <p>ADAPTATION: All development to include at least one measure to withstand the longer term impacts of climate change from an SPD checklist.</p>

¹³ The Surrey Structure Plan (adopted 2004) Policy SE2 Renewable Energy and Energy Conservation states that: “Residential and non-residential development should be designed such that a minimum of 10% of the energy requirement is provided by renewable resources. The use of combined heat and power or similar technology will be encouraged, and for all developments in excess of 5,000 sq m floorspace should be regarded as the norm. All types of development should incorporate energy efficiency best practice measures in their design, layout and orientation.”

3.2.2 Milton Keynes Council

Milton Keynes has been a leading local authority on sustainable planning policy for some years, having adopted its current policy in 2005, when there was little guidance available. A number of other planning authorities consulted in this review cited Milton Keynes as a local authority that they had looked towards when developing their own policies, particularly for the promotion of low carbon and renewable energy.

Policy D4 in the Local Plan brings together a number of sustainability objectives for both the mitigation of, and adaptation to climate change within one policy. By devising an SPD checklist based on the policy which sets out different levels of compliance and allows trading between the objectives, the Council is seeking to provide flexibility for developers and ease of assessment for officers. However, setting a precedence for the trading of objectives could potentially undermine the value of the minimum standards, although the Council's Planning Policy Officer stated that the minimum standards are actually almost always achieved and are not often actually often exceeded, and therefore it is reasonable to assume that little trading between objectives within D4 actually occurs.

Minimum requirements of policy D4 include expected maximum water use of 105 litres per day (ppl), the provision of water butts, and 50% of hard surfaces and conveyance systems to be permeable. The Council requires a 25% reduction in CO₂ emissions from energy use compared with 2006 Building Regulations, of which at least 10% should be achieved through the use of on-site renewable energy. The policy requires all development of 5 dwellings or in excess of 1000m² commercial development to achieve carbon neutrality. However it also provides a mechanism whereby developments that fail to achieve this can proceed subject to payment into the Council's carbon offset fund. The contribution is calculated at £200 per tonne of carbon dioxide and is secured through a section 106 agreement. The fund is used to pay for measures to reduce energy use or the production of energy from renewable elsewhere in the district.

The achievement of carbon neutrality through offset schemes could be criticised as it offers an alternative to achieving 'Zero Carbon' through higher environmental performance in the new developments themselves. However, the recent Government consultation on the definition of zero carbon¹⁴ suggests dealing with an element of a development's emissions through a series of 'allowable measures' which could include the off-siting of renewable energy generation. Therefore, allowing financial contributions towards such measures in lieu of on-site measures may become a more widely accepted way of mitigating the carbon emissions of new development. Milton Keynes Council justifies its use of the fund by stating: "Although carbon neutrality is possible by just using on-site measures, it is recognised that at least for the foreseeable future, it is challenging and expensive and therefore carbon offset is proposed as an alternative more cost effective option."¹⁵ However, the fact that the policy provides the opportunity for developers to attain an equivalent to

¹⁴ Definition of Zero Carbon Homes and Non-Domestic Buildings: Consultation, CLG, 2008, <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1101177.pdf>

¹⁵ Milton Keynes Council Supplementary Planning Document, Sustainable Construction Guide, April 2007, <http://www.miltonkeynes.gov.uk/planning-policy/displayarticle.asp?DocID=20808&ArchiveNumber=>

carbon neutrality through a lower cost route by making a financial contribution for off-site mitigation may account for why the minimum standards for CO₂ reduction are rarely exceeded.

Compliance with D4 for developments over the threshold level of 5 dwellings or 1000 m² is estimated to be around 90%, with developers generally favourable to the policy. The Council will not enter into negotiations over relaxing the policy and over the time they have been implemented have developed confidence in discussing the requirements of the policy with developers. Some basic monitoring of compliance is currently taking place, although this is likely to be improved shortly.

Milton Keynes Council is keen to retain its position as a leader in sustainable policy planning. It is currently developing its core strategy and has a preferred options policy in place which will require zero carbon development from 2014 through the achievement of CSH level 6. Until 2014, the Council will continue to ask developers to offset their remaining emissions by paying into the offset fund. As the policy will be subject to inspection for the first time and has been challenged by appeal in the past (although only in conjunction with a number of other issues), the Council commissioned external consultants to produce an evidence base¹⁶ which includes a thorough assessment of the technical and economic constraints of the policy.

3.2.3 Tandridge District Council

Tandridge District Council's policy for climate change mitigation was adopted in October 2008. Prior to this, the Council had been successfully implementing the Surrey Structure Plan policy SE2 with almost 100% compliance for three years. Throughout the Core Strategy development process, a number of options for a more challenging target were considered, including carbon neutrality for new development which received a number of objections. The Council settled on a policy which was a progression of SE2 by raising the standard to a 20% reduction in CO₂ emissions for residential developments of 10 dwellings or more (policy CP14), although the 10% standard was retained for residential developments of 1 to 9 dwellings and for commercial development over 500m.² The Council also included a requirement for all residential developments to achieve CSH level 3, thus ensuring an overall reduction in CO₂ of 25% in all cases, and BREEAM very good for commercial developments over 500m.²

However, because the submission document was produced prior to the publication of the Climate Change Supplement to PPS1, no viability test was carried out to back up the changes to the policy. However, during the examination process, which occurred after publication of the PPS1 supplement, the inspector directly referred to it in his analysis of the policy:

"The PPS1 supplement Planning and Climate Change advises in ¶s 31 and 33 that it could be appropriate to anticipate levels of building sustainability in advance of the national timetable (as proposed in the CS), but that the local circumstances that warrant and allow this must be clearly demonstrated. The Council do not have an evidence base which does this, and so it fails Tests 4 and 7"¹⁷

¹⁶ Targets for renewable energy generation and energy efficiency in new developments in Milton Keynes, Impetus Consulting Ltd, Climate Works Ltd and South West Air Energy, 2008.

¹⁷ Report to Tandridge District Council, Report into the Examination of the Core Strategy Development Plan Document, September 2008, David Vickery DipT&CP MRTPI, paragraph 7.1.

Subsequently the inspector's report required the inclusion of a caveat within CP14 stating that "only where a developer can satisfy the Council why the higher target of 20% cannot be achieved will the lower target of 10% be applied." The Council was disappointed with the inclusion of this caveat as it believes that it will provide developers with a basis to negotiate against meeting the higher target, although to date the effect is unknown as no major applications have been submitted since the policy was adopted. For similar reasons, the wording of the policy was also changed to *encourage* CSH level 3 and BREEAM "very good", rather than *requiring* it.

In policy *CP15: Environmental Quality*, the Council makes reference to a number of specific climate change adaptation measures. However changes were also made to this policy due to the lack of an evidence base. For example, the *requirements* for green construction methods and grey water recycling were re-worded to *encourage*. However, the Inspector appeared to place importance on sustainable drainage by inserting a statement allowing the Council to require SuDS to be included where necessary; whereas prior to policy CP15, the Council only required this measure where the Environment Agency had deemed it necessary.

The Council developed its policies on climate change mitigation and adaptation prior the publication of the PPS1 supplement, and the lack of the subsequently required evidence base, has resulted in changes through the inspection process which weaken its position on these issues. Whilst the Council is confident that a 20% reduction in CO₂ through renewable energy can be achieved, it is clear from this example that a significant raising of standards above a councils' previous policy, or above national and regional guidance must be supported by local evidence.

Only time will tell what effect the Inspector's changes will have on compliance with policy CP14 over the lifetime of the LDF. However, the Council has a proven track record in implementing a policy which requires renewable energy, and the 10% requirement is still being implemented with a high compliance rate since the new policy was adopted. The Council attributes this to local developers increasing familiarity with this type of policy. These factors mean that the Council should be well placed to achieve the best results possible from policy CP14 despite the Inspector's changes.

3.2.4 Reading Borough Council

Reading Borough Council adopted its core strategy in January 2008 and its policy CS1: *Sustainable Design and Construction* covers both climate change mitigation and adaptation.

Prior to January 2008, the Council required major developments to achieve a 20% reduction in CO₂ emissions through the use of renewable energy through its Sustainable Construction SPD. However, the Council's new policy is more flexible and moves away from the prescriptive 'Merton style' approach of the previous policy by allowing the 20% to be achieved through a combination of renewable energy and energy efficiency measures, including the use of CHP. This approach takes greater consideration of the recommendations in the energy hierarchy in that increased energy efficiency should be taken into account before the use of renewable energy. Arguably this is a more advanced approach towards climate change mitigation policy than that taken by some other authorities reviewed in this document. Indeed, the policy CP1 also explicitly requires that "*all new*

developments maximise the use of energy efficiency and energy conservation measures in their design, layout and orientation to reduce overall energy demand.”

Policy CP1 also sets requires all new development to meet EcoHomes “very good” (CSH level 3 equivalent) or BREEAM “very good” (with higher standards sought on larger sites) and to incorporate water conservation measures so as not to exceed CSH or BREEAM levels. SuDs are required as appropriate and mention is made of the need to take particular care in areas of flood risk.

Despite the fact that the final version of the PPS1 supplement had not been published when the Council submitted its core strategy, the Council commissioned a report into the viability of policy CS1 as they felt that an increasing importance was likely to be placed upon this in the future. This evidence base, and the fact that the Council had previously been implementing a renewable energy policy was probably critical in policy CS1 being found to be sound and the Council was also able to remove the ‘where viable’ clause from the policy (which had been present in the SPD version and had been frequently used by developers as a rationale for not installing renewable technologies).

The only change made to CS1 during the examination process was to alter the water consumption target from a requirement for water use not to exceed 125 litres per person per day to a requirement not to exceed the levels in the CSH or BREEAM. This change was made to allow for changing circumstances.

However, despite the forward thinking policy and its relatively smooth progress through the examination process, information on the compliance process and outcomes was less clear. The planning policy manager interviewed suspected that the policy may not be being applied in all cases, the CO₂ reduction component was usually dealt with by condition and the Council was not currently able to monitor compliance against the policy. This makes it difficult to assess the impact of the policy.

3.2.5 London Borough of Croydon

The London Borough of Croydon initially adopted a 10% ‘Merton style’ policy for climate change mitigation in 2003, earlier than any other local planning authority in this review. The policy was revised in 2006, becoming policy EP16, and differs by requiring the anticipated impact of a development to be measured in carbon emissions instead of energy consumption and incorporating a caveat on the viability. Despite the fact the PPS1 supplement refers to savings from renewable energy, carbon measurement is becoming widely used as it is acknowledges that the reduction in CO₂ emissions is the primary objective of the policy, and that some renewable energy technologies are more efficient at achieving this than others.

The Council estimates the compliance rate with EP16 has not differed significantly since the revision of the policy, with compliance estimated at around 90%. Some applications have been refused as a result of non-compliance with the policy, but only in conjunction with a number of other issues.

Croydon also requires an environmental performance statement for all developments detailing proposed measures for energy conservation, renewable energy and the use of CHP. In May 2008, the council published a planning guidance note which introduced a requirement for major developments to meet the CSH Level 4 or BREEAM ‘Excellent’. The Council seeks to secure

compliance with this but is unable to enforce compliance as this does not benefit from the weight of adopted policy. In practice, this requirement has been relaxed should a developer object to the demands placed upon them in relation to sustainable design and construction.

Given the amount of time that the Council has been implementing climate change mitigation policies, considerable in-house expertise has been developed in checking compliance and the staff involved feel confident in discussing the issues with developers. However, this is resource intensive and the Council employs 1.5 full time equivalent officers to deal with policy EP16.

The Council also has a policy in place requiring SuDS where appropriate, as appears common practice among local planning authorities, and the aforementioned environmental performance statement also requires details of the measures to be included for “water fittings such as rainwater harvesting, grey water recycling, low use fittings and permeable storm water drainage systems” for all developments.

The London Borough of Croydon is currently at the beginning of the LDF process and intends to develop an evidence base for its future policies. Whilst first indications from the Council are that the current policy for climate change mitigation will be kept, Croydon has been an early leader in the adoption of planning policies for the promotion of low and renewable energy. Therefore it is possible that the Council may choose to pursue a more ambitious target through its LDF, taking account of recent guidance and including site specific targets and policies which encourage CO₂ reductions by allowing a greater level of flexibility in how this is achieved (e.g. allowing a mixture of energy efficiency measures and renewable and low carbon technologies).

3.2.6 Ashford Borough Council

Ashford’s adopted policy *CS10: Sustainable Design and Construction* was adopted in July 2008. It is comprised of three components:

- A. all major development to meet a specified level of the CSH or BREEAM
- B. all major development to reduce CO₂ emissions by a set level through on site renewables
- C. the achievement of carbon neutrality through the offsetting of all remaining emissions through contributions to the Ashford Energy Fund

The Council’s policy is particularly interesting because as recommended in the PPS1 supplement, the Council has set out a requirement for higher standards to be met on certain sites within the borough. Development is categorised into four categories, and each has a different minimum requirement for part A and B above. The full table is given in the appendix, with the highest standards being set for urban extensions and green field sites where a CSH level 4 or BREEAM ‘excellent’ is required along with a 30% reduction in CO₂ from the use of on-site renewables. The Council chose these standards as it feels they reflect the types of development expected to come forwards on these sites

The Council produced a Sustainable Design and Construction background paper to support the policy which included an assessment of the costs associated with requiring these high standards. Despite a number of objections being received, particularly relating the standards for urban extensions and green field sites, relatively few changes were made during the examination process. The Inspector found CSH level 4 to be an appropriate aspiration for these sites because the Council was able to demonstrate Ashford’s local vulnerability to the effects of climate change and the economies of scale

achievable as a result of the high level of building due to take place as a result of its designation as a growth area.

However, in acknowledgement of the high standards sought, the Inspector did require the inclusion of a statement allowing the policy to be relaxed despite the findings in the Council's evidence base, if it could be demonstrated that it "is not technologically practicable, would make the scheme unviable or impose excessive costs on occupiers." This caveat has not yet been used and the Council accredits this to its planning policy, building control and development control teams working closely with developers to ensure compliance is achieved. However, it should be noted that since the policy was adopted, only approximately 10 applications above the threshold for policy CS10 have been received.

A second table in policy CS10 which set higher standards for the period 2015 to 2021 was removed by the Inspector, as he did "not consider that it is sensible at this time to try to predict what will be practicable and desirable in the latter part of the plan period." There is no government or regional guidance to support the setting of future standards now other than the time table for zero carbon status through the CSH. This may have influenced the Inspector in not supporting this part of the policy.

Part C of the policy was developed along the same model as the offset scheme in policy D4 of Milton Keynes Council's Local Plan (which has not yet been subject to examination), and was adopted with no changes made by the Inspector. This could again be attributed to Ashford's circumstances as both a growth area and an area particularly vulnerable to some aspects of climate change (notably water supply). However it could also be a signal that offset funds may become a more widely accepted means of achieving carbon neutrality in the future. The detail of this part of the policy is currently being consulted upon in a draft SPD and so it is not yet being required of developers. The Council sees this provision as a 'last resort,' to be applied only when carbon neutrality is not possible parts A and B of the policy.

Whilst most adaptation measures are dealt with through the requirement for CSH or BREEAM, the Council does include policy CS20 Sustainable Drainage, which makes reference to the need for all development to include appropriate sustainable drainage systems (SuDS). These are expected to "achieve a reduction from the existing run-off rate." This was changed from a *requirement* to an *aim* by the Inspector who felt that this exceeded national guidance which only requires 'no net additional increase in run-off rates.'

3.2.7 Tonbridge and Malling Borough Council

Tonbridge and Malling District Council's adopted core strategy (September 2008) includes a policy requiring 10% of energy demand to be met from renewable energy. The manner in which its inclusion came about is of particular interest.

As detailed further in the appendix, whilst the Council's submission document stated that regard should be had for the need to include renewable energy in new developments, it did not include a percentage target because at the time of writing the Core Strategy the Council was not confident that it had the evidence base, or necessarily the support from Government, to include a specific 10%

target in the Policy.¹⁸ The Council felt that sufficient details were expressed in the draft South East Plan and intended to include further detail in a future DPD or SPD.

After representation from SEERA, the inspector chose to include the 10% target based on the recommendations of the draft PPS1 supplement. The draft PPS supplement expected 'substantial new development to gain a significant proportion of its energy supply on-site and renewably..' but also stated 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 10 per cent should be required.'¹⁹ It is unlikely that such a change would be made by an Inspector now as the final version of the PPS1 supplement does not include the provision of 'interim' measures and councils are expected to justify the details of any policies for renewable energy or CO₂ reduction in their DPDs.

A threshold was not included in policy CP1 of the core strategy so the Council is currently utilising the Draft South East Plans threshold. Since the adoption of the policy in September 2007, six energy statements (based on the approach in the London Renewables Toolkit) have been assessed by the planning policy officer, who negotiates with developers as necessary to achieve the target, paying particular attention to the appropriateness of the technologies proposed to ensure that the maximum carbon savings are achieved. Whilst this method for compliance checking appears robust, the number of energy statements assessed does not mirror the number of major applications achieved by the Council in the same period. Reasons for this may be that there was some delay in implementing the policy after adoption, that development control officers are validating more straightforward energy statements themselves, or that the policy is simply not being enforced in all cases.

After representations by developers (Fairview New Homes), the Inspector also amended the supplementary text to policy CP1 from a *requirement* for BREEAM or Eco-homes 'Very Good' standards to an *aim*. A number of other suggested adaptation and mitigation measures are also set out in the supplementary text (see appendix). The Council is in the process of developing its DPD: *Managing Development and the Environment*. This will include a chapter on climate change which will expand on the detail in CP1 and will be supported by an evidence base. The intention is to make the 10% renewable energy policy, CSH level 4 and BREEAM 'very good' a requirement of all development through this more detailed DPD.

3.2.8 Bracknell Forest Council

Bracknell Forest Council adopted its core strategy in February 2008. Policy *CS10: Sustainable Resources* requires a sustainability statement to be produced for all developments and the supplementary text to this policy and an SPD adopted in October 2008 set out a number of requirements for climate change mitigation including energy efficiency measures. CSH level 3 or BREEAM "very good" or "excellent" are also required and the SPD contains a checklist which sets minimum standards for a number of adaptation measures including; the level of water consumption,

¹⁸ Local Development framework Core Strategy Position Statement No CS10: Omissions

[http://www.tmbc.gov.uk/assets/planning_policy/LDF/Examination/CS10 - Omissions Position Statement.pdf](http://www.tmbc.gov.uk/assets/planning_policy/LDF/Examination/CS10_-_Omissions_Position_Statement.pdf)

¹⁹ Consultation Planning Policy Statement: Planning and Climate Change: Supplement to Planning Policy Statement 1, December 2006, CLG, p22, footnote 21.

shading, a feasibility assessment for green roofs and the enhancement of biodiversity. For developments over 1 hectare, SuDS and other measures for surface water run-off are required

Policy officers used the Draft South East Plans recommendations to develop policy *CS12: Renewable Energy*, although a number of significant alterations were made. They removed the development size threshold for 10% of the energy demand to be supplied by onsite renewable energy and instead require this of all developments. For development proposals of five or more dwellings or commercial developments over 1000m², the requirement is raised to 20%. To take account of the need to reduce carbon emissions, the Council also requires these larger developments to demonstrate that at least a 10% reduction in CO₂ will be achieved.

Development of this policy benefitted from a strong political lead. Officers presented a range of options during the consultation stages and those requiring higher standard were most widely supported. Developers sought a less demanding policy on the basis that 20% is double the level that many consider to be standard practice. Whilst an evidence base was not produced, the Council did undertake a scoping exercise to take account of the publication of draft the PPS1 supplement and no significant changes were made to the draft policy during its examination.

The Council is fully applying its policies and a planning policy officer usually checks the sustainability statements. An energy demand statement is also required demonstrating how policy CS12 is to be met, and this is sometimes referred to an external consultant if policy officers find that it requires more technical understanding to verify it. However, compliance is not being monitored and the policy team manager was also unable to provide details about how many sustainability or energy demand statements have received. However, she did state that the viability clause in the SPD has been used several times with developers citing the current economic climate as a reason for non compliance with policy CS12. The policy has been relaxed in these cases.

3.2.9 Epsom and Ewell Borough Council

The Council has a policy in its adopted core strategy for the minimisation of energy use and the inclusion of renewable energy in new developments, but it is at present still implementing the Surrey Structure Plan policy SE2. The Council attributes this to difficulties as a result of developing its core strategy at a time when there was little guidance about specific targets available. As a result, the Council set a deliberately broad policy on which it will be able to 'hang' future policies in a forthcoming Development Control Policies DPD. This was acceptable to the inspector, with the only amendment being that future policies must be subject to examination through a DPD (rather than included in an SPD as originally proposed by the Council).

The Council may have been successful in seeking a more challenging energy policy because at the time the core strategy was adopted (July 2007), there was no requirement for an evidence base or local viability test as this only emerged as an explicit requirement in December 2007 with the publication of the PPS1 supplement. However, the Council has adopted a more cautious approach and is seeking to build its capacity through the implementation of the Structure Plan Policy and take advantage of emerging guidance before developing its own local targets in the future DPD.

Policy CS 6 also makes reference to "reducing potential water consumption, for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using

methods such as sustainable urban drainage' and avoiding 'increasing the risk of, or from, flooding.'" These requirements are being enforced as and when required (usually for larger schemes), and will also be expanded upon in the future DPD.

3.2.10 North Norfolk District Council

North Norfolk District Council has one of the most recently adopted DPDs of those reviewed in this report. Its core strategy was adopted in September 2008 and includes policy EN6: *Sustainable Construction and Design* which brings together climate change mitigation and adaptation on one policy.

The first sentence of policy refers to the need for all applications to demonstrate how they will minimise energy and resource consumption, and be designed and located so as to "withstand the longer term impacts of climate change." This is measured through the inclusion of at least one measure to address each of these, taken from a checklist in an SPD on sustainable design. The policy also requires CSH level 2 to be achieved for all new residential development, and for all major development, 10% of predicted total energy use to be met through the use of onsite renewables.

North Norfolk District Council is the only local planning authority reviewed in this report which includes within its policy progressively increasing standards for CSH and renewable energy contributions. The latter requirement rises to 20% in 2013. The policy was passed with no changes during the examination process, despite the Council's lack of an evidence base, with the Inspector noting that:

"In my view the policy's ambitious approach, including rising expectations in relation to achieving the voluntary Code for Sustainable Homes star ratings and on-site renewable energy generation on qualifying developments above the stated thresholds, is highly desirable (and arguably essential) if the government's national and international CO₂ reduction commitments are to be achieved."²⁰ (paragraph 6.75)

The Inspector's acceptance of the setting of future standards is contrary to the experiences of Ashford Borough Council; however, the initial standards set by North Norfolk are lower than those of Ashford. The Council attributes its ambitious policies to a high level of political drive and the progressive targets also mean that no revisions will be needed to the policy over the coming years.

The final paragraph of the policy states that "where site conditions are particularly suitable" or for developments of over 100 dwellings, there will be a requirement for 20% renewable energy, rising to 30% by 2013. The Council's sustainability coordinator stated that she thinks this higher requirement will only be used for a forthcoming urban extension of over 100 dwellings and whilst the sentence 'where site conditions are particularly suitable' was included to allow the higher level to be sought in more circumstances, she feels it is unlikely ever to be used in practice as it is too weakly worded to enforce and would probably result in objections over the definition of 'particularly suitable.' This sentence might as well be disregarded, and this example from North Norfolk indicates clearly why

²⁰North Norfolk Core Strategy Incorporating Development Control Policies Development Control Document, Philip A Goodman BA (Hons) DMS MRTPI, July 2008
http://www.northnorfolk.org/ldf/documents/Inspectors_final_report_for_web.pdf

setting site specific targets with a supporting evidence base is a valuable approach if higher standards are to be enforceable.

The Council is however experiencing a good level of compliance with the 100% requirement for major developments although only 4 energy consumption statements verifying this have been submitted to date. The Council will be flexible in its approach where necessary, for example, one of the four proposals submitted to date achieved compliance through a section 106 agreement for an offsite wind turbine as the development was a new prison and on-site renewables were not practical due to security issues. The Council places an emphasis on pre application discussions to achieve the best solution, which it finds time consuming, but this is expected to improve as applicants become more familiar with the policy.

3.3 Other policies at preferred options stage

LPA	Summary of policy
<p>London Borough of Merton</p>	<p>CSH/BREEAM</p> <ul style="list-style-type: none"> All new residential development will be required to meet or exceed the CSH level 1 and all new development over 10 units will be required to meet or exceed an overall CSH level 3. <p>MITIGATION</p> <ul style="list-style-type: none"> Requirement that one or more residential units (including conversions) and all non residential development shall incorporate on-site renewable energy equipment in order to reduce the predicted carbon dioxide emissions by at least 10% For strategic developments the Mayor’s aspirations will be applied and set out in an energy statement to accompany the application. Extensions to incorporate on-site renewable energy equipment equivalent to at least 10% of the extension's energy demand where technically feasible. Details are contained in the Sustainable Design and Construction SPD. Suitable developments will be required to provide facilities that generate low carbon energy including combined heat and power and linkage to local distribution networks where available. Section 106 agreements will be required where appropriate <p>ADAPTATION</p> <ul style="list-style-type: none"> Applications for development outside areas at risk from flooding will be required to take into consideration their impact on surface water run-off and where they are above 1 hectare in size be required to produce a Flood Risk Assessment. The Flood Risk Assessment will be required to demonstrate that the rate of surface water run-off is the same as or less than before the new development occurred, stating the attenuation measures to be used.

<p>London Borough of Barking and Dagenham</p>	<p>CSH/BREEAM</p> <ul style="list-style-type: none"> Strategic developments (those referred to the Mayor) must meet CSH level 4-5 or BREEAM “excellent.” Major developments should meet CSH level 3-4 or BREEAM “very good” – “excellent.” Minor developments will be encouraged to meet CHS level 2 or BREEAM “very good.” <p>MITIGATION</p> <ul style="list-style-type: none"> Strategic development should achieve a 44% reduction in emissions over Building Regs, whilst major developments should achieve a 25% reduction. Strategic and major developments should achieve 20% reduction in carbon emissions through on-site renewable. Strategic and major developments in Barking Riverside, the Barking town centre energy action area and South Dagenham should achieve a 10% reduction in carbon emissions through on site renewables. They should also link into the planned community heating network which will result in 22% immediate reduction in emissions over Building Regs. (renewable target is lower as only renewable electricity is required). If renewable energy generation is not viable, a financial contribution will be required for other climate change mitigation initiatives.
<p>Milton Keynes Council</p>	<p>CSH/BREEAM</p> <ul style="list-style-type: none"> Require all housing developments to achieve CSH level 4 from 2010 and level 6 from 2014, and all other development to achieve an equivalent standard. <p>MITIGATION</p> <ul style="list-style-type: none"> Requiring developers to produce a sustainability statement showing how CO₂ emissions have been reduced by 44% up to 2010 (in line with level 4 of the Code for Sustainable Homes), rising to 100% (zero carbon) by 2014. Until development is ‘zero carbon’, the policy will continue to require payments into the MK Carbon Offset fund to achieve carbon neutrality <p>ADAPTATION</p> <ul style="list-style-type: none"> Seek water neutrality in all new housing developments over 5 dwellings and other development over 1000 sqm. Encourage developers to minimise water consumption through efficient design, with any increase in pre-development water use levels, being offset by a payment into a Water Offset Fund. This fund will be used to reduce water use elsewhere in MK in a similar way to the existing carbon offset mechanism.

4 Conclusions

4.1 Policies for the promotion of low carbon/renewable energy

At first glance, the majority of the climate change mitigation policies assessed in this review are focused on a similar requirement for a minimum 10% or 20% reduction in CO₂ emissions. However, closer review of the policies has shown a large variation in the specific nature of the policies, the way in which they were developed and dealt with during the inspection process (where appropriate) and the way that they are being implemented. The key emerging trends are detailed below.

4.1.1 Policy development

The evidence presented in this review shows that Inspectors are having increasing regard for national and regional guidance on the promotion of low carbon and renewable energy when assessing policies in DPDs. It is clear that since the publication of the Climate Change Supplement to PPS1, inspectors will require policies to be evidence-based and policies which cannot be shown to be locally viable are at risk of amendment or being found unsound. Whilst several of the councils reviewed in this document were able to get policies adopted without an evidence base, in all of these cases the submission DPD containing the policy had been produced prior to the publication of the final version of the PPS1 supplement.

Whilst some of the councils with adopted DPDs are implementing a 'Merton style' 10% policy for major developments (Tonbridge and Malling, North Norfolk), this review also demonstrates that Inspectors will accept more ambitious targets where some form of evidence base or viability test has been produced and/or where a council has proven experience in implementing a similar policy through a previous SPD or county-wide plan (Reading, Tandridge, Bracknell Forest). The most common changes to a Merton style policy appear to be the lowering or removal of a threshold so that it applies to all development and the definition of a higher target for major developments. The precise thresholds for development size and the way in which the savings are measured (moving from energy-based targets to carbon) vary. Reading Borough Council takes a more flexible approach by allowing the required 20% reduction in CO₂ to be met by a combination of renewable and energy efficiency measures, although it should be noted that most other councils do also make some reference to the need for energy efficiency measures.

Where an area is considered to face particular environmental and development pressures, higher targets can be justified. In Ashford Borough Council the Council's planning policy team also produced a comprehensive Sustainable Design and Construction background paper to demonstrate this. The Council has the one of the most challenging policies because it has chosen to set 'site-specific' minimum standards for renewable energy, the CSH and BREEAM. It also requires that new development above a prescribed threshold is carbon neutral and has introduced a carbon offset fund which requires contributions for net emissions in a similar way to Milton Keynes Council. As a result, Ashford's approach may provide the greatest indication of the shape of future policies that have full regard to the current national guidance regarding setting higher local standards.

However, Ashford Borough Council's efforts to set targets for future standards in its core strategy were less successful, with these being removed by the Inspector. Conversely, North Norfolk District Council's target for future ramping up of standards of CSH and renewable energy contributions were found to be sound, although they were less ambitious than those of Ashford Borough Council. This may reflect doubt in some inspectors' minds about the justification for setting policies that require a defined uplift in performance over time. A reason for this may be uncertainty regarding the pace of development of new building and energy technologies. One conclusion from this is that commitment to an early review of policy is perhaps a less risky approach than seeking to set policies that include an uplift in standard at a specified time based on assumed technological progress.

Lastly, an emerging trend appears to be the increasing requirement for development to meet a specified level of the CSH or BREEAM standards including minimum requirements for energy efficiency measures. However, in every case examined, the LPA has supplemented this by a policy specifying the use of on-site renewable energy. This may reflect a widespread awareness of the range of benefits to arise from the use of decentralised renewable energy in addition to emissions reductions, including enhanced fuel security, improved distribution network resilience and stimulating local community energy networks that may benefit existing built stock.

4.1.2 Compliance assessment

Most of the councils interviewed use some form of energy statement to check compliance with their climate change mitigation policies. This is often part of a wider checklist containing information on adaptation and other sustainability issues (such as provision of recycling facilities). Many have developed an SPD to give guidance to developers on how to implement their policies. Some of the councils refer the developer to the London Renewables Toolkit and ask them to submit their energy statement in that format (North Norfolk, Tonbridge and Malling).

4.1.3 Outcomes

Few councils were able to provide precise details of the number of times their renewable energy policies had been applied, and it was unclear the extent to which some councils were applying their policies (Tonbridge and Malling, Reading). However, most of those questioned claimed to be fully applying their policies and estimated that the compliance level was high. Whilst there was evidence of some developers objecting in general to the new requirements, there was limited evidence of refusal of planning consent on the grounds of failure to comply with policy. However, councils that had adopted policies recently had received insufficient applications to fully assess their implementation (North Norfolk, Tonbridge and Malling). This reflects a fall in numbers of planning applications with 19% fewer applications nationally between July and September 2008, compared with the same period in 2007. Indeed several of the local authorities were yet to test some parts of their policy as no applications above the threshold been received (such as Tandridge, which has received no applications eligible for its higher 20% target).

Those who had been implementing a policy through their old style local plan for some time such as Milton Keynes and Croydon estimated compliance to be in the region of 90%. Both councils had used an SPD to expand on the detail in their policies, with Milton Keynes Council setting out the percentage of carbon reductions and renewable energy required in its SPD, rather than in the parent policy. Whilst Milton Keynes Council had few problems in implementing this, stating that the 10%

which did not meet compliance were old outline applications or those in conservation areas, the London Borough of Croydon has found that developers are less willing to comply with the aspects of its policy that are set out in the SPD. Therefore it frequently has to relax the requirement for CSH level 4 and BREEAM “excellent.” This may be due to reluctance by the Council to test its position at appeal, mindful of the PPS1 Supplement’s explicit advice to LPAs to define the detail of their policies in a DPD (as opposed to an SPD).

Most of the councils interviewed said they will negotiate with developers to achieve compliance with the specified level of on-site measures wherever possible, but where there were exceptional circumstances, it appeared that the policy may be relaxed and some consideration given to whether the benefit of meeting this policy outweighed other planning objectives. Where councils had included a financial viability clause in their policies, some developers had utilised this to justify lower standards of renewable energy/carbon reduction than prescribed (Croydon, Bracknell Forest).

North Norfolk has successfully implemented a mechanism which enables developers to deliver less than 10% of predicted energy use through on-site renewable energy by making payment to offset the ‘balance’ through a section 106 agreement. The London Borough of Barking and Dagenham also proposes this mechanism in its preferred options policy. In Milton Keynes and Ashford if the provision of onsite renewable energy does not meet the level required, policy compliance would still be achieved through carbon neutrality contributions. However it should be noted this has not yet been tested in Ashford as the Council is still consulting on the final details of its carbon neutrality fund. It should however be mentioned that to date, Ashford Borough Council has been successfully implementing its site-specific policies.

Where policies include caveats regarding economic viability applicants may be encouraged to seek to exploit this as justification for not meeting a prescribed standard of development, especially in response to the economic pressures facing development. Milton Keynes Council is planning to raise its standards through its LDF process as there is little incentive at present to exceed the minimum 10% renewable energy requirement because it is more cost effective for developers to offset the remaining emissions. Arguably, those policies which had some mechanism in place for a financial contribution in lieu of on-site measures may be better placed to rebut developers challenging the economic viability of their policy. However, the provision of a ‘buy-out’ option as an alternative (or partial alternative) to providing on-site renewable energy needs careful consideration if this is not to result in challenge. Clarity should be provided on the circumstances under which financial contributions may be made in lieu of on-site provision and the basis on which these will be calculated, and a delivery mechanism put in place to ensure mitigation is achieved proportionate to the emissions arising from the development. It is also vitally important that LPAs are able to demonstrate additionality in terms of off-site renewable energy. Furthermore, this approach may limit innovation in development design and potentially risks being regarded as a planning tariff in all but name. In either case the planning authority risks failure to secure significant improvement in the emissions from new built environment

North Norfolk Council’s policy has a provision for a higher level of renewables to be sought “where site conditions are particularly suitable.” However, because there was no evidence base to back this up, the specific conditions are not defined and the council feels it is unlikely that this part of the

policy will ever be used. Clearly the circumstances where higher standards are to be met must be explicitly set out if site-specific policies are to be implemented successfully.

Where councils had been implementing their policies for a number of years (Milton Keynes and Croydon), there had been circumstances where the application had been refused as a result of non-compliance with the climate change mitigation policy, although this was only in conjunction with a number of other policy issues.

4.1.4 Resource implications

All the councils verified applicants' energy statements internally. This was usually carried out either by development control, with the more complex statements being referred to the planning policy team, or in some cases where the policies were more recently adopted, all statements were referred to the planning policy team. The verification of energy statements was generally not considered to be too time consuming by those questioned, although where pre-application discussions and ongoing negotiations with developers were needed, this added additional time.

Most councils were confident that they had the in-house skills to effectively handle these discussions with developers (Reading, Tonbridge and Malling and Epsom and Ewell had attended training) and adopted a strategy of placing the onus on the developers consultants to provide the correct information. However, particularly complex applications were sometimes referred to external consultants or advice was sought from the Energy Savings Trust.

The London Borough of Croydon has built up considerable skills through its implementation of a policy requiring renewable energy for five years, and dealt with all statements internally, although this required the equivalent time of 1.5 officers to deal with policy EP16. However this may also be a result of the high number of applications in Croydon (109 major applications determined in the year ending June 2008).

4.1.5 Monitoring and reporting

Effective monitoring and reporting of low carbon/renewable energy policies is generally absent. Most of the planning authorities consulted were unable to provide precise details and could only estimate the number of energy statements or sustainability statements received and the approximate percentage policy compliance. Only one planning authority (Milton Keynes) was providing any information on the effectiveness of its policies in its annual monitoring report and none would be able to provide information on the impact of their energy policies in terms of total carbon savings achieved.

4.1.6 Plans for policy review

Most of the local authorities reviewed in this report have adopted their policies in the last 18 months through the Local Development Framework process and are therefore not planning any revisions in the near future. Several authorities are currently expanding the detail of their policies and how they should be implemented through forthcoming DPDs or SPDs (Ashford Borough Council, Tonbridge and Malling District Council).

The two local authorities that are currently implementing policies in their Local Plans are at different stages of the LDF process, but appear likely to base their future policies on a progression of their current practice. For example, Milton Keynes Council is building upon its existing policy by developing a more ambitious target based on the CSH which should enable it to achieve a greater proportion of carbon neutrality through on-site mechanisms.

4.2 Policies for the promotion of climate change resilience and adaptation

4.2.1 Findings from the policy review

It is clear from this review that the approach taken by local planning authorities towards climate change adaptation policy is far less standardised than that for climate change mitigation. This can be attributed to a less prescriptive national policy context and the fact that several of the most affected issues such as biodiversity and flood risk management are standard inclusions in local planning policy documents, and whilst they may evolve to take account of the changing risks as a result of climate change, these changes are not explicitly linked to the issue.

However, seven of the nine local authorities reviewed include some provision for adaptation measures through the requirement (or encouragement) for new development to achievement a particular standard of the CSH and BREEAM. These schemes contain minimum standards for a number of adaptation issues including water consumption, water run-off, and ecology.

However, specific requirements were often included in adopted policies for the reduction of water consumption and the inclusion of sustainable drainage systems. A common approach also appeared to be combining mitigation and adaptation measures (of varying levels) together in one sustainable design and/or construction policy (i.e. Reading, Milton Keynes, Epsom and Ewell). This allows the overall environmental performance of a development to be clearly assessed, and can result in a more flexible policy as trading between priorities may be accepted (as in Milton Keynes Council). Interestingly Milton Keynes Council is proposing in its preferred options to require water neutrality, “with any increase in pre-development water use levels, being offset by a payment into a Water Offset Fund” which would operate in the same way as the carbon offset fund.

Adaptation policies were also subject to change through the examination process, with several *requirements* being altered to aspirations where they could not be supported by an evidence base and/or where there had been objections by developers (i.e. Tonbridge and Malling District Council, Tandridge Borough Council).

Whilst this review has provided an overview of current practice in local authorities on climate change adaptation policy, it is difficult to draw conclusions over the merit of these policies. This is because the approaches to adaptation are so variable and compliance is more difficult to quantify as the measures are often installed as part of compliance with the CSH and BREEAM. The following section therefore provides more detail on current best practice guidance for the design of buildings which will be resilient to the impacts of climate change.

4.2.2 Guidance on climate change adaptation

The national and regional policy context for adaptation to climate change through the planning process is set out in chapter 2. More specific advice can be found in the practice guidance to the PPS1 supplement on Climate Change. The document advises that “an area’s vulnerability to climate change and the options for addressing them should be considered both in the core strategy and when identifying land for development” and that a similarly “robust evidence base” will be needed to support adaptation measures as is required for mitigation policies. This should include;

- An understanding of the opportunities on constraints across the area, including climate risks
- Identification of where new development is planned, whether it is affected by climate risks, and where the opportunities for low risk growth exist
- Identification of where adaptive capacity needs improving or installing.

The draft guidance suggests that adaptation measures may need to be broken down into different policy areas, including infrastructure, biodiversity, water resources and the built environment amongst others and more specific information is provided on how to effectively manage the impacts on all these areas.

The specific impacts that climate change may have on the built environment (as a result of the urban heat island effect) include subsistence, reduced heating demands with increased cooling demands, increased demand for outdoor environments, damage to building fabric and water shortages. Suggested planning responses in the practice guidance include spatial policies which encourage development in areas less vulnerable to subsistence or flooding, policies on sustainable design (including passive solar design, sustainable urban cooling and sustainable mechanical cooling), policies encouraging the inclusion of open and green spaces, and policies which support water conservation and sustainable drainage.²¹ In all instances, it is recommended that these policies are backed up by design advice to provide clear direction to developers.

The practice guidance also advises that planning authorities should be aware of the potential for conflict between the measures for adaptation and mitigation. For example, warmer summers may result in increased demands for air conditioning to be installed in new building, but this will result in a higher energy demand. The two issues therefore need to be considered together in order to create “win-win” solutions.

Another useful resource is ‘Adapting to climate change checklist for development’²² and the accompanying case study guide²³ produced in 2005 by the Three Regions Climate Change Group. The

²¹ Practice Guidance to support the Planning Policy Statement: Planning and Climate Change, Planning Advisory Service and Homes and Communities Academy, 2008, <http://www.pas.gov.uk/pas/core/page.do?pageId=94314>

²² Adapting to Climate Change: a checklist for developers, Three Regions Climate Change Group, 2005, http://www.climatesoutheast.org.uk/images/uploads/Adaptation_Checklist_for_Development_Nov_2005.pdf?phpMyAdmin=0558bab607bd5fb28ce901eecd902d47

²³ ‘Adapting to climate change: a case study companion to the checklist for development,’ Three Regions Climate Change Group, 2007,

checklist itself is predominantly a guide for developers, focusing on how decisions about location, site layout, ventilation, drainage, outdoor spaces and a number of other issues can increase the resilience of the development to climate change. The case study document is particularly useful for local authorities as it provides numerous examples of how these principles have already been applied to a variety of development types. For example, details are provided about how a large commercial development in West London reduced solar heat gain through “external aluminium louvers and retractable external fabric blinds activated by light sensors which together shade 90% of the buildings’ surfaces.” It is noted that this type of approach can reduce the need for mechanical cooling, thus also helping to mitigate climate change through reduced energy use, therefore providing a “win-win” solution as advised above.

In the absence of a standardised approach to climate change adaptation policy across local planning authorities, we recommend that Crawley Borough Council considers the relevance of these sources of guidance when developing its Local Development Documents.

5 Implications for Crawley

A number of conclusions can be drawn from this study. Firstly, inspectors are having an increasing regard for the national and regional climate change policy framework in examining local policies, their differing decisions reflected in this review being largely attributable to the emergence of new national guidance over the last two years. Secondly, there is clear evidence that local authorities are starting to take account of the national and regional guidance when local planning policies for climate change mitigation and adaptation. However, it would appear some of the provisions of the core national planning guidance set out PPS1 Supplement are not yet widely evident in adopted LDF policies. Few LPAs have adopted development area and site-specific targets (PPS1 Supplement ¶ 26 ii), and strategies for the promotion of decentralised energy supply along with positive planning measures to encourage the creation and extension of local energy networks (¶ 27). Nonetheless, where spatial considerations have been taken into account (e.g. Ashford), these have been supported by inspectors. The provisions for design and construction of sustainable buildings (¶ 30-32) have been specified by a number of LPAs particularly with reference to CSH and BREEAM and this appears to have been broadly supported by inspectors. Again, the PPS emphasises the need to focus on development area or site-specific opportunities (¶ 31).

The use of mechanisms to permit financial contributions to fund off-site energy measures in lieu of on-site provision has been successfully used by some authorities. Whilst the PPS does not explicitly provide for this approach, recent government proposals in respect of zero carbon homes suggest this may be generally supported especially if applied to development proposals where on-site mitigation does not provide the optimal solution, either by virtue of the particular circumstances of the development proposal or where very high standards of (e.g. approaching carbon neutral or zero carbon) have been agreed. However, the principles of good planning should ensure such circumstances are well defined, the mechanism through which this is achieved is equitable and proportionate, and there is a demonstrable relationship between the mitigation achieved by off-site measures and the emissions arising from the development.

The PPS also places a clear expectation on LPAs that they should have a clear mechanism for monitoring the effectiveness of their policies, and this should be integrated with monitoring housing delivery and other planning policies (¶ 34). The ability to report progress against regional carbon trajectories is also emphasised (¶ 35). However, there is little evidence of LPAs as yet having robust methods in place for monitoring the effectiveness of their policies, and even less in terms of their contribution to sub-regional/regional carbon stabilisation and reduction trajectories.

There are a number of implications for Crawley Borough Council that can be drawn from this study:

1. Crawley can seek to secure high standards of carbon mitigation through setting targets for the use of sustainable energy in new development. Recent national guidance supports this and inspectors are clearly having regard to it their examination of LPAs' DPD policies. However, the provision of robust evidence demonstrating the local viability of policies will be required if inspectors are to be persuaded that high standards of carbon mitigation can be achieved without jeopardising delivery of new development and other planning objectives.

2. The adoption of development area and site-specific targets to secure high standards of development is encouraged by the PPS, but many LPAs have yet to do this and there is little precedent for this approach. However, government guidance on this is available and subject to demonstrating this will have no significant adverse impact on other planning objectives, Crawley should be confident that sound policies can be adopted to achieve this.
3. The success of LPAs in adopting policies setting requirements for the design and construction of sustainable buildings should provide encouragement for Crawley, especially where they have been based on recognised national standards (e.g. CSH). The Council may wish to consider adopting higher standards for larger developments as there is good precedent for this. However, if these are to be introduced ahead of their adoption as a mandatory national standard, it will be necessary to demonstrate the locations and circumstances that would justify this.
4. Crawley may wish to consider permitting the use of financial contributions to enable off-site mitigation. This would provide greater flexibility for developers in determining their favoured approach to meet a policy target, but would place an onus on the Council to deliver off-site mitigation measures. A hierarchical approach to delivering zero carbon homes is proposed by the Government as a means of prioritising actions and could be applied by a local authority in implementing its own policy targets. For example, this could be based on the presumption that on-site measures should always be prioritised over near- or off-site measures, with a minimum ('floor') level of on-site mitigation mandatory in all cases. If minded to adopt this, it is recommended that the principle of this be out in a DPD with a clear mechanism for its use defined in a supporting SPD.
5. Crawley should consider its proposed policies within the context of a broader strategic framework for the development of sustainable decentralised energy. Government guidance makes it clear that authorities may seek opportunities to foster the development of new opportunities to supply proposed and existing development with low carbon decentralised energy networks (PPS1 Supplement ¶ 27). Whilst we have found little evidence that LPAs are fully exploiting this opportunity through their strategic planning, Crawley has already embarked on a programme of work that will contribute towards a robust strategic framework (including evaluating options for the establishment of an ESCo). This will help the Council demonstrate it has a good understanding of the opportunities (and constraints) relating to decentralised energy Crawley when setting and implementing its proposed planning policies.
6. Crawley should be mindful of the resource implications that will be associated with implementing its policies. The Council will need to ensure its staff have the skills, knowledge and tools to be effective in the evaluation of climate change mitigation and adaptation in development proposals. The Council will also need to ensure it builds capacity within its elected Members to enable sound decision making on matters relating to climate change and development.
7. We recommend the Council should give thought to how it will ensure the effectiveness of its policies are monitored, reported and reviewed. The evidence of this study suggests this is often not adequately considered prior to implementation with the result that little or no

monitoring information is available. One consequence of this is to limit the opportunities for building competence and confidence when addressing climate change within the Councils' planning staff and elected Members as there is no mechanism in place to objectively assess its own effectiveness.

8. Policies relating to climate change adaptation have generally been included by LPAs within sustainable design policies and/or recognised national standards such as CSH. However, recent guidance to the PPS recommends LPAs undertake a systematic analysis of the particular climate risks (and opportunities) associated with the development in the borough and identification of adaptive capacity that is required. This approach would inform the identification of appropriate standards for inclusion in Crawley's policies and demonstrate the Council has had regard to the potential impacts of climate change in its development strategy.

Appendix – Schedule of Adopted Local Planning Policies

Milton Keynes Council

Interview with Mark Harris, Planning Policy Officer

Policy

Milton Keynes Council adopted its Local Plan in December 2005. The Plan included the following policy, which was saved on 21st December 2008:

Policy D4

All new development exceeding 5 dwellings (in the case of residential development) or incorporating gross floorspace in excess of 1000 sq m (in the case of other development) will be required to include the following:

- (i) Energy efficiency by siting, design, layout and buildings' orientation to maximize sunlighting and daylighting, avoidance of overshadowing, passive ventilation;*
- (ii) Grouped building forms in order to minimize the external wall surface extent and exposure;*
- (iii) Landscape or planting design to optimise screening and individual buildings' thermal performance;*
- (iv) Renewable energy production e.g. external solar collectors, wind turbines or photovoltaic devices;*
- (v) Sustainable urban drainage systems, including rainwater and waste water collection and recycling*
- (vi) Significant use of building materials that are renewable or recycled;*
- (vii) Waste reduction and recycling measures;*
- (viii) Carbon neutrality or financial contributions to a carbon offset fund to enable carbon emissions to be offset elsewhere.²⁴*

The details of the policy are set out in a later SPD on Sustainable Construction, adopted in April 2007²⁵. The standards regarding energy in the SDP are as follows:

	<i>Pass</i>	<i>Good</i>	<i>Excellent</i>
<i>Percentage reduction over Target Emission Rate</i>	<i>25%</i>	<i>44%</i>	<i>60%</i>
<i>Percentage CO₂ reduction from on-site renewable energy</i>	<i>10%</i>	<i>20%</i>	<i>50%</i>
<i>CO₂ emissions be offset by payment to the MK carbon offset fund</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>

²⁴ Milton Keynes Local Plan, 2001-2011 http://www.cartogold.co.uk/miltonkeynes/Milton_Keynes.htm

²⁵ Sustainable Construction SPD, April 2007, <http://www.miltonkeynes.gov.uk/planning-policy/displayarticle.asp?DocID=20808&ArchiveNumber=>

The standards for water reduction are as follows:

	<i>Pass</i>	<i>Good</i>	<i>Excellent</i>
<i>Expected water use</i>	<i>105 litres per person (residential)</i> <i>25% reduction (commercial)</i>	<i>90 litres per person (residential)</i> <i>50% reduction (commercial)</i>	<i>80 litres per person (residential)</i> <i>70% reduction (commercial)</i>
<i>Water collection or recycling measures to be used</i>	<i>Water butts</i>	<i>Rainwater harvesting</i>	<i>Grey water recycling and rainwater harvesting</i>
<i>Amount of the hard surfaces and conveyance systems to be permeable (e.g. streams, swales and filter drains)?</i>	<i>50%</i>	<i>75%</i>	<i>100%</i>

Policy development

The Council's innovative policy was predominantly led by the Senior Planning Policy Officer at the time, but now has considerable political support as the Council sees itself as being at the forefront of action on sustainable development and seeks to achieve high standards.

The specific details of the policy are set out in an SPD and have subsequently not been subject to inspector's examination. However, as the Council does not yet have any DPDs, it felt that this was the most appropriate course of action in order that it had an enforceable policy.

Compliance assessment

The Sustainable Construction SPD sets out a checklist detailing the minimum standards which need to be met for compliance with policy D4. Developers are recommended to use the checklist as the basis of their sustainability statement, but this should be supplemented with additional details on precisely how the specified standards will be met, for example, the exact technologies to be used and the calculations to back this up.

Outcomes

Policy D4 is being actively applied to all developments above the threshold specified. The Council estimates this to be approximately 120 developments to date (with an additional 30 strategic applications in growth areas being dealt with by the Milton Keynes Partnership). The compliance rate with policy D4 is estimated to be in the region of 90%, however this does not mean that minimum standards have been met in all areas as the SPD checklist provides flexibility by allowing a lack of compliance in some categories to be compensated by higher performance in others.

Generally however, the minimum standards for CO₂ reduction, renewable energy, water use and water collection are usually achieved. This is through a mixture of advanced energy efficiency measures and renewable energy. Excellent standards are rarely met, however in every instance developers are required to pay into the carbon offset fund for the remaining emissions. This takes

the form of a one-off payment calculated at £200 per tonne of carbon dioxide and is secured through a section 106 agreement. The fund is used to pay for reductions in energy use or the production of energy from renewable elsewhere in the district.

The Council will not enter into negotiations with developers over trading D4 against other policies such as those for affordable housing. The policy was however relaxed for approximately 10% of applications which were in conservation areas or had been initially submitted as outline applications before policy D4 was introduced.

Developers are generally favourable to the policy, although there are still often complaints that it is hard to meet. No applications have been refused purely on the basis of non-compliance with policy D4, although there have been instances where it has been one among a number of reasons for refusal.

Resource implications

Verification of the sustainability statement is carried out by the senior planning officer who estimates that approximately 2 hours of officer time is required for each application received. However, more complex statements are referred to the Council's carbon manager and it is likely that these take significantly more time to resolve. External consultants are not used by the Council as the onus on meeting the policy is still placed on the developer and DC officers feel confident enough to question them on aspects of their sustainability statement where necessary.

Monitoring and reporting

The Council has not developed any further procedures for the reporting of policy D4 since the previous review. A record is kept which documents whether the policy has been met, but does not include the precise level of reduction in CO₂ emissions. This is likely to be added in the near future. Some information on strategic developments is used in the Annual Monitoring Report, but this is based on estimates.

Plans for policy review

The Council is moving forwards with its LDF and has preferred options for both the promotion of both low carbon/renewable energy and climate change resilience and adaptation.

All new developments will be required to meet level 4 of the CSH from 2010 and level 6 from 2014, thus being some years ahead of the national timeline for the implementation of the CSH. The Council will continue to require contributions to be paid to offset the remaining emissions until the development is zero carbon. An evidence base, including economic viability testing has been produced by external consultants in order support the policy through the examination process.

Tandridge District Council

Source: Matthew Chapman, Planning Policy Officer

Current Policy

The Council adopted its Core Strategy in October 2008. The core strategy includes the following policies:

Policy CP14

The Council will encourage all residential development (either new build or conversion) to meet Code level 3 as set out in the published Code for Sustainable Homes. Commercial development with a floor area of 500m² or greater will be encouraged to meet the BREEAM "Very Good" standard.*

All new residential development (either new build or conversion) and commercial development with a floor area of 500m² or greater will be required to reach a minimum percentage saving in CO₂ emissions through the incorporation of on-site renewable energy (as set out in the table below). The requirement varies according to the type of development and in the case of dwellings, the size of development.*

<i>Development Type</i>	<i>Percentage savings in CO₂ emissions through the provision of renewable energy technologies</i>
<i>Dwellings (1-9 units)</i>	<i>10%</i>
<i>Dwellings (10+ units)</i>	<i>20%**</i>
<i>Commercial* (500m² +)</i>	<i>10%</i>

Development over 5000m² will be expected to incorporate combined heat and power or similar technology.

Small scale renewable energy projects will be permitted except where there are overriding environmental, heritage, landscape, amenity or other constraints.

** Commercial includes all forms of non-residential development, for example social and leisure related development.*

*** Only where a developer can satisfy the Council why the higher target of 20% cannot be achieved will the lower target of 10% be applied.*

Policy CP15 – Environmental Quality

In order to promote a high quality, flexible, safe living environment and to minimise the impact on natural resources the Council will:

c) require Sustainable Drainage Systems (SuDS) to be included where necessary;

f) encourage innovative construction methods, such as “green roofs” to impede the flow of surface water run-off;

g) encourage all development to make provision for grey water recycling and/or require the separate disposal of surface and foul water to adoptable standards, including the provision of improvements to local sewer networks/treatment works where necessary;

Policy Development

When previously reviewed by ecsc, the Council was implementing policy SE2 of the Surrey Structure Plan. The Council was achieving almost 100% compliance with the 10% renewable energy policy and it was often exceeded.

Climate Change is a key focus of the core strategy. As a result of this, the Council was keen to set more challenging targets for climate change mitigation and adaptation in its core strategy. The development plan team looked towards best practice in a number of other local authorities, including Bracknell Forest and Milton Keynes, and devised a range of alternatives at the issues and options stage, including a zero carbon mitigation policy. This received a number of objections and as a result, the Council adopted a preferred policy option which was predominantly based on Surrey Structure Plan policy SE2 policy, but which raised the renewable energy requirement for major residential developments from 10% to a 20% and changed the measurement from energy to carbon in light of recent interpretations of national guidance. It was felt that the successful implementation of SE2 would provide sufficient evidence that this would be achievable and there were no objections to this policy option through the consultation period.

However, a number of changes were made during the inspection process to take account of the recommendations in the Climate Change Supplement to PPS1 which had been recently published. The lack of economic viability testing resulted in a caveat being included in policy CP14 which would allow developers to meet the 10% target if they could demonstrate that meeting the 20% target would make their development unviable.

In addition, the Council had included in its submission document a *requirement* for developers to meet the CSH level 3 or BREEAM very good standards. This was changed to *encourage*, also as a result of a lack of viability testing.

Compliance assessment

An environmental performance statement is required as part of the design statement. This currently comes in various forms as resource constraints mean that guidance on the implementation of the policies has yet to be developed and the Council often refer developers to guidance produced by other councils.

Outcomes

As mentioned above, the Council reported a high compliance rate with the 10% SE2 policy and there have been no appeals or refusals on applications subject to the 10% carbon reduction policy since October. The policy is often exceeded. However, due to the current economic climate, no applications for developments of 10 or over have been submitted since the 20% policy was adopted, so developer reactions to this are as yet unknown.

The Council has found that both prior to, and since October 2008, it has experienced few problems with local developers in implementing the 10% policy because of developers' increasing levels of familiarity with this type of policy.

Resource implications

The majority of time has been taken up in the development of the policy rather than compliance checking. Regarding the latter, development control officers check the statements and refer them to the planning policy team where necessary. The onus is placed on the developer and their consultants to submit the correct information, but the Council has consulted energy consultants and the Energy Savings Trust for advice on applications in the past.

Monitoring and Reporting

There is no system in place at present, but a database is being developed.

Plans for policy review

There are no plans for review at present.

Reading Borough Council

Source: Kieran Roughan, Planning Policy Manager

Policy

Since the last review by ecsc, the Council has adopted its core strategy (January 2008). It contains the following policy:

Policy CS1: Sustainable Construction and Design

Proposals for new development, including the construction of new buildings and the redevelopment and refurbishment of existing building stock, will be acceptable where the design of buildings and site layouts use energy, water, minerals, materials and other natural resources appropriately, efficiently and with care and take account of the effects of climate change.

To meet these requirements: -

- *All new housing is required to meet the most up to date Eco-Homes 'Very Good' as a minimum standard, and all new commercial developments are required to meet the most up to date BREEAM 'Very Good' as a minimum standard;*
- *On larger developments of more than 10 dwellings or 1,000m² of floorspace, ensure that 50% of the provision meets the most up to date Eco-Homes and BREEAM 'Excellent' standards;*
- *All new developments maximise the use of energy efficiency and energy conservation measures in their design, layout and orientation to reduce overall energy demand;*
- *All developments of more than 10 dwellings or 1000m² floorspace incorporate on-site generation of energy from renewable sources and energy efficient design measures (including the use of CHP where appropriate) to off-set at least 20% of predicted carbon dioxide emissions from the estimated energy usage of the completed and occupied development;*
- *All developments reduce mains water use and demonstrate that water conservation measures are incorporated so that predicted per capita consumption does not exceed the appropriate levels set out in the Code for Sustainable Homes or BREEAM Standards*
- *Developments incorporate sustainable urban drainage facilities and techniques as part of the layout of a development as appropriate and as advised by the Environment Agency, including minimising the size of impermeable areas so that peak run-off and annual water run-off is reduced where possible and in any case is no greater than the original conditions of the site. Particular care will be needed in areas of flood risk where different solutions may be required.*

Policy development

When last reviewed by ecsc, the Council was implementing requirements in its SPD on Sustainable Design and Construction, adopted in March 2007. The 20% policy was originally developed in order to set a minimum standard for renewables through the Eco-Homes, as the Council was aware that the 'Very Good' rating could be achieved in reading without any reduction in CO₂ due to good performance on the access requirements.

The policies in the adopted core strategy are based on the SPD policies, with a couple of subtle differences. The Council felt that national feeling was moving away from 'Merton style' policies which required a percentage reduction based solely on renewable, and they had been having some

difficulty in enforcing it, with developers stating that the policy was not flexible enough. The resulting adopted policy allows the 20% to be met through both renewable sources and energy efficient design measures, including CHP.

The Council also commissioned a report into the viability of policy CS1 as they felt that an increasing importance was likely to be placed upon this in the future. This evidence base was critical in policy CS1 being found to be sound and the Council were also able to remove the 'where viable' clause from the policy (which had been present in the SPD version and was used frequently by developers to not install renewable technologies).

Some representations were made during the examination process requesting that the Code for Sustainable Homes standard be used instead of Eco-homes. The Council undertook work to assess the cost implications to the developer of a change from Eco-homes 'very good' to either level 3 and 4 of the CSH and subsequently suggested changes to be made to the core strategy to reflect the new standard. However as the Core Strategy supplementary text already stated that it would consider evidence based on the CSH, the inspector did not consider these changes to be necessary.

The only change made to CS1 during the examination process was to change the water consumption target from a requirement for water use not to exceed 125 litres per person per day to a requirement not to exceed the levels in the CSH or BREEAM. This change was made to allow for changing circumstances.

Compliance assessment

Unknown.

Outcomes

The planning policy manager was unable to give any details on the number of times that any part of policy CS1 has been applied. He suspected that it is not being enforced in all circumstances and where it is, believes it is being dealt with by condition.

Resource implications

The building control team deals with statements and they are also referred to the sustainability officer who will check them and provide advice.

Monitoring and reporting

There is no system in place at present.

Plans for policy review

There are no plans at present.

London Borough of Croydon

Source: Tim Wiseman, Environment Officer

Policy

The Croydon Replacement Unitary Development Plan was produced in July 2006. It includes the following policies:

UD1 High Quality and Sustainable Design

Planning permission will be granted for development proposals that are of a high quality, inclusive, and sustainable in design

Policy EP 16 Energy

The Council will encourage all developments to incorporate renewable energy, but will require proposals for non residential developments exceeding 1,000 square metres gross floorspace, and new residential developments comprising 10 or more units, whether new build or conversion, to incorporate renewable energy production equipment to off-set at least 10% of predicted carbon emissions, except where:

- a) the technology would be inappropriate;*
- b) it would have an adverse visual or amenity impact that would clearly outweigh the benefits of the technology; and*
- c) renewable energy cannot be incorporated to achieve the full 10%.*

Where the 10% requirement cannot be achieved on major developments, a planning obligation will be sought to secure savings through the implementation of other local renewable energy schemes.

Since the policy was last reviewed by ecsc, the Council has produced a guidance note on Preparing Environmental Performance Statements which includes the following new requirements in addition to the 10% energy requirement:

- For residential developments of 10 or more units, Code for Sustainable Homes Level 4
- For residential developments between 4 and 9 units, in an area with a PTAL (Public Transport Accessibility Level) rating of 3 or above, and with a density of over 200 habitable rooms per hectare, Code for Sustainable Homes Level 4
- For non-residential developments $\geq 1000\text{m}^2$, BREEAM Excellent²⁶

²⁶ Preparing environmental performance statements: A guide for applicants and agents, London Borough of Croydon, May 2008,

<http://www.croydon.gov.uk/contents/departments/planningandregeneration/pdf/enviropenf>

EP6 Water

Development requiring drainage will be permitted only if it uses a sustainable drainage system unless there are practical reasons for not doing so, such as local ground conditions or the density of the development.

The Council will impose conditions, or seek a planning obligation, to ensure that the drainage system is provided and safeguarded in the long-term

The supporting text to policy EP6 states that the Council will encourage “the provision of facilities that reduce the demand for water from public water supplies.”

Policy development

Croydon first adopted a policy including a requirement for 10% of energy demand to be met from renewable energy sources in 2003, following the example of the London Borough of Merton. The revised policy in the 2006 Replacement Unitary Development Plan differs by requiring the savings to be measured in energy instead of carbon and including a caveat on viability.

In their guidance note on the preparation of environmental performance statements, the Council have set a number of higher standards which have not been subject to examination or public inquiry.

Compliance assessment

The supplementary text to policy UD1 states that for major developments, an environmental performance statement is required with the following information:

- ‘Energy conservation including layout, orientation and insulation of buildings.
- Embodied energy, the use of recycled material, local material and the recycling of demolition waste.
- The use of renewable energy through active and passive solar heating, biomass energy, photovoltaic cells and wind turbines.
- The feasibility of using community heating in conjunction with CHP.
- Water conservation such as rainwater harvesting, grey water recycling, low use fittings and permeable storm water drainage systems (further advice can be found in the Council’s supplementary planning guidance on Renewable Energy (SPG15) and Sustainable Water Usage (SPG18)).’

Policies EP16 and EP6 are assessed against this statement

Outcomes

Policy EP1 is being fully implemented with the compliance rate estimated to be around 90%.

Croydon’s sustainability policies have been challenged a number of times and the component dropped most frequently is the requirement for development to meet code level 4 or BREEAM excellent above the given thresholds. This is because the requirement is set out in a guidance note and not an adopted policy.

Policy EP6 is implemented as and when required.

Resource implications

Croydon employs a full time officer to deal with the policy EP16. Half of another officer's time is also designated to the policy. These officers will either respond with recommendations to the case officer or may speak directly to the developer. Generally the onus is placed on the developer's consultants to produce the correct information, but the designated staff feel confident in discussing and resolving these matters. An external contact is used occasionally.

Monitoring and reporting

The Council keeps track of applications which have complied with the policy and is able to provide statistics on the percentage rate of compliance, but is unable to provide further details i.e. the overall carbon reductions or frequency of installation of different renewable.

Plans for policy review

The Council is at an early stage in its LDF process, but planning staff currently expect that policy EP16 will be saved and that the CSH and BREEAM requirements will be included in a future DPD. The Council expects to produce an evidence base to support the development of their future policies.

Ashford Borough Council

Source: Katy Wiseman, Policy Planner

Policy

Ashford Borough Council adopted their core strategy in July 2008. It contains the following policy:

Policy CS10 Sustainable Design and Construction

All major developments (as defined in paragraphs 9.57 and 9.58²⁷) must incorporate sustainable design features to reduce the consumption of natural resources and to help deliver the aim of zero carbon growth in Ashford. Unless it can be demonstrated that doing so is not technologically practicable, would make the scheme unviable or impose excessive costs on occupiers, developments are expected to:-

A) Achieve the standard set out below or specified in a later DPD, or an equivalent quality assured scheme, with a strong emphasis on energy, water and materials. These requirements will be met through:

- (a) Energy and water efficiency,
- (b) Sustainable construction materials, and,
- (c) Waste reduction.

B) Reduce carbon dioxide emissions through on-site sustainable energy technologies at the percentage set out below or at such other level as may be specified in a subsequent DPD.

C) Be carbon neutral which can be met through a combination of (A) and (B) above, with any shortfall being met by financial contributions to enable residual carbon emissions to be offset elsewhere in the Borough.

Ashford LDF 2007 - 2014						
			(CS3) Town Centre & (CS4) Brownfield Urban Sites	(CS5) Urban Extensions & (CS4) Greenfield Urban Sites	(CS6) Tenterden, the Villages	Existing and refurbishment
(A)	BREEAM	Residential	Code Level 3	Code Level 4	Code Level 2	EcoHomes 'Very Good'
		Overall level	Very Good	Excellent	Good	Very Good
		Energy Credits	Excellent	Excellent	Excellent	Excellent
		Water Credits	Maximum	Maximum	Excellent	Excellent
		Material Credits	Excellent	Excellent	Very Good	Very Good
(B)		Minimum Carbon Dioxide Reduction				
			20%	30%	10%	10%

Continued...

²⁷ Major developments are defined as **Ashford Growth Area**: 10 or more dwelling units or on residential sites of 0.5 hectares or more in area, or for non-residential developments, any scheme of at least 1,000 sq m gross external floorspace or, any development on a site 1 hectare or more in area. **Tenterden and the Villages**: 5 or more dwelling units, and 500 sq m for non-residential units, or sites of 0.5 hectares or more in area.

...continued

Revised standards for 2015 onwards will be set in a review of the Core Strategy or a DPD.

Where any site is brought forward as two or more separate development schemes of which one or more falls below the relevant threshold for this policy, the Council will require the relevant targets in the above table to be met as though the site had come forward as a single scheme.

The Council is currently consulting upon a draft SPD which will provide more detail about how developers should implement policy CS10.

Policy CS20 Sustainable Drainage

All development should include appropriate sustainable drainage systems (SUDS) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality.

For greenfield developments in that part of the Ashford Growth Area that drains to the River Stour, SUDS features shall be required so as to achieve a reduction in the pre-development runoff rate. On all other sites in the Borough, including those in the south-western part of the Growth Area that drains to the River Beult, developments should aim to achieve a reduction from the existing runoff rate but must at least, result in no net additional increase in runoff rates.

SUDS features should normally be provided on-site. In the Ashford Growth Area if this cannot be achieved, then more strategic forms of SUDS may be appropriate. In such circumstances, developers will need to contribute towards the costs of provision via Section 106 Agreements or the strategic tariff. In all cases, applicants will need to demonstrate that acceptable management arrangements are funded and in place so that these areas are well maintained in future.

SUDS should be sensitively designed and located to promote improved bio-diversity, an enhanced landscape and good quality spaces that improve public amenities in the area.

Policy development

Whilst the Council did not have a mitigation policy in place prior to the adoption of CS10, planning staff had been asking for renewable energy technologies to be included as and when they felt it was necessary. There was strong political support in the Council for the promotion of low carbon and renewable energy as a result of a 2002 report into the capacity for jobs and dwellings in the district had indicated that renewables had a key role to play.²⁸

The Council was keen to aspire to zero-carbon development in the policy and decided upon a strategy of setting different requirements for different areas in the borough, partly as a result of the different costs of development on different sites. The Council also looked towards the policies of

²⁸ Ashford's Future. Report produced for Ashford Borough Council and its strategic partners by Halcrow, 2002, <http://www.ashford.gov.uk/pdf/Halcrow%20Overarching%20Report.pdf>

Milton Keynes Council and included a requirement that the remaining emissions of a development be met through a 'financial contribution and/or off-site renewable energy facilities, energy efficiency schemes and tree planting.' This part of the policy is being consulted upon through the draft Sustainable Design and Construction SPD, but it is proposed that a contribution is made into the Ashford Carbon Fund upon completion of a development, based on the Shadow Price of Carbon (SPC) set by DEFRA. This is quantified over a 10 year period and a formula is set out in the SPD.

Adaption issues were predominantly dealt with through the CSH standards set out in the policy, and sustainable drainage was dealt with through the separate policy CS20.

The Council produced a topic paper on sustainable construction to support policy CS10 at the examination process, however, a number of objections were made to the policy by developers who felt that the requirements were too onerous, particularly the requirement for CSH level 4 for urban extensions and greenfield sites, the high water standards for commercial developments and part b of the policy which set high standards for the percentage of carbon reductions to be met through low carbon and renewable sources.

Most objections were disregarded by the inspector given the local vulnerability to climate change (particularly issues of water supply and flooding), the high level of building in the area, and national guidance giving planning authorities the power to set higher standards in certain areas. However, given that advice in national guidance that policies should be realistic, the inspector required that the caveat be included in the first paragraph stating that the standards would be required unless 'it can be demonstrated that doing so is not technologically practicable, would make the scheme unviable or impose excessive costs on occupiers.' The developer also reduced the renewable energy target for Tenderden and Villages from 15% to 10%.

Finally, a second table was removed from policy CS10 which had set out higher standards for the period 2014 to 2021 as the inspector did or did 'not consider that it is sensible at this time to try to predict what will be practicable and desirable in the latter part of the plan period'²⁹ Whilst higher standards post 2014 were not rejected in principle, the Council was advised to set this out in a later DPD or review of the core strategy.

Compliance assessment

The Council is currently consulting upon a draft SDP. The draft SPD sets out requirements for a sustainability checklist to be completed by all major developments.

Outcomes

There have been around 10 major applications to date which the policy has been applied to. The standards set out within the policy reflect the types of development that are expected to come forward in these areas, and is therefore a flexible approach. The council works with the developer through their proposals to ensure that compliance is met. So far the viability caveat has not needed to be used.

²⁹ Report into the Examination into the Ashford Core Strategy Development Control Document, Phil Grainger BA (Hons) MRTPI, June 2008, http://www.ashford.gov.uk/pdf/Planning_FINAL_REPORT.pdf, para 4.157

Part C of policy CS10 regarding the financial contributions has not yet been applied as the details are being consulted upon in the current SPD. Whilst part C should be viewed as a last resort, a contribution will need to be made into the carbon fund to reflect the residual emissions being emitted to enable carbon savings to be made elsewhere within the Borough.

Resource implications

Sustainability checklists are dealt with by either building control, development control or planning policy. The policy planner acknowledged that there was a knowledge gap and that the verification of these statements was demanding on time as they deal with technical issues. Where possible, staff put the onus back on the developer and their consultants to resolve any issues.

Monitoring and reporting

The Council is in the process of setting up a monitoring system.

Plans for policy review

There are no plans for policy review at present.

Tonbridge and Malling Borough Council

Source: Nigel De Witt, Principle Planning Officer

Policy

The core strategy was adopted in September 2007 and includes the following policy:

(taken from Policy CP1 Sustainable Development)

In selecting locations for development and determining planning applications the Borough Council will seek to minimise waste generation, reduce the need to travel and minimise water and energy consumption having regard to the need for 10% of energy requirements to be generated on-site from alternative energy sources and the potential for recycling water. Where possible, areas liable to flood will be avoided.

The supporting text sets out (amongst others) the following examples of measures which could be taken to comply with the policy:

- the natural drainage of surface water, including, where appropriate, the use of Sustainable Urban Drainage Systems (SuDS)
- taking account of tidal and fluvial flood risk;
- aiming to meet Code Level 3 of the Government's Code for Sustainable Homes for new-build dwellings;
- maximising the efficient use of water including recycling of dirty water;
- wherever possible, creating carbon neutral development;
- orientating buildings to maximise the benefit from sunlight and passive solar heating unless to do so would conflict with the grain of the surrounding area's townscape, landscape or topography.

Policy development

The submission core strategy did not initially include a percentage target for renewable energy but stated that developments should 'minimise water and energy consumption, having regard to sources of renewable energy and the potential for recycling water.' The Council did not produce an evidence base to support this and therefore felt that it could not ask for a specific percentage. However, a representation by SEERA resulted in the inclusion of the target for 10% of energy requirements to be generated on-site from alternative energy sources.' When justifying this change, the inspector cited in her position statement³⁰ the draft PPS1 supplement which was the main guidance at the time and

³⁰ Tonbridge and Malling Borough Council Position Statement No CS10: Omissions, [http://www.tmbc.gov.uk/assets/planning_policy/LDF/Examination/CS10 - Omissions Position Statement.pdf](http://www.tmbc.gov.uk/assets/planning_policy/LDF/Examination/CS10_-_Omissions_Position_Statement.pdf)

which also suggested that a 10% target should be used prior to more significant requirements being adopted.

A change was also made regarding BREEAM and Eco-homes very good standards which made them an aim rather than a requirement as was set out in the submission document, as there was not the evidence to support this.

Compliance assessment

All applicants are asked to try and incorporate some of the measures detailed in the supplementary text to CP1. Because there are no thresholds in policy CP1, the Council is at present using the thresholds set out in the draft South East Plan for the implementation of the 10% renewable energy requirement³¹ and the policy is measured in carbon emissions in line with widespread interpretations of national guidance.

Developments which exceed this threshold are asked to demonstrate how they will reduce the energy efficiency of the development prior to the installation of renewable energy technologies and an energy statement based on the approach taken in the London Renewables Toolkit is required.

All energy statements are referred to the Principle Planning Officer who will negotiate with developers as necessary to achieve the 10% reduction in CO₂. If he does not feel that the most appropriate technologies have been chosen, he will ask a developer to demonstrate that they have carried out an appraisal of all the other technologies before validating the statement.

Should the developer be able to demonstrate that meeting the policy would make their development unviable or that they cannot achieve the total 10% reduction after an appraisal of all the options, the Council will be reasonable in its approach and balance the benefits of meeting the 10% requirement with the other benefits of the development, although this has not been necessary to date.

Outcomes

The principle planning officer has been required to validate 6 energy statements since the policy was introduced in September 2007. Of these, 5 achieved compliance, with the remaining applicant still considering how to achieve full compliance at the time of writing.

Developers have reacted positively towards the requirement and there have been no refusals or appeals on the basis of this policy to date.

Resource implications

The principle planning officer checks all submitted energy statements at present. As there have been relatively few to date, this has not been a particular drain on resources. However, the Council are currently drafting a new DPD which will require that the policy applied to all development, so it is likely that development control officers may have to validate the energy statements in the future. Training has been given to development control staff, but the planning policy officer acknowledges

³¹ The South East Plan policy EN1 recommends that the 10% requirement should be applied to 'housing schemes of over 10 dwellings and commercial schemes of over 1,000m.²'

that more bespoke training will probably be needed so that development control staff can play more of a role when the threshold is lowered (see plans for policy review).

Monitoring and reporting

The principle planning officer keeps a record of all the energy statements he has been involved, recording whether they have achieved compliance and how.

Plans for policy review

The Council is currently preparing a DPD entitled Managing Development and the Environment which includes a chapter on Climate Change and is expected to go out to consultation in summer 2009. The document will cover both adaptation and mitigation and is supported by an evidence base looking at the costs and viability of a number of different options. As result of this evidence base, the consultation DPD will propose that the 10% renewable energy requirement is met by all new development. CSH level 4 will also be required for all new residential developments and BREEAM 'very good' for all commercial developments over 1000m².

Bracknell Forest Council

Source Melissa Reed, Policy Team Manager

Policy

Bracknell Forest adopted their core strategy in February 2008. It includes two relevant policies.

Policy CS10: Sustainable Resources

Development proposals will be accompanied by a Sustainability Statement demonstrating how current best practice in the sustainable use of natural resources has been incorporated.

The details of this policy are set out in the supplementary text to the core strategy and SPD entitled Sustainable Resource Management, adopted in October 2008. It is stated that the sustainability statement must show how new residential developments will meet CSH level 3, and how new non-residential development should meet BREEAM “very good” or “excellent.” The checklist uses these schemes to set out a number of minimum standards for adaptation including the level of water consumption, shading, a feasibility assessment for green roofs and the enhancement of biodiversity. For developments over 1 hectare, SuDS and other measures for surface water run-off are required.

CS12: Renewable Energy

Development proposals for five or more net additional dwellings, or for 500 square metres (GEA) or more of floorspace for other development, will be accompanied by an energy demand assessment demonstrating how (potential) carbon dioxide emissions will be reduced by at least 10% and will provide at least 20% of their energy requirements from on-site renewable energy generation.

Development proposals for less than five net additional dwellings, or for less than 500 square metres (GEA) of floor area for other development, will provide at least 10% of their energy requirements from on-site renewable energy generation.

Policy Development

The policy is based on the 10% reduction in energy demand from renewable recommendation in the Draft South East Plan. However, the Council decided to lower the 10% threshold so that it applies to all new development.

For developments of over 5 dwellings or more than 500m², the requirement is raised a 20% reduction in energy demand through the use of on-site renewable and the Council also require a reduction in CO₂ emissions of 10% to be demonstrated.

The development of the policies was politically led. Officers presented a range of policies during the consultation stage and those requiring higher standards were supported. There were however a number of objections from developers who wanted a less demanding policy.

Whilst no viability testing was carried out, the Council carried out a scoping exercise to support the examination process and ensure compliance with the Climate Change supplement to PPS1 which had recently been published. As a result, there were no changes to the policy made by the inspector.

Compliance assessment

A sustainability assessment must be submitted as specified in policy CS10 in order to demonstrate how the appropriate CSH or BREEAM levels will be met and an accreditation certificate must be produced before occupation. An energy demand statement is also required as part of the sustainability assessment demonstrating how policy CS12 is to be met.

Once received, the statements are internally verified by a planning policy officer.

Outcomes

Whilst the Council is fully applying policy CS12, it is unsure as to how many energy demand statements have been received since the policy was adopted.

The SPD states that if a developer can demonstrate that policy CS12 is unviable, the policy may be relaxed. A number of developers have used the viability clause citing the current economic climate as a reason for this and the clause has been relaxed.

However, a number of applications have also been refused on the basis of non-compliance with the policy, although this has always been in conjunction with other factors. There have been no appeals against the policy.

Resource Implications

Whilst the new policies have resulted in additional time being spent on applications by planning policy officers, this is not considered to be significant. Officers have had technical training in how to assess the statements, but the Council prefers to use get complex applications externally verified.

Monitoring and Reporting

There is no means of reporting on the policy as yet. The Council does not include any information in the annual monitoring report.

Plans for policy review

There are no plans for policy review at present.

Epsom and Ewell Borough Council

Source: Susie Peck, Planning Policy Officer

Policy

The Council adopted its Core Strategy in July 2007, prior to the publication of PPS1. It includes the following policy:

Policy CS 6

Proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development - both new build and conversion.

In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development:

- *Minimises the use of energy in the scheme by using an appropriate layout, building design and orientation;*
- *Minimises the emission of pollutants, including noise, water and light pollution, into the wider environment;*
- *Has no adverse effects on water quality, and helps reduce potential water consumption, for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage;*
- *Avoids increasing the risk of, or from, flooding;*
- *Minimises the energy requirements of construction, for example by using sustainable construction technologies and encouraging the recycling of materials;*
- *Encourages the use of renewable energy by the incorporation of production facilities within the design of the scheme;*
- *Incorporates waste management processes, for example for the recycling of water and waste. The waste hierarchy (Reduce-Reuse-Recycle-Recover-Dispose) should be applied to all stages of development design, construction and final operation.*

Policy development

There was little guidance on specific targets for the reduction of CO₂ available when the Council was developing its core strategy. As a result a policy was which was deliberately broad but which would enable other future policies to 'hang' from it. At present the Council is still implementing Surrey Structure Plan policy SE2 policy. The inspector required the specific policies should set out in a DPD as opposed to an SPD. A Development Control Policies DPD is in the pipeline, but is not expected before the end of 2010.

Compliance assessment

Developers are required to submit an energy statement to demonstrate compliance with Surrey Structure Plan policy SE2. Developers are referred to guidance produced by Surrey County Council.

Outcomes

The Surrey Structure Plan policy SE2 is being applied in all circumstances, from developments of 1 dwelling and the Council will not enter into negotiations to offset the policy against others. A good level of compliance is reported, no applications have been refused on the basis of non compliance and there have been no appeals as a result of the policy.

Adaptation measures are requested as and when they are deemed necessary on the basis of policy CS6. This is usually reserved for larger schemes.

Resource implications

The Council takes advice from Surrey Council where required.

Monitoring and reporting

There is no system currently in place for reporting on the policy.

Plans for policy review

Whilst the DPD is scheduled for publication by the end of 2010, the Council has yet to decide how it will develop an evidence base. It is unsure whether it will be looking to set site specific targets although the Council will explore the possibility of linking this up with the strategic housing availability assessment.

North Norfolk District Council

Source: Helen Dixon, Sustainability coordinator

Policy

EN6 Sustainable Construction and Design

All new development will be required to demonstrate how it minimises resource consumption, minimises energy consumption compared to the current minimum required under part L of the Building Regulations, and how it is located and designed to withstand the longer term impacts of climate change. All developments are encouraged to incorporate on site renewable and / or decentralised renewable or low carbon energy sources, especially in those areas with substation capacity issues. The most appropriate technology for the site and the surrounding area should be used, and proposals should have regard to the North Norfolk Design Guide.

All new dwellings will be required to achieve at least a two star rating under the Code for Sustainable Homes. This requirement will rise over the plan period and by 2010 new dwellings will achieve at least a three star rating and by 2013 new dwellings will achieve at least a four star rating. These standards require consideration of issues such as:

- *orientation to maximise solar gain;*
- *use of low water volume fittings and grey water recycling;*
- *high levels of insulation;*
- *and adequate provision for separation and storage of waste for recycling*

Development proposals over 1,000 square metres or 10 dwellings (new build or conversions) will be required to include on-site renewable energy technology to provide for at least 10% of predicted total energy usage. By 2013 this requirement will rise to at least 20%. These proposals will be supported by an energy consumption statement

Where site conditions are particularly suitable, and for developments over 100 dwellings, on-site renewable energy should provide for at least 20% of predicted total energy usage, rising to at least 30% by 2013, and provision of zero carbon dwellings will be encouraged.

Where a developer is able to demonstrate that they are unable to meet the 10% or 20% requirement for renewable energy, contributions sought are sought for the equivalent emission to be sought

Policy development

The Council had no policies for climate change mitigation or adaption prior to the adoption of the core strategy in September 2008, and the inclusion of policy EN6 was politically led.

The Council did not produce an evidence base or viability test to support policy EP6 as planning staff did not feel that this was required in the PPS1 draft, which was the main piece of guidance at the time that the submission document was being produced. However, when devising the policy, the Council sought the advice of a number of national bodies and looked towards best practice in a number of other local planning authorities (most importantly the London Borough of Merton).

The Council settled upon a requirement for 10% of energy demand to be provided by renewable energy sources, based on the recommendations in the East of England Plan and draft PPS1

supplement. The progression to a 20% target from 2013 was a result of high political aspirations and reasoning that as the Council had also decided to ask for CSH level 4 in 2013, requiring a reduction in CO₂ of 44%, the need for renewables would be higher. There were some objections to the progressive targets over the fact that the demands were too onerous but the inspector found the policies to be sound.

The final paragraph of policy EN6 requiring a 20% reduction in energy demand was added with a particular urban extension of over 100 dwellings in mind. The sustainability coordinator stated that she thinks this higher requirement will only be used in this one instance as whilst the sentence 'Where site conditions are particularly suitable' was included to allow the 20% level to be sought in more circumstances, she feels it is unlikely ever to be used in practice as it is too weakly worded to enforce and would probably result in objections over the definition of 'particularly suitable.'

Compliance assessment

The Council has published a comprehensive design guide³² to aid compliance with policy EN6 and a number of other design issues in the core strategy.

In order to comply with the first paragraph of the policy, every development must complete a sustainable construction checklist, which suggests 15 possible measures. In order to comply with this part of the policy, the applicant must demonstrate that they propose to implement at least one measure for each of the requirements (minimise energy consumption, minimise resource consumption and withstand longer term impacts of climate change). The checklist is currently being re-written as it has caused confusion amongst applicants who feel that they have to respond positively to all measures due to the wording. All new dwellings must also demonstrate that they have achieved code level 2 of the CSH.

For major residential developments, an energy consumption statement must be produced detailing the baseline emissions, the renewable energy technologies to be utilised and the proposed reduction in emissions. The Council provides guidance on this³³ and advises that pre-applications take place to discuss this component of the application further. As the policy is measured in energy, planning staff often have to request that developers re-submit their statement as they assume that they can provide the measurements in carbon.

Commercial developments which are subject to the 10% requirement are recommended to use the approach outlined in the London Renewables Toolkit to produce their energy consumption statement.

Outcomes

Since the policy was adopted in September 2008, 21 sustainable construction checklists have been submitted, along with 4 energy consumption statements (the latter were all for commercial

³² North Norfolk Design Guide SPD, December 2008,

[http://www.northnorfolk.org/ldf/documents/North_Norfolk_Design_Guide_Adopted_2008_\(WEB\).pdf](http://www.northnorfolk.org/ldf/documents/North_Norfolk_Design_Guide_Adopted_2008_(WEB).pdf)

³³ North Norfolk District Council's Energy Consumption Statement

http://www.northnorfolk.org/planning/documents_development_control/NNDC_FINAL_energy_consumption_statement_22_08_08.pdf

developments). A 100% compliance rate was achieved all these cases, although for one energy consumption statement, compliance was secured through a section 106 agreement for an offsite wind turbine as onsite measures were unpractical given the nature of the development.

Resource implications

The case officer refers all sustainable construction checklists and energy consumption statements to the sustainability team. The checklists take approximately 0.5 hour to validate, whilst the energy consumption statements are considerable more involved, with an emphasis being placed on pre application discussions. The sustainability coordinator anticipates that this will improve as applicants become more familiar with the policy.

Monitoring and reporting

A spreadsheet is kept to monitor the frequency with which the policy is met. There are plans to create a more comprehensive monitoring system.

Plans for policy review

There are no plans for policy review as it has only recently been adopted.