

**SOUTH EAST ENGLAND REGIONAL ASSEMBLY
REGIONAL PLANNING COMMITTEE**

Date: 31 January 2007

Subject: **PPSI Planning and Climate Change**

Report of: Planning Manager
South East England Regional Assembly

Recommendations:

It is recommended that the Committee:

1. Welcomes the publication of the suite of documents that together will help encourage delivery of more environmentally sustainable developments.
2. Notes that the draft South East Plan is largely consistent with the requirements of the draft PPS on Climate Change and Planning in terms of adaptation to and mitigation of climate change.
3. Supports the measures proposed in the draft PPS that strengthens the role of planning in responding to climate change but seeks greater flexibility for planning authorities to require higher energy efficiency standards than those set out in the (to be revised) Building Regulations.
4. Supports the measures proposed in the consultation documents 'Building a Greener Future' strengthen the Building Regulations for new homes with regard to energy and carbon over a relatively short timescale, and presses for similar amendments for non-residential development to follow as soon as possible.
5. Supports the proposed monitoring of carbon emissions through the establishment of regional trajectories (expected carbon performance for new developments), but seeks further advice and assistance from government on their development and monitoring.
6. Notes the publication of the Code for Sustainable Homes and the strengthening of its requirements following earlier consultation.
7. Supports the measures to improve water efficiency in new buildings through amending the Building Regulations to require whole building performance standards.
8. Stresses the need for additional and complementary measures to incentivise improvements in the environmental performance of existing buildings.

Purpose of Report:

- To provide an overview of the consultation on the PPS Planning and Climate Change and accompanying documents Building a Greener Future: Towards Zero Carbon Development and the Code for Sustainable Homes.
- To provide an overview of the consultation document Water Efficiency in New Buildings.
- To recommend the Assembly's response.

Key Issues:

The proposed PPS on Planning and Climate Change, the Code for Sustainable Homes, and proposals to strengthen the Building Regulations are intended to provide a policy framework that will provide clarity on measures required to achieve low and zero carbon development.

Once finalised the PPS on Planning and Climate Change will supplement PPS1, which sets out the overarching planning policies on the delivery of sustainable development through the planning system. Planning and Climate Change sets out how spatial planning should contribute to:

- Reducing emissions and stabilising climate change (mitigation).
- Solutions for the unavoidable consequences (adaptation).

The draft PPS proposes:

- Better integration of climate change into regional and local planning policies, particularly maximising opportunities to use decentralised renewable and low carbon energy sources and sustainable transport.
- The monitoring of carbon emissions at the regional level through the establishment of trajectories (expected carbon performance for new developments).

The draft PPS was published with the final version of the Code for Sustainable Homes and the consultation document Building a Greener Future - Towards Zero Carbon. Together these documents set out measures to improve the environmental standards to which new development is built.

The draft South East Plan is largely consistent with the draft PPS, apart from not yet including a regional carbon trajectory. The practicalities of developing regional carbon trajectories against which to monitor (and manage) the performance of RSS, as proposed in the draft PPS, require further consideration. Further advice and practical assistance will be required from government to ensure that these are consistent (between regions), robust and capable of being monitored.

The Code for Sustainable Homes has been strengthened following consultation in 2006, especially for energy and water efficiency. Although the measures set out in the Code are voluntary, local authorities are encouraged to promote these where specific local opportunities are identified in local development documents. The government proposes to strengthen the Building Regulations for energy and carbon, to continually improve mandatory minimum standards reflecting those in the Code. A timeline is set out to improve the standards so that by 2016 the Building Regulations will require new homes to be “zero carbon”.

A separate consultation document on Improving Water Efficiency in Buildings has also been published, that proposes strengthening the Building Regulations to require higher standards of water efficiency.

1. Background

- 1.1 The recent Stern Review clearly demonstrates the rising costs of the impacts of climate change if no action is taken. Effective planning on all levels of Government is one element required in a successful response to climate change.
- 1.2 The draft PPS was published on 13 December 2006 for consultation extending until 8 March 2007. It forms part of a wider package of action being taken forward by the Government to help progress towards low and zero carbon development. This includes the following that were published to accompany the draft PPS:
 - The final version of the Code for Sustainable Homes, which sets sustainability standards for new homes.
 - Building a Greener Future, a consultation document which sets out how higher standards can be delivered and provides a timetable for the further strengthening of Building Regulations.
- 1.3 A companion guide is being prepared by Government to support the implementation of the draft PPS. It is expected to be published during 2007. There are also strong links to PPS25 Development and Flood Risk, which has recently been published, as it requires the consideration of climate change impacts when preparing flood risk assessments for development plans.

2. Draft PPS on Planning and Climate Change

- 2.1 The draft PPS sets out key planning objectives including:
 - Securing the highest viable standards of resource and energy efficiency, and so reducing carbon emissions.
 - Delivering patterns of urban growth that help secure the fullest possible use of sustainable transport and reducing the need to travel, especially by car.

- Ensure development and places are resilient to the effects of climate change.
 - Sustain biodiversity and recognise the distribution of wildlife may be affected by climate change.
- 2.2 These are supported by decision making principles and specific advice for Regional Spatial Strategies and Local Development Documents. The draft PPS advises that Climate change should be a key and integrating theme for RSS, and Regional Planning Bodies should:
- Focus substantial development in locations where this will help to reduce growth in travel and realise opportunities to source energy from decentralised¹ supplies based on renewable and low carbon sources.
 - Maximise opportunities for renewable energy and supporting infrastructure and set regional targets for renewable energy.
 - Recognise the potential of carbon sinks and storage.
 - Avoid development in areas with likely increased vulnerability to climate change impacts, such as flooding, and make developments more resilient against such impacts where this is viable.
- 2.3 The PPS states that the Government's intention is to move towards a common methodology for regions in monitoring and reporting on the expected carbon impacts of regional spatial strategies as soon as possible. Aspirational targets for reducing carbon emissions relying on actions beyond the RSS's influence directly should normally be avoided. Instead the establishment of trajectories for anticipated carbon performance of new residential and commercial development for each region is proposed. They will be used to test the level of ambition of RSS and demonstrating the extent to which development, over time, is expected to become more carbon friendly.
- 2.4 Annex D of the draft PPS sets out factors to consider in developing trajectories including expected energy requirements of buildings based on tightening Building Regulations, the contribution of decentralised renewable and low carbon energy sources, and likely transport impacts of new development and its distribution. The Government offers to work with the Regional Planning Bodies and others stakeholders to work up a deliverable approach on developing trajectories which can be a common methodology across regions.
- 2.5 The PPS proposes that a broadly-based advisory body should be convened to provide expertise towards the development, monitoring and implementation of regional spatial strategies with regard to climate change adaptation and mitigation. Such a body could, in particular, support the establishment of the trajectories. In the South East this could be Natural Resources and Climate Change Advisory Group or the South East Climate Change Partnership of which the Assembly is a member. However, both of these groups would require development before they would be able to perform this function.

¹ Energy supply from a local renewable or low carbon supply, generally on a relatively small scale (serving an individual building, development, or community) that is not connected to the national transmission system (grid).

- 2.6 The PPS also provides detailed advice to local planning authorities in the development of LDDs and determination of planning applications. Much of this focuses on encouragement and realisation of opportunities for development and use of renewable and decentralised energy.
- 2.7 The PPS makes it clear that local planning authorities should not set their own standards for environmental performance of buildings across broad areas as these are covered by the Building Regulations. However, it does encourage them to engage with developers to seek opportunities for higher standards (those in the Code for Sustainable Homes) where specific opportunities are identified, for example in relation to major development, but these should be set out in the development plan document.
- 2.8 Local planning authorities should focus on opportunities to promote better environmental performance through layout and orientation, massing, and through expecting a proportion of developments' energy demand to be met through on site renewable or decentralised energy. It is suggested that a standard of 10% should be used where this approach has not yet been tested. In addition, other measures including sustainable drainage, provision for sustainable waste management (recycling), and sustainable transport should also be promoted.
- 2.9 The PPS makes it clear that delaying plan making until implications of this new policy approach are understood should be resisted, but there will be a need to check for consistency in terms of policy and implementation.

3. Code for Sustainable Homes

- 3.1 The Code for Sustainable Homes (CSH) is intended as a single national standard to guide industry in the design and construction of sustainable homes.
- 3.2 It is based on the Building Research Establishment's EcoHomes system. There are six code levels based on increasingly stringent standards being met for nine factors:
1. Energy efficiency and carbon emissions.
 2. Water efficiency.
 3. Construction materials.
 4. Surface water run-off.
 5. Waste generation and recycling / composting.
 6. Air pollution.
 7. Health and well being.
 8. Management (construction and occupancy).
 9. Ecology.
- 3.3 It requires minimum standards for energy and water efficiency at entry level that have been strengthened as a result of consultation on the draft Code in 2006.

The minimum entry level for energy efficiency is above that required by Building Regulations 2006 while the water consumption entry level is 25% below current levels in the South East. This reflects the comments made by the Assembly in February 2006 following discussion at Regional Planning Committee (20 January 2006). A home rated at level six for energy would be classed as “zero carbon”.

- 3.4 Compliance with the Code is voluntary but it will form the basis for future tightening of the Building Regulations in relation to energy efficiency and carbon emissions. Government is also considering making assessment under the Code mandatory in the future (from April 2008). Technical guidance on compliance with the Code is expected in April 2007.

4. Building a Greener Future

- 4.1 The consultation document seeks views on strengthening the Building Regulations in respect of energy use and efficiency of, and carbon emissions from, new homes, reflecting the levels set under the Code for Sustainable Homes.
- 4.2 A timeline for strengthening Building Regulations is proposed that would result in achievement of a 25% improvement in energy / carbon performance of new houses above existing (2006 Building Regulations) by 2010 (representing Code level 3), 44% by 2013 (Code level 4), and zero carbon (Code level 6) by 2016. Zero carbon development will require provision of on-site renewable or very low carbon energy in addition to very high levels of energy efficiency. These targets will only apply to new homes. The paper states that government will be looking at how to reduce carbon emissions from non-residential sector next.
- 4.3 The consultation document reiterates the points made in the draft PPS that local planning authorities should not set their own general environmental performance standards for new buildings as these will be set in the Building Regulations, but that they should promote on-site low carbon and renewable energy in developments, and seek opportunities to for higher standards to be pursued in specific local circumstances identified in DPDs.

5. Water Efficiency in New Buildings

- 5.1 Although not published as part of the package accompanying the draft PPS on Planning and Climate Change, a consultation document has also been produced by DCLG and DEFRA on ways of requiring water efficient fixtures and fittings in new buildings. The consultation extends until 9 March 2007.
- 5.2 The minimum standards proposed in the consultation document are intended to underpin the Code for Sustainable Homes and are important in adapting to climate change impacts. The entry level standard for the Code is 120 litres per person per day, with a standard of 80 l/h/d at level 6. The current per head consumption in the South East is between 148 and 166 litres per day.

- 5.3 Government is not persuaded that regionally specific standards are required, despite recognising the particular issues facing the South and East of England in terms of supply-demand balance and low rainfall, as improving water efficiency is seen as a national issue and consistent standards are also needed to encourage market transformation (by fittings designers and manufacturers and construction industry).
- 5.4 The government's preferred route for regulation for higher levels of water efficiency is through strengthening the Building Regulations from 2008. Three options are set out for consultation on improving water efficiency in homes:
- Option A - A whole building performance (rather than specific fixtures and fittings) standards for water consumption of between 120 and 135 l/h/d.
 - Option B - Performance based standards for each group of water fittings.
 - Option C - Do nothing.
- 5.5 The government's preferred option is A as this offers the most cost effective and flexible way to drive up standards, and reflects the measures used for energy efficiency.
- 5.6 Options for workplaces using similar standards are also being consulted on:
- Option D - Whole building performance standard of 20 litres per FTE, based on the entry level for BREAM standards.
 - Option E - Component based standards for water fittings.
- 5.7 Enforcement will be through the Building Regulations and assessment tools compatible with those for the Code for Sustainable Homes.

6. Comments

- 6.1 Overall the Committee should welcome the package of documents and proposals issued for consultation, as these will help to ensure a consistent approach to planning for climate change and monitoring success, drive up the environmental performance of new buildings over time, and provide a clear framework for delivery and enforcement. However, these only apply to new development controlled through planning or Building Regulations. There is a need for these measures to be supported by other measures that incentivise improvements in the environmental performance of existing buildings. Specific comments are set out below:
- 6.2 Draft PPS on Planning and Climate Change.
- 6.2.1 The draft South East Plan is broadly consistent with the principles of the draft PPS in terms of the spatial strategy and specific policies relating to mitigation and adaptation (Policy CC2 and section D5). Its development has been informed by a sustainability appraisal that included consideration of climate change, research that considers the implications of climate change and advice from the South East Climate Change Partnership.

In particular, policies for energy efficiency and renewable energy, including those adopted as early reviews to RPG9, are entirely consistent with the PPS.

- 6.2.2 Additional guidance has been prepared by the Assembly through a specific guide to planners on water-related adaptation, and a climate change implementation plan, both supported by the ESPACE project.
- 6.2.3 There is currently a lack of clarity over the role of planning in promoting standards for sustainable construction above minima set in Building Regulations that are widely regarded as being inadequate and not reflecting existing good practice. The draft South East Plan seeks to fill the current policy gap through promoting sustainable construction standards beyond the minimum required by Building Regulations (Policy CC4, ENI, NRMI). This has been challenged at the Examination in Public.
- 6.2.4 The draft PPS provides clarification of the role of planning versus Building Regulations, and enables promotion of higher standards (for homes these should be in line with the Code) through planning policies and decisions only where specific opportunities are identified. In order to maximise such opportunities, local planning authorities should be able to apply this flexibly, for example through use of criteria-based policies applying to their area rather than only at sites identified within a DPD, in order that opportunities created through developments in technology or private enterprise are not missed or foreclosed.
- 6.2.5 There is a danger that the Building Regulations now may be seen as setting maximum rather than minimum standards (if guidance is that they cannot be exceeded unless in exceptional circumstances). Therefore we should urge that the PPS provides for greater flexibility in promotion of higher standards through planning policy and decisions than is currently proposed.
- 6.2.6 The South East Plan does not include a trajectory of carbon emissions. In consultation with DCLG on an early draft of the PPS officers raised concerns over the practicalities of developing and monitoring the impact of RSS against trajectories. There needs to be a common methodology developed for all regions to ensure consistency, and Regional Planning Bodies will require technical support and assistance from DCLG on this. Therefore government's offer of such assistance should be welcomed and pursued.
- 6.2.7 We still have concerns over how the specific impacts of an RSS on carbon emissions can be monitored against a (presumably levelling and declining) trajectory, given the limitations of the planning system, for example on the fabric of buildings as noted above, and the impacts of individual behaviour and decisions, for example travel by car and use of energy-hungry equipment and appliances. Means of monitoring the regional target for carbon dioxide emission reductions (in Policy CC2) are being explored in co-operation with the South East Climate Change Partnership.

6.3 Building a Greener Future - Towards Zero Carbon Development

6.3.1 The proposals to strengthen Building Regulations for energy will provide a statutory basis for consistent enforcement of such standards and complement measures delivered through the planning system. The proposed changes and the timescale in which these are proposed should be strongly supported as these will provide statutory mechanism for enforcement and delivery of objectives of the draft South East Plan. The timescale to require zero carbon buildings (within 10 years) is considered appropriate given that it will take time for the market (house buyers, technology suppliers and fitters) and construction industry to gear up for delivery.

6.4 Water Efficiency in New Buildings

6.4.1 As with the changes proposed to the Building Regulations for energy, the proposed changes for water efficiency should also be strongly supported. Option A for new dwellings, and D for non-residential buildings, appear to offer the most practicable means of achieving savings. The standard for new homes should be set at 120l/h/d to be consistent with the entry level for the Code for Sustainable Homes with a view to tightening further in the future to reflect the higher levels of the Code.

7. Conclusions and Recommendations

7.1 Overall the Committee should give broad support to the package of measures proposed. Specific recommendations are set out below:

1. Welcomes the publication of the suite of documents that together will help encourage delivery of more environmentally sustainable developments.
2. Notes that the draft South East Plan is largely consistent with the requirements of the draft PPS on Climate Change and Planning in terms of adaptation to and mitigation of climate change.
3. Supports the measures proposed in the draft PPS that strengthens the role of planning in responding to climate change, but seeks greater flexibility for planning authorities to require higher energy efficiency standards than those set out in the (to be revised) Building Regulations.
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