

SC(3) CR-Plan 18

Sustainability Committee

Inquiry into Carbon Reduction in Wales: Carbon Reduction via Planning

Response from Powys County Council

Written questions for carbon reduction inquiry: Land Use planning System.

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Officer response from Powys County Council

1. What particular actions do you think the Welsh Assembly Government should be taking to ensure that the land use planning system in Wales encourages greater progress towards the achievement of carbon reduction targets?

There is a wide range of policy and guidance. PPW, MIPPS, TAN, Compendium, Unitary Development Plans, Local Development Plans and Supplementary Planning Guidance. This needs to be simplified (possibly unified) and made clear. Is this the role of the proposed 'Climate Change Compendium'? The timetables and consultation processes for preparing each should be spelt out.

The role and expectations of the planning system need to be made clear. Encouragement can be provided through Local Development Plans. Subject to adequate policies development, projects not meeting carbon reduction goals can be refused. The responsibility for preparing schemes to address the carbon reduction goals, lies outside of the 'public sector' planning system.

The Community Infrastructure Levy / development tax proposals should factor in the need for carbon reduction.

Suggest there is a need to consider providing grants to applicants to encourage appropriate technologies, similar to built heritage grants provided by Cadw.

2. What particular actions do you think the Local Planning Authorities in Wales should be taking to ensure that the land use planning system in Wales encourages greater progress towards the achievement of carbon reduction targets?

By providing appropriate development plan policies and site allocations which encourage carbon reduction targets.

By initiating local design groups / meetings where those involved in preparing schemes can share best practice.

By clearly setting out the national policy context and getting Member / officer buy in to this – make it clear that proposals that do not achieve carbon reduction targets (unless satisfactorily justified) must be refused.

By undertaking a development team approach to development and having expert input at the pre application stage, potentially secured through service level agreements with energy agencies.

3. What are your views on the Assembly Government's revised proposals for planning for climate change? In particular, do they go far enough in implementing the previous recommendations of the Committee?

Please find attached the County Council's response to the further consultation on climate change as appendix A.

4. What changes to the planning system are needed to ensure that low carbon technologies are introduced more extensively into residential properties in Wales?

We would disagree that 'Planning' is a significant barrier to introducing low carbon technologies but would agree that amending permitted development rights, appropriately, will assist.

5. What needs to be done to ensure better co-ordination between land-use planning and transport planning?

We agree with Recommendation 7 of the Committee's second report into transport carbon reduction in Wales.

The authority's development team approach towards considering proposals will assist with the coordination.

The Local Development Plan process will ensure that land use planning takes into account transport planning at the local level. This needs to take place at the national level with co-ordination between the WSP, PPW, MIPPS, TANS and regional transport plans.

6. Does the Welsh Assembly Government's new transport strategy, One Wales: Connecting the Nation give sufficient emphasis to this issue?

A strategic approach to improving the highway infrastructure needs to be undertaken, taking into account the need to deliver renewables.

7. What are your views on the current and proposed planning regimes for the consideration of large-scale energy projects in Wales?

We strongly support devolution of larger schemes to the WAG. This would allow for the effective implementation of WAG targets, for example those outlined in TAN 8.

8. What changes to Technical Advice Note 8 (Planning and Renewable Energy)

would you wish to see?

TAN 8 moves beyond advice into Policy. The policy should be put into PPW / MIPPS.

Strategic Environmental Assessment is necessary to make the policy / advice more robust. Consideration needs to be given to wider issues such as infrastructure and a strategic approach to grid connections.

Where lines are placed on maps, more detailed thought needs to be put into the areas defined, with wider considerations taken into account than just landscape and visual. More emphasis needs to be put on public consultation so that the public are aware of WAG proposals and the implications of them, particularly in areas directly impacted by the proposals.

Appendix A

Further consultation on planning for climate change

1.1

The initial consultation on the draft Ministerial Interim Planning Policy Statement and accompanying compendium on Planning for Climate Change ran from December 2006 to March 2007. The Policy, Regeneration & Environment Sub committee of the Council's Board approved a corporate response to the Consultation on 20th March 2007.

1.2 The current consultation seeks views on the Welsh Assembly Government's (WAG) proposal to incorporate a new section in Planning Policy Wales entitled 'Climate responsive developments & Sustainable building standards'. The proposed amendments are intended to reflect and facilitate the evolving climate change agenda of the WAG, most notably the 2011 new development zero carbon aspiration, the commitment to devolving Building Regulations and the adoption of the Code for Sustainable Homes in Wales.

1.3 Following consultation, the WAG intends to incorporate the proposals in a revision of Planning Policy Wales, due to be published in 2009.

1.4 Consultation questions are posed in relation to the following topics, A - D, which together would form the new section in PPW:

A – Climate responsive developments (Zero carbon and climate change adaptation policy requirements).

This section seeks to clarify the role that the planning system can play in reducing the impacts of climate change (referred to as mitigation measures) and lessening the impacts of climate change through promoting adaptation measures. The section also includes the aspiration to secure zero carbon development at the earliest opportunity.

PART 3.1 Climate responsive developments - consultation question			
Q1	Do you consider these additions appropriate?	Yes	No
			x

Comment:

The word mitigation in response to 'Climate Change' is difficult to understand. Instead it is suggested that 'minimising environmental impact' would be a more meaningful alternative.

The aspiration towards 'zero carbon development' is supported provided that a clear definition of 'zero carbon development' is issued by the WAG.

Paragraph 2.10.1 would read better as follows:

Climate responsive developments are developments that, through their location, scale, mix and design respond to climate change by minimising their environmental impact and incorporating adaptation measures.

Paragraph 2.10.2 would read better as follows:

Development proposals must minimise the amount of carbon and other greenhouse gas emissions associated with their design, etc...

B – Sustainable building standards (Introduction of the Code for Sustainable Homes and BREEAM standards)

This section seeks to formalise the use of 'sustainable building standards' within the planning system in Wales, suggesting that it would be beneficial, in terms of simplicity and service delivery, if the consideration of energy, waste, water and design, etc. are assessed against national standardised criteria by private assessors. Assessments in England have been mandatory since 1st May 2008.

The WAG has adopted the Code for Sustainable Homes as the preferred tool to assess the sustainability of new homes and BREEAM ratings for non residential buildings, rather than utilising the existing planning and building regulations systems to ensure the sustainability of new buildings.

The proposal identifies thresholds to which the sustainable building standards must apply. It is assumed that the standards would not be applicable for developments falling under the size of these thresholds. The thresholds are as follows:

- Residential development -10 dwellings / 1000sqm of floor space.
- Non-residential buildings - 1000sqm of floor space.

PART 3.2 Sustainable building standards - Consultation Questions			
Q2	Do you agree that Planning Policy Wales should set out a national development control policy requiring a minimum sustainable building standard?	Yes	No
			x

Comment:

No, all development proposals should be required to be as energy efficient as possible with the approach of each proposal being justified through the accompanying design statement. This 'design process' should be made clear in Planning Policy Wales. The planning system often has to balance competing issues which is best done on a case by case basis and not on a national standardised approach which may not reflect the context of each development proposal. If they are to be introduced, Sustainable Building Standards must be flexible enough to reflect the character of rural as well as urban areas.

If introduced, the national planning policy requiring 'sustainable building standards' would undermine policies in the Powys Unitary Development Plan and supplementary guidance on 'Designing Energy Efficient Developments'. Clarification is requested on the weight that should be given to the national policy when balanced against local planning policy in making planning decisions. If sustainable building standards are pursued, they should be brought in to complement Local Development Plans to avoid conflict with existing planning policy.

Q3	Do you consider that the threshold of major developments an appropriate level to require a sustainable buildings standard?	Yes	No
			x

Comment:

No, all development proposals must be required to be as energy efficient as possible.

Q4	Should this policy or a different level apply to <u>all</u> developments submitted after April 2009?	Yes	No
		x	

Comment:

All development proposals should be required to be as energy efficient as possible with their designs being justified through their accompanying design statement. Those proposals that do not incorporate energy efficiency and generation measures of relevance to 'planning', where their use is practicable, must not be considered fit to achieve planning permission.

Q5	Do you agree that the level sets using the CSH/BREEAM standard are a) appropriate, and b) achievable for the majority of new developments in Wales?	Yes	No
		b)	a)

Comment:

a) No, it is considered that the existing planning and building regulations control systems are appropriate mechanisms by which to ensure the sustainability of new developments. Clarification is requested as to why the existing planning and building regulation functions are not suitable to require the benefits equivalent to using the Code for Sustainable Homes and BREEAM?

The proposal outsources sustainability, a key component of the quality of a development, for the consideration of private sector assessors. Such a proposal will burden applicants with a costly third assessment process alongside development control and building regulations. This third process would be unnecessary were building regulations tightened appropriately and Planning Policy Wales amended to make it clear that the sustainable credentials of materials and not just their aesthetics are material planning considerations.

Further, some 'Code' requirements (such as the ratings of appliances) should not be introduced as planning matters as they would be more appropriately considered through the building regulations - would a planning authority be justified in refusing a scheme based on a proposals failure to meet a 'sustainable building standard' by a single point because of the appliances that it intends to incorporate are not the highest rated?

b) If there are enough 'Code' assessors, the technical requirements of the 'Code'/BREEAM are achievable.

Q6	Should planning conditions be used to secure the minimum standards as set out above?	Yes	No
			X

Comment:

No, the design statement submitted alongside the planning application should justify the design proposal which should seek to address the objectives and policies of the Unitary Development Plan. Planning conditions should be used as appropriate, however increasing the use of planning conditions simply to secure the minimum standards would create increased pressure on monitoring and enforcement.

C – Decentralised & renewable & low carbon energy sources (requiring their incorporation within new developments)

This section proposes that major developments must incorporating decentralised and renewable and low carbon energy technologies onsite equivalent to 10% of the target emission rate (Building Regulation Co2 emissions requirement) from April 1st 2009.

PART 3.3 Decentralised and renewable and low carbon sources - Consultation questions			
Q7	Do you agree that the 10% requirement should be in addition to carbon emissions secured to meet the minimum standard under the Code for Sustainable Homes and/or BREEAM?	Yes	No
		N/A	N/A

Comment:

The 10% requirement is arbitrary; time should not be wasted considering whether or not a scheme meets any minimum target. Attention should be focussed on whether a scheme maximises its potential in terms of decentralised and renewable and low carbon energy options, in particular orientation and solar water heating, in addition to minimising its environmental impact through the use of materials. All applications should demonstrate through their design statement that they have explored all decentralised and renewable and low carbon energy options and provide robust justification where their use is not incorporated if a scheme is to achieve planning permission.

It is likely that a development could achieve the 10% target simply by incorporating solar water heating which and, although this is a step in the right direction, it does not go far enough if the Assembly Government is serious about addressing the impact of new buildings.

The principle of incorporating decentralised and renewable and low carbon energy technologies onsite is supported, it is already in practice in Powys on all developments where the 'Designing Energy Efficient Development' guidance is given due weight.

Q8	Do you agree that both on-site and near-site solutions should be used to secure local renewable and low carbon energy sources?	Yes	No
		X	

Comment:

Yes.

Q9	Should this policy apply or a different percentage apply to <u>all</u> developments submitted after April 2009?	Yes	No
		N/A	N/A

Comment:

There should be no percentage policy as this could lead to a target driven design process, i.e. to do the minimum to meet the standard rather than to look to maximise potential.

Q10	Should there be other opportunities for developers to meet this requirement and reduce their carbon emissions further such as through offsetting the carbon emissions from their proposed development through financial contributions.	Yes	No
		X	

Comment:

The requirement should not be set in stone - planning is about balancing competing issues, the carbon emissions objective should be added to this mix of planning issues on which a balanced decision should be made; it should not be excluded from the mix. Where a scheme justifiably falls down on carbon emissions it is right that it should contribute to off-site measures.

D – Local Development Plans (How the WAG aspirations should be achieved on strategic sites identified in Local Development Plans).

This section seeks to set the requirement for Local Development Plans to be underpinned by a 'local energy assessment' and for all strategic sites to be

assessed for their potential to create opportunities for the development of decentralised and renewable and low carbon energy technologies.

PART 3.4 Local Development Plans - consultation questions			
Q11	Do you agree with the approach for setting out, in a local development plan, higher standards and requirements for 'strategic sites'?	Yes	No
			x
<p>Comment:</p> <p>As with all development, strategic sites must seek to maximise the potential of local renewable and low carbon energy sources. The scope for the incorporation of appropriate measures is likely to be greater given the scale of strategic sites.</p> <p>Strategic sites should be located where they would complement existing development and facilitate the transition of the existing development to renewable and low carbon energy sources.</p> <p>Debate over the energy targets that are appropriate for each site (creating an additional evidence requirement for the local planning authority) can be avoided if it is left for the local development plan to identify the appropriate local renewable and low carbon energy sources for each strategic site.</p> <p>The mechanisms to ensure that development on strategic sites link with existing development to provide decentralised and renewable and low carbon energy technologies need to be made clear.</p> <p>Whilst the requirement for a 'local energy assessment' is sensible, please can the Assembly provide clarification over the scope and detail required of the assessment?</p>			

E - General questions

This section seeks general views on the WAG's proposals.

General questions that apply to all proposed changes			
Q12	Do you consider that the policy should allow for exceptions to meeting the minimum standard? And if so, what exceptions should apply?	Yes	No
		x	
<p>Comment:</p> <p>Yes, planning applications must be considered on their individual merits with all factors considered and balanced.</p>			
Q13	Do you agree that April 2009 is an appropriate date for both policies to commence?	Yes	No
		N/A	N/A

Comment:

N/A - The imposition of national sustainable building standards through a third assessment process is not supported by the County Council. The requirement for decentralised and renewable and low carbon energy sources is already in existence in Powys through the Powys UDP and 'Designing Energy Efficient Development' guidance.

Q14	Do you consider that the combination of a sustainable building standard and a requirement for decentralised and renewable and low carbon energy sources provides an appropriate balance between energy efficiency, reducing carbon emissions and promoting the microgeneration industry in Wales?	Yes	No
			x

Comment:

No. Strengthening Building Regulations and considering a proposal's approach to maximising decentralised and renewable and low carbon energy sources through the planning system would be more appropriate.

Q15	Do you have any suggestions for content for the Technical Advice Note, specifically relating to the proposed amendments contained in this consultation?	Yes	No
		x	

Comment:

The content of the Technical Advice Note should be reflective of the responses submitted on this consultation. The County Council would welcome the opportunity to be involved in the preparation of the Technical Advice Note.

Q16	How should compliance with the sustainable building standard (para 2.10.4) and local renewable and low carbon sources percentage (para 2.10.6) be considered in the Design and Access Statement?		
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Comment:

The Design and Access Statement should contain a justification of the proposal against planning policy - for example how the scheme has maximised its potential to be energy efficient (energy efficiency incorporating decentralised and renewable and low carbon energy sources).

This requirement will enable proper scrutiny of the application by all, ensuring that proposals are fit to receive permission.

The Powys Interim Development Control Guidance (IDCG)note 'Designing Energy Efficient Developments' (attached) explains the way in which the design statement should consider each development's site context in terms of its approach towards energy efficiency before recording how the design team has investigated and incorporated, where practicable, individual measures. The IDCG concludes that all developments must include as a minimum passive solar design principles and solar water heating unless a robustly justification is included into the design statement as to why this is not appropriate. The IDCG highlights other appropriate measures and other sources of information on the topic.