



PORTFOLIO HOLDER DECISION NOTICE

INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FOR PLANNING AND TRANSPORTATION

TOPIC – GOVERNMENT CONSULTATION ON CLIMATE CHANGE

- “Planning Policy Statement 1: Planning and Climate Change”
- “Building a Greener Future: Towards zero carbon development”
- “Water efficiency in new buildings”

PROCEDURAL INFORMATION

The Access to Information Procedure Rules – Part 4, Section 22 of the Council’s Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the City Secretary and Solicitor, the Chief Executive and the Director of Finance are consulted together with Chairman and Vice Chairman of the Principal Scrutiny Committee and all Members of the relevant Scrutiny Panel (individual Ward Members are consulted separately where appropriate). In addition, all Members are notified.

Five or more of these consulted Members can require that the matter be referred to Cabinet for determination.

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SUMMARY

- The Council has been consulted on three Government consultation papers relating to the need to mitigate and adapt to climate change;
- Comments are invited on the three papers (“Planning Policy Statement 1: Planning and Climate Change”, “Building a greener future: Towards zero carbon development”, and “Water efficiency in new buildings”) by March 8 2007.
- The consultation is relevant to the Corporate Strategy, as it aims to safeguard the district’s high quality environment for the future by making sustainable use of resources.

DECISION

That the Portfolio Holder for Planning and Transport agrees the comments set out in the Appendices 1 - 3 to be forwarded to the Department for Communities and Local Government as the formal comments of the City Council on the supplement to PPS1: Planning and Climate Change, Building a Greener Future and Water Efficiency in New Buildings

REASON FOR THE DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**1 Background**

- 1.1 The Government has set a domestic target to reduce carbon dioxide emissions by 20 per cent below 1990 levels by 2010 and has a long term ambition to reduce carbon dioxide emissions by 60 per cent by 2050. The Department of Communities and Local Government aims to achieve zero carbon homes by 2016 by using the planning system (the proposed supplement to PPS1), The Code for Sustainable Homes and Building Regulations (as set out in 'Building a greener future: towards zero carbon development'). For a home to be zero carbon it will need to deliver zero carbon for all energy use in the home
- 1.2 The PPS supplement sets out how spatial planning should contribute to reducing emissions and stabilising climate change (mitigation) and take into account the unavoidable consequences (adaptation). The Statement is a supplement to PPS 1 and as such shows the importance placed on climate change issues in planning and it's relationship to the government's objective of sustainable development. A Companion Guide is being prepared to provide practice guidance and support for the implementation of policies in the PPS Supplement.
- 1.3 The 'Building a Greener Future' consultation sets out how the Government's target of having zero carbon new houses by 2016, including the implementation of the Sustainable Homes Code (a grading system for new dwellings based on sustainable construction methods). In addition Building Regulations will need to be reformed to achieve zero carbon homes.
- 1.4 In addition, the 'Water efficiency in new buildings' consultation details how the Government wishes to reduce the consumption of water in both new homes and domestic water use in the workplace. The consultation proposes to achieve this aim through changes to Building Regulations and criteria includes in the Sustainable Homes Code.
- 1.5 A brief summary of the content and any concerns about each paper are contained in sections 2– 5 of this report. The suggested Winchester City Council responses are attached as Appendices to this report.

2. Content of PPS 1 Supplement

- 2.1 The supplement to PPS1 sets out key planning objectives which underpin the Statement. These include enabling the provision of new homes, jobs, services and infrastructure, shaping the places where people live and work, securing the highest viable standards of resource and energy efficiency and reduction in carbon emissions.

- 2.2 Spatial plans at both the regional and local level should adhere to a number of principles including:
- New development should be located and designed to optimise its carbon performance and limit its likely contribution to carbon emissions. Substantial new development (buildings, individually or in aggregate, with a total useful floor area over 1000m²) should be expected to take into account the potential of decentralised energy supply systems based on renewable and low-carbon energy;
 - New development should be located and designed for the future climate, and impacts it is likely to experience over its intended lifetime;
 - Climate change considerations should be integrated into all spatial planning considerations including transport, housing, economic growth, water supply and waste management;
 - Sustainability appraisal should be applied to shape planning strategies and policies that support the Key Planning Objectives set out in the Statement. Weight should be given to securing benefits, which, although not immediately available will help deliver longer term sustainability; and,
 - Appropriate indicators should be monitored in Regional Planning Bodies' and planning authorities' Annual Monitoring Reports. At the regional level, Regional Planning Bodies are encouraged to produce a trajectory for the expected carbon performance of new residential and commercial development.
- 2.3 At the District level, the Statement sets out many requirements which will impact on Local Development Frameworks and planning applications.

Local Development Documents

- 2.4 The Core Strategy should set out climate change policies and proposals in line with the Regional Spatial Strategy. It should both inform and in turn be informed by the approach to climate change in the sustainable community strategy.
- 2.5 Where local planning authorities wish to require high standards for new homes, this should be set out in a development plan document. For new homes, local standards should be based on the Code for Sustainable Homes.

Identifying land for development

- 2.6 When deciding which sites and areas to allocate for development, priority should be given to sites which perform well against the following criteria:
- Development should be accessible by non-car means of transport;
 - The capacity of existing or potential infrastructure to service the site in ways both consistent with cutting carbon emissions and adapting to likely changes in the local climate;
 - The ability to build and sustain socially cohesive and inclusive communities;
 - The effect of development on biodiversity and the capacity for adaptation;
 - The contribution to be made from open space and urban cooling both on existing and new sites; and,
 - Taking a precautionary approach to increases in risk of known physical and environmental constraints e.g. flood risk.

Energy Supply

- 2.7 Planning authorities should assess their area's potential for accommodating renewable and low-carbon technologies, including for micro-renewables, to be secured in new residential, commercial or industrial development. In particular they should:

- In developing the Core Strategy and an approach to site allocations, seek opportunities for decentralised energy supplies.
 - Consider allocating sites for renewable and low – carbon energy sources. Authorities must take care not to stifle innovation.
 - Proposals for renewable energy should be looked on favorably, including sites not identified in development plan documents
 - Applicants should not be required to demonstrate the need for renewable energy.
 - Policies that set stringent requirements for minimising the impact on landscape and townscape should be avoided if they effectively prevent certain types of renewable energy.
 - Ensure a significant proportion of energy supply of substantial new development is generated on site or from a decentralised, renewable or low-carbon energy source.
- 2.8 With regards to the policy for substantial developments the draft PPS requires that the LPA should:
- Have regard to the overall costs of bringing sites to the market and the desirability of avoiding any adverse effect on the development needs of communities
 - Ensure the proposed approach is consistent with securing the expected supply and pace of development shown in the housing trajectory required by PPS3
 - Make realistic assumptions on the availability of renewable and low-carbon technologies and applicable thresholds for their viable delivery
 - Consider the contribution to be made to meeting the energy performance for new buildings set through building regulations
 - Build flexibility into policies where it is demonstrated that localised off-site generation and supply of energy are, or will be, available through local networks
 - Consider the potential for on-site renewable energy supplies to meet wider needs
 - Set out a clear and realistic timeline for when the new standard will apply.
- 2.9 The draft PPS encourages the use of Local Development Orders to secure decentralised energy supply systems and renewable energy and other new development consistent with the policies in the PPS.

Determining Planning Applications

- 2.10 Until policies are updated in the Local Development Framework, planning authorities should ensure that applications are consistent with the draft Statement. Applications which are consistent with the development plan and will contribute to the delivery of the Key Planning Objectives should expect “expeditious and sympathetic handling”.
- 2.11 When considering the environmental performance of proposed developed planning officers should:
- Expect applicants to use landform, layout, building orientation and landscaping to minimise energy consumption;
 - Consider the extent to which the proposed massing of buildings, density and mix of development helps to minimise energy consumption;
 - Expect substantial new development to gain a significant proportion of its energy supply on-site;
 - Require the provision of public and private open space so that new development offers accessible choice of shade and shelter;
 - Ensure new development does not create adverse local environmental conditions for people or undermine biodiversity;
 - Secure sustainable urban drainage;
 - Require provision for sustainable waste management; and

- Ensure full consideration is given to creating and securing opportunities for sustainable transport in line with PPG13.

3. 'Building a Greener Future: Towards Zero Carbon Development' consultation

- 3.1 The final version of The Code for Sustainable Homes has been published as part of the 'Building a greener future' consultation. It sets out sustainability standards which can be applied to all homes. There are six levels of the Code. Each level has minimum energy efficiency/carbon emissions and water efficiency standards. The minimum energy/carbon standards for Code level 1 are higher than those found in minimum mandatory standards currently set in Building Regulations.
- 3.2 The Code rewards other environmental considerations such as sustainable construction materials and the availability of recycling facilities. From June 2007, the Code is proposed to be voluntary, except where housing is publicly funded (these homes will have to comply with level 3 of the Code). From April 2008 it is proposed that all new homes should be required to have a mandatory Code rating.
- 3.3 The proposed levels of improved energy/carbon performance for new homes are shown below.

Date	2010	2013	2016
Energy/carbon improvement as compared to Part L (Building Regulations 2006)	25%	44%	Zero Carbon
Equivalent energy/carbon standard in the Code	Code level 3	Code level 4	Code level 6

- 3.4 The document sets out the costs and benefits of the proposed changes. These include:
- It is estimated that the Code level 3 will save households £50 per year and level 4 £100 per year. The cost of level 3 is estimated to be 2-3% (around £2000 per dwelling). However some house builders have indicated that it can be achieved without additional cost through new techniques and materials
 - At higher levels of the Code costs are uncertain as newer technologies and construction methods are required. However, zero carbon homes are already being built in the UK.
 - In the longer term, it is believed that when developers have more certainty about additional costs these costs will be passed back to the landowner.
- 3.5 There will be a network of specifically trained and accredited assessors who will carry out the certification of new developments.
- 3.6 The Building Regulations will have to be reformed as they cover only the fabric of the building, space and water heating and some lighting at present.
- ### 4. 'Water Efficiency in New Buildings'
- 4.1 The consultation document states that both the supply and demand of water in England and Wales needs to be addressed. The perception that England is a 'wet' country is untrue, with less water available per head than both Spain and Portugal. In terms of demand, the average household demand for water has increased by

more than 55% since 1980. In part this is a result of the increased use of washing machines and dishwashers and other lifestyle changes.

- 4.2 Current housing projections show that 209,000 new households will each year up to 2026, with around 72% of which are predicted to be single person households. In a single person household, per capita consumption has been estimated to be 40% higher than a two-person household.
- 4.3 The Sustainable Homes Code includes standards for water efficiency. Regulatory minimum standards proposed will underpin the standards of water efficiency at different code levels. Level 1 of the Code is designed to be above the regulatory minimum standards.
- 4.4 The consultation proposes to introduce minimum water standards via amendments to the existing Building Regulations, laid under the Building Act 1984 (achieved by amending Schedule 1 to the Building Regulations 2000).
- 4.5 In terms of water supply, the Government believes there is a need to regulate in order to secure 'designing-in' of water efficiency in new buildings as a base to secure greater efficiency in the use of water in both the home and work place.

New Homes

- 4.6 The consultation sets out three options. These are: a whole building performance standard based on 120-135 litres per capita consumption (based on bedspace/potential occupancy) per day, a component based approach, with minimum standards for key fitting, or to do nothing.
- 4.7 The Government's preferred option is to adopt a whole building performance standard approach for water consumption, of between 120 and 135 litres maximum consumption per head per day. This will represent a reduction of 10 -20% of the current UK average consumption of 150L per head per day. This option would allow flexibility on meeting the standard. For example, an ultra low flush toilet would compensate for a higher consumption shower.
- 4.7 The second option would set a performance based standard for each group of water fittings, such as toilets, taps and showers, rather than a performance standard for the building. The advantage of this option is that it would encourage a higher level of market transformation and ensure a level playing field across all new housing developments. However, it would be possible to comply with minimum standards in key components such as toilets and showers, but still install high water using systems such as aerated spa baths.
- 4.8 The document states that the third option of doing nothing is unsustainable. Continuing to use water at current levels will result in the need to provide more costly infrastructure in order to secure supplies. There are no guarantees that the water supply will continue at current levels if rainfall continues to be intermittent with longer periods of dry weather become the norm.

Water Use in the workplace

- 4.9 A main concern with water use in the workplace is that while 90% of business customers pay for water on a metered basis, the users of the facilities are not the bill payers. This means the incentive to reduce water use is much weaker than in the home.

- 4.10 The Government has set out two options for regulation in this area, either a whole building performance standard of 20 litres per full time employee (unless there is a residential use) or component based standards for water fittings, similar to the proposals for domestic use, but with the addition of standards for urinals for men.
- 4.12 As yet there is no accepted standard for quantify water savings in the workplace. The consultation puts forward four different targets which are already in use in a number of contexts these are:
- The Government's current targets for own office estate – 6.6m³ per full time employee. This would mean a reduction of 25% from current practice.
 - The Watermark projects 'benchmarks' (based on self reporting questionnaires from the public sector in 2001). Benchmarks representing 'average' and 'best practice' were developed of 9.3m³/person/year and 6.4m³/person/year.
 - CIRIA KPI project.
 - BREEM Offices. This uses credits depending on the predicted annual water consumption per person per year based on a standard assessment procedure. The lower the water consumption, the higher the number of credits achieved.
- 4.13 The Government's preferred standard would be the lower level of the BREEAM scale (1 credit) which equates to normal average usage of about 15 – 20 litres per full time employee per day, based on a working year of 220 – 240 days.

5. Implications for Winchester City Council

- 5.1 The role for local planning authorities is now clearer, as the consultation documents address the issue of securing more sustainable design and construction. There is an important shift in emphasis from planning for renewable energy to planning for sustainable energy. In particular, emphasis is now placed decentralised energy which is not covered in the existing PPS 22. The references to adaptation are also relatively new.
- 5.2 The new guidance should make it easier to gain consent for renewable energy development, as applicants do not have to demonstrate the overall need for renewable energy, or for such a proposal for to be sited in a particular location. Furthermore, the LDF must not set policies for minimising the impact on landscape and townscape which preclude the supply of certain types or renewable energy. However this does not apply to sites protected by national designations (Sites of Special Scientific Interest, National Parks, Areas of Outstanding Natural Beauty, etc.).
- 5.3 The PPS 1 supplement places more onus on planning officers to liaise with developers to deliver sustainable buildings. Officers will need to be much more focused on the environmental performance of a proposed development. The Statement requires that applications which contribute to the delivery of the Key Planning Objectives and are consistent with the development plan should "expect expeditious and sympathetic handling". This raises the issue of the additional cost which the Council will incur due to the need to provide training for Officers to deliver sustainable developments.
- 5.4 While the consultation Statement places much emphasis on developments which will result in carbon zero development, it also states the need for the local authority to be aware of the cost of such development and for the costs not to infringe on the District

meeting the housing trajectory required in PPS3. This will require careful consideration of the standards that will be applied through the LDF.

- 5.5 At the present consultation stage, a comparison can be made with the sustainable construction and renewable energy policies in the Local Plan. It is clear these policies will need to be reviewed as part of the Local Development Framework in order to meet the requirements of the supplement to PPS 1. This has already become clear through the work of the Council's Climate Change Informal Member/Officer Working Group.
- 5.6 In terms of policy development, the Local Development Framework is at a relatively early stage and the proposals will be incorporated into the policy formation for the Core strategy and subsequent Development Plan Documents. A significant number of the requirements will be incorporated into the sustainability appraisal and many of the requirements are already set out in legislation for Strategic Environmental Assessment.
- 5.7 A further Development Plan Document may be required to set out sustainable development standards, although it is possible that these could be included in the Development Control Policies DPD.
- 5.8 The Statement encourages the Regional Planning Body to develop trajectories relating to carbon performance. This will impact on the City Council's Annual Monitoring Report and the information which will need to be gathered. While in principle this is to be welcomed, the Council has experienced problems in collating information relating to the existing Core Indicator for renewable energy included in the AMR and any further indicators must be ones on which information which is available to the local authority to collect on a regular basis.

Building a greener future

- 5.9 The 'Building a greener future' consultation does address some of the issues previously raised by the City Council during the consultation for the Sustainable Homes Code. By reforming the building regulations to meet level 1 of The Code as a minimum requirement, this will reduce the risk of a two tier housing market occurring, due to house builders choosing not to meet the standards set out in the Code.

Water Efficiency in New Buildings

- 5.10 The Water efficiency in New Buildings consultation addresses the need to regulate the demand for water in domestic and workplace properties. The Government's preferred option of whole building performance standard for domestic use both in new residential properties and in the work place will provide a platform for improved water efficiency within the District. By linking the standards to Building Regulations it will provide a level playing field for all new development.

6. Conclusion

- 6.1 The Government is proposing a range of measures relating to achieving more sustainable developments in the future. Comments relating to the consultations are set out in appendices 1 -3. The Portfolio Holder for Planning and Transport is requested to endorse these comments on behalf of the City Council as soon as possible.

FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE

None

DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED

None

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE

N/A

RESOURCE IMPLICATIONS

There are no resource implications at the present time as this is a consultation document. There may be resource implications in terms of developing the skills needed to determine future planning applications. There are also likely to be implications as the Council is an owner and developer of buildings, particularly the Council housing stock.

Approved by: (signature)

Date of Decision

Councillor Keith Wood – Portfolio Holder for Planning and Transport

Appendix 1**Recommended comments to the DCLG on draft Planning Policy Statement 1 'Planning and Climate Change' supplement.**

1. The City Council welcomes the opportunity to comment on the draft Planning Policy Supplement 1 'Planning and Climate Change'.
2. The Government's ambition of achieving zero carbon development through both this draft PPS supplement and the 'Building a Greener Future' consultation is supported.
3. The Government's main objectives and key principles set out in the draft supplement are supported.
4. While the City Council supports the emphasis placed on Regional Planning Bodies to manage performance on carbon emissions by producing regional trajectories, there is concern that at a local level problems may arise in collecting the required information for Annual Monitoring Reports. This concern is based on the on-going experiences of collating data for the current Core Indicator for renewable energy. Any further indicators must relate to information which is available to collect on a regular basis.
5. The City Council is concerned about the resource implications for local planning authorities in training officers to develop appropriate policies in the Local Development Framework and also to be able to judge whether planning applications meet policy requirements.
6. In view of the above, it may be best to require that applicants obtain a Code rating for their proposals before submitting a planning application.
7. The City Council welcomes the positive approach to renewable energy projects. However, the guidance should not imply that landscape issues are irrelevant outside of nationally designated areas.

Appendix 2

Recommended comments to the DCLG on 'Building a Greener Future: Towards Zero Carbon Development

1. The City Council welcomes the opportunity to comment on the consultation document.
2. The Government's strategy for new housing to lead the way in delivering low-carbon and zero-carbon housing is supported, given the projection of higher development rates over the next 20 years.
3. The costs of implementing a mandatory Sustainable Homes Code are to a certain extent unknown due to the newer technologies which will be required to meet the higher levels of The Code.
4. The City Council supports the proposed introduction of a mandatory Sustainable Homes Code and for an independent body to do certification.
5. Due to the additional resources which will be required by local planning authorities to provide training for Officers to meet the requirements of both the proposals in this consultation and the draft supplement to Planning Policy Statement 1, the City Council would wish that applicants obtain a Code rating before submitting a planning application.

Appendix 3

Recommended comments to the DCLG consultation 'Water Efficiency in New Buildings'

1. The City Council welcomes the opportunity to comment on the consultation document.
2. The document sets out a proposal for a building performance standard based on 120 – 135 litres per capita per day which the City Council welcomes. Within this range the option of 120 litres per day is supported. This option is preferred to the component based approach which would still allow for high water usage items in addition to items which conform to the new standards.
3. The standard will require the market to be able to supply compliant fittings in sufficient quantities within a short timescale. The City council will support the building performance standard if those within the manufacturing sector and supply chain able to change their production methods by the time the regulations come into force.