



# **Development Management Plan Background (Regulation 19) Climate Change Mitigation**

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# 1. Introduction

- 1.1 This paper provides the background evidence that informs climate change mitigation policy CCF1 of the Reigate & Banstead Borough Council Development Management Plan. In particular, this policy requires new residential developments to meet a water efficiency standard of 110 litres per person per day, and an energy efficiency standard which is a 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and requires new non-residential developments of 1,000m<sup>2</sup> or more of gross floorspace to meet 10% of their energy needs through renewable or low-carbon energy generation. These policies can be justified with reference to national policy and plans adopted by other local authorities.
- 1.2 There are a number of other policies in the Development Management Plan document that could be said to be related to climate change mitigation and adaptation, including policies on green infrastructure, flood risk, and transport and parking. These policies are supported by their own evidence bases, and this paper will focus only on the evidence required to justify Policy CCF1 on climate change mitigation.
- 1.3 This paper includes a brief discussion of the policy context for climate change mitigation, followed by more detailed justification of the clauses relating to energy efficiency and renewable energy in policy CCF1.

## 2. General Policy Context

- 2.1 Paragraph 94 of the [National Planning Policy Framework](#) makes clear that authorities “should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations”.
- 2.2 Paragraph 95 explains that this includes “[planning] for new development in locations and ways which reduce greenhouse gas emissions”, “actively [supporting] energy efficiency improvement to existing buildings”, and “when setting any local requirements for a building’s sustainability, [doing] so in a way consistent with the Government’s zero carbon buildings policy and [adopting] nationally described standards”.
- 2.3 Paragraph 97 aims to increase the use of renewable and low-carbon energy, and states that local planning authorities should “have a positive strategy to promote energy from renewable and low carbon sources”, “design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including landscape and visual impacts”, “consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources”, “support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning”, and “identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers”.
- 2.4 The [Planning Practice Guidance on Climate Change](#) elaborates further. The guidance notes that “to be found sound, Local Plans will need to reflect this principle” of addressing climate change through proactive mitigation and adaptation strategies and strategic cooperation on climate change (paragraph 001). Paragraphs 001 and 002 also note that there is a statutory duty in Section 19(1A) of the Planning and Compulsory Purchase Act 2004 to include policies in local plans that are designed to tackle climate change. This clause requires the inclusion of “policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change”. This requirement aims to contribute to the national legally binding target of a 34% reduction in greenhouse gas emissions by 2020 (from a 1990 baseline), and an 80% reduction by 2050 (paragraph 002).

- 2.5 Clearly, then, there is a requirement for planning to tackle the challenge of climate change mitigation. This is reflected in some paragraphs of the [Reigate & Banstead Core Strategy](#). Paragraph 3.14 states that “future development must be designed and located to withstand more extreme and variable weather conditions, minimise pollution, and to facilitate the reduction and better management of waste, the more efficient use of natural resources, and the introduction of clean, renewable energy sources”. Paragraph 7.16 elaborates: “Delivering development in a sustainable way will help ensure that both existing communities and new developments contribute to addressing the causes of climate change (for example by contributing to a reduction in carbon emissions) and ensuring the borough adapts to the impacts of climate change. This will include through the design and location of development, construction methods and the generation of renewable energy.”
- 2.6 However, in terms of policies, while CS10 addresses climate change adaptation, only CS11 suggests mitigation actions that could be taken. That policy reiterates the need for new housing to reach Level 4 of the Code for Sustainable Homes (a discussion of the policy issues relating to this can be found below); for non-residential development and extensions to existing structures to reach a BREEAM ‘very good status’; for major developments in areas of significant heat density to investigate the possibility of creating or connecting to a district heat network; and states that the council may require, where feasible and viable, new developments to be designed to connect to existing or planned district heat networks.
- 2.7 On the basis of the limited policies on climate change mitigation in the Core Strategy, and the clear national planning policy requirement to deal with the issue, it has been decided to include a policy on climate change mitigation in the Development Management Plan.

### **3. Energy Efficiency Standards for Buildings**

- 3.1 The Code for Sustainable Homes was officially withdrawn in a [Ministerial statement made on 25 March 2015](#), and replaced by a streamlined set of building regulations. Because of this, local planning authorities should not set “any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”. They should also consider existing plan policies and update them as appropriate, and review information requirements to ensure that the planning application process does not demand technical details that are no longer relevant.

- 3.2 The new system includes optional additional technical standards on water efficiency, which local planning authorities can require new developments to meet only “if they address a clearly evidenced need, and where their impact on viability has been considered”. The [Planning Practice Guidance on Housing – Optional Technical Standards](#) explains that while the mandatory national standard is for new homes to use a maximum of 125 litres per person per day, local plan policies can require the optional standard of 110 litres per person per day (paragraph 014). However, this can only be required if a clear need for the policy is established based on existing sources of evidence, consultation with the local water and sewerage company, the Environment Agency, and catchment partnerships, and consideration of the impact of such a policy on viability and housing supply (paragraph 015). In a representation to the Regulation 18 consultation, Thames Water stated that the stricter water efficiency standard should be adopted by all local authorities in the southeast, based on [Environment Agency findings](#) that the entire southeast should be considered an area of serious water stress. Consequently, the stricter water efficiency standard has been included in Policy CCF1.
- 3.3 On energy performance, the statement explains that local planning authorities can still set policies that require a stricter energy efficiency standard than the building regulations until the commencement of Section 43 of the Deregulation Act 2015, which amends Section 1 of the Planning and Energy Act 2008. However, when this commencement takes place, the building standards for energy efficiency will be set at an equivalent to Level 4 of the Code for Sustainable Homes, and “until the amendment is commenced, we would expect local planning authorities to take this statement of the Government’s intention into account in applying existing policies and not set conditions with requirements above a Code level 4 equivalent”. The commencement of the amendment was expected to happen at the same time as the introduction of the zero carbon homes policy in late 2016, but the [Fixing the Foundations](#) policy document of July 2015 stated that this policy would no longer be taken forward, but did not alter the terms set out by the Ministerial statement. Consequently, an energy efficiency requirement equivalent to Level 4 of the Code for Sustainable Homes has been included in Policy CCF1.
- 3.4 This policy change does not alter the BREEAM standards for non-residential developments, and local planning authorities can still decide for themselves which level of the BREEAM standards to apply to new non-residential buildings. However, this is already covered by Core Strategy Policy CS11, and there is no need to replicate this in CCF1.

## 4. Renewable Energy

- 4.1 The [UK Green Building Council briefing on the building regulation changes](#) made clear that “Local Authorities can still include Merton style policies in their Plans which require a percentage of a development’s energy use to be delivered by renewable or low carbon energy on or near to the site”. [Merton’s original policy](#), adopted in 2003, stated “all new non-residential developments above a threshold of 1,000sqm will be expected to incorporate renewable energy production equipment to provide at least 10% of predicted energy requirements”. Similar policies have recently been successfully included in the [London Plan](#) and the [Great Yarmouth Core Strategy](#). [Bath and North East Somerset’s Placemaking Plan](#), which includes a similar policy, recently underwent examination, and the Inspector [questioned whether this policy was consistent with national policy](#). They argued that under the [Planning and Energy Act 2008](#), sections 1(a) and 1(b) allow for authorities to implement this kind of policy, and these sections were not amended by the [Deregulation Act 2015](#). It is believed that this interpretation is correct, and noted that the policy was included in the adopted plan.
- 4.2 Consequently, it has been decided to include a requirement for non-residential developments of 1,000 square metres or more of gross floorspace to include renewable or low-carbon energy generation on or near the site to the equivalent of 10% of the total energy use of the development.