

Three Rivers District Council Development Management Policies

Statement in Response to Main Issue: Climate Change

Whether the policies on carbon dioxide emissions, renewable energy developments and water are soundly based and properly justified; clear in their intentions; adequately reflect emerging national policy; are likely to be effective; and are capable of being effectively monitored.

1.0 QUESTION CC1

1.1 Are the requirements and timescales of Policy DM4 clear, soundly based and properly justified? Is the policy approach consistent with national policy, current and emerging?

1.2 Yes.

1.3 Policy DM4 is consistent with paragraph 95, point 3 of the NPPF which states that when setting any local requirement for a building's sustainability do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards. Policy DM4 is also in accordance with the Planning and Energy Act 2008 which allows Local Authorities to set reasonable requirements in their development plan documents for development to comply with energy efficiency standards that exceed the energy requirements of building regulations.

1.4 Policy DM4 takes into consideration the 2013 Building Regulations change due in October 2013 that will require further reductions of carbon emissions through energy efficiency measures. In accordance with national requirements new residential development will need to meet a zero carbon standard from 2016 and non domestic buildings will need to meet a zero carbon standard from 2019.

1.5 The Council is one of the leaders on carbon efficiency being one of the first Councils to require residential development of one unit and above and all new commercial development to submit a CPLAN Energy and sustainability statement demonstrating the extent to which sustainability principles have been incorporated into development proposals and the expected carbon emissions. The Inspector of the Core Strategy stated within the report on the examination into the Three Rivers District Council's core strategy development plan document (DPD) that the Council's use of CPLAN has enabled the Council to secure consistently higher levels of performance than the minimum standard set by the Building Regulations 2010.

1.6 In producing Policy DM4 the Council aims to set an achievable target over and above the national minimum. The Council's use of the CPLAN system provides a reliable, consistent and transparent method of assessing the likely energy use and carbon dioxide emissions of a proposed development for developers and the Council and will be used to calculate the contributions to 'Allowable Solutions' from 2016 which is yet to be determined by the Government.

1.7 The requirement to use CPLAN in the Core Strategy measures feasibility and viability for all applicable development proposals. As stated by the Inspector of the Core Strategy within the report on the examination into the Three Rivers District Council's Core Strategy DPD, Policy CP1 of the Core Strategy allows flexibility for feasibility to be taken into account when considering applications for development. The policy is flexible because it does not prescribe the methods or technologies to be used to achieve the policy targets, so developers can choose between a mixture of energy efficiency measures and carbon saving energy technologies.

2.0 QUESTION CC2

2.1 Is the relationship between achieving on-and off-site compliance sufficiently clear? What is the basis for an emissions target 5% below Building Regulations Part L requirements?

- 2.2 The policy does not set targets for on-site or off-site carbon emission reductions but instead requires a 5% reduction on carbon emissions than will be required by Building Regulations 2013 which are due to come into force in October 2013. (The adoption of the Development Management Policies is likely to take place after this date or if before applications will be assessed against Policy CP1 of the adopted Core Strategy).
- 2.3 Paragraph 6.12 states that the preferred approach is for reductions in carbon emissions to be met on site in the first instance and part a) of Policy DM4 states that the 5% reduction in carbon emissions 'may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply'.
- 2.4 In practice the policy does not prescribe how the requirements should be met, rather it is the choice of the applicant how they go about meeting the requirements and this presents the opportunity to the applicant to research cost-effective and viable solutions.
- 2.5 From 2016, in line with the Government's timescales for requiring all new residential development to be 'zero carbon' applicants will be required to demonstrate that development proposals meet this standard. Paragraphs 6.7 and 6.7 set out the Government's approach and our policy reflects this with the introduction of 'allowable solutions'. The policy is flexible in allowing compliance to be achieved on and off site depending on feasibility and viability.
- 2.6 The Planning and Energy Act 2008 allows Local Authorities to set reasonable requirements in their development plan documents for development to comply with energy efficiency standards that exceed the energy requirements of building regulations. The Hertfordshire Low and Zero Carbon Study (2010) (EB23) found that recommended policy options should provide greater CO2 reductions where possible but in a way which does not significantly impact on development viability. The Inspector of the Core Strategy stated within the report on the examination into the Three Rivers District Council's Core Strategy DPD that the Council's use of CPLAN has enabled the Council to secure consistently higher levels of performance than the minimum standard set by the Building Regulations 2010.
- 2.7 The consultation stages of the document found general support for responding to climate change and the evidence we have for Policy CP1 of the Core Strategy shows that by adopting a policy target within the planning process we have been able to secure, through negotiation, consistently higher levels of performance (9% improvement over Building Regulations 2010).

3.0 QUESTION CC3

3.1 Does the Policy strike an appropriate balance between addressing climate change and enabling development to be viable?

- 3.2 Yes.

- 3.3 The policy will address climate change by requiring applicants to demonstrate that their development proposals will produce 5% less carbon emissions than required by Building Regulations Part L requirements (2013) up until the national requirement for development to demonstrate that the development will meet zero carbon levels in 2016. The evidence we have for Policy CP1 of the Core Strategy shows that by adopting a policy target within the planning process we have been able to secure, through negotiation, consistently higher levels of performance (9% improvement over Building Regulations 2010). The proposed target is achievable set only just above the national requirement, and has been worded to have regard to feasibility and viability.
- 3.4 In terms of viability the policy does not prescribe the methods or technologies to be used and is therefore flexible for applicants to achieve the policy targets through the most cost effective mixture of energy efficiency measures and carbon saving energy technologies of their choice.

4.0 QUESTION CC4

4.1 How will the Policy operate in practice? How will applicants demonstrate compliance with it?

- 4.2 Policy DM1 is to be read in conjunction with Policy CP1 of the Core Strategy which requires applicants for all new residential development of one unit and above and for all new commercial development to submit a C-Plan Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the proposals and the expected carbon emissions.
- 4.3 The report on the Examination into the Three Rivers District Council Core Strategy development Plan Document (September 2011) states that:

The Council has piloted the use of C-PLAN, a carbon assessment and monitoring tool, since 2008. This has clearly been a collaborative process which has enabled the Council to secure consistently higher levels of performance than the minimum standard set by the Building Regulations 2010.

- 4.4 CPLAN is a carbon assessment and monitoring tool which gathers the energy and sustainability data of development applications and provides a consistent method of assessing and verifying the extent to which development proposals accord with the sustainability objectives, policies and targets of the Core Strategy.

5.0 QUESTION CC5

5.1 What stage has work on a Carbon Offset Fund reached? Is it sufficiently committed to justify reference in the plan? Are offset options an appropriate policy approach?

- 5.2 Preparation of the Draft Carbon Offsetting SPD will begin in May 2013 in line with the Local Development Scheme (**SD27**). Preliminary work on investigating possible projects for a carbon fund has already begun with the development of the 'Green Expectations' strategy which will be ready for consultation in the next couple of months. The strategy sets out how the Council can improve and lead by example in its own operations and it also sets out how we will work with and assist the residents and businesses in our area to reduce their impact on the environment, improve sustainability and also adapt to a changing climate. Results of the consultation will inform the Carbon Offsetting SPD.

- 5.3 To be consistent with National Government's zero carbon buildings policy residual CO2 emissions beyond carbon compliance in 2016 will need to be dealt with through Allowable Solutions. This is because improved energy efficiency of the buildings fabric above what is required by building regulations, on site low carbon and renewable technologies and/ or connection to on site or off site heat networks, or a combination of these measures alone may not be sufficient in achieving zero carbon developments.
- 5.4 Through an Allowable Solutions framework developers will pay or invest to cover any carbon they cannot deliver through their designs. The Government is currently considering the Zero Carbon Hub recommendations on a framework structure and how Allowable Solutions might be considered. It is expected that the initial choice for developers will be to either pay into a carbon fund or to invest directly into carbon saving projects associated directly with their own developments such as an extension to an existing district heating scheme.
- 5.5 The Zero Carbon Hub anticipate that Local Planning Authorities will have the option to set up carbon funds and can establish local priorities for investing in projects which reliably deliver carbon savings.
- 5.6 Offset options are an appropriate policy approach for Three Rivers. The Council recognises that it is crucial to address the deficiencies within existing stock. The Hertfordshire Renewable and Low Carbon Energy Study (2010) (**EB23**) highlights that the existing residential building stock is responsible for a significant volume of total carbon emissions; with the domestic sector accounting for 40% of total emissions within Hertfordshire. Payments into the Carbon Offset Fund will support initiatives to reduce carbon emissions within the existing building stock and district heating systems through retrofitting existing building stock with energy saving measures for example.

6.0 QUESTION CC6

6.1 Does Policy DM5 adequately reflect the balance to be struck between the benefits of renewable energy development and possible adverse impacts, as referred to in the reasoned justification and as set out in the NPPF?

- 6.2 Yes.
- 6.3 The policy welcomes small and large scale renewable energy developments in the District but also identifies/reinforces social and environmental issues that would need to be taken into consideration when assessing any renewable energy developments. The policy has been designed to maximise renewable and low carbon energy development (along with Policy DM4) while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.
- 6.4 The policy is supported by several consultees. Herts and Middlesex Wildlife Trust support the policy's reference to considering the impacts of renewable energy developments on the natural, built and historic environment and on natural resources; and Dacorum Borough Council particularly welcome the inclusion of more detailed policies on renewables and biodiversity given their importance in achieving sustainable forms of development.

7.0 QUESTION CC7

Does the Policy give sufficient guidance on matters to be taken into account in assessing impacts?

7.1 Yes.

7.3 Paragraph 7.7 of the DM LDD states that all applications for major renewable energy will need to be accompanied by a statement detailing the points listed below. This requirement would ensure that the potential impacts of the proposal are analysed before submitting a planning application.

- The environmental effects of the development.
- Its benefits in terms of the amount of energy it is expected to generate.
- Any unavoidable damage that would be caused during installation, operation or decommissioning, and how this will be minimised and mitigated, or compensated for.

7.2 In addition, the Policy Links and Further Guidance tables refer the plan user to Policies CP1 and CP12 of the Core Strategy and to the Hertfordshire's Building Futures guide which the plan user can refer to for further guidance.

8.0 QUESTION CC8

8.1 Should reference be made to monitoring indicators for Policies DM4 and DM5? If so, what indicators might be appropriate?

8.2 Appendix 1 of the DM Policies LDD sets out the monitoring framework for each DM Policy. The proposed monitoring indicators for Policy DM4 are 'On site renewable energy generation' and 'Carbon dioxide emissions from new development'. The policy indicator for Policy DM5 is 'Renewable energy developments'.

8.3 The indicators are considered appropriate especially as the indicators for Policy DM4 are measured by CPLAN. The indicators are also similar to the indicators used to assess Policy CP1 of the Core Strategy.

8.4 The indicators listed below are currently used to assess Policy CP1 of the Core Strategy which seeks to reduce carbon emissions, including through the use of renewable energy systems:

- Renewable energy generation
- Total installed renewable energy capacity
- Per capita carbon emissions

8.5 The indicators are considered sufficient and appropriate in measuring the effectiveness of Policies DM4 and DM5.

9.0 QUESTION CC9

9.1 In an area of water stress, should the approach of Policy DM8 to protection of surface and groundwater resources and water conservation be more pro-active?

9.2 The Council has a proactive approach to dealing with flood risk and water resources. Paragraph 10.17 advises applicants to refer to national policy for further information on flood risk and development and to enter into early pre application discussions with the Council, the Environment Agency and SUDS Approval Body (SAB) where required. A link is also provided to: Building Futures: A Hertfordshire guide to promoting sustainability in development, and Roads in Hertfordshire- Highways Design Guide for further guidance on ways to conserve water and deliver SUDS.

- 9.3 It is important to note that requirement for, and the responsibilities for flood management and local guidance on the design and implementation of flood management schemes have, or will be subject to change in the near future due to the Flood and Water management Act 2010 requirements to prepare a Local Flood Risk Management Strategy.
- 9.4 The Council has addressed concerns raised by the Environment Agency and HCC Spatial and Land Use Planning (SUDS Approval Body) by making appropriate changes to Policy DM8 (**SD26**). Policy DM8 is flexible to accommodate any future policy changes and to direct developers towards the most appropriate information on standards and towards the appropriate suds Approval Body (SAB).
- 9.5 In response to Hertfordshire County Council's concern about ensuring that all new development or changes of use do not occur without appropriate assessment in areas where there is potential for surface water and groundwater flooding (**60025 of DM CD4**) we proposed an additional modification to paragraph 10.12 which is included in the Schedule of Changes as **PC6a**.

10.0 QUESTION CC10

10.1 Should the approach to SUDS be more pro-active?

- 10.2 Policy CP1 of the adopted Core Strategy states that all development must take into account '*Minimising flood risk through the use of Sustainable Drainage Systems*'.
- 10.3 Paragraph 10.3 and 10.14 of the Development Management Policies LDD states that '*For development in all areas, Sustainable Drainage Systems should be implemented to reduce run off from the site.*'
- 10.4 Policy DM8 states that new developments that incorporate the use of water efficient landscaping and irrigation measures in new developments will be supported. Paragraph 10.17 advises applicants to refer to national policy for further information on flood risk and development and to enter into early pre application discussions with the Council, the Environment Agency and SUDS Approval Body (SAB) where required. A link is also provided to: Building Futures: A Hertfordshire guide to promoting sustainability in development, and Roads in Hertfordshire- Highways Design Guide for further guidance on ways to conserve water and deliver SUDS.
- 10.5 The Council has incorporated the changes recommend by HCC Spatial and Land Use Planning to make Policy DM8 flexible to accommodate any future policy changes and to direct developers towards the most appropriate information on standards and towards the appropriate approval body (**DM CD8**).
- 10.6 We consider that the proposed policy approach to SUDS is adequately proactive.

11.0 QUESTION C11

11.1 Does the proposed change to part (c) of Policy DM8 have any practical implications for development?

- 11.2 No. The proposed change to part (c) of Policy DM8 was a result of a misinterpretation of the Environmental Agency's representation on the Pre-Submission Consultation document (**SD25**) that stated:

'Development should normally be set back from any watercourse with a minimum 8m wide bufferzone to prevent any significant impact from flooding'.

- 11.3 The Environmental Agencies representation on this document (**SD26** on page 24) recommended that we alter the policy to include that the minimum of a five meter wide buffer zone is provided to any ordinary watercourse. We misinterpreted this and altered the policy in the proposed submission document (**DM CD1**) to:

'Development should normally be set back from any watercourse with a minimum 5m wide bufferzone to prevent any significant impact from flooding'.

- 11.4 The proposed change to part (c) of Policy DM8 was made following a discussion with the Environment Agency following their representation on the publication of the LDD and is set out below:

Development should normally be set back from a main river (as defined by the Environment Agency) with a minimum 8m wide buffer zone and from any other watercourses with a minimum 5m wide buffer zone to prevent any significant impact from flooding.

- 11.5 The Council does not believe that it would have any practical implications for future development because consent under the Water Resources Act 1991 is required from the Environment Agency for any works in, over, under or within 8 metres of a main river. it should also be noted that both the 5m buffer and the 8m buffer have both been consulted on.