

**NORTH LINCOLNSHIRE COUNCIL**

**PLANNING COMMITTEE**

**INTERIM PLANNING POLICY RELATING TO CLIMATE CHANGE  
AND ENERGY CONSULTATION IN RELATION TO NEW BUILDINGS**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To seek approval following consultation to adopt the development control policy requiring all new housing sites above 10 dwellings built within North Lincolnshire to comply with the code for sustainable homes Level 3 and above on a sliding scale as outlined in the report.
- 1.2 To seek approval to adopt the development control policy to require all industrial and commercial premises greater than 1000m<sup>2</sup> to provide 20% of their expected energy demand from on site renewable energy.
- 1.3 The development of this policy is a key part of the Councils adopted Climate Change Action Plan and the Local Area Agreement (LAA).

**2. BACKGROUND INFORMATION**

- 2.1 In March 2007 the Council adopted a Climate Change Action Plan (Minute: 639 of Cabinet) and pledged to take action on Climate Change through the signing of the Nottingham Declaration.
- 2.2 As part of the package of measures in the Climate Change Action Plan, the Planning Authority was tasked with delivery of sustainable houses against a sliding scale of the Code for Sustainable Homes.
- 2.3 Central Government's commitment to reducing the carbon emissions of residential development is clear. It has asked the housing industry to sign the 'green pledge' to make zero carbon housing a reality within 8 years. The pledge not only sets out that all new houses will be zero.

carbon rated by 2016 but that in the interim, new houses will be built to increasingly higher environmental standards. , Overall our houses account for 25% of all the carbon emissions within North Lincolnshire based on 2005 figures from DEFRA.

- 2.4 The Committee at its meeting held on 27 May 2009 (Minute 1143 refers) approved a consultation process to be carried out on the introduction of an interim Development Control Policy relating to Climate Change and of site renewable energy production.

### 3. **OPTIONS FOR CONSIDERATION**

- 3.1 Planning Policy Statement No. 1 Planning and Climate Change (Dec 2007) sets out how the Planning System should contribute to reducing emissions and stabilizing climate change. Where proposals are inconsistent with the key objectives set out in the PPS, consideration should be given as to how the proposal could be amended to make it acceptable or where this is not practicable, whether or not planning permission should be refused.
- 3.2 A number of Local Planning Authorities have already started to address this issue in relation to the consideration of Planning Applications, notably the London Boroughs of Merton and Croydon. In both these areas developers of major residential or commercial/industrial schemes are required to show how their scheme has been designed to minimise carbon emissions and or provide for on site renewable energy production.
- 3.3 Whilst the Governments pledge with the construction industry is not legally binding the softly, softly approach that they have adopted is being replaced by regulation within a clear time frame. The Code for Sustainable Homes (CFSH) was introduced in April 2007 it provides the present and future framework by which all new house building will be judged. Up until April 2009 all new development by Registered Social Landlords had to be built to level 3 of the Code if it was to receive funding. Social housing built to the code standard brings lower running costs as homes have lower fuel and water bills helping to reduce fuel poverty. From April 2009 this increased to level 4. The Code also came into force during May 2009 as far as Private sector housing is concerned. This introduced a requirement for all housing to have a Home Information Pack containing amongst other things an energy performance certificate and a certified rating under the Code for Sustainable Homes, albeit that is an option for builders to simply register a Nil rating against the Code. It is a matter for house builders to take a view about the sale ability of such a nil related product in an increasingly environmentally aware house purchasing market where increasingly local planning authorities are requiring compliance with the Code at level 3.

- 3.4 Developers need to embrace this process, as the energy aspects of CFSH will in due course become mandatory under the Building Regulations. There will be a requirement under the Building Regulations, to meet level 4 of the code by 2012 and level 6 by 2016.
- 3.5 From May 2008 the Code for Sustainable Homes introduced new mandatory level of carbon emissions reduction, arranged on 6 levels:
- a. Level 1 = 10%
  - b. Level 2 = 18%
  - c. Level 3 = 25%
  - d. Level 4 = 44%
  - e. Level 5 = 100% (carbon neutral)
  - f. Level 6 - 100% + ancillary equipment and appliances
- 3.6 Members will see that there is a huge advantage to local homeowners, house builders and architects and designers by taking up the requirements of the Code thereby reducing future carbon emissions as a result. However, the scheme is not without costs, both in adapting premises now to meet the future challenges, i.e. future proofing new houses as best as possible, and in meeting the costs of the assessment regime.
- 3.7 With regards to fees, the councils Building Control team has recently put several staff through the necessary training courses to become code assessors. On this basis they are now in a position to provide an assessment against the code at a very competitive hourly rate.
- 3.8 It is suggested that the Council should now consider imposing an appropriate standard for new house building. This approach is now much more common practice amongst local planning authorities. The requirement to achieve higher environmental construction and energy savings can be pursued through the use of an appropriate planning condition being attached to a planning permission. Although there has been some concern regarding the costs of such a requirement I can advise members that such a condition would be supported by the Planning Inspectorate on appeal, Furthermore many applicants fully agree with the council's ambition in this area and can see lower potential lifetime costs.
- 3.9 The latest guidance from the Government in the form of the Supplement to PPSI - Planning and Climate Change makes it clear that it is appropriate for planning authorities to anticipate levels of building sustainability in advance of those set out nationally, and it is increasingly the case that authorities are taking this initiative. There

may be some concern voiced through housing developers that North Lincolnshire Council has applied an advanced standard and that this may in some way be a negative rather than a positive position to hold.

- 3.10 To be clear PPSI requires the Regional Spatial Strategy and Development Plans to be kept up to date and in line with national policy.
- 3.11 PPSI advises that in the interim period before the development plan is updated to reflect policies contained in the Supplement to PPSI planning authorities should ensure that development is consistent with PPSI. The likelihood, therefore, is that as time passes there will be an acceleration of planning authorities that chooses to apply the Code for Sustainable Homes ahead of the Building Regulations .
- 3.12 Everything discussed so far in this report relates to residential properties, However, commercial and Industrial developments in North Lincolnshire account for 48% of our current C02 emissions The Government has again introduced a timescale by which all commercial developments will also have to become more carbon efficient.
- 3.13 It is felt that if the Council is going to show a strong community lead on residential development it should do the same for commercial development.
- 3.14 In North Lincolnshire it is suggested that the larger commercial and industrial developments should be expected to generate 20% of their annual predicted energy consumption through on site renewables. In summary it is suggested that the following breakdown should apply:

**Residential Commercial**

	Level 3	Level 4	Level 5	Commercial
2010	20%	40%	40%	20% until the code for Building is applied Nationally
2013	20%	40%	40%	
2016			100%	

- 3.15 Extensive Consultation has taken place on the policy outlined in above. The response rate was however poor.
- 3.16 The responses to the policy that were received were mostly favourable and supported the policy in full. The policy was supported

by all the parish councils who responded, the LSP and the statutory bodies such as English Heritage. Lincolnshire Rural Housing association also supported the policy but felt that the code for sustainable homes was a little inflexible. Their approach was however, to work through the build and assessment process and resolve the issues they identify.

#### **4. ANALYSIS OF OPTIONS**

- 4.1 Do nothing and wait for the Code for Sustainable Homes (residential) and the Code for Sustainable Buildings (commercial/industrial) to be implemented through Building Regulations in accordance with timescales set out by Central Government.
- 4.2 This is not the preferred option as it abdicates responsibility and does not show strong community leadership in this important area.
- 4.3 In addition North Lincolnshire sits firmly at the bottom of the C02 league table with respect to National Indicator 186 (per capita C02 emissions) and as such action needs to be taken now.
- 4.4 The recent data regarding our per capita C02 emissions shows that C02 emissions are reducing from both the domestic and industrial sectors. However despite the improvement (5% decreases between 2005 and 2007) North Lincolnshire is still one of the worst performing areas in the country.
- 4.5 The recommended option is therefore to adopt the Policy

#### **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

##### **5.1 Financial**

No additional financial resources will be needed to deliver the policy outlined in this report.

It is expected that a small amount of additional income could be generated through Building Control who will be in a position to assess against the CFSH.

Failure to deliver improvements against National Indicator 186 (per capita C02 emissions) could affect our ability as a Council to meet our target of reducing the regions C02 output by 12% over the next three years. Failure on this respect could put in jeopardy any Local Area Agreement reward grant

##### **5.2 Staffing**

There are no additional staffing implications arising from this report.

### **5.3 Property**

There are no additional property implications arising from this report.

### **5.4 IT**

There are no additional IT property implications arising from this report

## **6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

### **6.1 Environmental**

Climate Change is acknowledged as one of the greatest threats to face us. Even if The Council acts now it is still going to have to adapt to a warmer climate. Not taking action on economic grounds is no longer an option. The Stern review on the Economics of Climate Change concluded that not acting now could cost the country far more in the long term. In fact they estimated that it could reduce the nations GDP by up to 20% in 2100. Progressing with the policy outlined in this report will also contribute significantly to the Councils target of reducing the regions CO2 emissions by 12% over the next three years. This has now been incorporated within the Local Area Agreement.

### **6.2 Diversity**

Fuel poverty is already an issue within North Lincolnshire. Constructing houses that meet the higher levels of the code for sustainable homes will result in considerably lower utility bills when compared against current buildings. As well as reducing fuel poverty now we need to ensure we do not create fuel poverty in the future. Building to the higher code of standards is also about creating properties where people can live in throughout their life. A cradle to grave approach.

### **6.3 Risk and Other**

There are no further implications arising from this report.

## **7. OUTCOMES OF CONSULTATION**

7.1 Consultation has been undertaken with a wide range of organisations including parish councils, all the local house builders, national house

builders federation and representative industries within North Lincolnshire.

## 8. **RECOMMENDATIONS**

- 8.1 That the policy outlined in 3.15 and 3.15 above be adopted and used for all future development control decisions.

### **SERVICE DIRECTOR HIGHWAYS AND PLANNING**

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#### **Background Papers used in the preparation of this report:**

- 1) Stern Report - Economies of Climate Change.
- 2) Planning Policy Statement I - "Planning and Climate Change" (+ Addendum)
- 3) Climate Change Action Plan.

## **Appendix 1**

### **LSP Environment Board (Reps include Corus, ABP)**

Fully support the policies. Acting that the policy is essential to move North Lincolnshire forward towards Low Carbon economy.

### **Strategic Development team**

Expressed concern that the policy may defer developers in this hard economic climate.

### **English Heritage**

No comments to make.

### **Brigg Town Council**

Supports the adoption of the policy

### **Burton Parish Council**

Supports the adoption of the policy

### **Wootton Parish Council**

Have no objections to the policy.

Lincs Rural Housing

Support the policy

Their only reservation however, is the 'prescriptive and inflexible nature of the code for sustainable homes. Hopefully this will be resolved by BRE and developers like ourselves working through the build and assessment process