

BUILDING EFFICIENCY**Report By: Head of Planning and Transportation****Wards Affected**

County-wide

Purpose

1. To report on options to increase energy efficiency standards in new building.

Financial Implications

2. None at this stage.

Background

3. At the March 2009 meeting further information was requested on work underway in this area.
4. Current controls over building efficiency are set out at Appendix A. The key to these controls are the Building Regulations. The Building Regulations are published in several distinct but related parts (parts A – P). Part L concentrates on the conservation of fuel and power, and, in its various sections, relates to both domestic and non-domestic buildings, and to both new and existing buildings. All development needs to comply with the building regulations.
5. Building regulations are minimum standards. Developers can exceed building regulations if they so wish.
6. In July 2007 CLG published ‘Building Regulations: Energy efficiency requirements for new dwellings – A look forward at what standards may be in 2010 and 2013.’ This paper was published in the wake of the Energy White paper in which the Government signalled its intention to significantly reduce energy use in buildings as an important element in its climate change strategy, and its approach to securing energy supplies in the future.
7. The paper was intended to provide an early indication of the changes that were then seen as likely to be needed to meet future targets for energy efficiency. It was suggested that its content may change significantly before formal changes to the building regulations are made as technologies and approaches to achieving energy efficiency improvements evolve. The paper can be found at www.communities.gov.uk/documents/planningandbuilding/pdf/energy_efficiencyrequirements.pdf
8. In addition to the building regulations new controls now exist for buildings, mainly around information leading up to the sale/disposal of a property.

9. Some local authorities have already pushed the boundaries for building efficiency. In particular the London Borough of Merton had championed the use of energy efficiency in building design and layout in its Unitary Development Plan.

National Context

10. As mentioned earlier the Government is looking at how the energy efficiency of buildings can be improved. This is reflected in its own Planning Policy Guidance Notes/Planning Policy Statements.
11. PPS 22 – Renewable Energy (2004) in para 8 commented that local planning authorities may include policies in local development documents that require a percentage of the energy to be used in new residential, commercial or industrial developments to come from on-site renewable energy developments (subject to various criteria)
12. PSS1 Supplement – Planning and Climate Change was published in December 2007. It sets out current government thinking on the matter. Paragraph 30 comments that planning authorities, developers and other partners should engage constructively to encourage the delivery of sustainable buildings. Accordingly it is suggested that planning policies should support innovation and investment in sustainable buildings.
13. Para 31 identifies that there will be situations where it could be appropriate for planning authorities to anticipate levels of building sustainability in advance of those set out nationally. When preparing any local requirements planning authorities are advised that they must be able to demonstrate clearly the local circumstances that warrant and allow this.
14. Para 32 comments that where proposing any local requirement for sustainable buildings planning authorities should:-
 - focus on development area or site-specific opportunities
 - specify the requirement in terms of achievement of nationally described sustainable buildings standards (e.g. specified levels of the Code for Sustainable Homes).
 - ensure the requirements is consistent with their policies on decentralised energy
 - not require local approaches for a building's environmental performance on matters relating to construction technologies, building fabrics, products, fixtures or finishes, or for measuring a building's performance unless for reasons of landscape or townscape.
15. Para 33 or the PPS goes on to set out guidance to local planning authorities on how to produce local policy requirements on sustainable building development. It indicates that any policy should be set out in a Development Plan Document (DPP), not a supplementary planning document, so as to ensure examination by an independent Inspector. In doing do authorities should:-

- ensure what is proposed is evidence based and viable (having regard to the overall costs of bringing sites to the market)
- in the case of housing development demonstrate that the proposed approach is consistent with securing the expected supply and pace of housing development shown in the housing trajectory required by PPS3, and does not inhibit the provision of affordable housing: and
- set out how they intend to advise potential developers on the implementation of local requirements.

Regional Position

16. The West Midlands Regional Spatial Strategy (RSS) is currently undergoing updates and amendments. The Regional Assembly has recognised that the region is lagging behind other regions on building efficiencies and has proposed a policy that will enable local planning authorities (through their respective Local Development Frameworks) to demand higher standards.
17. This policy is currently being assessed by the EIP Panel and which is currently exploring with the Regional Assembly the following question

'What is the Regional's justification for departing from national standards, for example in requiring faster progress to high levels of the Code for Sustainable Homes'?
18. The eventually adopted regional standards will provide the context for the Council's own Local Development Framework (LDF).

Local Position

19. The currently adopted UDP does not include a policy on building efficiency. This Council has made a healthy start on the preparation of its own LDF.
20. Two areas of this progress are directly related to the issue of building efficiency. The first has been the publication of a background paper on Climate Change Policy. Initial consultation on the work took place in April/May of this year. It is intended to develop initial ideas into policies that are locally distinctive, practical and which do not simply replicate the Building Regulations. The second has been the initial scoping work on a Design Code which (when adopted in 2011) will cover the issue of building efficiency as part of design issues more generally within the County.

Options

21. On the basis of information set out in this report there appears to be three principal options for the Council to pursue:-

Option 1 – No Action

This option would in effect take no positive action on improving building efficiency in the County. It would fail to take up the opportunities that the successful incorporation of the proposed RSS policy would provide to the Council and other local authorities. All applications for new development would be assessed on their merits, and developers would have the discretion

whether or not to propose development beyond the requirements of the building regulation in operation at that time.

This course of action is not supported. It would not bring forward proposals to aspirational standards in either a national or regional level. Similarly it would not assist in the reduction of the County's carbon footprint.

Option 2 – Planned approach through development of Local Planning Policies.

This option would continue with the current planned activities as set out in para 20 above. The Core Strategy of the LDF would be adopted, and it would be supported by the various policies to come out of the consultation on Climate Change. Detailed policies/guidance would eventually be incorporated in the Design Guide.

This course of action is supported by your officers. It would allow individual discussions to take place with developers at development control stage, and innovative solutions would not be prevented from coming forward. The next phase of Building Regulation changes (2010) would naturally increase standards of building efficiency in any event. Proposals would be assessed against evolving, and eventually adopted policy.

Option 3 – Local approach outside policy context

This option would seek to raise building efficiency standards beyond those currently set-out in the Building Regulations and outside the context provided by current/existing planning policy.

This option is not supported by our officers. To do so with the uncertainty over the existing policy in the RSS, and without an adopted policy in the adopted UDP would prove to be difficult to achieve in the event that a developer was unwilling to accept this approach. This is particularly appropriate given the recent guidance in PSS1 (see para 14 of this report). In effect the Merton rule is increasingly not being followed by Government and other authorities as national policy broadens over time. Whilst this option is not supported, comments on option 2 have already indicated that a policy-led approach will not in itself prevent detailed discussion/agreement with individual developers on particular sites, nor the development of innovative solutions that could go beyond the existing building regulations.

Recommendation

It is recommended that:

- a) the Committee note this report**
- b) the Committee debate the three options, and that its findings be referred to the Cabinet Member (Environment & Strategic Housing) for incorporation into the evolving Local Development Framework and to the Chairman of the Planning Committee for information and to assist in decision making on planning applications.**

Background Papers

Appendix A

CLG Building Regulations : Energy Efficiency requirements for new buildings, July 2007

CLG PPS1 – Supplement on Planning & Climate Change, December 2007

CLG PPS22 – Renewable Energy, 2004

APPENDIX A

Current Controls on Building Efficiency

Building Regulations

Part L (Conservation of Fuel & Power) came into force 6 April 2006. This section of the Building Regulations requires reasonable provision to be made for the conservation of fuel and power in Buildings by;

- Limiting heat gains and losses,
- Providing and commissioning energy efficient fixed building services,
- Providing the owner sufficient information about the building, the fixed building services and their maintenance requirements.

These regulations include the calculation of energy performance of new buildings by the use of a TER (target emissions rate) / DER (dwelling emissions rate) or BER (building emissions rate) calculation. A SAP rating is included as part of this calculation.

Converting a building to dwellings requires a SAP rating only.

For the first time when work is carried out to existing buildings the building regulations require the consideration of additional work to the existing building by the introduction of consequential improvements such as upgrading thermal elements or heating systems.

Outlined in 'Building a Greener Future: policy statement' The Government intends to incrementally increase the standards of part L in 2010 (25% improvement), 2013 (44% improvement) and 2016. The 2016 increase should achieve a zero carbon standard for new homes.

In preparation a consultation document has recently been produced on the definition of zero carbon homes and non-domestic buildings.

EPCs

Most public buildings and dwellings for sale or rent now require an EPC (energy performance certificate). This requirement is derived from the Energy Performance of Buildings Regulations 2007. The EPC indicates the energy efficiency of the building and the environmental impact of the building in terms of carbon dioxide emissions.

Building Control is unable to issue a completion certificate unless they are satisfied that an EPC has been produced.

Enforcement of these regulations is carried out by Trading Standards.

Planning Policy Statement on Climate Change

The planning system needs to support the delivery of the timetable for reducing carbon emissions from domestic and non-domestic buildings. *Building a Greener Future* sets out a progressive tightening of Building Regulations to require major reductions in carbon emissions from new homes to get to zero carbon by 2016.

There are similar ambitions to cut carbon emissions from new non-domestic buildings.

The PPS sets out how regional and local planning can best support achievement of the zero-carbon targets alongside meeting community needs for economic and housing development.

Planning authorities should apply the following principles in making decisions about their spatial strategies:

- The proposed provision for new development, its spatial distribution, location and design should be planned to limit carbon dioxide emissions;
- New development should be planned to make good use of opportunities for decentralised and renewable or low carbon energy;
- New development should be planned to minimise future vulnerability in a changing climate;
- Climate change considerations should be integrated into all spatial planning concerns;
- Mitigation and adaptation should not be considered independently of each other, and new development should be planned with both in mind;
- Sustainability appraisal (incorporating strategic environmental assessment) should be applied to shape planning strategies and policies that support the Key Planning Objectives; and
- Appropriate indicators should be selected for monitoring and reporting on in planning authority's annual monitoring reports. Such monitoring should be the basis on which regional planning bodies and planning authorities periodically review and roll forward their planning strategies.

Code for Sustainable Homes

The Code for sustainable homes covers nine categories of sustainable design including:

- Energy and CO2 Emissions
- Water
- Materials
- Surface Water Run-off
- Waste
- Pollution
- Health and Wellbeing

From 1st May 2008 it is mandatory for a code sustainability certificate or a nil rated certificate (where an assessment has not taken place) to be included in the Home Information Pack as information to prospective purchasers of properties in England. This applies to all new homes that are marketed for sale, although a nil rated certificate of non-assessment can be downloaded from www.bre.co.uk.