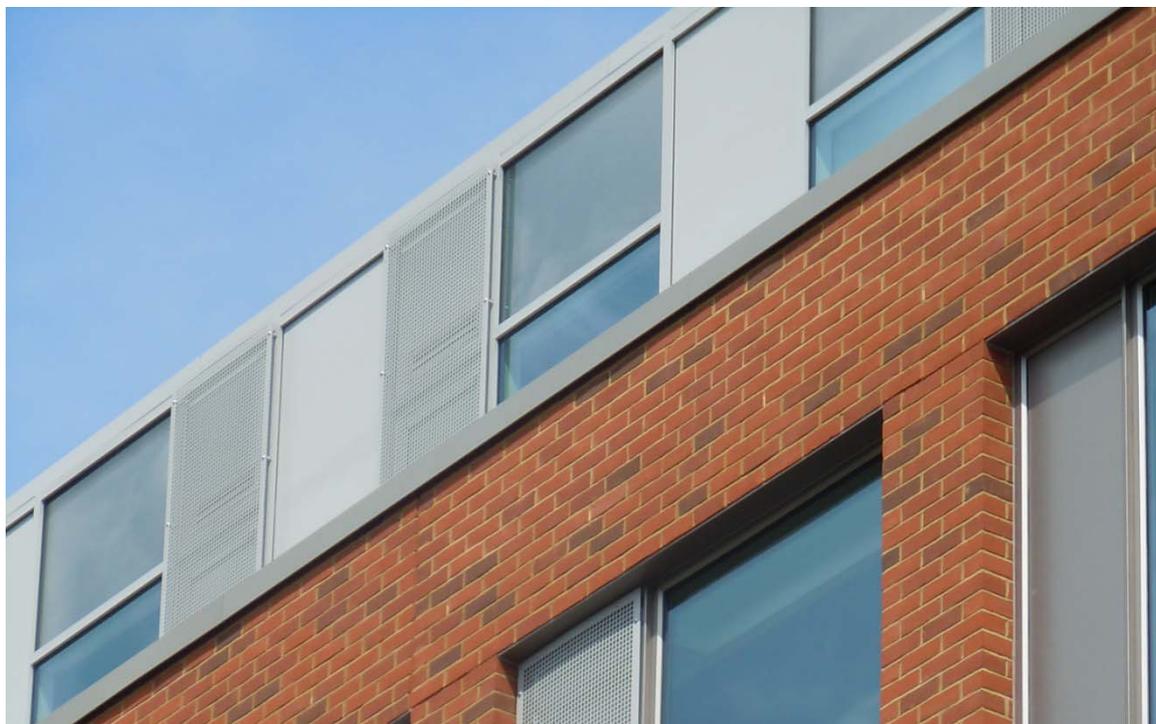


## 13. Climate change: energy and water housing standards



### 13.1 Introduction

- 13.1.1 The Government has taken steps to rationalise housing standards to simplify regulatory costs and burdens on development as part of a package of measures to help boost house building, known as the national 'Housing Standards Review'. The Government published a Written Ministerial Statement (WMS) in March 2015 which outlined policy and announced that Councils should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings over and above the national ones. In the WMS the Government also announced that the Code for Sustainable Homes had been withdrawn.
- 13.1.2 These national changes affect those criteria of Policy CE1 Climate Change which set standards for housing. This section sets out the options for relevant elements of Policy CE1 which are affected by these national changes.
- 13.1.3 The Mayor of London has commenced Minor Alterations to the London Plan (MALP) to update London Plan policies in light of the national Housing Standards Review. Once adopted these changes to the London Plan will become part of the Council's development plan. The MALP have been submitted for examination and hearings took place in late October 2015. It is anticipated that if the MALP are found 'sound' by the Planning Inspector they will be adopted in early 2016.

## 13.2 Existing Local Plan policy

13.2.1 The existing Local Plan policy relating to energy and water consumption (and other) requirements for new dwellings is set out below:

### **Policy CE1 Climate Change**

The Council recognises the Government's targets to reduce national carbon dioxide emissions by 26% against 1990 levels by 2020 in order to meet a 60% reduction by 2050 and will require development to make a significant contribution towards this target. To deliver this the Council will:

- require an assessment to demonstrate that all new buildings and extensions of 800m<sup>2</sup> or more residential development or 1,000m<sup>2</sup> or more non- residential achieve the following Code for Sustainable Homes / BREEAM standards:
  - i. Residential Development should meet Code for Sustainable Homes Level 4.
  - ii. Non Residential Development should meet BREEAM very good with 60% of the unweighted credits available in the energy, water and materials sections.
- require an assessment to demonstrate that conversions and refurbishments of 800m<sup>2</sup> or more residential development or 1,000m<sup>2</sup> or more non- residential achieve the following relevant BREEAM standards:
  - i. Residential Development: BREEAM excellent for Domestic Refurbishment including the following minimum standards:
    - the minimum standards of excellent for Energy;
    - 80% or more of the un-weighted credits in the waste category
  - ii. Non Residential Development should achieve BREEAM very good rating.
- require that carbon dioxide and other greenhouse gas emissions are reduced to meet the Code for Sustainable Homes and BREEAM standards in accordance with the following hierarchy:
  - energy efficient building design, construction and materials, including the use of passive design, natural heating and natural ventilation;
  - decentralised heating, cooling and energy supply, through Combined Cooling Heat and Power (CCHP) or similar, whilst ensuring that heat and energy production does not result in unacceptable levels of air pollution;
  - on-site renewable and low-carbon energy sources;
- require the provision of a Combined Cooling, Heat and Power plant, or similar, which is of a suitable size to service the planned development and contribute as part of a district heat and energy network for:
  - i. strategic site allocations at Kensal, Wornington Green, Kensington Leisure

Centre and Earl's Court; and

ii. significant redevelopment and regeneration proposals at Notting Hill Gate and Latimer as set out in the places section of this document;

- require all CCHP plant or similar to connect to, or be able to connect to, other existing or planned CCHP plant or similar to form a district heat and energy network;
- require development to connect into any existing district heat and energy network, where the necessary service or utility infrastructure is accessible to that development;
- require development to incorporate measures that will contribute to on-site sustainable food production commensurate with the scale of development;
- require, in due course, development to further reduce carbon dioxide emissions and mitigate or adapt to climate change, especially from the existing building stock, through financial contributions, planning conditions and extending or raising the Code for Sustainable Homes and BREEAM standards for other types of development.

### 13.3 Legislation, policy and guidance context

13.3.1 Figure 13.1 summarises the main legislation, policy and guidance of particular relevance to this section.

Date	Document	Organisation
Nov 2008	Planning and Energy Act 2008 <sup>220</sup>	HM Government
Mar 2012	National Planning Policy Framework (NPPF) <sup>221</sup> Paragraphs 95, 174 and 177	DCLG
Mar 2015	Deregulation Act 2015 <sup>222</sup> S43 amends the Planning and Energy Act 2008. The amendment when commenced will take away Councils' powers to introduce policies in Local Plans that require energy efficiency standards that exceed the energy requirements of Building Regulations in relation to construction or adaptation of buildings to provide dwellings or the carrying out of any work on dwellings. This provision is expected to commence in late 2016	HM Government
Mar 2015	Written Ministerial Statement: Planning Update <sup>223</sup>	DCLG
Mar 2015	National Planning Practice Guidance (NPPG): Climate Change <sup>224</sup>	DCLG

<sup>220</sup> [www.legislation.gov.uk/ukpga/2008/21/section/1](http://www.legislation.gov.uk/ukpga/2008/21/section/1)

<sup>221</sup> <http://planningguidance.planningportal.gov.uk/blog/policy/>

<sup>222</sup> [www.legislation.gov.uk/ukpga/2015/20/contents/enacted/data.htm](http://www.legislation.gov.uk/ukpga/2015/20/contents/enacted/data.htm)

<sup>223</sup> [www.gov.uk/government/speeches/planning-update-march-2015](http://www.gov.uk/government/speeches/planning-update-march-2015)

<sup>224</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/climate-change/>

Date	Document	Organisation
Apr 2015	Building Regulations Approved Document Part G <sup>225</sup>	HM Government
May 2015	Minor Alterations to the London Plan (MALP) <sup>226</sup>	Mayor of London
Jul 2015	Fixing the foundations: Creating a more prosperous nation <sup>227</sup>	HM Treasury

Figure 13.1: Summary of legislation, policy and guidance

## 13.4 Evidence base

13.4.1 The key evidence for taking the proposed approach is the national policy as set out in the WMS and the documents listed above.

13.4.2 It should be noted that the Mayor of London had commenced changes in relation to energy in the Minor Alterations to the London Plan (MALP). This was before the Government published the ‘Productivity Plan’ Fixing the foundations: Creating a more prosperous nation (July 2015) which announced that the Government does not intend to introduce Zero Carbon Homes<sup>228</sup>. The emerging MALP policy previously included a ‘stepping stone’ to zero carbon but in light of the changes in Government policy the Mayor of London has withdrawn any changes to the policies on energy. Nevertheless the ‘viability’ evidence produced by the Mayor of London in support of the ‘stepping stone’ and zero carbon homes may be relevant in the future, once the Government clarifies its policy on this aspect. This evidence is in any case relevant to the MALP’s emerging policy on water consumption.

Date	Document	Organisation
May 2015	Housing Standards Review – Evidence of Need <sup>229</sup>	David Lock Associates et al for Mayor of London
May 2015	Housing Standards Review – Viability Assessment <sup>230</sup>	David Lock Associates et al for Mayor of London

Figure 13.2: Summary of principal sources of evidence

<sup>225</sup> [www.planningportal.gov.uk/buildingregulations/approveddocuments/partg/approved](http://www.planningportal.gov.uk/buildingregulations/approveddocuments/partg/approved)

<sup>226</sup> [www.london.gov.uk/priorities/planning/london-plan/minor-alterations-to-the-london-plan-2015](http://www.london.gov.uk/priorities/planning/london-plan/minor-alterations-to-the-london-plan-2015)

<sup>227</sup> [www.gov.uk/government/publications/fixing-the-foundations-creating-a-more-prosperous-nation](http://www.gov.uk/government/publications/fixing-the-foundations-creating-a-more-prosperous-nation)

<sup>228</sup> The Government had previously intended to introduce ‘Zero Carbon Homes’ from late 2016 as a national requirement. This was to work alongside ‘Allowable Solutions’ where carbon emissions which cannot be cost-effectively reduced on-site can, once a minimum on-site carbon performance standard has been reached, be tackled through off-site measures

<sup>229</sup> [www.london.gov.uk/sites/default/files/Housing%20Standards%20Evidence%20of%20need.pdf](http://www.london.gov.uk/sites/default/files/Housing%20Standards%20Evidence%20of%20need.pdf)

<sup>230</sup> [www.london.gov.uk/sites/default/files/Housing%20Standards%20Viability.pdf](http://www.london.gov.uk/sites/default/files/Housing%20Standards%20Viability.pdf)

## 13.5 Issues and options

### Issue 1: Energy

- 13.5.1 Given the Government policy in terms of withdrawing the Code for Sustainable Homes and national policy that Councils should not be setting standards that are more onerous than Building Regulations, it seems the only option available to the Council is to delete references to the Code and BREEAM for housing from Local Plan Policy CE1. The Council will monitor any further announcements from the Government in this regard and incorporate the latest policy guidance within emerging policy. It is possible that this element will be fully covered by Building Regulations in the future. Using any other standard will be contrary to national policy and therefore is not an option.
- 13.5.2 As a transitional measure the Government advice is that Councils can continue to ask for energy standards that are the equivalent of Code for Sustainable Homes Level 4. This approach can be followed until commencement of amendments to the Planning and Energy Act 2008 introduced in the Deregulation Act 2015. This is expected in late 2016.
- 13.5.3 As explained above there is only one option available at the present time in relation to energy. This is to delete references to the Code and any other standard such as BREEAM related to residential development from Local Plan Policy CE1 and closely monitor emerging Government policy/guidance on this aspect and make corresponding local planning policy changes if needed.

#### Option 1

The Council should delete references to the Code for Sustainable Homes and any other standard such as BREEAM related to residential development from Local Plan policy.

#### Option 2

The Council should keep references to the Code for Sustainable Homes and any other standard such as BREEAM related to residential development in Local Plan policy.

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**

### Issue 2: Water

- 13.5.4 The Code for Sustainable Homes covered a number of other elements in addition to energy including water consumption. The Government has introduced an 'optional' housing standard related to water consumption in Building Regulations Part G which requires the consumption of wholesome water in a new dwelling not to exceed 110 litres per person per day. The Council has been requiring this level of water consumption by using the Code for Sustainable Homes Level 4.
- 13.5.5 This level of water consumption is also proposed in the emerging MALP to be part of the London Plan, Policy 5.15 B. b. in a footnote. Policy 5.15 in MALP states:

...designing residential development so that mains water consumption would meet a target of 105 litres or less per head per day<sup>24</sup>

Footnote 24: Excluding an allowance of 5 litres or less per head per day for external water consumption

- 13.5.6 Paragraph 5.61 of the MALP refers to the 'optional requirements' set out in part G of the Building Regulations. It cites the evidence for this:

As all water companies that serve London are located in areas classified as seriously water stressed<sup>27</sup>, the 'optional requirement' should be applied across London. A fittings-based approach should be used to determine the water consumption of a development<sup>28</sup>. This approach is transparent and compatible with developers' procurement and the emerging Water Label, which Government and the water companies serving London are supporting.

- 13.5.7 Once adopted, the MALP will become part of the development plan for the Borough. Given the national Housing Standards Review there are no options available for water consumption other than those incorporated within MALP. There may be no benefit in duplicating MALP, therefore the Council does not propose to include a specific policy on water consumption in new dwellings within the Local Plan Partial Review. The Council will be including a standard condition based on the adopted MALP to trigger the 'optional' Building Regulations requirement.

- 13.5.8 In summary, the Council will be using MALP (when adopted) as this will become part of the Council's development plan to condition the optional Building Regulations requiring a maximum of 110 litres of water consumption per person per day. As such there will be no specific policy within the Local Plan Partial Review on water consumption for new dwellings.

#### **Option 1**

The Council should not include a specific policy on water consumption in new dwellings in the Local Plan.

#### **Option 2**

The Council should include a specific policy on water consumption in new dwellings in the Local Plan.

**Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?**