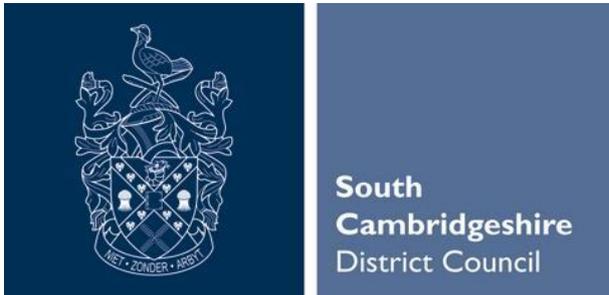


SC2/SCDC – Supplement 1



Examination into the Soundness of the
South Cambridgeshire Local Plan

**Matter SC2 – Climate Change – Supplement 1:
Implementation of Policy CC/3**

South Cambridgeshire District Council

November 2016

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Introduction

1. At the Matter SC2: Climate Change hearing session on 1 November 2016 and in response to the discussion between participants on question SC2C.ii, the Inspector asked the Council to submit further information in writing explaining the implementation of Policy CC/3 (specifically criterion 1).
2. All the documents referred to in this supplement are listed in Appendix 1, and examination library document reference numbers are used throughout the supplement for convenience.
3. As a result of the discussion at the hearing session and having considered how the policy will be implemented, the Council is suggesting further modifications to Policy CC/3 of the South Cambridgeshire Local Plan¹ in order to provide clarification. These modifications are referred to in the relevant section of this supplement, and are also all listed in Appendix 2 for convenience.

A. What is the Council seeking to achieve with Policy CC/3?

4. Policy CC/3 seeks to continue to deliver the use of onsite renewable and low carbon energy to meet a proportion of the energy requirements of new developments. The Council's adopted policy² has been successfully implemented, and monitoring data³ gathered between 2009 and 2015 demonstrates this.
5. As set out in paragraphs 25-29 of the Council's Matter SC/2 Statement, the policy is in accordance with the provisions of the Planning and Energy Act 2008⁴, Deregulation Act 2015⁵, and national policy set out in Written Ministerial Statement (25 March 2015)⁶. The Council recognises that national planning policy and legislation mean that it cannot set energy efficiency standards for new residential developments that exceed national standards set out in Building Regulations. However, the subsections of the Planning and Energy Act 2008⁷ that relate to planning policies setting requirements for renewable and low carbon energy generation have not been amended and are therefore still in force.
6. Policy CC/3 provides additional benefits beyond simply reducing the carbon emissions from a development (as set out in paragraph 43 of the Council's Matter SC2 statement). The policy helps to deliver national targets for renewable energy generation, and plays an important role in delivering:

¹ RD/Sub/SC/010

² Policy NE/2 of Development Control Policies DPD (RD/AD/110)

³ Annual Monitoring Report (RD/AD/460), paragraph 2.68 (page 19) and figure 4.54 (page 110)

⁴ RD/Gov/230, section 1, subsections 1(a) and 1(b)

⁵ RD/Gov/220, section 43

⁶ RD/Gov/200

⁷ RD/Gov/230

- a reduction in onsite regulated carbon emissions beyond those achieved through building fabric and construction measures;
- renewable energy as a standard feature of new developments; and
- a strengthened supply chain for the manufacture, installation, service and maintenance of renewable energy technologies.

7. The 'Review of Merton Rule policies in four Local Planning Authorities in Cambridgeshire' study⁸ and the Viability Study⁹, which are part of the evidence base for the South Cambridgeshire Local Plan, demonstrate that the policy is both feasible and viable.

B. What does Policy CC/3 require?

8. Criterion 1 of Policy CC/3 is a Merton rule style policy that seeks at least a 10% reduction in carbon emissions from a development. This is calculated using the baseline for the property as defined by Building Regulations. The reduction in emissions is provided through the installation of on-site renewable or low carbon energy technologies, which will provide some of the energy needs of the development. The policy does not require the construction of the development to go beyond that needed to comply with Building Regulations. The choice of which renewable or low carbon energy technology to use to deliver compliance with the policy rests with the applicant and should respond to the specific characteristics of the development proposed.
9. To meet criterion 1 of the policy, a development should be designed to meet Part L of Building Regulations and, once this has been established, the anticipated carbon emissions for the development can be identified. Using this carbon emissions figure as the baseline, a developer should then calculate the amount of carbon emissions that should be met through the provision of renewable or low carbon energy technologies to deliver at least a 10% reduction calculated by reference to that baseline. This reflects the 'Review of Merton Rule policies in four Local Planning Authorities in Cambridgeshire' study¹⁰ which describes the 10% reduction in carbon emissions as being '*in relation to the baseline for the property as defined by Building Regulations*' in the proposed policy wording.
10. In order to provide greater clarity, the Council would support modifications to criterion 1 of the policy and to paragraph 4.16 to describe the relationship between Building Regulations and the requirement for the delivery of on-site renewable and low carbon energy generation. Amend criterion 1 of Policy CC/3 to read:

'Proposals for new dwellings and new non-residential buildings of over 1,000 m² or more will be required to reduce carbon emissions ~~(over the requirements set by Building Regulations)~~ by a minimum of 10% **(to be calculated by reference to a baseline for the anticipated carbon emissions for the property as**

⁸ RD/CC/030

⁹ RD/T/220

¹⁰ RD/CC/030, page 37

defined by Building Regulations) through the use of on-site renewable energy technologies.’

Add two additional sentences to the end of paragraph 4.16 to read:

‘... To meet the requirements of the policy, an applicant should design the development to achieve compliance with Part L of Building Regulations, and then use this as the baseline for calculating the amount of carbon emissions that should be met through the provision of renewable or low carbon energy technologies in accordance with the policy. The choice of which renewable or low carbon energy technology to use to deliver compliance with the policy rests with the applicant and should respond to the specific characteristics of the development proposed.’

11. At the hearing session, the Council indicated that guidance was currently provided in the District Design Guide SPD¹¹. It is the Council’s intention to continue to provide such guidance and therefore a modification should be made to explain that further guidance on the implementation of the policy will be provided in a Supplementary Planning Document (SPD). The Council would therefore support a modification to paragraph 4.16 to add an additional sentence (after that proposed in paragraph 10 above) to read:

‘... Detailed guidance on the implementation of Policy CC/3 and the supporting documents that should be submitted to demonstrate compliance with the policy will be provided in a Supplementary Planning Document.’

12. The Council also agreed at the hearing session that criterion 1 of Policy CC/3 should be amended so that it refers to ‘low carbon energy technologies’ as well as renewable energy technologies. The Council would therefore support a modification to criterion 1 (in addition to that proposed in paragraph 10 above) to read:

‘... through the use of on-site renewable **and low carbon** energy technologies.’

C. How will compliance with Policy CC/3 be demonstrated?

13. To demonstrate compliance with the requirements of Policy CC/3, developers will need to submit a statement to the local planning authority, as part of their planning application, including the following calculations and information:
- The site wide carbon emissions of the proposal, set out in Kg/CO₂/annum, based on the Part L Building Regulations compliant scheme, using either the Dwelling Emission Rate (DER) for all residential floorspace and/or the Building Emission Rate (BER) for all non-residential floorspace. It is by reference to this baseline figure that the minimum 10% renewable and low carbon energy reduction as required by the policy should be calculated.

¹¹ RD/SPD/080, Chapter 8 and Appendix 10

- An assessment of the renewable and low carbon technologies selected for the development and their expected contribution to meeting the carbon reduction requirement of the scheme in order to meet the minimum 10% contribution calculated above.
- Information on the location and design of the proposed renewable and low carbon technologies, for example in the form of roof plans and elevations or the location of plant rooms. For some technologies it may also be necessary to consider any noise or air quality implications of the proposed technologies, for example NOx emissions associated with biomass boilers or Combined Heat and Power systems, or noise associated with the use of air source heat pumps.

14. In some cases, for example with outline planning applications, it may be that the calculations required to demonstrate compliance with Building Regulations have yet to be undertaken. In these instances, the application should make an estimate of site wide emissions using appropriate benchmarks and outline a feasibility assessment of which technologies would be utilised. The submission of more accurate carbon emissions calculations based on SAP or SBEM data would then be conditioned for submission either alongside any reserved matters application or prior to occupation of the proposed development. As an example, for an outline application where it is the intention to submit detailed carbon calculations with the reserved matters planning application, such a condition could be worded as follows:

“Within any reserved matters application pursuant to this approval, a Carbon Reduction Statement, which demonstrates that at least 10% of the developments total predicted carbon emissions will be reduced through the implementation of on-site renewable and/or low carbon energy sources, shall be submitted to and approved in writing by the local planning authority. The statement shall include the following details:

- a) The total predicted carbon emissions of the development, set out in Kg/CO₂/annum based on Part L of Building Regulations; and*
- b) A schedule of proposed on-site renewable and/or low carbon energy technologies, their respective carbon reduction contributions, location, design and a maintenance programme.*

The proposed renewable and/or low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained in accordance with a maintenance programme, which shall be submitted to and agreed in writing by the local planning authority.

Reason: In the interests of reducing carbon dioxide emissions (South Cambridgeshire Local Plan Policy CC/3).”

15. Where full information has been submitted with the planning application, an implementation condition would be utilised to ensure that the proposed renewable and/or low carbon energy technology has been installed in accordance with the planning approval. This condition could be worded as follows:

“The approved renewable and /or low carbon energy technologies shall be fully installed and operational prior to the first occupation of the development and shall thereafter be retained and remain fully operational in accordance with a maintenance programme, which shall be submitted to and agreed in writing by the local planning authority.

Reason: In the interests of reducing carbon dioxide emissions (South Cambridgeshire Local Plan Policy CC/3).”

16. This information is similar to that already submitted by applicants to demonstrate compliance with the adopted policy and recent examples include:
- [Energy Strategy](#) submitted for the outline application for a mixed use development at WING (Cambridge East – North of Newmarket Road) (planning application reference S/2682/13);
 - [Energy Statement](#) submitted with the outline application for residential development on land to the east of Old Pinewood Way and Ridgeway, Papworth Everard (planning application reference S/2647/15/OL); and
 - [Sustainable Design and Construction Statement](#) submitted with reserved matters planning application for residential development on Phase 9 at Trumpington Meadows (planning application reference S/0107/16/RM).

D. What will be the scope of the Supplementary Planning Document?

17. As discussed at the Matter SC2: Climate Change hearing session, it is the Council’s intention that further guidance on how to demonstrate compliance with Policy CC/3 will be provided in an SPD. This SPD would not include new policy requirements but would provide guidance on the implementation of the policy and the information required from developers to demonstrate compliance with policy. The information will vary depending on whether the proposal is at the outline, reserved matters or full planning application stage. The guidance in the SPD relating to Policy CC/3 would cover the following areas:
- Submission requirements for outline, reserved matters and full planning applications;
 - Calculation requirements, setting out the basis for the carbon calculations;
 - An overview of the approach to a feasibility assessment to be undertaken for outline planning applications;
 - A summary of the range of renewable and low carbon technologies that would be considered by the Council when meeting the requirements of the policy, although the choice of technology will be left to the developer. This could also include consideration of the contribution of passive solar design;
 - Example planning conditions; and
 - Carbon calculation proformas for use by applicants. Examples of these are provided in Appendix 3.

E. What is the relationship between Policies CC/3 and CC/4?

18. At the Matter SC2: Climate Change hearing session, an objector questioned whether the requirements of Policy CC/3 were consistent with the first sentence of paragraph 4.19, as proposed to be modified¹², which is part of the supporting text of Policy CC/4 and reads:

The Council is relying on ~~the planned changes to Building Regulations anticipated to come into force in 2013-2014 and 2016, which will progressively improve to set the energy efficiency requirements of new homes.~~

19. As set out in sections A and B above, Policy CC/3 is a Merton rule style policy that seeks at least a 10% reduction in carbon emissions from a development through the installation of on-site renewable or low carbon energy technologies, which will provide some of the energy needs of the development. It is compliant with national legislation set out in the Planning and Energy Act 2008¹³ and Deregulation Act 2015¹⁴.
20. The policy does not seek reductions in carbon emissions through changes to the fabric of a building beyond those required by Building Regulations, it simply uses calculations based on the carbon emissions of a Part L compliant scheme to determine the amount of carbon emissions that should be met through the provision of renewable or low carbon energy technologies.
21. Policy CC/4 and its supporting text relates to setting standards for the water efficiency of new developments. Paragraph 4.19 does refer to the Council's approach to energy efficiency requirements, as it aims to describe how Policy CC/4 was formulated during the plan making process. In preparing the Local Plan, the Council considered setting requirements for new developments to meet sustainable design and construction standards, based on levels of the Code for Sustainable Homes¹⁵.
22. Having considered the representations received on the South Cambridgeshire Issues and Options Report¹⁶, the Council decided that on balance the changes to Building Regulations in relation to energy efficiency offered the most appropriate solution for the district¹⁷. However, the majority of respondents, including the Environment Agency and Cambridge Water, strongly supported requirements for a higher standard of water efficiency given that the district is in an area of water stress and therefore Policy CC/4 sets water efficiency requirements for new developments¹⁸.

¹² South Cambridgeshire Local Plan – Schedule of Proposed Modifications (March 2016) (RD/MC/150), Modification PM/SC/4/F, page 39-41

¹³ RD/Gov/230, section 1, subsections 1(a) and 1(b)

¹⁴ RD/Gov/220, section 43

¹⁵ South Cambridgeshire Issues and Options Report (RD/LP/030), question 21

¹⁶ RD/LP/030

¹⁷ South Cambridgeshire Draft Final Sustainability Appraisal Report (RD/Sub/SC/060): Annex A, Chapter 4, page A344

¹⁸ South Cambridgeshire Draft Final Sustainability Appraisal Report (RD/Sub/SC/060): Annex A, Chapter 4, page A350

23. The proposed modifications to paragraph 4.19, that were subject to public consultation in December 2015 – January 2016, made factual changes to the wording of the paragraph to reflect the Government’s decision not to introduce the planned changes to Building Regulations¹⁹. The paragraph, as submitted in March 2014²⁰, read:

The Council is relying on the planned changes to Building Regulations anticipated to come into force in 2014 and 2016, which will progressively improve the energy efficiency requirements of new homes. These changes will mean that the Building Regulations requirements for energy efficiency in 2014 will correspond roughly with the carbon reduction requirements of the Code for Sustainable Homes (CfSH) Level 4 and in 2016 with Level 5. There are no planned changes at the national level to improve water efficiency requirements.

24. The Written Ministerial Statement (25 March 2015)²¹ withdrew the Code for Sustainable Homes aside from legacy cases and the Government’s subsequent ‘Fixing the Foundations’²² document made it clear that the Government did not intend to proceed with the proposed 2016 increase in on-site energy efficiency standards. Modifications to paragraph 4.19 were therefore proposed to reflect these changes.

25. Paragraph 4.19, with the proposed modifications submitted in March 2016²³, reads:

The Council is relying on Building Regulations to set the energy efficiency requirements of new homes. Previously it had been the Government’s intention that all new dwellings would be required to be zero carbon from 2016; however in the publication of [Fixing the Foundations – Creating a More Prosperous Nation](#) (published in July 2015), the Government made it clear that it does not intend to proceed with this. The Government has created a new approach for the setting of technical standards for new housing, including relating to water efficiency. The web based [planning practice guidance](#) (PPG) states that local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of water efficiency where there is a clear local need.

26. The Council considers that paragraph 4.19, as proposed to be modified, is sound and unrelated to Policy CC/3. However, as Policy CC/4 only relates to the water efficiency of new developments, the Council would support a modification to the title of the policy so that it is clear the policy only refers to water efficiency. In addition, as the first three sentences at the start of paragraph 4.19 are related to the evolution of the

¹⁹ South Cambridgeshire Local Plan – Schedule of Proposed Modifications (March 2016) (RD/MC/150), Modification PM/SC/4/F, page 39-41

²⁰ South Cambridgeshire Local Plan (RD/Sub/SC/010) and South Cambridgeshire Schedule of Proposed Minor Changes (RD/Sub/SC/040): Modification MC/4/05, page 4

²¹ RD/Gov/200

²² RD/CC/460

²³ South Cambridgeshire Local Plan (RD/Sub/SC/010) and South Cambridgeshire Local Plan – Schedule of Proposed Modifications (RD/MC/150): Modification PM/SC/4/F, pages 39-41

plan rather than the implementation of Policy CC/4, the Council would support their deletion to provide greater clarity.

27. Amend the title of Policy CC/4 to read:

‘Policy CC/4: **Water Efficiency** ~~Sustainable Design and Construction~~

28. Replace paragraph 4.19 with:

The Government has created a new approach for the setting of technical standards for new housing, including relating to water efficiency. The web based [planning practice guidance](#) (PPG) states that local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of water efficiency where there is a clear local need.

Appendix 1: List of Reference Documents

The Council's evidence in relation to this supplement is set out in the following documents:

Government regulations and acts

- Written Ministerial Statement (25 March 2015) (RD/Gov/200)
- Deregulation Act 2015 (RD/Gov/220)
- Planning and Energy Act 2008 (RD/Gov/230)

South Cambridgeshire District Council submission documents

- Proposed Submission South Cambridgeshire Local Plan (RD/Sub/SC/010)
- South Cambridgeshire Schedule of Proposed Minor Changes (RD/Sub/SC/040)
- South Cambridgeshire Draft Final Sustainability Appraisal Report and HRA Screening Report (RD/Sub/SC/060)

Earlier Stages of Plan Making

- South Cambridgeshire Issues & Options Report (July 2012) (RD/LP/030)

Adopted Development Plans

- South Cambridgeshire Development Control Policies Development Plan Document (RD/AD/110)
- South Cambridgeshire Annual Monitoring Report 2014-2015 (RD/AD/460)

Supplementary Planning Documents, Guidance and Strategies

- District Design Guide Supplementary Planning Document (RD/SPD/080)

Climate Change and Managing Resources

- Review of Merton Rule policies in four Local Planning Authorities in Cambridgeshire (RD/CC/030)
- Fixing the Foundations: creating a more prosperous nation (RD/CC/460)

Transport and Infrastructure

- Local Plan Submission & Community Infrastructure Levy Preliminary Draft Charging Schedule Consultation Viability Study (RD/T/220)

Modifications Consultation

- South Cambridgeshire Local Plan – Schedule of Proposed Modifications (March 2016) (RD/MC/150)

Appendix 2: List of Proposed Modifications to Policy CC/3

The proposed modifications set out below relate to Policy CC/3 and its supporting text in Chapter 4: Climate Change of the South Cambridgeshire Local Plan²⁴. Text to be deleted is shown as a ~~strikethrough~~ and text to be added is shown in **bold and underlined**.

The references to page and paragraph numbers in the table below do not take account of the deletion or addition of text proposed through modifications submitted previously.

| Page | Policy/Paragraph | Modification | Justification |
|-------------|---|---|--|
| 87 | Policy CC/3: Renewable and Low Carbon Energy in New Developments | Amend criterion 1 of Policy CC/3 to read: ‘Proposals for new dwellings and new non-residential buildings of over 1,000 m ² or more will be required to reduce carbon emissions (over the requirements set by Building Regulations) by a minimum of 10% <u>(to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations)</u> through the use of on-site renewable energy technologies.’ | For clarity, the Council would support a modification to criterion 1 to describe the relationship between Building Regulations and the requirement for the delivery of on-site renewable and low carbon energy generation. |
| 87 | Policy CC/3: Renewable and Low Carbon Energy in New Developments | Amend criterion 1 (in addition to that proposed above) to read: ‘... through the use of on-site renewable <u>and low carbon</u> energy technologies.’ | As agreed at the hearing session, the Council would support a modification to criterion 1 so that it refers to ‘low carbon energy technologies’ as well as renewable energy technologies. |
| 87 | Paragraph 4.16 | Add two additional sentences to the end of paragraph 4.16 to read: ‘... <u>To meet the requirements of the policy, an applicant should design the development to achieve compliance with Part L of Building Regulations, and then use this as the baseline for calculating the amount of carbon emissions that should be met through the provision</u> | For clarity, the Council would support a modification to paragraph 4.16 to describe the relationship between Building Regulations and the requirement for the delivery of on-site |

²⁴ RD/Sub/SC/010

| | | | |
|----|---|---|--|
| | | <u>of renewable or low carbon energy technologies in accordance with the policy. The choice of which renewable or low carbon energy technology to use to deliver compliance with the policy rests with the applicant and should respond to the specific characteristics of the development proposed.</u> | renewable and low carbon energy generation. |
| 87 | Paragraph 4.16 | Add an additional sentence to the end of paragraph 4.16 (after that proposed above) to read: ‘... <u>Detailed guidance on the implementation of Policy CC/3 and the supporting documents that should be submitted to demonstrate compliance with the policy will be provided in a Supplementary Planning Document.</u> ’ | It is the Council’s intention to continue to provide guidance on the implementation of the Policy in an SPD and therefore a modification should be made to explain this. The Council would support a modification to paragraph 4.16 (after that proposed above) to explain that further guidance on the implementation of the policy will be provided in an SPD. |
| 88 | Policy CC/4: Sustainable Design and Construction | Amend the title of Policy CC/4 to read:: ‘Policy CC/4: <u>Water Efficiency</u> Sustainable Design and Construction | The Council would support a modification to the title of the policy so that it is clear the policy only refers to water efficiency. |
| 88 | Paragraph 4.19 | Replace paragraph 4.19 with: ‘The Government has created a new approach for the setting of technical standards for new housing, including relating to water efficiency. The web based planning practice guidance (PPG) states that local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in | As the first three sentences at the start of paragraph 4.19 are related to the evolution of the plan rather than the implementation of Policy CC/4, the Council would support their deletion to provide greater clarity. |

| | | | |
|--|--|---|--|
| | | respect of water efficiency where there is a clear local need.’ | This would supersede minor modification MC/4/05 ²⁵ and would also amend proposed modification PM/SC/4/F ²⁶ . |
|--|--|---|--|

²⁵ South Cambridgeshire Schedule of Proposed Minor Changes (RD/Sub/SC/040): Modification MC/4/05, page 4

²⁶ South Cambridgeshire Local Plan – Schedule of Proposed Modifications (RD/MC/150): Modification PM/SC/4/F, page 39

Appendix 3: Example Carbon Calculation Proformas

Carbon Calculation Proforma (Outline Application)

Applicant name:

Use Class:

(Please use a separate sheet for each use if there is more than one)

Proposed Floor area:

(For each use)

Calculation of carbon emissions for buildings:

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|--|----------------------------------|---------------------------------|---------------------|---|---------------------------------|---------------------------------------|
| Development type: | kWh per m ² per annum | Proposed area (m ²) | Total kWh per annum | kWh conversion factor to Carbon Dioxide | Total CO ₂ per annum | 10% minimum kg/CO ₂ /annum |
| Electricity | | | | | | |
| Gas | | | | | | |
| Total (kg CO ₂ for electricity + gas) | | | | | | |

Carbon Calculation Proforma (Reserved Matters/Full Application)

Applicant name:

Application type (Reserved Matters/Full):

Use Class:

Proposed floor area:

Part 1: Part L Compliant Carbon Emissions for Buildings from SAP/SBEM Calculations

| 1 | 2 | 3 | 4 | 5 |
|-------------------|---|---------------------------------|---------------------------------|---------------------------------------|
| Development Type: | SAP/SBEM Kg/CO ₂ /m ²) | Proposed Area (m ²) | Total Kg/CO ₂ /annum | 10% minimum Kg/CO ₂ /annum |
| | | | | |

| | |
|--|---------------------------|
| Level of carbon reduction associated with proposed renewable/low carbon energy technology (ies) (Kg/CO ₂ /annum): | |
| Technology 1: | Kg/CO ₂ /annum |
| Technology 2: | Kg/CO ₂ /annum |