

Three Rivers District Council

# Sub Committee Report

12 May 2025

## LOCAL PLAN SUB COMMITTEE – 12 MAY 2025

### PART I

#### Updated Draft Sustainability Policies for Regulation 19

##### (DoF)

#### 1 Summary

- 1.1 This report sets out the issues which the new Local Plan will need to address in relation to sustainability and sets out the policy wording to be contained within the new Local Plan.
- 1.2 There are five separate sustainability policies referenced within this report and are set out within Appendices 1, 2, 3, 4 and 5. Appendix 6 provides background and details of why and how these policies have been produced which is further summarised within this report.

#### 2 Background

- 2.1 Local planning authorities have a legal duty to mitigate climate change (deliver carbon reductions) through the planning process, and government planning policy confirms that these reductions should be in line with the Climate Change Act. The Climate Change Act includes both the 2050 goal for a net zero carbon UK and sharply declining five-yearly carbon budgets between today and 2050. The Council is also committed to becoming a carbon-neutral district by 2045.
- 2.2 Bioregional and Edgars were appointed to provide the Council with an assessment of options available within the local planning system to address climate change in TRDC to inform Local Plan policy.
- 2.3 A meeting was held with TRDC officers on 25<sup>th</sup> July 2024 to review the policy options and was presented to members on 14<sup>th</sup> August 2024. Each of the three policy options related to the 2023 Written Ministerial Statement which sought to curtail the use of policy approaches that use energy-based metrics. This is explained in further detail later in this report. The policy options were 'WMS compliant', 'Test the boundaries of the WMS' and 'Industry best practice' (beyond WMS). Following these meetings, TRDC officers outlined that policy option 2, 'Test the boundaries of the WMS' was how they wanted to progress.
- 2.4 Further engagement with TRDC officers took place in March 2025, where comments on the recommended policies were made and matters around future implementation discussed.
- 2.5 This report outlines the result of these discussions and updates through a description and summary of the policies chosen.

#### 3 Details

- 3.1 Net zero carbon local plan policy is needed due to TRDC's carbon reduction commitments. This is to become a carbon neutral district by 2045 and to reduce emissions in the district by 14% annually from 2023 to 2027.
- 3.2 Methods to reach these commitments include encouraging developers to adapt net zero design standards, as well as, requiring BREEAM 'Excellent' minimum

standards in major non-residential developments, implementing a decarbonisation action plan for residential properties and support residents and businesses to reduce their energy use and improve the efficiency of their homes and buildings.

- 3.3 However, there are gaps in national regulation in achieving net zero emissions. Current building regulations do not deliver net zero carbon buildings or low-enough space heat demand (not even the Future Homes Standard). The government's net zero strategy has been found unlawfully insufficient - twice.
- 3.4 The Written Ministerial Statement (WMS) in December 2023 states "Planning policies that propose local energy efficiency standards that go beyond current or planned building regulations should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:
- Development remains viable and impact on housing supply and affordability is considered in accordance with the NPPF
  - Additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP)

Where policies go beyond current/planned building regulations, policies should be applied flexibly.... Where the applicant can demonstrate that meeting higher standards is not technically feasible, in relation to the appropriate local energy infrastructure and access to adequate supply chains."

- 3.5 Inspectors will expect local policy to be consistent with the WMS (as per NPPF tests of soundness). This means that the policies are designed around percentage improvements on buildings regulations metrics and use a percentage improvement on SAP/ SBEM. The Passivhaus Planning Package (PHPP) is also used for those applicants who are using more accurate methods of calculation.
- 3.6 Justification for each of the policies are summarised as follows.

#### **4 Policy X A – Net Zero Operational Carbon in New Residential Development**

- 4.1 Operational carbon is an area where policy can ensure the provision of buildings that are fit for the future, both in terms of reduced energy consumption and design decisions that address climate adaptation. It is essential that developers prioritise these metrics and subsequent total energy consumption to best ensure that any on-site renewable energy can feasibly match total regulated energy use in order for the local plan to and TRDC reach its intended carbon neutral targets.
- 4.2 In the context of the 2023 Written Ministerial Statement, this policy is fully compliant with the perceived constraints it poses. The WMS only applies to energy efficiency standards where it states that any standards that exceed Building Regulations must be done so using the TER metric. Policy X A1 is the only policy recommendation that relates to the energy efficiency perceived constraints of the 2023 WMS and remains within its bounds through the use of TER% reduction as the primary metric. The Target Fabric Energy Efficiency (TFEE) is not additional to, but is a step towards, that TER target. The TFEE is the amount of energy demand in kilowatt-hours per m<sup>2</sup> per year.
- 4.3 In the event that national building regulations exceed the requirements within this policy, the national standards (i.e. the higher standards) will apply.

4.4 **Policy X B – Net Zero Operational Carbon in New Build Non-Residential Development**

4.5 Similar to Policy X A, planning policies supporting net zero operational carbon in new build non-residential developments can drive significant improvements in energy efficiency and the reduction of regulated operation carbon in new buildings.

4.6 This policy also calls for a % improvement on Part L 2021 TER through on-site measures. This percentage varies in terms of non-residential building types and will again be superseded in the event that national building regulations exceed the requirements of the policy.

4.7 Energy metrics guidelines also apply to non-residential development but with a larger absolute energy use metric of 65 kWh/m<sup>2</sup>/year. Applicable methodologies to calculate this include CIBSE TM54 as well as the Passive House Planning Package. These methodologies evaluate the operational energy use of buildings.

4.8 The sections of the policy related to the use of fossil fuels, on-site renewable energy, energy offsetting, reduced performance gaps, smart energy systems and post-occupancy evaluation all generally reflect the same policies in Policy X A and residential development.

4.9 **Policy X C – Climate-adapted Design and Construction**

4.10 The need for climate-adapted design and construction for new development is key for current and future occupant comfort and safety, as well as making the built environment more resilient and future-proofed. This policy includes sections on the cooling hierarchy and overheating assessments, which ensure that new developments do not contribute to unacceptable levels of overheating risk.

4.11 This policy also recognises the increasing pressure on water resources. For non-residential buildings, water use limits aligned with BREEAM Wat 01 credits promote efficient water consumption. The comprehensive approach to climate change adaption and mitigation set out not only reduces the likelihood of future retrofitting (which can be disruptive and costly) but also promotes future-proofing of new developments, ensuring long-term sustainability and occupant well-being.

4.12 **Policy X D – Embodied Carbon and Waste**

4.13 As the power grid becomes decarbonised, and buildings become more energy efficient, embodied carbon becomes a greater share of a buildings' total carbon footprint. Unlike operational carbon emissions, embodied carbon has front-loaded impacts as the carbon is released before a building is even first used or occupied. Additionally, once materials are made and installed their emissions are permanent, so it is important to consider embodied carbon at the earliest opportunity.

4.14 Whilst there is no explicit reference to embodied carbon in the NPPF, the NPPF references to 'low carbon development' and 'low carbon economy' could readily include embodied carbon as an implicit part of this. The NPPF also sets out that the full range of potential climate change impacts should be taken into account when preparing and assessing planning applications. Additionally, embodied carbon can be considered as a design issue and therefore would fall under the NPPF's instruction that new development should be planned for in ways that help to reduce greenhouse gas emissions, such as through its design.

4.15 **Policy X E – Reducing Carbon Emissions in Existing Buildings**

- 4.16 Given that a third of the District's emissions arise from existing buildings, the decarbonisation of existing buildings is crucially important to the Council. Whilst local planning policy has only a limited influence on the carbon and energy performance of existing buildings (as policy can only seek changes to buildings where the building owner is seeking to require a change to the building that requires planning permission), the retrofit of existing buildings can be pursued through providing a permissive and supportive policy approach to energy efficiency and carbon improvements to existing buildings.
- 4.17 The NPPF sets out that local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic. It further sets out that where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in the chapter of the framework relevant to conserving and enhancing the historic environment. The policy prioritises retrofitting through and 'retrofitting first' approach while also noting the significant importance in the character and appearance of heritage assets in relation to adapting these buildings to climate change.

## **5 Policy/Budget Reference and Implications**

The recommendations in this report are within the Council's agreed policy and budgets.

**Financial, Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications**

None specific.

## **6 Recommendation**

- 6.1 That the Local Plan Sub Committee notes the contents of this report and recommends to the Policy and Resources Committee the following draft policies:
- X A - Net Zero Operational Carbon in New Residential Development
  - X B - Net Zero Operational Carbon in New Build Non-Residential Development
  - X C - Climate-adapted Design and Construction
  - X D - Embodied Carbon and Waste
  - X E - Reducing Carbon Emissions in Existing Buildings
- 6.2 That the Local Plan Sub Committee recommends to the Policy and Resources Committee that delegated authority be granted to the Head of Planning Policy & Conservation in consultation with the portfolio holder to make minor changes to the draft policy.

## **Background Papers**

- National Planning Policy Framework (2024)

- Appendix 6 – TRDC Carbon policy support, evidence base and policy recommendations, Bioregional
- 2023 Written Ministerial Statement – Planning – Local Energy Efficiency Standards Update

## **Appendices**

Appendix 1 - Policy X A - Net Zero Operational Carbon in New Residential Development

Appendix 2 - Policy X B - Net Zero Operational Carbon in New Build Non-Residential Development

Appendix 3 - Policy X C - Climate-adapted Design and Construction

Appendix 4 - Policy X D - Embodied Carbon and Waste

Appendix 5 - Policy X E - Reducing Carbon Emissions in Existing Buildings

Appendix 6 - TRDC Carbon policy support, evidence base and policy recommendations, Bioregional

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