
**CAIRNGORMS NATIONAL PARK
PUBLIC LOCAL INQUIRY 2009**

OBJECTION REFERENCE: 394h

**POLICY 19:
REDUCING CARBON EMISSIONS**

APRIL 2009

On behalf of The Mar Estate



HALLIDAY | FRASER | MUNRO
PLANNING

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1 INTRODUCTION

This is an expanded written submission prepared by Halliday Fraser Munro on behalf of The Mar Estate. It relates to Policy 19: Reducing Carbon Emissions and follows on from discussions with CNPA Planning Officers in February 2009.

2 SUBMITTED REPRESENTATIONS

Halliday Fraser Munro have submitted objections to the First Modifications and Second Modifications of the CNPA Local Plan on behalf of "The Mar Estate" (not "Proprietors of the Mar Centre" as it has been referenced). These expanded upon or confirmed the initial objections made by Savills (Document MAR 1.2) on the Deposit Local Plan on behalf of the Mar Estate or made new points in relation to the Modified sections of the Plan. For the avoidance of doubt Halliday Fraser Munro have taken over the lead planning advisor role in respect of the Local Plan Inquiry for The Mar Estate. We continue to work together with Savills in this respect and have adopted their initial representations set out in Document MAR 1.2.

Our previous submitted representations indicated:

This policy aims to reduce carbon emissions of certain developments by at least 15% above that required by the 2007 Building Regulations. We have concerns regarding the emphasis on the planning process in this respect - in terms of relevance, appropriately qualified officers, and the weight that might be attached to such a policy in determining planning applications.

The Scottish Building Standards Agency report 'A Low Carbon Building Standards Strategy For Scotland' (the Sullivan Report, 2007 – CD8.9) tackles the issue of the respective roles of planning and building standards, stating that:

"The panel appreciates the intention of the last administration in introducing the requirements in Scottish Planning Policy 'Renewable Energy' (SPP6) for on-site low and zero carbon equipment. While this measure aims to reduce carbon dioxide emissions and promote the development of the renewables industry, the installation of low carbon equipment is unlikely to produce cost-effective reductions in carbon dioxide emissions without energy efficiency measures. We therefore consider that as energy standards in building regulations become more demanding it will be necessary to reconsider the role of planning. There is also a need to consider more generally what the respective roles of planning and building standards should be in promoting the development of local energy centres."

In these circumstances it is hard to envisage a development proposal which could be refused planning permission when it fully complies with the Building Standards in terms of carbon emissions. With the use of the policy as presently suggested it would appear that the CNPA could consider refusing planning permission on the basis of proposals not going 15% beyond Building Standards. This is impractical in terms of process. Recent experience has also reinforced the case that Planning Officials are also not qualified to assess the very detailed and specialised carbon reduction calculations.

In essence, the main aspiration of this policy: -

- *is either a Building Standard - which has to be met; OR*
- *is a planning aspiration which encourages development to go beyond what is required as a standard – but if it is this then the CNPA should find another means by which this could be achieved.*

As either of these it should also allow for locally sensitive areas, such as those around Braemar, to opt out of on-site solutions where they impact adversely on the national nature designations e.g. wind turbines, solar panels etc. Other less obvious technologies i.e. well insulated and sealed housing, can contribute similar CO2 reductions.

Changes Required to Resolve the Objection

Remove policy. At the very least allow for locally sensitive solutions and opt-out.

The CNPA Response, set out in their Hearing Statement of April 2009 is that they consider " *The policy reflects the requirements of SPP6 and PAN84 (CD2.6 and CD4.25), which place a firm requirement on planning authorities to set out local policies on the provision of low-carbon and renewable sources of energy in new development. The planning process, through policy or appropriate supplementary guidance is widely recognised to provide an opportunity to increase and promote the use of new technology and build on the baseline Building Standards CO2 emissions, quickly and effectively, complimenting and augmenting the current building regulations. The policy is considered central to sustainable development in that it recognises the energy consumption and carbon emissions attributable to our buildings and realises that new development can bring about significant increases in energy efficiency and local energy generation.*

The wording of the policy is in line with Scottish government planning advice SPP6 (paragraph 36) which sets out a consistent and comprehensive national policy framework aimed at reducing CO2 emissions by 15% beyond the 2007 building regulations carbon dioxide emissions standards.

The threshold of development is established through Scottish government guidelines as a minimum, with scope afforded to go below 500sqm, paragraph 37 of SP6 states that 'applications should only be exempt from targets where developers are able to demonstrate that technical constraints exist.' These constraints would be considered in relation to the merits of individual applications on a site-by-site basis, with equivalent carbon savings being sought offsite in these situations. The CNPA is content with the threshold, as set and does not envisage any need to deviate from the 500sqm threshold.

The CNPA is currently producing SPG to accompany the policy, which will provide adequate guidance, advice and linkages with other policy mechanisms, such as the Sustainable Design Guide. The note shall provide details of an Energy Statement, which is required to be submitted alongside applications, as appropriate, demonstrating how to complete the methodology and calculations, to ensure proposals fulfil the targets as set out within PAN84. The application is expected to provide the necessary information to demonstrate the proposals comply with the policy target, it is not expected that planning officers will carry out the calculations.

The content of the Sullivan Report (CD8.9) and the associated recommendations are noted, including the recommended introduction of incremental energy standards by 2010, with all new buildings expected to be carbon-free by 2030. The report goes on to note that further consideration is required for an appropriate split of responsibilities for local energy generation between planning and building standards and that the requirements of SPP6 should be reviewed and probably removed as the very low carbon standards are introduced in 2013. The implications for this have yet to be assessed by the Scottish Government; it is considered that until such time, the focus of planning policy is encouraging, promoting and implementing carbon emissions reductions is recognised to be robust and provide significant stimulus in new technology, practices and design.

SPP6 and PAN84 are material considerations in which the CNPA should account for in their determination of any application. Development Plans, their policies and any planning guidance which may be prepared, should account for the requirement to secure carbon reductions principally by the provision of renewable energy ensuring consideration for the requirements by applicants in

their buildings. It is considered that, through Policy 19 and accompanying SPG, the requirements to meet the 15% reduction will be concisely provided to applicants. The SPG shall provide for appropriate guidance of the constraints and instances where the policy may require carbon savings to be made elsewhere. In the event the requirements are not complied with, the CNPA shall work with the applicant to ensure appropriate action is carried out to rectify this."

3 EXPANDED WRITTEN SUBMISSIONS

We understand the national policy context within which the CNPA have framed this policy. Our concern is over the practical application of the policy and specifically how it relates to the protection of or impact on particular qualities of the Park.

The provision of Supplementary Planning Guidance is welcomed and we look forward to being able to comment on that. Our experience of this type of policy is that it is more difficult to implement effectively than suggested. Relying on a sole and rigid requirement for 15% reduction in CO2 emissions using low carbon equipment is in many cases difficult to achieve and costly. Our experience as architects and consultants advising developers is that a less rigid approach that uses both low carbon equipment and energy conservation measures (the two most effective are good insulation and air-tightness) is much more effective and deliverable. The policy, in our view, and the SPG when it is written should allow for a mix of these technologies to achieve the lower carbon production.

Our other point is that the policy should also be cross-referenced to other more protectionist policies. We have lodged a Written Statement on Policy 3: National Natural Heritage Designations. That policy protects the integrity of the whole Park, but especially other natural designations, unless the development in question is of national importance. We have argued that policy needs to consider local social and economic importance too but the principle behind the policy remains. Again we have used Braemar as an example. There are some areas where small-scale energy production and low carbon technologies might not be appropriate. These might include domestic wind turbines or air-source heat pumps. We have suggested that where the landscape is more sensitive the development that sits within them may be exempted from this type of technology in order to lessen any impact.

We therefore suggest that the justification and implementation sections of this policy are altered to make it clear that the evaluation of proposals will allow for

a less rigid approach to low carbon technology where this is clearly justified – either by approaching the issue from a joint energy conservation and low carbon perspective or landscape sensitivity perspective.

4 ADDITIONAL DOCUMENTS

None