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| Date: | | | |
| Issue: | Policy 19 Reducing Carbon Emissions in New Development | | |
| Objector(s): | The Crown Estate | Objection ref: | 419e |
| | Homes for Scotland | | 391f |
| | Alvie and Dalraddy Estate | | 439ze |

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| Reporter | Mrs Jill Moody |
| Procedure | Written Submissions |

1.0 Overview

1.1 This statement sets out the CNPA response to the objections to the Deposit Local Plan, as modified, in respect of Policy 19: Reducing Carbon Emissions in New Development and supplements the response made to those objections by the CNPA in its report to Committee (CD7.3, 4 and 5). It recommends no further modification is made to the Plan in respect of this policy.

2.0 Provision of the Local Plan

2.1 Policy 19 requires all development with a total cumulative floorspace of 500 sqm or more, to incorporate zero and low carbon equipment to reduce carbon dioxide emissions by 15% beyond the 2007 Building Regulations standards. The policy is intended to ensure new development includes building integrated technologies to assist in meeting Scottish Government targets for reducing greenhouse gases, and reflects the requirements established on planning authorities by SPP6: Renewable Energy and PAN84: Reducing Carbon Emissions in New Development (CD2.6 and CD4.25 respectively).

2.2 The Policy appears in the 1st modifications of the Deposit Local Plan (CD6.11) (for the avoidance of doubt - policy 19 formerly referred to Developer Contributions) recognising the requirement, within SPP6 and affirmed by PAN 84 for development plan policies to ensure zero and low carbon technologies are fully explored and incorporated into development as part of the planning application process.

3.0 Summary of objection(s)

3.1 The 3 objections to Policy 19 cover the following issues:

- How can applicants demonstrate whether a proposal makes a contribution or not. The size of development could be used to filter which proposals should make such a contribution. However overall the policy seems unworkable. **419e**
- Homes for Scotland are concerned that the premature introduction of local sustainable building standards will be inconsistency applied across the country. We would also question whether the technology is sufficiently robust and cost-effective for use in large scale housing developments. **391f**
- The policy as stated is too prescriptive. Planners should be given more flexibility in determining such matters. **439ze**

4.0 Summary of Cairngorms National Park Authority Response

- 4.1 Policy 19 requires all development of a cumulative floorspace of 500 sqm or more to incorporate zero and low carbon equipment to reduce carbon dioxide emissions by 15%. It reflects the requirements of SPP6 and PAN84 for planning authorities to set out policies on the provision of low-carbon and renewable sources of energy in new development. The planning process, through policy or appropriate supplementary planning guidance (SPG) 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 buildings and realises that new development can bring about significant increases in energy efficiency and local energy generation.
- 4.2 The CNPA are preparing accompanying SPG, which shall be subject to extensive public consultation, providing details on the requirements for applicants to prepare and submit an Energy Statement demonstrating how the proposals meet the prescribed targets. It provides appropriate guidance of the methodology, calculations and instances where technical constraints may prevent meeting these targets and may require carbon savings to be made offsite.
- 4.3 It is considered that the policy as worded is suitable in that it provides clarity, appropriate levels of guidance and reflects the requirements of national planning guidance. No further modifications are therefore proposed.

5.0 CNPA Recommendation

- 5.1 The CNPA recommend to the Reporter that the objections are rejected. The policy is intended to reflect Scottish Government planning policy, which requires new development to incorporate low and zero carbon equipment to reduce carbon emissions, as set out within SPP6 and PAN84. No modification is therefore proposed.

6.0 Assessment / Scope of Evidence

- 6.1 **419e** While the aims of this policy are very laudable, it presents an almost impossible challenge to applicants to demonstrate, and to planning authorities to assess, whether a proposal can make the contributions outlined. It may be wise to consider a size limit on the development which would have to consider all of these factors. However this policy is probably completely unworkable and should therefore be either removed or presented as aspirations within the text of the Plan rather than a specific policy.
- 6.2 **Response:** The policy reflects the requirements of SPP6 and PAN84, 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.
- 6.3 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 applicant 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.

- 6.4 The threshold of development is established through Scottish Government guidelines as a minimum, with scope afforded to go below 500 sqm, paragraph 37 of SPP6 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.
- 6.5 **391f** Homes for Scotland are concerned that the premature introduction of local sustainable building standards will be inconsistency applied across the country. We support the objective of placing the emphasis on the overall carbon and thermal efficiency of new homes, this is a matter addressed within the Sullivan Report which highlights that low carbon equipment is not yet sufficiently well developed and states that the requirement for low carbon equipment, set out in SPP6 should be reviewed and probably removed in time.
- 6.6 Do planning officers have the necessary resources and technical expertise to manage such measures, awareness of the effect that new standards will have on the viability of a scheme and design considerations. What happens when a Planning Consent is contravened?
- 6.7 **Response:** A number of the issues raised by this objection are covered within the previous response - the policy reflects the requirements of SPP6 and PAN84.
- 6.8 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.
- 6.9 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 in encouraging, promoting and implementing carbon emissions reductions is recognised to be robust and provide significant stimulus in new technology, practices and design.
- 6.10 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 of 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.

6.11 **439ze** The policy as stated is too prescriptive. Planners should be given more flexibility in determining such matters.

6.12 **Response:** The requirements of policy 19 are in line with government guidance, SPP6 and PAN 84, where the thresholds are established, furthermore it suggests that applications may only be exempt where technical constraints prevent meeting the targets, in such instances equivalent carbon savings should be made off-site. The policy reflects the requirements of national planning policy. The SPG shall provide for appropriate guidance of the constraints and instances where the policy requirement may require carbon savings to be made elsewhere.

7.0 Strategic Issues

7.1 The National Park Plan 2007 provides a number of strategic objectives based on conserving and enhancing the special qualities of the Park including: sustainable use of resources – energy, encouraging sustainable development and improving the energy efficiency of housing, and businesses.

8.0 Other material considerations

- The Scottish Building Standards Agency report 'A Low Carbon Building Standards Strategy For Scotland' (The Sullivan Report, 2007)

9.0 List of documents (including Core Documents)

- CD2.6 SPP6 Renewable Energy
- CD4.25 PAN84 Reducing Carbon Emissions in new Development
- CD8.9'A Low Carbon Building Standards Strategy For Scotland'
- CD7.4 CNPA Committee Report 1st Modifications October 2008
- CD7.5 CNPA Committee Report 2nd Modifications February 2009
- CD6.11 Deposit Local Plan
- CD8.9 The Scottish Building Standards Agency report 'A Low Carbon Building Standards Strategy For Scotland' (The Sullivan Report, 2007)