

Matter 12 – Design Standards and the Historic Environment

Issue 3 – Climate Change and Building Efficiency – Policies SP2, CE1 and CE2

Q1 Is the prioritisation of previously developed land in Policy SP2 consistent with national planning policy?

1.1 Yes, the prioritisation of previously-developed land in Policy SP2 is considered to be consistent with national planning policy.

1.2 Paragraph 159(b) of the 2023 National Planning Policy Framework says:

New development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the government's policy for national technical standards.

1.3 The vast majority of previously-developed land in the St Albans district is found in existing urban areas and such areas have better accessibility to services and public transport. As such development of previously-developed land can help in locating developments in locations where the need to travel is reduced, thus helping to reduce greenhouse gas emissions from new development.

1.4 It is also important to note that all land in the District outside of the existing urban areas is washed over by the Metropolitan Green Belt.

Q2 What is the justification for Policy SP2(k)? Is it effective and consistent with national planning policy?

What is the justification for Policy SP2(k)?

2.1 Policy SP2(k) provides clarity of applicants on the use of environmental payments via credits and how SADC will consider applications where credits are stacked. As set out below there is no national planning policy on the stacking of credits, and the policy provides clarity and certainty to applicants on this matter.

Is it effective and consistent with national planning policy?

2.2 There is no known national planning policy on either carbon credits or Suitable Accessible Natural Greenspaces, and there is no known national planning policy guidance on stacking credits of any type.

2.3 DEFRA guidance on *What you can count towards a development's biodiversity net gain*¹ does say:

¹ <https://www.gov.uk/guidance/what-you-can-count-towards-a-developments-biodiversity-net-gain-bng>

You cannot include some habitat schemes in BNG calculations at all. There are other schemes that you can include:

- ***in full*** - for enhancing actions, such as green infrastructure (a developer can satisfy all their BNG requirements through the works, receiving 110% of their biodiversity units through them)
- ***in part*** - for mitigation and compensation actions, such as nutrient mitigation (at least 10% of the developer's biodiversity units must come from additional activities other than mitigation and compensation)

Example: a developer already has to do nutrient mitigation to compensate for impacts on protected species. This counts in part towards BNG, so at least 10% of their total (110%) BNG should come from measures which are not nutrient mitigation. The development needs to achieve 11 biodiversity units, so nutrient mitigation can count for 10 of these units. At least 1 unit should come from other on-site or off-site gains or statutory biodiversity credits.

2.4 Suitable alternative natural green space (SANG) is listed in the DEFRA guidance as counting towards biodiversity net gain 'In part', so the example above would apply (i.e. you can replace an existing habitat using SANG, but all net gain should be additional to the SANG).

2.5 Policy SP2(k) says:

The Council recognises the urgent need to respond to Climate Change through mitigation and adaptation. The Council will support proposals that help combat Climate Change where the proposals combine environmental payments through stacking different types of credits on sites (e.g. carbon, biodiversity, Suitable Alternative Natural Green Space (SANG) etc) where appropriate.

2.6 This is effective, and consistent with DEFRA guidance above, as the words 'where appropriate' ensure that SANG can replace an existing habitat, but the net gain must be in addition to that needed for SANG alone.

Q3 What is the justification for Policy CE1(b)? Is it clear to users of the Plan precisely what is required? Is the policy effective?

What is the justification for Policy CE1(b)?

3.1 Policy CE1(b) sets out the requirement for new dwellings to meet the tighter Building Regulations optional requirement of water consumption of 110 litres/person/day.

3.2 National Planning Policy Guidance says that:

It will be for a local planning authority to establish a clear need based on:

- existing sources of evidence.*
- consultations with the local water and sewerage company, the Environment Agency and catchment partnerships. See paragraph 003 of the water supply guidance*
- consideration of the impact on viability and housing supply of such a requirement.*

[Paragraph: 015 Reference ID: 56-015-20150327]

Primary sources of evidence which might support a tighter water efficiency standard for new dwellings are:

- The Environment Agency water stressed areas 2021 classification which identifies areas of serious water stress where household demand for water is (or is likely to be) a high proportion of the current effective rainfall available to meet that demand.*
- Water resource management plans produced by water companies.*
- River Basin Management Plans which describe the river basin district and the pressure that the water environment faces. These include information on where water resources are contributing to a water body being classified as 'at risk' or 'probably at risk' of failing to achieve good ecological status, due to low flows or reduced water availability.*

In addition to these primary data sources, locally specific evidence may also be available, for example collaborative 'water cycle studies' may have been carried out in areas of high growth.

[Paragraph: 016 Reference ID: 56-016-20150327]

- 3.3 As set out in paragraph 2.8 of the draft Local Plan, St Albans district lies within an Environment Agency water stressed area (2021 classification)². This forms the primary source of evidence justifying the tighter Building Regulations optional requirement for water consumption, in accordance with National Planning Policy Guidance.
- 3.4 Further, consultation with the local water company, Affinity Water, has established their support the requirement for new dwellings to meet the tighter Building Regulations optional requirement of water consumption of 110 litres/person/day. This is stated in the representation on the Regulation 19 draft Local Plan (Rep 83, comments 3 to 8) which say:

Affinity Water broadly supports the council's overall approach to addressing the effects of climate change as it relates to water use. Policy SP2 provides an overall approach and Policy CE1 - Promoting Sustainable Design, Construction and Building Efficiency - seeks to introduce the optional standards under the Building Regulations (Part G) to reduce water consumption. Affinity Water specifically supports the use of a 110 litre per person per day standard consistent with the standard adopted in the London Plan 2021. The council's approach is consistent with the evidence on likely

future water stress produced by the Environment Agency and our own research in our Water Resources Management Plan.

- 3.5 Therefore, the policy is considered to be justified, in line with National Planning Policy Guidance, as the evidence demonstrates that the district is located within an Environment Agency water stressed area, and the approach is supported by the local water company.

Is it clear to users of the Plan precisely what is required?

- 3.6 Yes, it is considered that it is clear to users of the Plan precisely what is required by Policy CE1(g).

- 3.7 Policy CE1(g) says:

Applicants must demonstrate sustainable design and construction and a high degree of resource efficiency through evidence supporting planning applications, to a degree proportionate to the proposal, through including water conservation, greywater recycling and storage facilities to reduce household water consumption to under 110 litres per person per day including external water use, and new development to include rainwater harvesting

- 3.8 This sets out two requirements of new developments:

- A requirement to reduce water consumption to under 110 litres per person per day (including all external water use)
- A requirement to include rainwater harvesting

These requirements are clearly set out in the policy, and in the case of the first requirement are supported by additional words setting out areas where water consumption can be reduced.

Is the policy effective?

- 3.9 Yes, the policy is considered to be effective. As set out above it sets out clearly two requirements for new development with regard to water consumption and rainwater harvesting.
- 3.10 All residential development can include measures to reduce household water consumption to under 110 litres per person per day. The policy would not apply to non-residential development.
- 3.11 Most development in the district would include built form and could include rainwater harvesting. The policy wording itself says that new development must include rainwater harvesting to a degree proportionate to the development. If rainwater

harvesting were not proportionate to the development then the policy is flexible enough to accommodate that.

3.12 For the reasons above the policy is considered to be effective.

Q4 How will decision-makers, developers and local communities determine if a proposal accords with Policy CE2(a) and (b)? Is the policy clear and effective?

- 4.1 On reflection, the wording of Policy CE2(a) does not provide clarity to decision-makers, developers and local communities as to how to determine if a proposal is in accordance with the policy.
- 4.2 As Policy CE2(a) is intended to support the limit greenhouse gas emissions arising from and through development, the reference to the use of renewable or low-carbon energy would be best included in Policy CE1(a), in the context of positive support for the use of renewable and low carbon energy. Main modifications are proposed below to Policy CE1(a) and Policy CE2(a) to address the above:

Amend clause a) of Policy CE1 as follows:

a) Ensuring all new build development minimises the carbon, pollution and energy impacts of their design and construction. Building conversions, refurbishments and extensions must also minimise carbon and energy impacts. Proposals must demonstrate that they are seeking to limit greenhouse gas emissions through location, building orientation, design, use of renewable and low carbon energy, landscape and planting, taking into account any nationally adopted standards;

Delete clause a) of Policy CE2 as follows:

~~*a) Developments proposals must demonstrate, where appropriate, that the use of renewable or low carbon energy has been maximised.*~~

- 4.3 With the main modifications above, Policy CE2(b) is considered to be clear and effective. The policy sets out the requirement for major developments to demonstrate through an energy statement how they will make use of renewable and low carbon energy to deliver the Policy CE1(a) as proposed to be amended.
- 4.4 Taken together, with the proposed main modifications, Policy CE1(a) and Policy CE2(b) can be used by decision-makers, developers and local communities determine if a proposal accords with those policies, and the policies are clear and effective.