

BATH AND NORTH EAST SOMERSET - CORE STRATEGY EXAMINATION

ISSUES FOR EXAMINATION – ISSUE 5: CLIMATE CHANGE – DOCUMENT ID/45

PEGASUS PLANNING GROUP ON BEHALF OF: BARRATT HOMES BRISTOL.

Pegasus Group

Pegasus House | Querns Business Centre | Whitworth Road | Cirencester | Gloucestershire | GL7 1RT

T 01285 641717 | **F** 01285 642348 | **W** www.pegasuspg.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Manchester

Planning | Environmental | Retail | Urban Design | Renewables | Landscape Design | Graphic Design | Consultation | Sustainability

CONTENTS:

Page No:

- | | | |
|----|--|---|
| 1. | RESPONSE TO ID/45 | 1 |
| 2. | REWORDING FOR POLICY CP2, CP3, CP4 AND RA5 | 5 |

1. RESPONSE TO ID/45

3.4 Any additional responses to new evidence published by the Council after the November/December consultation (or earlier documents not previously referred to or included in the Core Documents list), namely:

- **Costs of Building to Code for Sustainable Homes, Element Energy/Davis Langdon (September 2013, CD12/1).**
- **B&NES Response to the House of Commons Standards Review (October 2013, CD12/2).**
- **House of Commons Environmental Audit Committee, Code for Sustainable Homes and the Housing Standards Review, Eight Report (November 2013, CD12/3).**
- **Third Party Delivery of Renewable Energy in Bath and North East Somerset (February 2014, CD12/8).**
- **Renewable Energy Assessment Core Strategy Greenfield sites, Regen SW (February 2014, CD12/9).**

3.5 The following should be submitted:

- **Any alternative wording that is being suggested for insertion in the Core Strategy relating to its future review.**

1.2 Policy RA5 is currently justified through the findings within the report **CD10/E7** (BNP PARIBAS REAL ESTATE – Bath and North Somerset Strategic Greenfield Allocations – viability testing, November 2013) and within **CD10/A1/1** (Addendum to the Sustainability Appraisal Report on the Proposed Changes to the Submitted Core Strategy (published in March 2013), November 2013) which makes specific reference to Policy RA5 (land at Whitchurch). Point 4.2 bullet 6 states *"that developments require 20% renewable energy from on site informed by Regen SW Renewable Energy study and RA5 Whitchurch requires new development to meet Code for Sustainable Homes (CfSH) Level 5"*.

Report CD12/1

1.3 Report CD10/E7 (section 4.1.1, 3rd para) states *"when costs are increased to account for CSH level 5, the residual values in Whitchurch all fall marginally short of the lowest benchmark land values at 30% affordable housing. This suggests that achieving Level 5 at the current point in the economic cycle will need to be*

balanced against the Council's aim of maximising affordable housing provision". The report concludes this point and states "our appraisals indicate that, at the current time, it will not be possible to deliver the higher Code for Sustainable Homes levels in all circumstances across all strategic sites". The imposition of CfSH level 5 serves only to boost the scoring of SA but at the same time it inflicts additional costs.

- 1.4 Cost impacts set out with CD12/1 do not correspond to the same scenarios set out within the Council's evidence base CD10/E7 which is specific to local conditions and does not account for the inclusion of affordable homes. The report CD12/1 states that the assessments are designed to be representative of typical mass market development, are based on the first report (2011) development types, but do not include for affordable housing (page 4 Dwellings and development types).
- 1.5 This "costing exercise" is not consistent with the SA evidence base and its role in determining residual land value for development to proceed. The two approaches are essentially incompatible as the values in CD12/1 are simply additional "extra over costs" for a total development. Moreover, there is a difference in the density assumptions as between CD12/1 and CD10/E7; this adds to the difficulty in making proper comparisons (CD12/1, page 4, table - strategic Greenfield, 40-50 dwellings per hectare verses CD10/E7, section 4.11 uses 40 dwellings per hectare).
- 1.6 Representations submitted on behalf of Barratt Homes Bristol indicate the likely financial impacts of the policy requirements for the Whitchurch site in policy RA5. Further work on the extent of cost increases are being prepared and will be presented for discussion at the hearing by Nathaniel Lichfield and Partners.

Report CD12/2

- 1.7 The government is yet to publish the findings of the Housing Standards Review (HSR) Consultation (closed 22nd October 2013) and the CfSH remains part of this Review. The recommendation set out within Housing Standards Review: Illustrative Technical Standards developed by the Working Groups, Standard 5 (Energy) states **"the preferred option is to move towards a Building Regulations only approach"**. This could mean that CfSH will no longer form part of Central Government future policy.

1.8 Report CD12/2 (which consists of B&NES Council response to the HSR) seeks a series of new standards and that these should be incorporated within Building Regulations. This includes space standards and restriction of water use standards (within Part G of the Building Regulations as 110l/person/day and also CfSH level 5 at 80l/person/day) as local climate adaptation standards. These two standards are clearly inconsistent within the document.

1.9 For energy the response proposes CfSH and Merton Rules in pursuit of zero carbon dwellings by 2016 (within the context of the Planning and Energy Act 2008, despite this Act being also part of the HSR and being proposed for repeal). The Council has not accepted that Building Regulations Part L is constituted to deliver these ambitions which are required in response to the EU Energy Performance Building Directive (2002 and recast 2008), to achieve “nearly zero energy” buildings by 2020. The Council appear to be removing flexibility that is delivered by the Building Regulations through an “elemental approach” as set out in the update Building Regulations Part L 2013. This approach is described by RIBA (November Bulletin 2013) as:

“The main innovations in the new 2013 Part L regime are the introduction of the Dwelling Fabric Energy Efficiency Standard (DFEES) and the Target Fabric Energy Efficiency Standard (TFEES) for new homes, which emphasise the ‘fabric first’ approach that will be strengthened further on the way to 2016 targets, plus a reformulated TER.

Default U-values are uprated, of course, but the ‘flexing’ of design solutions for different house types that is permitted and promoted by the system allows a considerable amount of offsetting between building elements, so that the minimum permissible U-values for individual elements see relatively modest rises”.

1.10 The additional “extra over costs” referred to within the report CD12/1 are not consistent with the viability report (CD10/E7) and B&NES Sustainability Appraisal (CD10/A1/1). They also conflict with the formulation of Local Standards proposed by the imposition of CfSH set out within CD12/2. Following the publication of the National Planning Practice Guidance on 5th March 2014 and the Ministerial statement stating: **“we will today also cancel the previous planning practice guidance documents being replaced by the new guidance”** the role of CfSH is no longer valid to support the imposition of local standards as

proposed within BNES 13 and the supporting evidence base reviewed here and as presented in ID/45.

Report CD12/3

1.11 The report was prepared in response to the singular Report CD12/1 which supported the imposition of CfSH as a National Standard, not as a local standard as set out within BNES 13. There are a number of findings within CD12/3, namely:

- DCLG are recommended to review the report (CD12/1);
- Within the HSR, the Government's conclusion is that "the CfSH has been successful in doing its job in terms of pointing the way forward. In light of this, the Government does not now see a need for levels or separate carbon and energy targets in the Code" is reiterated (para 29).
- CfSH needs refreshing in Energy and Materials sections and has not been updated to take account of evolving technology and standards of sustainability. CD12/3 reiterates the findings of the National Housing Federation (NHF), namely; "the way in which the code is currently laid out promotes a more technological response rather than a performance-based response. This involves putting in high-spec technology rather than thinking about fabric efficiency" (para 40).

1.12 CfSH as a National Standard for RA5 are inconsistent with the Localism Agenda as these standards are in conflict with the viability for the site (as identified within CD10/E7).

1.13 The CfSH in its current out dated form would impose standards that reduce flexibility in design and materials and request developers to apply technology to meet its requirements. The CfSH imposition presents viability issues that are reduced when a more up to date approach is applied through "fabric first" as set out by the elemental approach used within Building Regulations.

Report CD12/8

1.14 This report seeks to justify the imposition of local standards policy (within CP2, CP3 and CP4) through third party provision, whilst ignoring an alternative fabric first approach and the need for design flexibility as permitted in Building

Regulations. This imposition does not account for change and viability for a third party provider, namely; changes to house development (i.e affordable dwellings), renewable generation technologies off-site (solar farms, wind turbine, off-shore wind turbines, elongated construction periods for nuclear power station), and for on site technologies; supply, fitting, replacement and maintenance imposition on owner occupier households.

Report CD12/9

1.15 This report proposes the imposition of solar photovoltaic (PV) technology for the development sites and includes Whitchurch. The report recommends inter alia the addition of PV panels to 180 dwellings out of the total number of dwellings within the site (sections 4.1 and 4.2). Within the analysis, the report identifies that 103 dwellings are required to be fitted with PV panels to deliver 20% total carbon reduction (section 6.2). However, this assessment needs reassessing in response to the 2013 changes in Building Regulations Part L, due to take affect in April 2014, as the delivery of CO₂ emissions reductions achieved through “fabric first” provides a significantly longer life than the imposition of the technology imposed for only 25 years (i.e the average life span of PV’s). Typical dwelling life is 100-120 years, so a “fabric first” approach to reduce emissions will be considerably longer than that achieved through a technology that requires maintenance, repair, replacement and which only has a life expectancy of 25 years. Conversely, the “fabric first” approach is four fold better than the imposition of a local standard specific technology solution as set out in Policy RA5.

2. REWORDING TO Policy CP2, CP3, CP4 and RA5

2.1 In light of the new information from the reports we recommend changes to the wording for the policies as follows:

- CP2 – first bullet – insert **including a fabric first approach** after “efficiency”,
- CP2 table – remove “CfSH” and replace with **Building Regulations or alternative national standard as identified from the HSR.**
- CP3 – remove reference to CfSH. Point 5 change “may” to **will.**
- CP4 – no comments
- RA5 – point 1 – change 40% affordable housing to 30%.

- RA5 - point 9 – reword – **Sustainable Construction will be required to Building Regulations standards incorporating a fabric first approach to reduce carbon dioxide emissions from expected energy use in the buildings by at least 10%.**