

# Sustainability Committee

SC(3)-05-09 (p2): 5 March 2009

## Inquiry into the role of the planning system in carbon reduction

### Submission from the Minister for Environment, Sustainability and Housing

#### Introduction

1. This paper sets out the role of the land use planning system in helping to achieve the One Wales commitment for an annual 3% reduction in carbon emissions in areas of devolved competence. The paper covers the following areas:

Purpose of planning

Legislative framework

National policy framework

Location of development

Design

Sustainable buildings

Renewable energy

Microgeneration

Local policy framework

Delivery

#### The purpose of planning

2. The planning system regulates the development and use of land in the public interest. It reconciles the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment, thereby contributing to sustainable development. The planning system must provide for an adequate and continuous supply of land, available and suitable for development to meet society's needs. Where new development or a change of use is proposed, planning provides an important mechanism to deliver key Assembly Government priorities such as carbon reduction. The service is delivered by 25 local planning authorities that have responsibility for preparing development plans (Unitary and Local Development Plans) and determining planning applications.

#### Legislative framework

3. The Town and Country Planning Act 1990 is the main source of primary legislation in relation to land use planning matters. The Planning and Compulsory Purchase Act 2004 introduced the new Local Development Plan system. The Planning Act 2008 includes a power that allows the Assembly to pass Measures relating to the plans of the Welsh Ministers and local planning authorities concerning the development and use of land in Wales.

4. The Planning and Energy Act 2008 enables local planning authorities to set requirements for the generation of energy from local renewable sources and low carbon energy and for energy efficiency in local development plans.

5. There is no specific power in planning legislation to make planning policy or guidance. However, Section 60 of the 2006 Government of Wales Act confers power on the Welsh Ministers to do anything which they consider appropriate to achieve the promotion or improvement of the economic, social or environmental well-being of Wales. This includes the making of planning policy.

#### National planning policy framework

6. The National planning policy framework comprises Planning Policy Wales (PPW), (updated by Ministerial Interim Planning Policy Statements) and Technical Advice Notes (TANs). The TANs explain how the policy statements in PPW should be applied in development plans and development control. Regard must be had to National planning policy in the preparation of development plans and they may be material to development control decisions.

7. Delivering sustainable development is a central theme running through PPW. The 'Planning for Sustainability' chapter sets out the role of the planning system in creating a more sustainable Wales. It identifies key objectives and policies, including the need to address climate change and reduce carbon emissions.

8. The main ways that the planning system can contribute to the carbon reduction agenda are by:

locating new development to minimise the need to travel and by promoting sustainable travel choices

introducing sustainability standards for new buildings that include carbon reduction targets

promoting good design to minimise energy use

providing the planning framework for renewable and low carbon energy

9. Further detail on the role of national planning policy in carbon reduction is contained in the policy review undertaken as part of the Zero Carbon Barriers Research project and paragraphs 12 -24 below.

SC(3)-02-09 : Paper 2 : Appendix 3: Carbon Reduction Via Planning : Evidence from WLGA (PDF, 313kb)

10. A Planning for Climate Change consultation package was published in 2006 to supplement existing policy. It included a draft Ministerial Interim Planning Policy Statement (MIPPS), proposals to introduce a statutory requirement for design statements, and an approach to a climate change compendium. In response to the issues raised by this consultation, we have consulted on a further change to National planning policy to set minimum sustainable building standards and low and zero carbon energy requirements.

'Draft Planning for Climate Change MIPPS' (December 2006)

<http://wales.gov.uk/consultations/closedconsultations/planning/1193217/?lang=en>

'Further consultation on Planning for Climate Change' (July 2008)

<http://wales.gov.uk/consultations/closedconsultations/planning/climatechangeconsult/?lang=en>

11. Climate change issues have been prioritised by publishing new and updated TANs on Renewable Energy, Flood Risk and Transport. We are also taking forward work to update the Design TAN and provide new advice on sustainable buildings.

## Location of development

12. National planning policy set out in PPW and TAN 18 Transport (2007) seeks to minimise the need to travel and increase sustainable travel as a way to reduce congestion and carbon emissions. Major new generators of travel demand such as housing, employment, retailing, leisure and recreation, should be located within existing urban areas or in other locations which are, or can be, well served by public transport, or can be reached by walking or cycling. Travel intensive and high density developments should be located at major public transport nodes, or near corridors well served by public transport. Transport Assessments should be used for major developments to appraise travel demand and impacts. They also provide the basis for Travel Plans that manage car use and promote the use of sustainable transport modes.

13. In rural areas opportunities for reducing car use and increasing the use of sustainable transport modes are more limited. In these areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole.

## Sustainable buildings

14. A 'Further consultation on Planning for Climate Change' was undertaken in July 2008. To address the issues raised by the previous consultation it proposed a new paragraph in Planning Policy Wales on 'Climate Responsive Development and Sustainable Buildings' (paragraph 2.10) to cover four new areas of national policy:-

Design : The design of developments to mitigate the causes of climate change and adapt to its effects;

Sustainable Building Standard: - A national development control policy expecting all major development proposals to meet at least Level 3 of the Code for Sustainable Homes, or 'Very Good' of the BREEAM standard for non-residential developments (including a minimum 25% carbon reduction on regulated emissions) submitted after April 2009.

Incorporating low and zero carbon energy in developments: - A national development control policy expecting all major development proposals to include on-site/near-site local renewable and/or low carbon sources submitted after April 2009.

Strategic Sites: - A policy enabling local planning authorities to set higher sustainable building standards and low and zero carbon energy requirements above the national minimum standard on strategic sites, where opportunities exist.

15. These policies provide a significant step towards our aspiration that all new buildings from 2011 should be zero carbon and complements our One Wales commitment to achieve devolution of the Building Regulations. The proposals were well received and it is my intention to publish the sustainable buildings policy in March along with a draft sustainable buildings TAN for consultation. These proposals will fully address the Headline Recommendations 1 and 2 of the Sustainability Committee's 1st Report into Residential Carbon Reduction in Wales.

## Design

16. The 2006 Planning for Climate Change consultation package included proposals to introduce statutory design statements. National planning policy on design was updated in January 2008 (MIPPS 01/08"Planning for Good Design") to ensure that the design of new

developments reflected the priority given to tackling climate change and inclusivity within the planning system. Technical advice on design is contained in TAN12 "Design" (2002). Draft revisions to this TAN to reflect the statutory requirement for a design statement and further emphasise climate change were consulted on in 2008. Secondary legislation is scheduled to come into force in May this year to make design statements mandatory. The final version of the TAN will also issue at this time.

17. Design statements go beyond considering the aesthetics of buildings to address sustainable development issues, including climate change. They are an essential tool to ensure that the principles of sustainable design are considered at the outset of the building procurement process.

18. The Design Commission for Wales (DCfW) has a key role to play in promoting awareness of the value of good design in the built environment. This includes working with developers and local planning authorities to ensure that design, including climate change considerations are addressed. DCfW and the Centre for Research in the Built Environment (CRIBE) have identified exemplar low carbon buildings in Wales. The report is attached as Annex A to this paper.

## **Renewable and low carbon energy**

19. The promotion of renewable and low carbon energy to reduce dependence on carbon intensive energy sources is an important policy objective for the Assembly Government. This includes the promotion of strategic and community scale renewable energy projects and encouragement of microgeneration. Planning has a key role to play in supporting delivery of this policy objective.

20. The Welsh Assembly Government's planning policy on renewable energy is outlined in the Ministerial Interim Planning Policy Statement 01/2005 Planning for Renewable Energy and TAN 8, both published in 2005. Energy policy is a reserved function of the UK Government. For energy generation proposals above 50MW decisions are currently taken by the UK Secretary of State under the Electricity Act 1989, although powers to determine these projects will be transferred to the Infrastructure Planning Commission in due course. The Assembly Government is committed to seek devolution of the power to determine over 50MW energy proposals. Decisions relating to renewable energy projects up to 50MW are made through the planning system.

21. The context for the MIPPS and TAN is provided by the Welsh Assembly Government's energy policy set out in the Joint Ministerial Assembly Government Energy Strategy of 2004. This sets specific targets for the installation of onshore wind development (800MW by 2010). Planning policy seeks to address the land use planning consequences of the policy. TAN 8 covers all forms of renewable energy and identifies 7 Strategic Search Areas where large scale (over 25MW) onshore wind developments are considered to be most suitably accommodated. The Assembly Government monitors progress towards this target.

22. The One Wales agreement commits the Welsh Assembly Government to update TAN 8, once the over-arching Energy Strategy has been produced, revising upwards the targets for renewable energy production drawn from a range of sources. Work is in hand to produce the Energy Strategy by autumn this year, and work on the revision to the TAN will begin shortly afterwards.

23. The Microgeneration Action Plan for Wales sets out our policy to promote the uptake of this technology to reduce dependence on centralised power generation and increase energy awareness. The Plan includes targets for the installation of microgeneration heat, microgeneration electricity and combined heat and power/district heating by 2020. It also includes an action to extend permitted development rights for the installation of microgeneration equipment.

24. Most external building and engineering work is defined by planning law as "development" and would normally require planning permission. However, some types of development are classed by Statutory Instrument (the Town and Country Planning (General Permitted Development) Order 1995 -GPDO) as 'Permitted Development'. Although some forms of microgeneration, for example certain solar panels, already benefit from permitted development rights we intend to introduce secondary legislation this summer to extend them to include a wider range of technologies. A Householder Microgeneration Guide will also be produced to promote the uptake of the technology and explain, in plain language, the new planning rules. In due course, I would like to extend the range of technologies covered and increase the scope of the policy to include commercial premises.

## **Local policy framework**

25. Local Development Plans (LDPs) are essential to deliver carbon reduction through the planning system. 21 local planning authorities have commenced work on their LDPs with the first plans scheduled for adoption in 2010. When preparing their plans LPAs are required to exercise this function to contribute to the achievement of sustainable development and must have regard to any national policies and advice in respect of this duty (Section 39 Planning and Compulsory Purchase Act 2004). The Planning and Energy Act 2008 enables local planning authorities in Wales to set requirements in LDPs for the generation of energy from local renewable sources and low carbon energy and for energy efficiency.

26. The main way in which LDPs can contribute to carbon reduction is by applying National planning policy locally. They have a key role to play in identifying sites for new development which minimise carbon emissions both from building use and associated travel demands. LDPs may also identify strategic sites where national sustainable buildings standards can be exceeded and identify opportunities for renewable and low carbon energy. They also have the potential to link new development and existing and future renewable and low carbon heat and energy sources. Local planning authorities can also prepare supplementary planning guidance to explain how their development plan policies will be implemented. The Committee has already been made aware of examples prepared by the City and County of Swansea and Vale of Glamorgan Council amongst others. Masterplans provide a mechanism to identify how key regeneration sites, such as the works Ebbw Vale and The Mill, can help to deliver carbon reduction and should be used more widely.

The Works Ebbw Vale <http://new.wales.gov.uk/theworks/home/?lang=en>

The Mill, Ely Bridge, Cardiff <http://www.savills.co.uk/themill>

27. Through the pre application advice process local planning authorities have an opportunity to influence developers to increase the carbon reduction potential of planning applications. Pembrokeshire National Park along with the third sector, have funded a Renewable Energy Advice Service. In its first year, the pilot advised 1575 individuals, carried out 38 home or site visits, and produced extensive information and guidance materials. At least 12 installations are in place, with more than 20 additional projects in the pipeline. Carbon savings over the lifetime of the installations are estimated at 2,700 tonnes.

## **Delivery**

28. The effective implementation of carbon reduction planning policy depends upon informed decision making by individuals, building designers, contractors and local planning authorities (members and officers). I am taking forward a number of work streams with key partners to address this issue.

29. Through the Climate Change communication and engagement strategy I am raising awareness of the impact that individual decisions can make on carbon reduction. In the built environment sector we have published the 'Improving your home - A Climate Change Guide'. Every year in Wales each household spends on average around £500 a year on alterations or improvements to their home. These alterations or improvements can include substantial changes to homes such as extensions, porches, and garage conversions. The Guide encourages householders to make improvements to their home in a way that helps to tackle climate change. It contains 10 common projects that a householder may carry out to improve their home. Alongside these projects it identifies a number of measures that can be undertaken to respond to climate change in the most effective way.

30. Over 11,000 copies of this guide have been disseminated to local planning authorities across Wales for them to give to those seeking advice from the council, it is also on our website and will be made available in Welsh DIY stores from March 2009.

'Improving your Home - A Climate Change Guide'

[Improving your home: A Climate Change Guide](#)

31. There is also a need to educate and change public attitude towards building design and use. The buildings of the future may look very different to the buildings of the past and local authorities and organisations such as DCfW will have a key role to play in this process.

32. I am also seeking to ensure that building designers and contractors have the information that they require to help to deliver our zero carbon aspirations. The 'Zero Carbon Development and Support Programme' will act as a bridge between policy and delivery with the emphasis on sharing of information across the industry. Recent activity has concentrated on awareness raising sessions for industry. A Sustainable Design web portal will be prepared to link best practice in the design, planning and construction of low and zero carbon buildings.

33. Local authorities are key partners in delivering carbon reduction through the planning system. Local development plans set the local policy framework and the majority of planning applications are determined by them. Local government must be at the forefront of this agenda, providing effective leadership and taking decisions in accordance with local and national planning policies, even where this may prove to be unpopular locally. I have commissioned a Local Authority Zero Carbon Barriers research project. The final report is due in March. The Assembly Government has provided training for local authority members on carbon reduction issues such as renewable energy, and I fully support the Welsh Local Government Association initiative Future Trends, Risk Change Management and Sustainability.

34. Planning officers will play an increasingly important role in delivering this agenda. The Assembly Government has provided a grant to the Royal Town Planning Institute Cymru to roll out training to local authority planning officers on 'Planning and Climate Change: Delivering Sustainable Buildings and Good Design'. The training will provide four two-day regionally based training events in March/April, and is expected to reach up to 100 planning officers across Wales. The training will give officers the required understanding of the Code for Sustainable Homes/BREEAM, low and zero carbon energy technologies and the role of Design and Access Statements. This addresses Recommendation 9 from the committee's 1<sup>st</sup> report into Residential Carbon Reduction in Wales. The emerging findings from the Zero Carbon Barriers Research identify that planning departments are an important source of carbon reduction knowledge within local authorities. The current down turn in building activity provides an opportunity to up skill planning officers to become the low carbon champions that we will require in the future.

**Jane Davidson, AM**

**Minister for Environment, Sustainability and Housing**