

Issue 16	Climate Change	
Development plan reference:	EP1 - Climate Change, Carbon Reduction and Sustainable Construction, page 50-51	Reporter: Douglas Hope
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Government (00092) Fiona Ross (00786) Carse of Gowrie Sustainability Group (00788) Scottish Environment Protection Agency (03194) Scottish Natural Heritage (05211) TACTRAN (09203) SSE plc (09311) G S Brown Construction Ltd (09817) Stewart Milne Homes (10080) Homes for Scotland (10214)		
Provision of the development plan to which the issue relates:	Sets out the environmental protection policy framework in relation to climate change	
Planning authority's summary of the representation(s):		
<p><u>Sustainability Statement and Labelling</u> Scottish Government (00092/4/001): The first paragraph implies only those buildings subject to a Sustainability Statement should be accompanied by a sustainability label. As worded this does not meet the requirement in Section 3F Town &amp; Country Planning (Scotland) Act 1997 (S4_Doc_190) requiring all new buildings to be subject to Low and Zero-Carbon Generating Technology (LZCGT). The table in the policy does not require all developments to be subject to 'Active' sustainability levels which are the only ones to include Low and Zero-Carbon Generating Technology. To ensure all levels of sustainability labelling will result in a specified proportion of emissions being avoided through use of Low and Zero-Carbon Generating Technology, reference should be made to Low and Zero-Carbon Generating Technology in the table and where possible should be made first to the 'Active' sustainability levels.</p> <p>The proportion of greenhouse gas emissions to be avoided through use of Low and Zero-Carbon Generating Technology can be specified in the table. Initially a small proportion of savings can be apportioned to Low and Zero-Carbon Generating Technology. Section 72 of the Climate Change (Scotland) Act 2009 (S4_Doc_190) is to be implemented in accordance with building regulations but development plan policy doesn't have to exceed these in relation to greenhouse gas emissions: 2% emissions reduction from Low and Zero-Carbon Generating Technology would be 2% of the overall emissions reduction achieved by Scottish building regulations. Text revision suggested which reduces number of steps before reaching Platinum level.</p> <p>Scottish Natural Heritage (05211/14/001): The aspects listed under the Domestic category for Gold Standard in the table are the same as those listed for Silver Standard - question whether this is a formatting error.</p>		

Carse of Gowrie Sustainability Group (00788/1/006); Fiona Ross (00786/1/007): Strongly support recognition that planning must take account of climate change but Policy EP1 is unclear as to which applications will require a Sustainability Statement. Disappointed that many desirable aspects of the new building requirements do not come into effect until 2016 or later.

G S Brown Construction Ltd (09817/3/003): Sustainability Statements are for Building Standards not the LDP. The ever increasing building standards are expensive and have little impact on CO<sub>2</sub> output. More sensible to improve the efficiency of existing housing stock.

Homes for Scotland (10214/1/021); Stewart Milne Homes (10080/18/001): Support policy as written.

#### Storage and Collection of Refuse

SSE plc (09311/1/007): Policy EP1 refers to the policy requirements applying to all development proposals. Policy wording should be amended to recognise there will be some forms of development the policy should not apply to, e.g. a commercial scale wind farm or electrical substation. Such uses do not always have person users other than maintenance so it would be inappropriate to require the development to provide storage for refuse collection and recyclable materials.

Homes for Scotland (10214/1/022): Policy wording should be amended to determine when it will be appropriate for communal recycling and waste collection facilities to be provided in major developments. As worded there is insufficient information for developers to design their sites. Supplementary Guidance also required to provide information on specifications etc. The sentence *'New homes and workplaces should allow for the provision of high-speed broadband access to enable provision of next generation broadband'* does not relate to Policy EP1 and should be moved to Policy ED2 (S4\_Doc\_510).

#### Overall Comments

TACTRAN (09203/13/001): Policy statements on Environmental Protection should make specific reference to the need for development to encourage walking, cycling and the use of public transport in preference to journeys by private car. LDP should also refer to the implications which types and patterns of development may have in relation to travel and transport choices and behaviour which in turn impact on carbon emissions and sustainability as part of an overall climate change and sustainability policy.

Scottish Environment Protection Agency (03194/2/001): Support policy as written.

#### **Modifications sought by those submitting representations:**

##### Sustainability Statement and Labelling

Scottish Government (00092/4/001): Policy EP1 should require Low and Zero-Carbon Generating Technology (LZCGT) to be applied to all new buildings.

First paragraph should be revised to: *'New buildings should also include low and zero-carbon generating technologies (LZCGT) to off-set a proportion of emissions arising from the use of the buildings, as specified in the table below. Some relevant buildings must be accompanied by a sustainability statement and all buildings must receive an appropriate sustainability label as per the Building Standards Technical Handbook Section 7 - Sustainability'* (Core\_Doc\_036 and Core\_Doc\_037).

Policy should specify a proportion of greenhouse gases to be avoided through the use of Low and Zero-Carbon Generating Technology and this specified proportion should rise over time. Specific amendments to the table suggested:

- 2012 Domestic - rename 'Bronze Active' and insert following text at end: '*and includes a minimum 2% carbon dioxide emissions abatement through the use of Low and Zero-Carbon Generating Technology*'.
- 2012 Non-domestic - rename 'Bronze Active' and insert following text at end: '*and includes a minimum 2% carbon dioxide emissions abatement through the use of Low and Zero-Carbon Generating Technology*'.
- 2014 - delete
- 2016 Domestic - rename 'Silver Active' and insert following text at end of first sentence: '*and includes Low and Zero-Carbon Generating Technology*'; insert following text at end: '*New buildings should include a minimum 3% carbon dioxide emissions abatement through the use of Low and Zero-Carbon Generating Technology*'.
- 2016 Non-domestic - rename 'Silver Active' and insert following text at end: '*A minimum 3% of this emissions improvement should come from the use of Low and Zero-Carbon Generating Technology*'.
- 2018 - delete
- 2020 Domestic - insert following text at end: '*New buildings should include a minimum 5% carbon dioxide emissions abatement through the use of Low and Zero-Carbon Generating Technology*'.
- 2020 Non-domestic - insert following text at end: '*a minimum 5% of this emissions improvement should come from the use of Low and Zero-Carbon Generating Technology*'.
- 2022 - amend to cover both domestic and non-domestic; insert following text at end: '*including a minimum 6% carbon dioxide abatement through the use of Low and Zero-Carbon Generating Technology*'.
- In first point of the note delete the word 'development' and replace with 'building'

Scottish Natural Heritage (05211/14/001): The table needs to be revised to clarify which aspects of the Domestic Gold Standard are different or additional to Domestic Silver Standard.

Carse of Gowrie Sustainability Group (00788/1/006); Fiona Ross (00786/1/007): Clarity sought on which applications will require a Sustainability Statement.

G S Brown Construction Ltd (09817/3/003): The requirement for a Sustainability Statement for some planning applications should be deleted from Policy EP1. The policy should concentrate on improving the efficiency of the existing housing stock rather than new build.

#### Storage and Collection of Refuse

SSE plc (09311/1/007): Policy EP1 should be amended to recognise there will be some forms of development it will not be applied to i.e. non waste generating uses.

Homes for Scotland (10214/1/022): Policy wording should be amended to determine when it will be appropriate for communal recycling and waste collection facilities to be provided in major developments. Supplementary guidance should also provide information on specifications etc.

The sentence *'New homes and workplaces should allow for the provision of high-speed broadband access to enable provision of next generation broadband'* should be moved to Policy ED2 (S4\_Doc\_510).

#### Overall Comments

TACTRAN (09203/13/001): Policy EP1 should make specific reference to the need for development to encourage walking, cycling and the use of public transport in preference to journeys by private car. It should also refer to the implications which types and patterns of development may have in relation to travel and transport choices and behaviour.

#### **Summary of responses (including reasons) by planning authority:**

##### Sustainability Statement and Labelling

Scottish Government (00092/4/001): There are significant implications for the development industry in meeting the full requirements of Section 3F of the Town & Country Planning (Scotland) Act 1997 (S4\_Doc\_190). The LDP therefore takes a gradual approach to meeting the requirements with the expectation that full compliance will be sought through the next review of the Plan.

However if the Reporter is minded to recommend that the proposed modification is adopted in order to fully comply with the requirements of the Act in this LDP, the Council would be comfortable with this modification as it would not have any implications for any other aspect of the Plan.

Scottish Natural Heritage (05211/14/001): The aspects are the same but the standards to be reached within each aspect are higher at Gold level than at Silver e.g. aspect 1 CO<sub>2</sub> emissions to be 21.4% lower for Silver Domestic Standard but 42.8% lower for Gold.

If the Reporter was so minded the Council would not object to amending the wording of the Silver and Gold Domestic levels as follows in order to add clarity:

Silver Domestic – amend the sentence after *“Silver”* to read: *“Where the dwelling complies with the Silver level in each of the 8 aspects below”*

Gold Domestic – add after *“Gold”* the following sentence: *“Where the dwelling complies with the Gold level in each of the 8 aspects below”*

Carse of Gowrie Sustainability Group (00788/1/006) and Fiona Ross (00786/1/007): The forthcoming supplementary guidance, due for completion during 2013, will advise which applications will require a Sustainability Statement.

No modification proposed to the Plan.

G S Brown Construction Ltd (09817/3/003): Section 3F of the Town & Country Planning (Scotland) Act 1997 (S4\_Doc\_190) requires all new buildings to be subject to Low and Zero-Carbon Generating Technology (LZCGT). Improving the existing building stock is certainly desirable and there are already schemes in place or coming forward, such as the Scottish Government National Retrofit Programme (S4\_Doc\_630) and the UK Government's Green Deal (S4\_Doc\_631), which are designed to look at existing residential and commercial properties. However the Act requires Planning Authorities to take action in respect of new buildings, furthermore existing buildings are largely outwith the control of the planning system unless the subject of a planning application. Whilst

Sustainability Statements are not a requirement of the Act they are considered a good way of demonstrating that the requirements have been met.

No modification proposed to the Plan.

#### Storage and Collection of Refuse

SSE plc (09311/1/007): The forthcoming Supplementary Guidance will advise.

No modification proposed to the Plan.

Homes for Scotland (10214/1/022): The forthcoming Supplementary Guidance will determine when communal waste recycling and waste collection is to be provided. Policy EP1 is about allowing for future improvements within building design to allow the provision of high-speed broadband whereas Policy ED2: Communications Infrastructure (S4\_Doc\_510) is about the siting and design of the infrastructure itself. It is therefore considered appropriate that this requirement remains within Policy EP1.

No modification proposed to the Plan.

#### Overall Comments

TACTRAN (09203/13/001): This is covered by LDP Policy TA1 (S4\_Doc\_387) already. LDP policies should not duplicate each other.

No modification proposed to the Plan.

### **Reporter's conclusions:**

#### Sustainability Statement and Labelling

1. The planning authority indicates that it would be comfortable with the extensive modification to policy EP1 proposed by the Scottish Government. The planning authority would also be content to amend the wording of the Silver Domestic and Gold Domestic boxes in the table, in response to the comments of SNH, in order to clarify the differences between the Silver Domestic and Gold Domestic Standards. In relation to the request that further clarity be provided on the types of applications that will require a sustainability statement, the council intends to include further guidance in forthcoming supplementary guidance. In relation to the need for sustainability statements, Section 3F of the Town and Country Planning (Scotland) Act 1997, as amended, requires all new buildings to be subject to Low and Zero-Carbon Generating Technology (LZCGT). Some relevant buildings must be accompanied by a sustainability statement and all buildings must receive an appropriate sustainability label. As indicated by the council, sustainability statements are considered a good way of demonstrating that the requirements of the Act have been met.

#### Storage and Collection of Refuse

2. The council indicates that supplementary guidance will provide advice on the forms of development to which policy EP1 applies and on those developments where communal facilities for waste collection and recycling would be appropriate.

#### High-speed broadband access

In relation to the request that the requirement for high-speed broadband access should

be moved to policy ED2, it is considered that policy EP1 is the appropriate policy for this requirement. Policy ED2 relates to the provision of communications infrastructure outwith buildings whereas policy EP1 relates to the provision within new homes and workplaces.

### Overall Comments

3. In relation to the request that policy EP1 should make specific reference to the need for development to encourage walking, cycling and the use of public transport, these requirements are referred to in policy TA1B. It is neither necessary nor appropriate to duplicate these requirements in policy EP1.

### Proposed policy EP1A

4. It is indicated in the representations received from SNH and SEPA in respect of policy ER5 (see Issue 15c) that specific reference should be made in the Proposed Plan to the need to protect carbon rich soils, including peatland. It is considered that an additional policy, policy EP1A, should be added to address the concerns of SNH and SEPA. SNH and SEPA have both suggested a suitable wording for such a policy and the reasoning to support the policy. It is recommended that a wording based on that suggested by these two bodies be adopted for policy EP1A, which would provide adequate safeguards for carbon rich soils, including peatland.

### **Reporter's recommendations:**

#### Policy EP1

1. In first paragraph, delete the third sentence and replace with the following words: *'New buildings should also include low and zero-carbon generating technologies (LZCGT) to off-set a proportion of emissions arising from the use of the buildings, as specified in the table below. Some relevant buildings must be accompanied by a sustainability statement and all buildings must receive an appropriate sustainability label as per the Building Standards Technical Handbook Section 7 - Sustainability'.*

2. The policy should specify a proportion of greenhouse gases to be avoided through the use of Low and Zero-Carbon Generating Technology and this specified proportion should rise over time. Specific amendments to the table are as follows:

- 2012 Domestic - rename *'Bronze Active'* and insert following text at end: *'and includes a minimum 2% carbon dioxide emissions abatement through the use of Low and Zero-Carbon Generating Technology'.*
- 2012 Non-domestic - rename *'Bronze Active'* and insert following text at end: *'and includes a minimum 2% carbon dioxide emissions abatement through the use of Low and Zero-Carbon Generating Technology'.*
- 2014 - delete
- 2016 Domestic - rename *'Silver Active'*. Replace first sentence with the following words: *'Where the dwelling complies with the Silver Active level in each of the 8 aspects below'* and insert following text at end of first sentence: *'and includes Low and Zero-Carbon Generating Technology'*; insert following text at end: *'New buildings should include a minimum 3% carbon dioxide emissions abatement through the use of Low and Zero-Carbon Generating Technology'.*
- 2016 Non-domestic - rename *'Silver Active'* and insert following text at end: *'A minimum 3% of this emissions improvement should come from the use of Low and Zero-Carbon Generating Technology'.*

- 2018 - delete
- 2020 Domestic – add after ‘Gold’ the following sentence: *Where the dwelling complies with the Gold level in each of the 8 aspects below.* Insert the following text at end: *'New buildings should include a minimum 5% carbon dioxide emissions abatement through the use of Low and Zero-Carbon Generating Technology'.*
- 2020 Non-domestic - insert following text at end: *'a minimum 5% of this emissions improvement should come from the use of Low and Zero-Carbon Generating Technology'.*
- 2022 - amend to cover both domestic and non-domestic; insert following text at end: *'including a minimum 6% carbon dioxide abatement through the use of Low and Zero-Carbon Generating Technology'.*
- In first point of the note delete the word ‘development’ and replace with ‘building’.

Proposed policy EP1A (to follow policy EP1)

3. Add the following policy wording: *The council is committed to ensuring that development minimises disturbance to, and the loss of, carbon rich soils, including peatland, which are of value as carbon stores. Development will only be permitted on areas of undisturbed carbon rich soils, including peatland, where it has been clearly demonstrated that there is no viable alternative, or where the economic and social benefits of the development outweigh any potential detrimental effect on the environment.*