

# Shropshire Local Development Framework

## **Statement of Consultation on the final Sustainable Design Supplementary Planning Document (Part 1)**

reported to Shropshire Council Cabinet  
13<sup>th</sup> July 2011

## **Introduction**

1. The preparation of supplementary planning documents (SPD) is governed by the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended). It requires that, prior to adoption, a statement should be prepared to summarise the consultation process which has informed the preparation of the SPD, including a summary of the main issues raised and the way in which those issues have been addressed in the SPD. This statement has been prepared to fulfil these requirements (Regulation 17).

## **Preparation Process**

2. The process which has been followed in producing the Sustainable Design SPD (Part 1) is outlined in Figure 1.

### *Pre-draft targeted consultation*

3. Work commenced in March 2010, with a series of internal meetings with Council officers responsible for a range of sustainability matters, including waste, transport, ecology and drainage. These meetings identified the key sustainability considerations for Shropshire and provided an opportunity to discuss the minimum standards that may be set for new development.
4. The initial internal discussions informed work to prepare a draft sustainability checklist, and supporting SPD. This working draft SPD and checklist were made available on the Councils website at the beginning of November in support of the Core Strategy examination (see Core Strategy Evidence Base – document EV143).
5. The working draft checklist and supporting SPD were also circulated to a range of stakeholders at the beginning of November in preparation for a targeted workshop event on the 1<sup>st</sup> December 2010. As part of this workshop, the Council sought the views of those with technical knowledge of sustainable design, in addition to those involved in the development industry, including:
  - The LDF Member Panel;
  - Shropshire Council's Development Management Officers;
  - Shropshire Council's Building Control Officers;
  - Shropshire Councils Sustainability Officers, including representatives from Property Services;
  - Shropshire Councils Waste Management Officers;
  - Shropshire Councils Flood and Water Management Officers;
  - The Environment Agency;
  - Marches Energy Agency;
  - Representatives from the development industry, including the pre-existing SHLAA Developer Panel and local architectural firms;
  - Third sector environmental groups, including Friends of the Earth, Stretton Climate Care;
  - Country Land and Business Association;
  - CPRE;
  - English Heritage and National Trust;
  - Respondents to Core Strategy Policy CS6.

6. Out of the 31 representatives invited, 21 attended the targeted consultation event, providing their views on the approach being taken and the sustainability standards being sought within new development. A copy of the notes from the workshop event is provided in Appendix 1. In addition to comments gathered at the workshop event, the Council asked all attendees to review the working draft document and invited additional written comments to inform the preparation of the draft SPD. Additional written comments were received from one consultee.

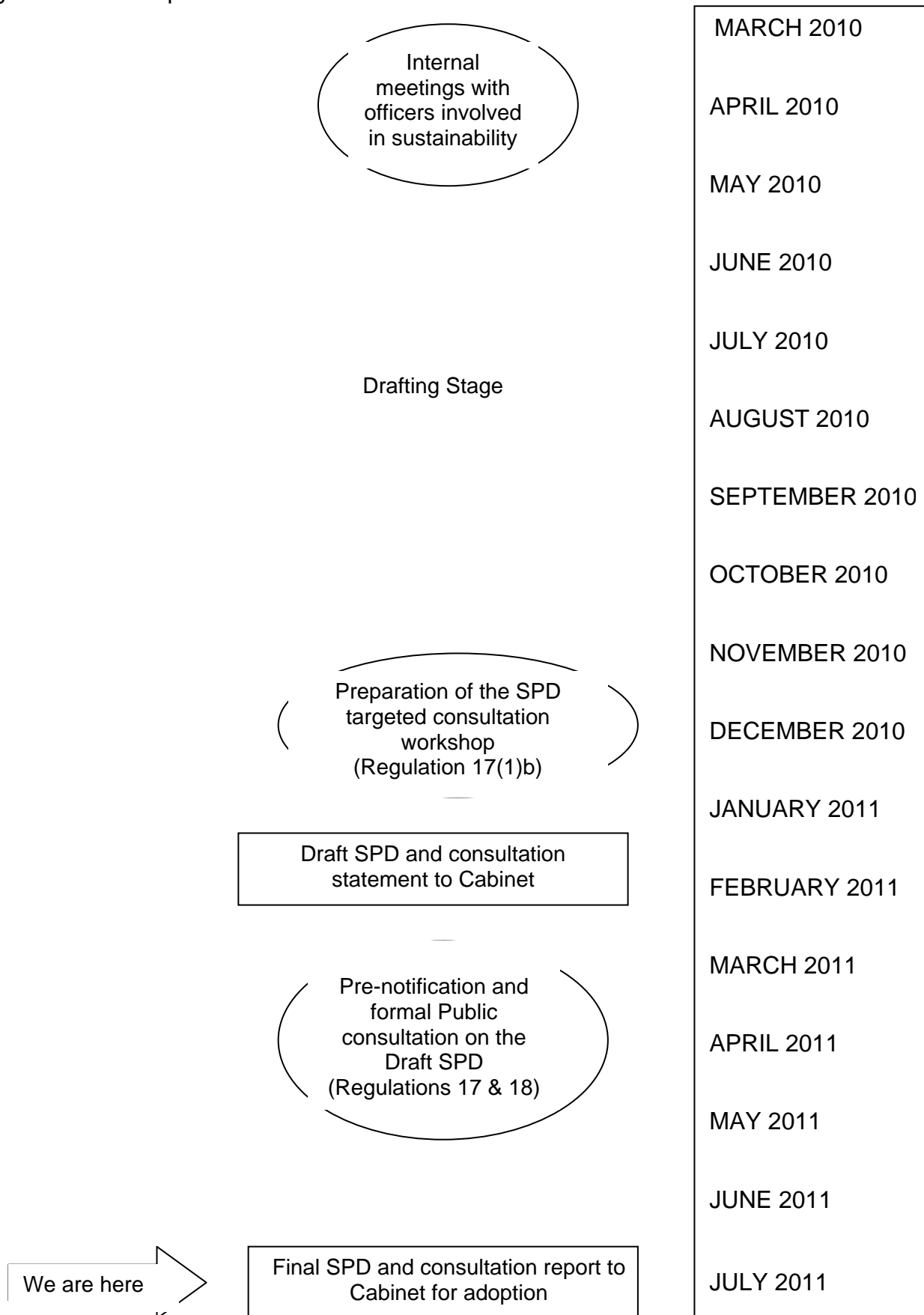
*Public Consultation on the Draft SPD*

7. Regulation 18(3) requires a period of not less than 4 weeks or more than 6 weeks public consultation on a draft SPD. To match this statutory requirement with the Council's own guidelines for twelve weeks consultation, the public, parish and town councils and other interested parties were informed about the consultation six weeks before the 'official' six week consultation period. This ensured that all consultees had twelve weeks to consider the consultation draft SPD before the close of the consultation period, which ran from 21<sup>st</sup> January 2011 to 21<sup>st</sup> April 2011.

*Main Issues Raised and How These Issues Have Been Addressed:*

8. Fifteen responses were received from a range of individuals and organisations during the consultation period. A number of minor changes have been made to the final SPD in response to the comments received. A statement setting out the main issues raised and the Council's response is attached as Appendix 2.

Figure 1: SPD Preparation Process



**Appendix 1:  
Sustainability Checklist: Targeted Consultation Workshop 1<sup>st</sup> December 2010**

**Attendees**

Mark Davies - Environment Agency  
Dave Green - Friends of the Earth  
Ian Tompkins - ETC Architects  
David Owen - David Owen Associates  
Dawn Minshall - Custom Design Projects  
Roger Evans - Shropshire Council  
Stuart Thomas - Shropshire Council  
Ian Maddox - Shropshire Council  
James Thompson - Shropshire Council  
Carl Huntley - Base Architecture  
Sean Caddick - David Owen Associates  
Peter Lawley - SEED Homes Ltd  
Tim Weaver - West Mercia Police  
Pauline Dee - Shropshire Council  
Jane Raymond - Shropshire Council  
Rachel Strivens - Shropshire Council  
Andrew Beeston - Galliers Homes  
Nigel Thorns - Nigel Thorns Planning Consultancy Ltd  
John Bryan - Building Design  
Mike Hymas - Stretton Climate Care  
Simon Blakeley - Harris Lamb Ltd representing Bovale Ltd

**Workshop notes**

**Water Management**

Question 1.1 (Water Conservation & Efficiency)

*Residential*

- It is not necessarily easy to achieve water efficiency targets in a rural situation, as it requires an open area that could flood and water harvesting. Harvesting not brilliant – maintenance/practical issues. Better to leave to developer to decide how to conserve water not set a method e.g. West Midlands;
- To achieve Code level 5/6 – need water harvesting. This can be used to mitigate against surface water issues;
- Unsure if you can apply 105 l/p/d to householder applications- consensus with the group that it is unreasonable to ask for this;
- Question minimum standard for developments of < 5 units – social housing would struggle. Marry costs with grants would be challenging;
- Costings have been taken into account as part of the water cycle study, which provides the local evidence base for the water efficiency target;
- 105 l/p/d not mandatory for building regs currently 120;

- Consensus: omission from householder development – only apply to conversions/minor/major development;
- Concerns on how it will be enforced, a condition would be needed;
- Agreement too onerous for householder development. Remove householder;
- Suggest building control – but until building regs change. Only way to police it;
- Building regs – request water calculate- required up to 5 days after completion; Inspector is the right tool to police it;
- Lighter touch, not heavier;
- Suggest condition on permission. A raft of control is required;
- Not feasible very target specific;
- Policing is the key issue;
- Certification and awards scheme – carrot and stick. - Scoring system 1/2/3.

#### *Non – residential development*

- Not familiar with AECB standards;
- Whilst BREEAM may be an alternative target, it is considered to be more challenging and it is hard to single out the water requirements from the other sustainability requirements;
- The local authority in Wrexham have introduced water efficiency targets on developments of > 1 dwelling. The challenge for developers is the different standards being used by authorities. There is no standardisation or consistency in the approach being taken;
- There is the potential for developers to pay a contribution to retrofit existing properties as part of a wider development e.g. through S106. – way to pool contributions to use elsewhere (This approach is being used in Herefordshire)
- Level of detail needed may be very onerous for planning application;
- Concern how the figure can be enforced as if its higher than building regs planning will have to enforce it;
- Need to resubmit evidence. Onus put on consultant/applicant. Link with building regs.

#### Question 1.2 (Foul Drainage)

- Concern over current wording and how it was set out. Ranked Best, Good, Minimum (rather than the other way);
- Question drainage assessment form with EA, needs to be a lot clearer;
- Question whether cesspool should be included (or only for single dwellings) – burden in terms of cost – cesspool;
- Why no other option besides a cesspool is feasible ‘once all options considered’;
- Clarification on what is a qualified individual?
- Suggestion that the applicant or agent could sign off instead;
- Circular 0/399 requires justification of cesspool in building regs;
- Worst case scenario – way it is written at the moment encourages cesspools – change format.

#### Question 1.3 (Flood Risk Management)

- Sequential test in PPS25 only applies to major developments and only subdivision conversions and over a certain size;

- Question about households/conversion and sequential test - differences in minor/major development;
- Suggested additional question – is this development safe? – Only need flood risk assessment;
- Question SFRA zone 3, just put zone 3 – combination;
- A flood risk assessment would be needed for zone 3;
- Risk assessment process would be better than good/best;
- Incorporate validation requirements;
- Householder development does not require flood risk assessment;
- Sequential test challenging – takes a long time.

#### Question 1.4 (surface water drainage)

- Clarification on what 'surface water risk area' means?
- Reference to hotspots as in interim guidance;
- Most onerous element in hot spot areas above PPS 25;
- Problems with validation, Re: surface water drainage;
- More consultation on surface water drainage could be useful;
- Question whether householder ought to be included is it too onerous;
- Covered by building regs, have to demonstrate a soakaway or other method – appropriate means of discharge. – duplication;
- Could remove minimum refer to building regs and leave good/best;
- What is the benefit of good and best? – more economical for householder potentially;
- 105 l/p/d is achievable;
- Link for interim guidance requested;
- Question over difficulty to conform;
- Checklist will help, as currently relying on external advice - checklist simple.

## Energy

#### Question 1.5

- It is rare for developments in south of county to exceed 10 homes, so looking at minimum standards, trying to get better standards;
- No definition of Code 6. New thermal level is Code 3;
- Use examples from the continent?
- Concerns raised over additional cost – difficult at the moment to even get a site started. Land value etc putting extra costs on such as this then developers will go elsewhere;
- Trying to get houses retrofitted, its easier to do it all at the start of the house being built and doesn't cost much more to do;
- Developers can get group buying of solar pv down to a reasonable level;
- This checklist is a starting point and levels do need to come in slowly as lots of people don't know what new codes are. It is difficult as an architect to get these new ideas to clients. What are other authorities doing?
- Higher standards needed if this is to be used for the next 3 years. – not following community strategy policy to reduce climate change;

- Where is comeback if people are only doing the minimum? Evidence that Development Management can negotiate better standards as at the moment they only need to reach minimum;
- Discussion whether householder should be asked to complete Question 1.5 and thinks this should be removed. The question is only asking for building regulations which would have to be completed anyway. This would still be needed for conversions though;
- Can't put much more insulation into a building without losing masonry. Other types of housing have a shorter lifespan;
- Looking at predicted EPC? SAP rating? people will be more switched on to EPC ratings at they see similar thing with ratings of household appliances;
- Could include a statement of intent in Design and Access Statement about energy efficiency. Or simple energy assessment - separate to Design and Access statement;
- Grants towards schemes? Developer will sell house at lower level as get more profit;
- Could have 1.5, 1.6 and 1.7 as headers and then allow applicant to embellish it. Targets are good but leave more with applicant to provide more advice. Then once home is built, the EPC gets sent to planning and the developer is issued with an award for achieving best standard.

#### Question – 1.6

- Support only applicable to minor/major;
- Conflicts/duplication with building regulations;
- Need to fully explain to people how much money they can save and how;
- Manufacturers aren't ready for this – are now insulating between buildings but haven't worked out how to soundproof between them;
- Could be more ambitious – Merton rule;
- Need evidence to insure levels to a higher target achievement;
- Careful wording is needed – 10% is this reduction? Efficiency? Its not quite clear at the moment;
- New homes are actually built to a good standard. Some applications may get planning permission and not be implemented and by this point new levels will have been introduced;
- Difficult for betterment if seeking solar etc on listed buildings or in conservation areas;
- Trying to pin down target for such a fast moving area;
- Debate over whether SPD is achievable, could be tackled through SAMDev;
- Possible scoring of 1-3 which gives scope for design award;
- Extension should be considered, could be massive and south facing – a scheme like this could benefit from solar panels;
- CHP needs high heat demand so not good for high insulated properties as it won't work. Good – gives them all equal status. This could go in explanatory text. Put oil/gas CHP at the end of options. A-D or including E if heat load is high enough – or could the same be said for solar? Wind? Not all technologies are appropriate in all locations. DG had to discourage installation of PV from a property as there was a large tree on the south facing aspect. Each case would need an assessment.



## **Waste**

### Question 1.8 – (Material resource efficiency)

#### *Householder*

- It is the law for Householders to get a waste carrier to take away their waste;
- Possibility of differentiating between waste contractors – ones who recycle;
- Technical problem householders – minimum requirement means we have to do something for them:
  - how do you encourage people to do anything;
  - informative on decision notice instead;
  - issue with front loading.
- Must to be simple for householders;
- Condition on planning permission would be good – carry on when/if the permission/house is sold;
- Careful about how much of an upfront requirement it is;
- Should the householder be beholden for a receipt for waste disposal – receipt could be shown to council – tracking waste;
- Trying to get small scale building to separate waste – informatives to guide this;
- What numbers will be used for significant amount of waste (conversion & minor);
- Would the checklist require details of quantities of materials? – audit statement includes that for major development;
- Should include demolition;
- Most likely to do this is the bigger developer the least likely to do any separating of waste is the householder.

#### *Conversion/minor development*

- Issues over conversions – if had to quantify then the survey would have to be front loaded – timing issues – cost implications. If high asbestos risk then tick box. How is it going to be monitored and dealt with?
- Warning, flags it up - getting people to think about it and design it into the scheme;
- Cheshire East have this as a condition on planning permission - gets away from front loading a lot of expensive surveys on risky applications.

### Question 1.9 – (Waste management)

#### *Residential*

- Who will be checking whether the requirements have been met?
- Could use location plan, block plan to display the space requirements;
- Can't check the detail at validation stage as would be too complicated/time consuming;
- Needs to be addressed by having something within templates (SWMP);
- Request for information on what is acceptable to meet the standards – at the rear of the property, or secure, appropriate safe space – location positions for storage on plans – waste collection plan might be good;
- Advice and guidance on good practice for large communal bins for flats;
- Incorporate into question above – checklist. Block plan for waste facilities;

- If meeting CSH level then a lot of this would be done automatically – particularly when doing social housing have to do code stuff anyway – exemption from checklist?
- Should cross reference as much as possible to other guidance – replace bespoke standards for Shropshire with existing standards from elsewhere;
- Get authorities to work together – coordinate with the Planning portal (local requirements);
- Should householders be included here;
- Need to do more than the minimum for blocks of apartments – specific section related to flats.

#### *Commercial*

- Sources of good practice, space guidance – waste plan for that particular use;
- Communal bin sites – location important – disabled access;
- Will there be a link between this and how much waste people are producing?
- Minimum is unsatisfactory. Scale difference, more categories;
- What do you get for achieving best maybe issue a certificate or a list on website?

**Appendix 2: Statement of Main Issues Raised in Consultation and How These Have Been Addressed**

	Respondent	Comments	Response
1.	Environment Agency	<ul style="list-style-type: none"> <li>• Support the sustainability checklist inclusion of a ‘minimum’ water efficiency target, to secure a minimum water efficiency target of 105 litres per person per day (105 l/p/d);</li> <li>• Welcome the inclusion of more stringent targets (‘good’ and ‘best’) for more flagship/aspirational development;</li> <li>• Recommend that the SPD includes a commitment to updating the requirements. The current ‘minimum’ requirement to meet a level of 105 l/p/d will need be stepped up to 80 l/p/d in the future;</li> <li>• We support the inclusion of the questions and requirements relating to relevant development types for ‘Flood Risk Management’ – safe development;</li> <li>• Typo on page 45 of the checklist in relation to ‘safe’ development. The categories should refer to A (‘best’) and B (‘minimum’) rather than 1 and 2 respectively;</li> <li>• Make reference to the fact that finished floor levels should be as high as practicable and flood proofing demonstrated to a level of at least 600mm (300mm in Shrewsbury*) above the 1% plus climate change flood level, except in the case of ‘conversions’ where this may not be practicable. We would welcome this forming part of the checklist, but appreciate that it may be difficult to include such within the structure of the checklist;</li> <li>• We welcome the inclusion of the requirement for Site Waste Management Plans (SWMPs) in section 12.13. It is suggested that reference is also made to these in sections 12.2 and 12.9 for completeness.</li> <li>• Update section 12.3 to reflect revised waste hierarchy;</li> <li>• With regard to Figure 1 and Figure 2; please refer to our website: <a href="http://www.environment-agency.gov.uk/business/topics/waste/32180.aspx">http://www.environment-agency.gov.uk/business/topics/waste/32180.aspx</a> in relation to hazardous waste.</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring and updating is already addressed in Section 6 of the SPD;</li> <li>• Correct typo on page 45;</li> <li>• Finished floor levels will be addressed in the proposed Water Management SPD;</li> <li>• Update 12.4 to reflect revised waste hierarchy as suggested.</li> </ul>
2.	AB Consulting Ltd	<ul style="list-style-type: none"> <li>• Concerned about the introduction of these policies and charges. It is felt that they will add cost and complexity to the planning process and hinder development at a time of fragile economic recovery. In particular it will hit</li> </ul>	<ul style="list-style-type: none"> <li>• No change, the minimum standard required is that already required by national guidance.</li> </ul>

## Sustainable Design SPD Part 1: Summary of Consultation Comments & Responses

	Respondent	Comments	Response
		<p>small scale local developers who are dealing with smaller sites where financial margins are tight;</p> <ul style="list-style-type: none"> <li>The proposed checklist and waste audits are too lengthy and detailed to be completed at the (planning) application stage. Some questions are impossible to answer at that point – e.g. What measures have been put in place to reduce over ordering and hence keep waste to a minimum? (Fig 1, P.38, Q 9).</li> </ul>	<p>Viability is already taken into account as described in the Council's Developer Contributions SPD;</p> <ul style="list-style-type: none"> <li>Paragraph 5.14 recognises this issue and allows for uncertainty to be addressed through the fulfilment of a standard planning condition.</li> </ul>
3.	Condover PC	<ul style="list-style-type: none"> <li>Although desirable for the environment, the Sustainability Check list reinforces sustainable building regulations but in doing so will introduce additional bureaucracy and is likely to increase building development costs which must be passed on to the consumer in what is already considered to be a difficult economic climate.</li> </ul>	<ul style="list-style-type: none"> <li>Checklist requirements reinforce, and front load, rather than duplicate Building Regs;</li> <li>Viability is already taken into account as described in the Council's Developer Contributions SPD.</li> </ul>
4.	Ellesmere Town Council	<ul style="list-style-type: none"> <li>The classification of major residential development should be at a much higher starting point than the 10 dwellings specified: Minor should be 1 - 9. Medium 10 - 19. Major 20 Plus;</li> </ul>	<ul style="list-style-type: none"> <li>No change, most development in Shropshire is small scale, but the cumulative effects can be significant;</li> </ul>
5.	English Heritage	<ul style="list-style-type: none"> <li>The proposed division between householder, conversions, and minor and major development appears a sensible basis for framing the checklist;</li> <li>It would be useful if the supporting text (or as further information) cross references to the available advice and guidance on the Climate Change and Your Home website.</li> </ul>	<ul style="list-style-type: none"> <li>Add suggested cross reference to 10.38.</li> </ul>
6.	Forestry Commission	<ul style="list-style-type: none"> <li>10.10-10.11 - thermal mass is important but only one factor - should this be balanced with others eg thermal insulation - wood is far better than concrete, brick or steel;</li> <li>10.33-10.35 - I'm concerned that biomass has a number of disadvantages set against it whereas the preceding technologies don't - this doesn't appear</li> </ul>	<ul style="list-style-type: none"> <li>Amend 10.10 to address the issue of the thermal insulation properties of wood.</li> </ul>

## Sustainable Design SPD Part 1: Summary of Consultation Comments & Responses

	Respondent	Comments	Response
		balanced.	
7.	MOD	<ul style="list-style-type: none"> <li>• Question whether the Council has compared its sustainable design objectives with those covered by Environmental Performance Assessment Tool criteria. In particular the EPATs such as DREAM, BREEAM and CEEQUAL.</li> </ul>	<ul style="list-style-type: none"> <li>• Relevant cross references to established environmental performance tools have been referenced, see e.g. 12.15.</li> </ul>
8.	Mrs S Morris	<ul style="list-style-type: none"> <li>• 10.11 / 10.34, concerned about lifetime and maintenance costs for complex technology;</li> <li>• 10.47: ground source heat pumps need a larger area than that which is available in affordable housing projects;</li> <li>• 10.34 / 10.57 – contradiction regarding appropriate scale of biomass heating?</li> <li>• P.34, 35, 36: cross reference to templates on 34-35 should refer to 38-9?</li> </ul>	<ul style="list-style-type: none"> <li>• Changes made to 10.34 to address comments on the appropriate scale of biomass heating;</li> <li>• Cross references amended as suggested.</li> </ul>
9.	Persimmon Homes	<ul style="list-style-type: none"> <li>• Strongly object to any accelerated program of local sustainability requirements and serious concerns over the length and repetition within this document. An SPD should be supplementary to Core Strategy policy and not a repetition of Building Regulations, Code for Sustainable Homes or Lifetime Homes Standards. The effects of this are that it just creates more uncertainty for developers in an already difficult economic period for the house building industry;</li> <li>• National targets already represent a significant challenge to developers. Shropshire has not demonstrated how it has access to any better information that justifies accelerating the national timetable;</li> <li>• Planning policies should not replicate, cut across, or detrimentally affect matters within the scope of other legislative requirements, such as those set out in the Building Regulations for energy efficiency;</li> <li>• There is simply not sufficient value generated from developments to meet all the Council's and other statutory bodies ever increasing list of planning and s106 requirements.</li> <li>• In recent times Council's have been pragmatic in order to deliver development and some recognition of this necessary pragmatism within the policy and the checklist would help to mitigate our concerns.</li> </ul>	<ul style="list-style-type: none"> <li>• No change. The only issue where we exceed national requirements as a minimum is for water where local evidence exists (see EA response). This is now a policy requirement established by the Core Strategy (CS6).</li> <li>• Remaining requirements reinforce, and front load, rather than duplicate Building Regs. The SPD sets out a framework to encourage the achievement of higher performance as an aspiration, rather than as a requirement;</li> <li>• Viability is already taken into account as described in the Council's Developer Contributions SPD.</li> </ul>

## Sustainable Design SPD Part 1: Summary of Consultation Comments & Responses

	<b>Respondent</b>	<b>Comments</b>	<b>Response</b>
10.	Stretton Climate Care	<ul style="list-style-type: none"> <li>• Support the Good and Best standards contained in the document and hope that you will be able to encourage these to be implemented as the predominant criteria in new development in Shropshire;</li> <li>• Encouragement to complete the required survey of the County to consider the opportunities for developing and requiring improved energy efficiency and renewable energy installations as set out in Paragraphs 26-33 of the Planning and Climate Change Supplement to PPS 1 so that SAMDEV can incorporate appropriate proposals.</li> </ul>	<ul style="list-style-type: none"> <li>• Welcomed</li> </ul>
11.	David Torrens	<ul style="list-style-type: none"> <li>• Suggest that Sustainable development should include – or at least have reference to the support of Green Corridors into town centres, the maintenance of footpaths and cycle routes and assets such as canals.</li> </ul>	<ul style="list-style-type: none"> <li>• This is covered by CS6/CS17 and will be addressed in more detail as part of a subsequent SPD on the natural environment.</li> </ul>
12.	Welshampton and Lyneal PC	<ul style="list-style-type: none"> <li>• Broad support.</li> </ul>	<ul style="list-style-type: none"> <li>• Welcomed</li> </ul>
13.	Wem Rural PC	<ul style="list-style-type: none"> <li>• Support.</li> </ul>	<ul style="list-style-type: none"> <li>• Welcomed</li> </ul>
14.	Woodland Trust	<ul style="list-style-type: none"> <li>• would therefore like to see the benefits of native trees for delivering sustainable design referenced in the SPD text and added to the checklist.</li> </ul>	<ul style="list-style-type: none"> <li>• This is covered by CS6/CS17 and will be addressed in more detail as part of a subsequent SPD on the natural environment.</li> </ul>
15.	James Downing	<ul style="list-style-type: none"> <li>• Broad support.</li> </ul>	<ul style="list-style-type: none"> <li>• Welcomed</li> </ul>