

Shropshire Local Plan Examination

Shropshire Council Response to:

**ID40: Stage 2 Matters, Issues and
Questions**

Matter 29



Matter 29 – Climate Change (policy DP11)

Issue: Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to climate change.

Questions: Policy DP11 – Minimising Carbon Emissions

Question 1. Is the policy justified, effective and consistent with national planning policy?

Shropshire Council Response:

- 1.1. Shropshire Council considers draft Policy DP11 is justified, effective and consistent with national planning policy.
- 1.2. The draft Shropshire Local Plan establishes a vision, objectives and spatial strategy which intend to support the transition to net zero carbon emissions in Shropshire by 2050.
- 1.3. This draft policy is one key aspect of this transition, establishing specific requirements and recommendations to minimise carbon emissions from development. This includes:
 - a. Ensuring the design and layout of development maximises fabric energy efficiency.
 - b. Ensuring opportunities for on-site renewable and low-carbon energy generation are considered alongside other key infrastructure requirements for all residential development – with an expectation that at least 10% of the predicted energy needs of the development from on-site renewable and low carbon energy sources.
 - c. Ensuring that new non-residential development plays its part, with schemes for 1,000m² of more floorspace (or a gross site area of 1ha or more) achieve Building Research Establishment Environmental Assessment Methodology (BREEAM) Excellent or equivalent standards.
 - d. Challenging new residential development (particularly larger developments of 50 or more dwellings) to achieve net-zero carbon emissions and maximise opportunities for district heating/cooling.
 - e. Encouraging development that involves changes to existing buildings, to maximise opportunities to increase fabric energy efficiency, reduce carbon emissions and integrate on-site renewable energy technologies.
- 1.4. The draft Policy also currently includes a requirement for development to *"achieve a minimum of 19% improvement in the*

energy performance requirement in Part L of the 2013 Building Regulations, until such time as the Building Regulations are increased to a level which exceeds this uplift.”

- 1.5. However, since submission of the draft Shropshire Local Plan for examination, Government has introduced changes to Part L of the Building Regulations, which came into full effect on 15th June 2023 following a transitional period.
- 1.6. The Council considers that the changes to Part L of the Building Regulations mean that the latter aspect of this requirement is 'triggered.' Specifically, the expectation that this requirement applies *“until such time as the Building Regulations are increased to a level which exceeds this uplift.”*
- 1.7. Furthermore, Government has indicated within the Planning – Local Energy Efficiency Standard Update Written Ministerial Statement (WMS) of 13th December 2023, that its clear preference is for energy efficiency requirements for new residential development to be established through the Building Regulations regime.
- 1.8. As such, it is considered the most appropriate way to deal with this is to remove paragraph 1b from draft Policy DP11 through a main modification, which if agreed can be incorporated into an updated schedule of proposed main modifications.
- 1.9. This proposal is illustrated below:

~~b. Ensuring all proposals for 10 or more dwellings achieve a minimum of 19% improvement in the energy performance requirement in Part L of the 2013 Building Regulations, until such time as the Building Regulations are increased to a level which exceeds this uplift and:~~

- 1.10. Associated main modifications to paragraph 4.110 of the explanation to draft Policy DP11 would also be required, as follows:

~~4.110. The conservation of fuel, and power and water efficiency are matters that are covered by building regulations; however, planning can deliver higher rates of efficiency over and above the levels set out in the Building Regulations. Government guidance indicates that councils may require compliance with energy standards that exceed the Building Regulations by 19%. The Council considers that new development should reduce greenhouse gas emissions and that setting local requirements for building sustainability is justified.~~

- 1.11. The Council considers the requirements of this policy are justified, as they are responsive to and informed by the evidence base prepared to inform the draft Shropshire Local Plan.

- 1.12. In particular these requirements are informed by Sustainability Appraisal (SD006.01-SD006.22) (SA); the Shropshire Corporate Climate Change Strategy Framework (EV019.01); the Marches LEP Energy Strategy (EV047); and the Local Plan Development Viability Study (EV115.01) (LPDVS):
- a. The SA (SD006.01) concludes this draft policy will have a significant positive effects on SA Objective 12 (reducing carbon emissions) and no significant negative effects.
 - b. The Corporate Climate Change Strategy Framework (EV019.01); establishes the approach by which Shropshire Council as an organisation will become net carbon zero by 2030. In doing so it recognises both the leadership role the Council performs and its interactions with our communities, in Chapter 3, where key principles of the strategy are established. This policy directly aligns with and supports achievement of many of these key principles, including:
 - i. Supporting clean and inclusive growth in Shropshire – including *"we want the Shropshire economy to shift to one which is zero carbon and abides by circular economy principles, whilst enabling our communities to build and enjoy their prosperity."*
 - ii. Influencing the behaviour of others, including *"we have significant influence over emissions indirectly resulting from our policies, and through our regulatory functions."*
 - c. The Marches LEP Energy Strategy (EV047) identifies 'aspirations' (section 5.3) which are linked to key priorities in the Strategic Economic Plan for the LEP. These include to *"reduce carbon emissions excluding agriculture in line with UK targets..."*
 - d. The LPDVS (EV115.01) included a requirement for 10% of on-site energy needs to be generated on-site from renewable energy resources, alongside other requirements with potential viability implications in the draft Shropshire Local Plan, within modelling undertaken (as summarised within Table 10.23). It concluded that these requirements are appropriate.
 - e. As detailed in paragraph 8.23, the LPDVS (EV115.01) included a requirement that *"new non-residential development will be to BREEAM Excellent and this increases the construction costs by 2% or so."* The LPDVs concludes in paragraph 11.8, that caution is required regarding setting policy requirements for employment uses that would impact on viability. Shropshire Council has exercised this caution within the draft Shropshire Local Plan.
- 1.13. It is also informed by Shropshire Council's declaration of a Climate Emergency in 2019, recognising that climate change represents a major challenge to our way of life and, alongside ensuring that

development meets today's needs, comes a responsibility to future generations.

- 1.14. The draft policy has also been subject to and informed by Regulation 18 (Plan-Making) and Regulation 19 (Pre-Submission) consultations.
- 1.15. The Council considers this policy is effective as it provides clear expectations and also recommendations for new residential development, new non-residential development, and schemes that involve works to existing buildings. This ensures a shared understanding amongst communities, developers and decision makers. As such it is considered implementable and deliverable over the proposed plan period.
- 1.16. The Council considers this policy is consistent with national policy, as:
 - a. It supports the achievement of the Climate Change Act (as amended by the Climate Change Act [2050 Target Amendment Order] of 2019), which identifies a target of achieving 'net zero carbon emissions by 2050'.
 - b. It contributes to the achievement of the requirements of the Planning and Compulsory Purchase Act (as amended). Specifically, in Section 19(1A), Local Planning Authorities are required to include in their Local Plans "*policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.*"
 - c. It aligns with the expectations of the 2021 National Planning Policy Framework (NPPF), particularly paragraphs 153-155. Specifically it:
 - i. Takes a proactive approach to the mitigation and adaptation to climate change.
 - ii. Helps to reduce greenhouse gas emissions, such as through its location, orientation and design.
 - iii. Helps increase the use and supply of renewable and low carbon energy and heat, including by identifying opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems.

Question 2. *Would implementing this policy affect the viability of sites – is it too onerous on developers?*

Shropshire Council Response:

- 1.1. Shropshire Council considers that the viability implications of draft Policy DP11 have been appropriately considered within the Local

Plan Development Viability Study (EV115.01) (LPDVS), alongside other local and national requirements that have the potential to impact on development viability.

- 1.2. Table 10.23 of the LPDVS (EV115.01) details minimum policy requirements considered within the modelling undertaken, confirming that this includes a requirement for 10% of on-site energy needs to be generated on-site from renewable energy resources, alongside other requirements with potential viability implications in the draft Shropshire Local Plan. It concluded that these requirements are appropriate.
- 1.3. Paragraph 8.23 of the LPDVS (EV115.01) addresses policy requirements considered within the modelling of non-residential development. It explains that the assessment assumes "*new non-residential development will be to BREEAM Excellent and this increases the construction costs by 2% or so.*" The LPDVs concludes in paragraph 11.8, that caution is required regarding setting policy requirements for employment uses that would impact on viability. Shropshire Council has exercised this caution within the draft Shropshire Local Plan.
- 1.4. Other components of draft Policy DP11 are either not considered to have a specific cost (such as ensuring the design and layout of development maximises fabric energy efficiency); or the policy is clear they constitute recommendations but not specific requirements (such as achieving net-zero and maximising opportunities for district heating/cooling in residential development – particularly schemes over 50 dwellings; and considering opportunities to maximise fabric energy efficiency, reduce carbon emissions and integrate on-site renewable energy technologies when undertaking works to existing buildings).
- 1.5. To provide confidence in the deliverability and viability of the draft Shropshire Local Plan and development proposals in Shropshire; a Viability Assessment Briefing Note (GC49) has been prepared by the consultants that undertook the LPDVS (EV115.01). This concludes that "**...the Council can continue to have confidence in the 2020 LPDVS and rely on it in the plan-making process.**"
- 1.6. Finally, it is important to note the provisions of paragraph 4 of the draft Policy, which recognises there may be exceptional circumstances where the requirements of this policy (in combination with other policy requirements) could make a development unviable. As such, it provides a mechanism for dis-applying these policy requirements – where it is demonstrated through open book accounting that they would make the development unviable.