PeCAN response to EHDC consultation, "Draft 'Climate Change and Sustainable Construction' Supplementary Planning Document"[1]

2 February 2022

Key points:

A. Incentives and viability: The contents of the SPD are welcome but will not be enforceable in the short term. We therefore suggest introducing more incentives for sustainable development and toughening the requirements on viability and feasibility.
B. Education: The education benefits of the SPD for applicants could be maximised by improving the presentation.
C. The emerging Local Plan: The council should set out details of a public process by which it will convert the ideas in the SPD into policies in the emerging Local Plan.
D. Other comments on the text, including on embodied carbon and sustainable building materials, protecting mature trees, giving more priority to electrifying heat and discouraging gas-powered CHP, introducing nature-based solutions, and other things.

This response was prepared by a PeCAN Working Group comprising John Palmer, Sue Turner, Vincent Edberg, Danny Lee and Greg Ford. It has been circulated to PeCAN's members for comment (~430 people).

The members of the working group would like to invite EHDC planning staff to a virtual meeting to present this response and answer any questions.

A. Incentives and viability

Section reference: Para 4.12 – CP24

The consultation document explains at para 2.4 that the SPD will not be enforceable under the current Local Plan. It only offers guidance on how policies in the current Local Plan will be implemented and cannot add new policies or add unnecessarily to the financial burden of developers.

To maximise its impact now, the SPD should therefore focus on creating incentives for sustainable development and disincentives for less sustainable development.

Possible incentives could include:

- Emphasize that going beyond current requirements would be a positive material consideration in planning decisions
- Consider ways to fast-track high-climate ambition applications

[1] https://www.easthants.gov.uk/draft-climate-change-and-sustainable-construction-spd

- Ease the submission requirements for developments with high climate ambition. For example, developments pursuing certified Passivhaus design status might not need to supply so much detailed information to support applications, such as exempting parts of the Carbon Reduction Statement, the energy elements of the Sustainability Checklist or other document requirements, especially where these duplicate parts of the Passivhaus process.
- Add advice to help applicants access grant funding for retrofit measures, energy efficiency measures, district and community heating, etc. with clear links to the available schemes and help to apply. This could be done online to ease updating, for example every six months.
- To incentivise developers to fit low carbon heating, the SPD could maybe look at waiving or simplifying other requirements (e.g. BREEAM) or maybe a reduction in CIL on homes that use heat pumps.

For the disincentives, the SPD could raise the burden on applications that seek exemption from normal sustainability policy standards. Para 4.12 says that applicants who claim the requirements of CP24 are financially unviable or technically unfeasible "will need to demonstrate this with appropriate evidence in support of a planning application". This requirement could be fleshed out to ask for evidence of financial unviability to include a breakdown of the incremental costs of meeting the policy and the expected profit of the development as a whole, supported by quotations and valuations. If the cost uplift is higher than 4-8% (see below on para 4.4), it could ask for an explanation. It could ask for evidence of technical non-feasibility to be supported with an engineer's or surveyor's report. It could require submissions to use only up-to-date prices and technologies.

Section reference: Para 4.4 - Viability

The statement that 'all policies were found to be viable' is very weak and would benefit from evidence of impact assessment. For exemplar standards of development, it may be helpful to reference that even building to the Passivhaus standard would not increase build costs beyond around 4-8%
(see here for reference: https://www.passivhaustrust.org.uk/guidance_detail.php?gId=41)

B. Education

Section reference: Para 2.8 – 2.9

The SPD is a good opportunity to educate a captive audience about sustainable development practices they may not have been aware of, at the time when they are making decisions about the materials and design of their project.

The current presentation of the draft SPD is rather dull and will not be an easy read for many. This does not matter much for the larger projects where developers typically engage a wide range of expert consultants. The problem arises with smaller projects, single dwellings and retrofit projects where those involved try hard to avoid spending money on what in their view is unnecessary and costly advice.

The proposed EHDC SPD draft does make extensive use of words such as 'can' and 'may' that do tend to weaken the impact of the document considerably. It would help if the SPD and the

subsequent, much more important, follow up version relating to the new Local Plan, were written with a more positive tone of language.

The SDNPA have in that respect acknowledged this situation and published a much more helpful SPD, which uses positive language and a multitude of visual aids, striking a good balance between helping people with their planning application and educating them about sustainable building development.
https://www.southdowns.gov.uk/wp-content/uploads/2020/08/Sustainable-Construction-SPD-FINAL-25-Aug-2020.pdf

The information in the SPD can perhaps be more clearly split into what is a related to *planning conditions* and what is purely *guidance*. There is furthermore every reason for the inclusion of *general constructive advice* for those people interested in how they can contribute and be part of the climate change mitigation process. The amount of building work not governed by the planning approval process is huge making this aspect extremely important. It is hence essential to capture the public imagination.

Bath and North East Somerset Council's SPD contains more examples of online educational material, for example about particular housing types (17th Century Georgian, late 20th century etc), what sorts of consents are needed for each type of retrofit measure, etc. EHDC could aim for a similar resource in the medium-term to support the emerging Local Plan, perhaps starting with the Energy Alton Clean Heat Guide.
https://beta.bathnes.gov.uk/sustainable-construction-and-retrofitting-supplementary-planning-document/introduction
https://energyalton.org.uk/wp-content/uploads/sites/5/energy-alton-clean-heat-guide.pdf

C. The Emerging Local Plan

Section reference: para 2.4

We support the council's ambition to amend the emerging Local Plan (currently Reg 18 version[2]) to require houses to be zero carbon or as near as possible and are pleased that EHDC wants to be one of the first councils to do that, as Councillor Millard was quoted as saying in the Petersfield Post (29 Dec 2021). This level of ambition should be matched in EHDC's climate strategy, which will form part of the policy context for the emerging Local Plan. We suggest that Goal B2 of the Climate Strategy[3] be amended to include the words "net zero or as near as possible".

The policies in this SPD should be "local plan ready" so that they can be incorporated into the emerging Local Plan as soon as legally allowed. Other parts of the emerging Local Plan will need considerable revisions to meet the EHDC's objective on zero carbon housing and incorporate this SPD, including a revision of its objectives and relevant policies.

We therefore suggest that Council publish a timeline and procedure for amending the current draft of the emerging Local Plan to include the new policies, which could be published together with the results of this consultation.

[2] https://cdn.easthants.gov.uk/public/documents/Draft%20Local%20Plan.pdf
[3] https://cdn.easthants.gov.uk/public/documents/Climate%20Environment%20Strategy%202020-25.pdf

That would ideally be accompanied by some benchmarking by council staff of the new policies against best practices from other Local Plans, and a public engagement process for residents to comment on and influence these new parts of the emerging Local Plan before they move to the next stage of approval.

Section reference: para 4.3, 4.10

It is likely that the updated Part L of the building regulations coming into force in June 2022 will have significant impact on building standards. The SPD should clarify that the new building standards will be applied at the earliest possible date.

A process is needed for making other updates to the SPD relatively quickly, subject to appropriate public consultation. EHDC should anticipate the mechanics of keeping this a moving document – easy in electronic form but some thought is needed for the hard copy - maybe loose leaf?

D. Other comments

General

The SPD is not specific to East Hants and would be stronger if it referred to the distinctiveness of the area and local circumstances. The rural nature of district, its large number of off-gas properties that have high carbon emissions from oil and LPG, potential for alternative energy sources such as ground source or water source heat pumps, availability of land and roof spaces for solar PV etc. are all factors that could be harnessed in the planning guidance as well as in the technical advice chapters 5 and 6.

Another local aspect to mention is the special context of the South Downs National Park, which covers much of the EHDC area and forces developments to be concentrated in the remaining 43% of the district. This concentrates the environmental impacts outside the park, increases the risk of spillover effects inside the park and its sensitive habitats, and increases the need for measures to mitigate the climate and biodiversity impacts.

Section reference: Paras 4.13-4.16 and 6.22-6.31 – Electricity storage and Microgrids

Section 4 should encourage electricity storage and, for larger developments, the consideration of microgrids. The corresponding guidance in section 6 could be amplified to explain the benefits of these technologies.

Section reference: Paras 4.13-4.16 – Allowable solutions loophole

The existing policy CP24 says “Where onsite proposals to achieve higher levels of carbon reduction are not feasible or viable ‘allowable solutions’ should be used” and then refers to Zero Carbon Hub report recommendations, as developed by Government policy in a footnote (without giving a further reference, which should be provided).

This could be a loophole for large developers, especially if used in combination with offsets (see below). The SPD is an opportunity to narrow this loophole by limiting the cases where developers can use Allowable Solutions, for example by significantly increasing the evidence burden to show that onsite carbon reductions are not feasible or viable (see above under 'Incentives').
The Allowable Solutions "Zero Carbon Route" was part of the Zero Carbon Hub's Zero Carbon definition which was withdrawn by the government in 2016 and should not be used in any case.

Section reference: Paras 4.13 and 6.19 and Sustainability checklist – 10% decentralised renewable energy

The Sustainability Checklist and para 6.19 should include the word "decentralised" or similar to ensure that the requirement in 4.13 is met through local renewable production and not grid power under green tariffs. The wording in 4.13 could be edited to encourage a higher percentage where roof space or other features allow.

Section reference: Paras 4.14 and 5.5-5.6 and 6.53 - Offsetting

We are highly sceptical about the contribution of carbon offsetting to meeting global GHG emissions reduction and agree with the 'last resort' language in 5.5. This should be repeated in para 6.53.

Section 4.14 should also be amended to clarify that developments which can only meet the requirements of CP24 by using 'allowable solutions' that involve offsets are unlikely to be approved.

'Offsets' from avoided emissions have no carbon drawdown benefit but can be used (or misused) as an excuse for new emissions and therefore increase GHG concentrations. Offsets linked to carbon sequestration should be used only as a last resort, and only when the term of sequestration and its verification can be assured.

Many offset schemes don't achieve the reduction or avoidance promised and some can engage in double-counting. Another criticism focuses on whether the amount paid reflects true cost of offsetting. And even if you ignore the cost, many commercially available carbon-offsetting schemes are based on a 60-year duration, which may not be sufficient or effective when a building/project is emitting the carbon today or as greater longevity. A lot can go wrong with offsetting schemes. A tree-planting scheme might seem like an obvious low-risk option but will the trees in the right location? Will they grow to maturity and not be felled or damaged prematurely? What protection and safeguards are in place for the lifetime of the scheme? What's more, avoidance or reduction amounts attributable to a particular project are hard to measure. This complicates the goal of balancing the carbon emissions with the same tonnage of carbon offsets. In sum, only real solution is to avoid the emissions in the first place.

A similar logic applies to the use of biodiversity offsets and para 4.33 could be amended to encourage that the concept of Biodiversity Net Gain is only minimally used.

Section reference: Paras 4.18-4.21 and 4.31-4.33 – Carbon sequestration, Rewilding and Restoration

Para 5.50-5.54 contains useful information on how planting, hedgerows and wetlands can increase carbon sequestration. It could be supplemented by adding information about how developments can support rewilding and restoration of ecosystems using nature-based solutions (see the response from PeCAN trustee Danny Lee on this subject). These outcomes should be referenced as supporting factors in the assessment criteria outlined in section 4 at the paras above.

Section reference: Para 4.18 – 'Passiv' definition

It might be useful to highlight the difference between Passive design as stated and Passivhaus https://www.passivhaustrust.org.uk/guidance_detail.php?gId=41

Section reference: Paras 4.33 – Biodiversity net gain

We would support the inclusion of a new section on using Nature-based Solutions, as proposed in Danny Lee's response to this consultation, which includes suggestions for text to be added in various places in the SPD and a reference to https://www.ukgbc.org/wp-content/uploads/2020/08/Nature-based-solutions-to-the-climate-emergency.pdf.

No two ecosystems are the same and established habitats can never be fully replaced. 4.33 should be amended to ensure that Biodiversity Net Gain is not used as a tool to turn avoidable nature losses into a simple business cost.

Section reference: Paras 4.33 and Carbon Reduction Statement – Trees

We support the comments submitted separately by PeCAN committee member Melanie Oxley that the SPD should increase the protection of mature trees. The SPD requires at 4.33 that the carbon effects from their removal are counted. This section could be strengthened by incorporating as a requirement in section 4 the guidance in 5.52 that "existing trees should be preserved~~, if appropriate,~~ in developments and landscaping designs, ~~wherever possible~~".

Section reference: Paras 3.9, 4.8 – 4.10 – Part L update

This is now out of date as the government published an uplift to Building Regulations Part L (Energy) in Dec 21, coming into force in Jun 22. This will result in a reduction in 31% in emissions from current levels. This is a pre-cursor to the full Future Homes Standard being announced in 2024 and coming into force in 2025. Given the timeline of the revisions to the local plan, it would be appropriate to reference this standard instead of the previous one.

Section reference: para 4.39, 4.44 and section 5 – Embodied Carbon

This section in chapter 4 does not refer to embodied carbon. It should include this term and encourage applications to demonstrate the guidance set out in 5.85-5.99

The text in Section 5 on embodied carbon is very useful. We could suggest some additional resources: LETI has produced supplementary guidance in the form of the LETI Embodied Carbon Primer. Further guides give advances in understanding of materials, Environmental Product Declarations (EPDs), and Cradle to Cradle techniques: CIBSE - Building Services Knowledge, Built Environment Carbon Database (becd.co.uk), Nature-based-solutions-to-the-climate-emergency.pdf (ukgbc.s3.eu-west-2.amazonaws.com),

Environmental Product Declarations (EPD) for UK products - The Alliance for Sustainable Building Products (asbp.org.uk), Design for Deconstruction – helping construction unlock the benefits of the Circular Economy - BRE Group

Section reference: Para 4.43 and 5.94 - Demolition

Paras 4.39 and 4.43 could be amended to require the design stage to optimise Design for Deconstruction by utilising the BRE methodology to minimise end-of-life diverting of materials to waste streams and attendant deconstruction impacts on the environment. See https://www.bregroup.com/buzz/design-for-deconstruction-helping-construction-unlock-the-benefits-of-the-circular-economy/?cn-reloaded=1

Section reference: para 4.44 and 4.45 – Sustainability documents

Document references could be confusing for applicants: the Local Planning Applications Requirements refers to a Sustainability Appraisals; paragraphs 4.44 and 4.45 of the SPD refer to Sustainability Statements; the rest of the SPD refers to a Sustainability Checklist. It is not clear if these are the same or different documents.

Section reference: Section 4.49 and para 5.136 – Resilience and adaptation

The Local Plan vision calls for a resilient Hampshire. Para 5.136 section refers to climate change impacts including hotter and drier summers, warmer and wetter winters, and an increase in heavy rain, storm events and flooding. Section 4.49 and its application to all the policies in Section 4 could be amended to match this range of impacts and state a clear planning preference for built and green infrastructure proposals that show resilience in these areas.

Section reference: Paras 5.123 – EV charge points

The reference for new developments to have EV charge points where possible could be tightened; in principle there can be very few reasons why a new development that includes parking spaces should not be EV-ready from the start. Planning preferences could suggest that all developments meet at least the Whitehill & Bordon requirements (CSWB18) and include support for visitor charge points, universal sockets, public charge points and car clubs.

Section reference: Paras 5.26 - 5.28 – Insulation materials

The guidance on insulation could be expanded to include hemp and lime-based mixtures, and sheep wool insulation. Hempcrete continues to absorb CO2 throughout its life and simultaneously increases strength of the material. Hemp and lime mixtures can lock up approximately 110 kg of CO2 per m3 of wall. Sheep wool Insulation has an embodied carbon level of less than half of widely used

cellulose insulation and one sixth of mineral wool. Higher uptake of these materials can create a local more natural and sustainable industry for the enormous energy efficiency demand in buildings.

Section reference: Paras 5.3 – Energy hierarchy

An updated version of the Energy Hierarchy diagram shown in the Supplementary Planning Document Climate Change and Sustainable Building Supplementary Planning (peakdistrict.gov.uk) would be more helpful to both professionals and the community, although it may need amending to mention the fabric first approach and to remove references to mains-gas-powered CHP.

Section reference: Paras 5.68-5.79 - Green Infrastructure

We also support Melanie Oxley's suggestion to include a target ratio for built environment : green infrastructure in this section.

Section reference: Section 6 – Electrification of Heat

This section has the wrong emphasis. It discusses CHP and renewable energy sources before moving on to heat pumps. As our electricity grid has decarbonised significantly and will be completely decarbonised by 2035, the most important priority for buildings is to shift their heating and hot water demand from gas (or other fossil fuels) to an electrical-based source. Heat pumps are currently the primary way to achieve this. Any other forms of renewable energy at a local level are helpful in terms of producing more renewable energy – but this is secondary if buildings are still combusting fossil fuels. The premise and emphasis of this section should be reworded accordingly.

Section reference: Paras 6.12 – 6.16 – CHP out of date

This section on CHPs is now out of date. A CHP system which uses gas should not be encouraged at this point as it will have a lifetime of perhaps 20-30 years. In that time, the electricity grid will have completely decarbonised and so should be the primary source of energy.