Examination of the Climate Emergency Review of the Lancaster District Strategic Policies and Land Allocation Development Plan Document (DPD) and the Development Management DPD

To: Inspector: Joanna Gilbert MA (Hons) MTP MRTPI

Programme Officer: Carole Crookes

By e-mail

10th January 2024

Dear Ms Gilbert,

Re: Inspector's Letter regarding the Planning – Local Energy Efficiency Standards Update and Wind Energy

Thank you for your letter of 18 December 2023 that followed the publication, on 13 December 2023, of the Government statement; *Planning – Local Energy Efficiency Standards Update* (Statement UIN HCWS123). The Council notes that this Written Ministerial Statement (WMS) supersedes the section of the 25 March 2015 Written Ministerial Statement entitled 'Housing standards: streamlining the system', sub-paragraph 'Plan making' in respect of energy efficiency requirements and standards only.

In light of the December 2023 WMS, you offered the City Council the opportunity to provide an initial response on its views as to how the WMS would affect the content of Policy DM30a: Sustainable Design and Construction, Main Modification MM14, and any other consequential Main Modifications to associated areas of the Plans. You further advise that this should include any suggested alterations to Policy DM30a and its supporting text; and any necessary and up to date supporting evidence.

Additionally, you requested that the Council provide you with a full written response, including any necessary mapping, to representations (518.1 – 518.3) made by CBRE Limited on behalf of Lancaster University with regard to wind energy.

Please find below the Council response to these matters.

1) The Council's response on how the 13 December 2023 WMS affects the content of Policy DM30a: Sustainable Design and Construction, Main Modification MM14, and any other consequential Main Modifications to associated areas of the Plans.

Background

Lancaster City Council's (LCC) Climate Emergency Local Plan Review (CELPR) was submitted for Examination in March 2022. The submitted Development Management Policies Review DPD included a policy proposing uplifts in energy efficiency standards for new build dwelling houses, flats, and new build Houses in Multiple Occupation. The text of this policy is below (see submitted DPD for the supporting text to this):

POLICY DM30a: SUSTAINABLE DESIGN AND CONSTRUCTION

Development should contribute to both mitigating and adapting to climate change to reduce greenhouse gas emissions. Development must utilise the landform, layout, building orientation, massing and landscaping to minimise energy consumption and maximise energy efficiency measures.

New Residential Development

New residential development is defined as new dwelling houses, flats (Class C3) and new build Houses in Multiple Occupation (Class C4 or Sui Generis).

Development proposals for all new residential development will be required to achieve the following:

On adoption of this Local Plan:

- **A minimum 31% reduction in carbon emissions against Part L of the Building Regulations 2013.**

By 01/01/2025:

- **A minimum 75% reduction in carbon emissions against Part L of the Building Regulations 2013 to be achieved through a reduction in energy consumption via a fabric first approach.**

By 01/01/2028:

- **Net zero carbon emissions to be achieved using the approach in the energy hierarchy.**

The carbon emission reduction requirements will apply at the date of commencement of each new dwelling.

The carbon reduction requirements must be met by using a fabric first approach and the following energy hierarchy:

i. **Minimise the demand for energy;**
II. **Maximise energy efficiency;**
III. **Utilise renewable energy;**
IV. **Utilise low carbon energy; and**
V. **Utilise alternative energy sources.**

The policy was the subject of consultation at Regulation 19 stage (Publication).

Examination

On 10 November 2022, following the local examination hearing sessions in October 2022, you sent the Council a post-hearings letter stating that in light of the legislative and national policy circumstances you were concerned that the Council's three step approach is inconsistent with national policy. You advised that in order to be consistent with national policy, effective, and justified, you were minded to recommend the removal of the three step approach from Policy DM30a but in

advance of requesting such a significant main modification you wished to offer the Council the opportunity to respond.

The Council responded and you further advised that your overriding concerns that Policy DM30a would fail to accord with the 25th March Written Ministerial Statement 2015[1] remained. Consequently, you requested a Main Modification to address these concerns.

A Main Modifications schedule[2] was subsequently produced which amended Policy DM30a policy text and supporting text accordingly (policy text shown in the grey box below).

New Build Residential Development

New residential development is defined as new build dwelling houses, flats (Class C3) and new build Houses in Multiple Occupation (Class C4 or Sui Generis).

Development proposals for all new build residential development will be required to achieve a minimum 31% reduction in carbon emissions associated with regulated energy against Part L of the Building Regulations 2013.

The council encourages applicants to achieve this by using a fabric first approach and the following energy hierarchy:

i. Minimise the demand for energy;
ii. Maximise energy efficiency;
iii. Utilise renewable energy;
iv. Utilise low carbon energy; and
v. Utilise alternative energy sources.

During the Main Mods formal consultation, a significant number of representations were made in relation to this modification (Main Modification (MM14)) to DM30a. Representations were provided to you, as well as a summary of representations. Following the conclusion of the Main Modifications consultation, the Council awaited your final report.

On 23rd October 2023, you advised that given the potential relevance of the legal challenge[3] in respect of the Salt Cross Garden Village Area Action Plan, (where a similar issue regarding compliance with the 2015 WMS was being considered) the issuing of your Inspector's report on the Lancaster Climate Emergency Review of the Local Plan was likely to be delayed until after the outcome of the Salt Cross case is known. The Council is aware that the Salt Cross legal challenge Hearing was held on 14th and 15th November 2023. The Judgement on this has not yet been made and is not expected until (approximately) February 2024.

13th December Written Ministerial Statement

On 13th December 2023, a Written Ministerial Statement was made by Lee Rowley (Minister of statement for housing) and also Baroness Penn (Parliamentary undersecretary of state for Levelling up, Housing and Communities)). The statement supersedes the section of the 25 March 2015 WMS

[1] 25th March 2015 WMS
[2] Summer 2023
[3] Link to High Court Challenge details at Salt Cross AAP, West Oxfordshire

entitled 'Housing standards: streamlining the system', sub-paragraph 'Plan making' in respect of energy efficiency requirements and standards.

The new WMS advises that *"the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations".*

The WMS also states that any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:

- *That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.*
- *The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).'*

In your letter to the Council of 18th December 2023, you ask for the Council's views as to how the December 2023 WMS would affect the content of Policy DM30a: Sustainable Design and Construction, Main Modification MM14, and any other consequential Main Modifications to associated areas of the Plans including any suggested alterations to Policy DM30a and its supporting text; and any necessary and up to date supporting evidence. The Council's response is below.

Implications of the WMS2023 for Policy DM30a

Lancaster City Council considers that Policy DM30a, as submitted[4], is in compliance with the 13th December 2023 WMS. For the purposes of clarity however, the Council considers there should be the inclusion of explanatory annotations to the text of the Policy originally submitted in March 2022.

With this in mind, the Council wishes to propose clarifications/explanatory annotations to the wording of Policy DM30a (as submitted) to illustrate how the original Policy DM30a complies with both bullet point 'exceptions' set out in the 13th December 2023 WMS (shown above). The format used takes MM14 as a basis and illustrates the changes that would be made to this. Ultimately though, the adjustments being made are minor and are for the purposes of clarification in relation to the submitted version of DM30a.

The two points the Written Ministerial Statement outlines are addressed below:

a) Viability, Housing Supply and Affordability

Policy DM30a as submitted states that carbon reduction requirements must be met by using a fabric first approach and the energy hierarchy. The Council's position is that there is greater cost efficiency in building new homes with materials that have greater heat-retaining properties and greater air-tightness control standards when compared to using conventional approaches to development but deploying add-on technology to improve energy performance. The Council commissioned external consultants Three Dragons to test the impact of the proposed approach on development viability. The CELPR is supported by the evidence base document "*Climate Change Local Plan Review Viability Assessment – Main Report - May 2021*[5]". The Viability Assessment is undertaken in accordance with the guidance in the National Planning Policy Framework and Planning Practice Guidance. The work

[4] Submission version of the CELPR DM DPD (March 2022)
[5] LCC Viability Assessment Main Report.

explores the implications for development viability across the various modelled typologies and district sub-areas locations. The work tests development viability;

- against the baseline position (no improvement to 2013 building regulation standards),
- against the 2021 building regs standards and the Council's preferred policy approach, a fabric first/Passivhaus equivalent (the similar build costs for 2021 building regs approach and fabric first approach allowed both these approaches to be tested together), and,
- against the 2025 2025 Future Homes building regs.

The Three Dragons work demonstrates that, with some commentary on issues for some combinations of sub-location and site size, the application of the Fabric First Approach taken in DM30a development will permit development to be viable.

The viability work included consideration of the affordable housing policy requirements by site size and sub-area.

The viability work acknowledged that a period of adjustment would be required to allow developers to prepare development proposals designed to higher energy efficiency standards; the need for a period of adjustment is the purpose of the three stage approach in the submitted policy. By phasing in higher standards over time, the development industry is given time to accommodate a move to more energy-efficient building designs. The intention of the phased approach is to facilitate this change in building standards such that it does not impact adversely on housing supply.

It is therefore the Council's position that DM30a, as submitted, with some additional explanatory text, does propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation but that these should **not** be rejected at examination as they are informed by well-reasoned and robustly costed rationale that ensures that development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework (as set out in the WMS).

It is acknowledged that the Council's Viability Assessment was subject to representations from the development industry and agents acting for the development industry. The local examination hearing sessions included a thoroughly detailed exploration of viability matters. Subsequent to this you advised in paragraph 9 of your letter of letter to the Council (dated 22nd December 2022) that);

> *"with regard to viability of the energy efficiency standards proposed, I have considered what the Council has provided in its letter. While this has allayed my viability concerns, my concerns over consistency with national policy remain".*

It is the Council's position that the issues of development viability, supply and affordability have been addressed and explored. The Council notes that the 13th December 2023 WMS removes the uncertainty regarding consistency with national policy as the 25th March 2015 WMS has now been superseded. Given that the 13th December 2023 WMS allows for local energy efficiency standards for buildings that go beyond current or planned building regulations where these are robustly evidentially supported the Council is of the firm view that it has demonstrated this to be the case and, accordingly, there is no issue in principle over consistency with national policy.

b) Requirement for percentage uplift of a dwelling's Target Emissions Rate (TER)

The Council's submitted policy DM30a was exactly formatted in a way which is in compliance with the 13th December 2023 WMS.

The evidence[6] (P_20.2) supporting the policy development, prepared to support the Viability Assessment and the submitted policy DM30a, *are* based on the Target Emissions Rates (TER) and *then* calculated as a percentage uplift of the given dwelling target emissions rates using the Standard Assessment Procedure.

For clarity, the TER required in the WMS are determined by the Standard Assessment Procedure (SAP) process. The Target Emission Rate (TER) is expressed as kg CO2e/m2/year and is based on the emissions produced by the "Notional Building" set out by the Standard Assessment Procedure (SAP) methodology. In simple terms, the TER is the maximum carbon emissions allowed for a dwelling.

The following sets out how the percent uplift in submitted Policy DM30a is calculated using the TERs:

- **Part L of Building Regs 2013:** Target Emissions Rate (TER) is 16 kgCO2e/m2 /yr
- **Adoption of the Local Plan**: TER is 11 kgCO2e/m2/yr and when expressed as a percentage is an approximately 31% reduction against 2013.
- **2025 Uplift:** TER 3.6 kgCO2e/m2/yr when expressed as a percentage is an approximately 75% reduction against 2013
- **2028 Uplift:** TER 0 kgCO2e/m2/yr when expressed as a percentage is an 100% reduction against 2013

Therefore, the reductions in carbon emissions included in the submitted policy DM30a are expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) and therefore are in line with the requirement of the 13th of December WMS 2023.

2) The Council's full written response to representations (518.1 – 518.3) made by CBRE Limited on behalf of Lancaster University with regard to wind energy.

CBRE state in their representation that the proposed modification to figure 13.1b includes reference to a 150-metre buffer around roads, railways and public rights of way. They note that this is not however shown in the legend or is it shown on the map itself.

The City Council agree that the 150-metre buffer is not specifically identified on the mapping or the legend despite being referenced as a footnote on the map for both maps 13.1a and 13.1b. This is a continuation from the approach contained in the adopted Local Plan which contained similar wording as a footnote.

The text recognises that the areas of search map displays the area which is, in principle, suitable for wind energy. There will inevitably be other considerations which will need to be considered on a case-by-case basis, with proximity to residential properties and transport routes being some of these. The distances presented in the footnote represent distances recommended by best practice and which are applied by the Council when assessing applications. The Council acknowledge that this could be made

[6] LCC Climate Change Local Plan review Viability Assessment -Technical Appendices 1 (May 2021)

clearer within the footnote to avoid confusion and therefore the wording of the footnote of Figure 13.1 should be amended as follows:

"*This is an indicative map only. At planning application determination stage ~~A~~ a 350m buffer will be placed around residential areas and a 150m buffer will be placed around roads, railways and PROW".

In their representation, CBRE note inconsistencies in the mapping prepared by the Council, specifically in relation to the illustrative maps 13.1a and 13.1b. The representation requests that the urban area presented on map 13.1a and the policies map be amended to reflect 13.1b. CBRE do not believe that the University land is covered by a constraint in relation to wind energy.

As discussed at the hearing sessions the City Council, in preparing maps 13.1a and 13.1b, had sought to provide only a clearer illustration of the areas of search within the Development Management Development Plan Document (DPD). The Council had never sought to present an alternative map with revised considerations or approach to the assessment of areas of search as this was never intended to form part of this partial review. The Council's position was that it was satisfied that the areas of search (and their method of assessment) remained sound having only recently been adopted in July 2020.

The Council accept that in preparing the illustrative mapping for Policy DM53 (i.e. maps 13.1a and 13.1b) different data layers have been used which has led to a lack of clarity in terms of the policy's application. These new data layers related to the Bailrigg Garden Village Area of Search, a layer relating to the Garden Village and not the larger SG1 broad location for growth allocation of the adopted Local Plan. The inclusion of these data layers has inadvertently led to the inclusion of an alternative constraint layer, resulting in the presentation of revised shapes within the illustrative diagrams.

The inclusion of alternative layers of constraint was never the intention of the City Council, with the mapping provided in the adopted Local Plan of 2020 considered to be an accurate representation of the Council's existing evidence base and understanding of constraints across the district, including adopted land allocations.

In undertaking the Partial Review, the City Council has not produced any new evidence which would justify any changes to the areas of search identified within the adopted 2020 Local Plan. With this in mind, the Council did not consider it appropriate to include the revised mapping presented at the Examination as it does not meet the tests of soundness.

In seeking to resolve this matter, the Council suggests reverting back to the position of retaining only Figure 13.1 and reverting to the area suitable for wind energy as shown in the currently adopted version of the DPD and the adopted policies map. The Council propose that images 13.1a and 13.1b be deleted, with only Figure 13.1 remaining (as in the adopted document) and the policies map also having the suitable for wind energy area retained as per the adopted policies map.

The Council recognise that large areas of the University estate remain outside of the areas of search for wind energy, however, the Council believe this represents a consistent and sound approach which reflects the adopted position within the adopted Local Plan and reflects the constraints that exist within this area of the District and therefore the City Council disagrees with CBRE's position that the University land should not be covered by a constraint in relation to wind energy, as this is the adopted, sound position.

The exclusion of this area from identified areas of search remains consistent with the Council's understanding of its urban boundary and the 350-metre buffer, both of which present a constraint to the development of wind energy at this location. It is these considerations which have informed the evidence base and subsequent identification of potential areas of search to the South of Lancaster. The Council is not aware of any new evidence which would alter this assessment.

The City Council does not believe there is sufficient justification or evidential basis to make the amendments requested by Lancaster University. However, having recently committed to a Full Review of the Local Plan[7], the City Council will seek to work with Lancaster University moving forward to provide a better understanding (via a robust evidential basis) of wind energy opportunities within this locality.

Summary

The Council considers that both matters relating to the 2023 WMS and the Wind Energy representations made by CBRE have now both been resolved, as set out above.

It is the Council's position that both of the bullet point criteria set out in the December 2023 WMS are addressed in the submission version of Policy DM30a, however, for the purposes of clarity the Council proposes some minor explanatory annotations to the text of the policy wording to make this clear to the end user of the document.

Appendix A below shows a simplified version of these changes highlighted in green.

Appendix B below shows a full account of the changes needed to the current main modifications (MM14) version of the policy to reflect the 2023 WMS.

Yours sincerely

Maurice Brophy

Maurice Brophy

Service Manager – Planning and Housing Strategy

Lancaster City Council.

[7] Decision made at Cabinet 12th September 2023.

Appendix A

Appendix A sets out Policy DM30a reflecting the WMS 2023, while also including changes previously made to reflect the discussion at the examination hearings, and subsequently presented at Main Mods consultation stage.

The text below highlighted in green shows clarifications proposed to the policy to reflect the WMS 2023. These are minor with the purpose of improving clarity for applicants.

See next page:

POLICY DM30a: SUSTAINABLE DESIGN AND CONSTRUCTION

Development should contribute to both mitigating and adapting to climate change to reduce greenhouse gas emissions. Development must utilise the landform, layout, building orientation, massing and landscaping to minimise energy consumption and maximise energy efficiency measures.

New Residential Development

New residential development is defined as new dwelling houses, flats (Class C3) and new build Houses in Multiple Occupation (Class C4 or Sui Generis).

Development proposals for all new residential development will be required to achieve the following:

On adoption of this local plan:

- **A minimum 31% reduction in carbon emissions against Part L of the Building Regulations 2013 expressed as a % uplift of the dwelling's Target Emissions Rate (TER).**

By 01/01/2025:

- **A fabric first approach shall be used to reach a minimum 75% reduction in carbon emissions against Part L of the Building Regulations 2013 expressed as a % uplift of the dwelling's Target Emissions Rate (TER) ~~via a fabric first approach~~.**

By 01/01/2028:

- **A 100% reduction in carbon emissions against Part L of the Building Regulations 2013 expressed as a % uplift of the dwelling's Target Emissions Rate (TER).**

Or alternative wording:

- **Net zero carbon emissions to be achieved using the approach in the energy hierarchy expressed as a % uplift of the dwelling's Target Emissions Rate (TER).**

The carbon emission reduction requirements will apply at the date of commencement of each new dwelling.

The carbon reduction requirements must be met by using a fabric first approach and the following energy hierarchy:

i. **Minimise the demand for energy;**
ii. **Maximise energy efficiency;**
iii. **Utilise renewable energy;**
iv. **Utilise low carbon energy; and**
v. **Utilise alternative energy sources.**

New Build Major Non-Residential Development

Major new build development within Use Classes C1 (Hotels) and C2/C2A (Residential Institutions) and major non-residential buildings, excluding uses within Classes B2 (General Industrial), B8 (Storage and Distribution), E(g)(iii) (Industrial Processes) and agricultural buildings, will be required to meet the most up to date BREEAM 'Excellent' standard. Where the 'Excellent' Standard cannot be achieved, evidence must be submitted with an application to the satisfaction of the City Council. The BREEAM 'Very Good' standard must be met as a minimum.

Low Carbon and Renewable Energy

Proposals must include opportunities for low carbon energy and renewable technologies, or other sustainability measures to be integrated into the build. The design of buildings must facilitate climate adaptation and mitigation measures, as well as ensuring that the structure and fabric can be retrofitted throughout the lifetime of the building.

Conversion and Material Change of Use of Existing Buildings

Where existing structures are being converted to new uses, which will also result in a change in the energy status* of the building ~~the~~ an Energy and Carbon Statement will be required and must show that energy demand has been addressed in line with the energy hierarchy, reduced to the lowest practical level using energy efficiency measures, heating/cooling systems have been selected sustainably, and that on-site renewable energy will be installed unless evidenced to be unfeasible.

Future Changes to National Requirements

In the event that national building regulations are updated or there is any change in planning policy or legislation which require higher standards to be met than those set out in the Local Plan, these will supersede the local policy requirement. Any change in the implementation of this policy will be set out in further guidance published separately by the Council.

Sustainable Design Statement

The above issues and requirements are to be evidenced in a Sustainable Design Statement to be submitted with the planning application. The Sustainable Design Statement shall include an Energy and Carbon Statement.

Sustainable Design Statement

The above issues and requirements are to be evidenced in a Sustainable Design Statement to be submitted with the planning application. The Sustainable Design Statement shall include an Energy and Carbon Statement.

The submission of an Energy and Carbon Statement will be required to demonstrate how a development seeks to address compliance with this policy for all new residential developments and major non-residential developments (including residential institutions – Class C2 and C2A and the non-residential part of mixed-use developments).

The Energy and Carbon Statement should include evidence to show how the design and build of the development will meet the requirements of this policy, how the energy hierarchy has been used to minimise carbon emissions, how monitoring and evaluation will take place during the construction/built stages and the provision of post occupancy advice to residents, to ensure the performance gap between design and build is minimal. The Energy and Carbon Statement should include an assessment of whole life cycle emissions.

* Change to energy status as defined in regulation 2(1) of the Building Regulations 2010 or most up to date version.

New paragraph 6

Ensuring that the district's future growth supports climate resilience and is as sustainable as possible is at the forefront of all decisions. Through sensible construction and design, new developments offer opportunities to minimise the use of resources, deliver improved energy and water efficiency, contribute to a healthy environment, increase biodiversity, support residents and users to use active travel, and, importantly, deliver developments that support climate adaptation and mitigation and are resilient to the impacts of climate change. Opportunities to improve the sustainability performance of new developments will be encouraged by the Council.

Energy Efficiency and Renewables in New Buildings

New Paragraph 7

Lancaster City Council commissioned consultants Three Dragons to produce a Viability Assessment (VA) to consider the viability implications of setting energy efficiency and renewable energy requirements in new buildings, with requirements subsequently included in this policy. The VA establishes that development in accordance with these policy requirements remains viable. The impact of Policy DM30a on housing supply and affordability in the District is considered in accordance with the NPPF, as demonstrated in the VA.

All percentage reductions in carbon emissions against Part L Building Regulations 2013 should be based on Target Emissions Rates (TER values) calculated using the most recent version of the Standard Assessment Procedure (currently SAP 10.2) or any future superseding assessment framework.

New paragraph 8

Fabric First Approach

There are various ways in which to achieve the carbon reduction requirements in policy DM30a. The Council is prioritising a fabric first approach and the energy hierarchy to reduce carbon emissions. The prioritisation of a fabric first approach will minimise the impact upon viability. The fabric first approach will require developers to consider how new homes are designed and built to improve the performance of the fabric. This will include improved U-values for structure, enhanced attention to airtightness and thermal bridging to reduce the dispersal of heat, orientation and design of buildings to maximise solar gain (maximise solar gain in winter and minimise solar gain in summer) with the inclusion of measures to prevent over-heating.

New paragraph 8a

Energy Status

Energy and Carbon Statements are required for all material change of use applications, where the conversion to a new use, will result in a change in energy status. Change to energy status is defined in regulation 2(1) of the Building Regulations 2010 or most up to date version. A change to the energy status is when a building was previously exempt from the Building Regulation energy efficiency requirements but now is not. The change to energy status applies to the building as a whole or to parts of the building that have been designed or altered to be used separately. For example, when a previously unheated space becomes part of the heated building.

New paragraph 9

Achieving Net Zero

Net Zero Carbon in the context of Policy DM30a refers to having zero or negative CO_2 emissions associated with a building's annual energy consumption. Achieving net zero will require the combination of constructing a highly energy efficient building using a fabric first approach and/or on-site or connected to off-site renewable electricity generation.

New paragraph 10

Transition Arrangements for Carbon Reduction Measures

The Council wishes to avoid perpetuating the building of new homes without the implementation of appropriate carbon reduction measures into the future. It is appreciated that developers will need time to adapt to the carbon reduction measures within policy DM30a and so the phased introduction of the measures within policy DM30a aims to provide an appropriate transition period. However, on large sites where planning permission is granted using the carbon reduction requirements at the time of the permission, new homes may be built to the lower requirements

for several years into the future. To avoid this, the Council will grant planning permissions subject to conditions which will ensure new homes are built in accordance with the carbon reduction requirements at the time they are built.

New paragraph 11

The proposed transitional arrangement for the changes to the Building Regulations will require building/initial notices for each home to be submitted by June 2022 and a commencement made on each home by June 2023. All new homes granted planning permission on or after adoption must be built to meet the 31% reduction in carbon emissions against Part L of the Building Regulations 2013. As the timescales will be similar to the implementation of the Building Regulations, taking into account the time which regularly elapses between a planning permission being granted and homes being built, the impact of the introduction of standard from adoption on developers will be minimal.

New paragraph 12

A 75% reduction in carbon can be achieved using existing or similar building techniques and a technological approach. While this may be a simpler approach than the fabric first approach required by the policy, it is acknowledged that additional technology will have a greater impact upon viability. The policy therefore requires a fabric first approach to minimise the impact on viability. It is, however, understood that adapting to the fabric first approach will require changes to the way in which homes are designed and built and for this reason the policy delays the introduction of this requirement until 2025. Measures do, however, need to be in place to ensure that new homes built after this date meet this requirement rather than the lower requirement. The same issues apply to the 2028 requirement for zero carbon emissions. For schemes where the build period is likely to extend beyond 2025, developers will be expected to provide details of the phasing.

New paragraph 13

The Energy Statement must include the information necessary to show compliance with the carbon reduction requirements in place at the time the planning permission is issued, and a plan for the implementation of the future standards. A planning permission will be subject to conditions requiring the submission and approval of further Energy Statements showing how the 2025/2028 requirements will be met for homes commenced after those dates and to ensure that they are built to meet these requirements.

New paragraph 14

Energy Use in New Developments (Energy Hierarchy)

The location, density, mix of uses, detailed design, orientation and the materials chosen all have a major impact on a building's energy efficiency. The implementation of the Energy Hierarchy (see Fig 9.1) within the design of new buildings ensures that the first consideration is to

minimise energy use and demand, for example through building fabric . Once energy demand has been minimised, energy efficient electrical fittings and efficient heating and hot water systems can then be included, followed by the installation of renewable and low carbon technologies to offset the emissions from the energy that is used on site.

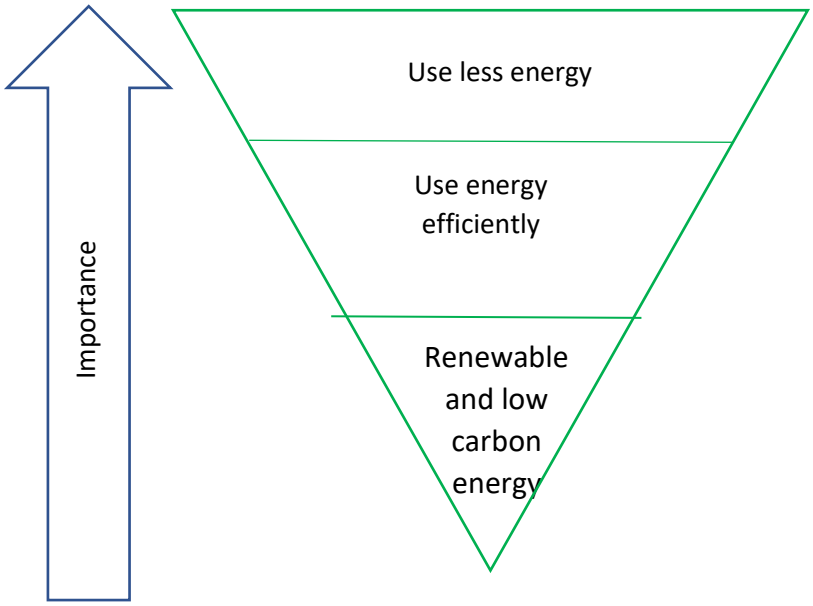

Figure 9.1: The energy hierarchy should be used to guide and prioritise how energy use is minimised and supplied to meet carbon emissions reductions.

New paragraph 15

Schemes should consider the Energy Hierarchy at the start of the design process reduce carbon and improve efficiencies by incorporating them into the build process:

New paragraph 16

1. **Use Less Energy**

In order to reduce carbon emissions, heat loss from buildings should be minimised. A range of measures can be incorporated into a development to deliver improvements in energy efficiency. For example, high levels of insulation can be integrated into the main building fabric and consideration should also be given to utilising materials with a high thermal mass. These have the capacity to store heat, helping to reduce variations in temperature within a building.

The siting, design, layout and orientation of buildings can have a significant impact on their sustainability. As most energy use in a building is from heating, one of the simplest methods of reducing energy demand is to use passive solar design to provide light and heat through natural sunlight and solar heat gain, thereby reducing the need for artificial light and heat. Not only does this significantly reduce overall energy consumption but it can also offer occupants a pleasant living and working environment.

New paragraph 17

The latest UK climate projections (Met Office, 2019) highlight that across the UK, average temperatures will rise, especially during summer. In line with this and improved fabric efficiency standards, buildings will need greater protection from overheating to prevent uncomfortable internal temperatures. Considerations should be taken for preventing excessive solar gains in summer such as through the use of external solar shading or shutters to mitigate overheating. The building design should support the mitigation of overheating wherever possible, by maximising natural ventilation, reducing internal heat gains from building services and considering construction type, layout and utilizing additional thermal mass in design, for example. The location of external hard surfaces should also be considered to minimise their warming effect, such as when the building is being naturally ventilated. The potential for incorporating features that provide shade, shelter and cooling should be identified. This could include the use of suitable landscaping, green roofs and walls, and local water features.

New paragraph 18

2. Use Energy Efficiently

Once the demand for energy has reduced, measures to make the best or most efficient use of energy should be considered. The use of energy efficient lighting and electrical fittings is critical. The energy efficiency of a building is influenced by the use of space, insulation and materials within a building.

New paragraph 19

In order to reduce carbon emissions, heat loss from buildings should be minimised. A range of measures can be incorporated into a development to deliver improvements in energy efficiency. For example, high levels of insulation can be integrated into the main building fabric and consideration should also be given to utilising materials with a high thermal mass. These have the capacity to store heat, helping to reduce variations in temperature within a building.

New paragraph 20

3. Renewable and Low Carbon Energy

Having considered the above elements of the Energy Hierarchy, proposals should then look at how the remaining energy needs on site can be met through renewable and low carbon energy sources. Renewable and low carbon sources of heating and power include ground, water and air source heat pumps, photovoltaics, solar thermal, biomass and wind (large and small scale). Heat pumps can also be used to provide cooling from the ground, water and air. In some cases, this can be combined with heating to provide seasonal storage of heat.

New paragraph 21

Heat networks are a key way to help deliver efficient, renewable and low carbon heat to residents. For new developments, priority is expected to be placed on how thermal energy can be delivered though heat networks.

New paragraph 22a

Sustainable Design Statement

The aim of the Sustainable Design Statement is to ensure that all the information necessary to assess the matters and criteria within policies DM30a, DM30b and DM30c and other sustainability measures referred to within the Local Plan are simple to find and assess. Design and Access Statements and Planning Statements currently submitted with applications will include some of the information expected to be included within a Sustainable Design Statement. The Sustainable Design Statement may therefore be standalone or included within either of these documents. If it is included with a Design and Access or Planning Statement, the Sustainable Design Statement should be titled as such and either incorporate all the necessary information into the section or list the information and cross reference the location of the information within the wider documentation.

New paragraph 22b

The Energy and Carbon Statement

The Council requires that development proposals be accompanied by an Energy and Carbon Statement, which should be submitted with the planning application. This should set out measures to reduce carbon emissions. It should:

- Set out how the energy hierarchy has been followed.
- Set out the projected annual energy demands for heating, cooling, hot water, lighting and power from the proposed development against the appropriate baseline (current Building Regulations Part L standards), along with the associated CO_2 emissions.
- Show how these demands have been reduced via energy efficiency measures and set out how the CO_2 emissions associated with the remaining energy demand and the percentage (%) emissions saving that will be achieved. Where fabric energy efficiency measures are used, the information should include U-values for the structure, air tightness and thermal bridging values, the G-value of glass, ventilation and heat recovery efficiency and water efficiency. A Simplified Building Energy Model (SBEM) for non-domestic buildings, and a Standard Assessment Produce (SAP) for residential development, will be required.
- Set out the choice of heating and cooling systems and how these have been selected, and the residual CO_2 emissions that the development will generate after energy efficiency and sustainable heating/cooling have been taken into account.
- Demonstrate how the incorporation of renewable energy has been maximised to offset CO_2 emissions.
- Set out how the energy hierarchy has been followed.
- Include details on the monitoring and evaluation that will take place during the construction/built stages to ensure that there is no performance gap between the design, construction, and operation of the building.
- Include an accessible and non-technical operation manual for residents to ensure that on occupation, the building continues to ensure the carbon reduction requirements are met.
- Include a whole life cycle carbon assessment for operation and embodied carbon.

New paragraph 23

Where changes in national guidance result in amendments to the Standard Assessment Produce (SAP) for residential development, the Council will accept the latest equivalent standard, providing the development demonstrates that it is equivalent to, or exceeds the policy standard set out in the Local Plan.

New paragraph 24

PassivHaus

Where proposals seek to follow the PassivHaus route to meeting the requirements set out in DM30a, a full Energy and Carbon Statement will not be required. It will be sufficient to submit the technical information required to demonstrate that the PassivHaus standard can be achieved. Prior to commencement a 'pre-construction compliance check' completed by a PassivHaus certifier will be required and secured by condition. Upon completion, a Quality Approved PassivHaus certificate for each dwelling/building will be required. EnerPHit certification from the PassivHaus Trust may be used for applicable conversions and significant retrofit projects.

New paragraph 25

BREEAM

Where proposals seek to achieve BREEAM 'Excellent' or 'Very Good' standard, a full Energy and Carbon Statement will not be required if Pre-Approval confirmation is available. It will be sufficient to submit the Pre-Approval confirmation with the application and BREEAM Certification post construction.

New paragraph 26

Integration of additional renewable energy and sustainability measures in new development

The Council will expect proposals for new residential development to include opportunities for low carbon technologies or other sustainability measures to be offered to the purchaser at the point of sale. Opportunities to select particular low carbon technologies or other sustainable measures, such as green roofs, should be available to purchasers the same way that other 'optional extras' are presented for example floor type, kitchen units, etc. By offering the opportunity to include such measures and ensuring that the fabric can support future installations at the start of the process, will allow buyers to secure improvements integrated as part of the build rather than retrofitted at a later date. The ability to do this should be made available to purchasers at the start of the process.

APPENDIX B

Appendix B sets out the changes proposed to the Main Modifications version of DM30a (MM14) to reflect the WMS 2023.

The text below highlighted in green shows the December 2023 changes proposed to the policy and text highlighted in yellow shows the previous, June 2023, changes made with respect to the main modification MM14.

MM14 Policy DM30a (June 2023)

~~New Build Residential Development~~

~~New residential development is defined as new build dwelling houses, flats (Class C3) and new build Houses in Multiple Occupation (Class C4 or Sui Generis).~~

~~Development proposals for all new build residential development will be required to achieve a minimum 31% reduction in carbon emissions associated with regulated energy against Part L of the Building Regulations 2013.~~

~~The council encourages applicants to achieve this by using a fabric first approach and the following energy hierarchy:~~

~~vi. Minimise the demand for energy;~~
~~vii. Maximise energy efficiency;~~
~~viii. Utilise renewable energy;~~
~~ix. Utilise low carbon energy; and~~
~~x. Utilise alternative energy sources.~~

POLICY DM30a: SUSTAINABLE DESIGN AND CONSTRUCTION

Development should contribute to both mitigating and adapting to climate change to reduce greenhouse gas emissions. Development must utilise the landform, layout, building orientation, massing and landscaping to minimise energy consumption and maximise energy efficiency measures.

New Residential Development

New residential development is defined as new dwelling houses, flats (Class C3) and new build Houses in Multiple Occupation (Class C4 or Sui Generis).

Development proposals for all new residential development will be required to achieve the following:

On adoption of this local plan:

- **A minimum 31% reduction in carbon emissions against Part L of the Building Regulations 2013 expressed as a % uplift of the dwelling's Target Emissions Rate (TER).**

By 01/01/2025:

- **A fabric first approach shall be used to reach a minimum 75% reduction in carbon emissions against Part L of the Building Regulations 2013 expressed as a % uplift of the dwelling's Target Emissions Rate (TER) ~~via a fabric first approach~~.**

By 01/01/2028:

- **A 100% reduction in carbon emissions against Part L of the Building Regulations 2013 expressed as a % uplift of the dwelling's Target Emissions Rate (TER).**

Or alternative wording:

- **Net zero carbon emissions to be achieved using the approach in the energy hierarchy expressed as a % uplift of the dwelling's Target Emissions Rate (TER).**

The carbon emission reduction requirements will apply at the date of commencement of each new dwelling.

The carbon reduction requirements must be met by using a fabric first approach and the following energy hierarchy:

i. **Minimise the demand for energy;**
ii. **Maximise energy efficiency;**
iii. **Utilise renewable energy;**
iv. **Utilise low carbon energy; and**
v. **Utilise alternative energy sources.**

New Build Major Non-Residential Development

Major new build development within Use Classes C1 (Hotels) and C2/C2A (Residential Institutions) and major non-residential buildings, excluding uses within Classes B2 (General Industrial), B8 (Storage and Distribution), E(g)(iii) (Industrial Processes) and agricultural buildings, will be required to meet the most up to date BREEAM 'Excellent' standard. Where the 'Excellent' Standard cannot be achieved, evidence must be submitted with an application to the satisfaction of the City Council. The BREEAM 'Very Good' standard must be met as a minimum.

Low Carbon and Renewable Energy

Proposals must include opportunities for low carbon energy and renewable technologies, or other sustainability measures to be integrated into the build. The design of buildings must facilitate climate adaptation and mitigation measures, as well as ensuring that the structure and fabric can be retrofitted throughout the lifetime of the building.

Conversion and Material Change of Use of Existing Buildings

Where existing structures are being converted to new uses, which will also result in a change in the energy status* of the building ~~the~~ an Energy and Carbon Statement will be required and must show that energy demand has been addressed in line with the energy hierarchy, reduced to the lowest practical level using energy efficiency measures, heating/cooling systems have been selected sustainably, and that on-site renewable energy will be installed unless evidenced to be unfeasible.

Future Changes to National Requirements

In the event that national building regulations are updated or there is any change in planning policy or legislation which require higher standards to be met than those set out in the Local Plan, these will supersede the local policy requirement. Any change in the implementation of this policy will be set out in further guidance published separately by the Council.

Sustainable Design Statement

The above issues and requirements are to be evidenced in a Sustainable Design Statement to be submitted with the planning application. The Sustainable Design Statement shall include an Energy and Carbon Statement.

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The submission of an Energy and Carbon Statement will be required to demonstrate how a development seeks to address ~~the aims of~~ ~~compliance with~~ ~~how a development seeks to address the aims of~~ compliance with this policy for all new residential developments and major non-residential developments (including residential institutions – Class C2 and C2A and the non-residential part of mixed-use developments).

The Energy and Carbon Statement should ~~must~~ include evidence to show how the design and build of the development will ~~address the aims~~ ~~meet the requirements~~ meet the requirements of this policy, how the energy hierarchy has been used to minimise carbon emissions ~~the impact on viability~~, how monitoring and evaluation will take place during the construction/built stages and the provision of post occupancy advice to residents, to ensure the performance gap between

New paragraph 6

Ensuring that the district's future growth supports climate resilience and is as sustainable as possible is at the forefront of all decisions. Through sensible construction and design, new developments offer opportunities to minimise the use of resources, deliver improved energy and water efficiency, contribute to a healthy environment, increase biodiversity, support residents and users to use active travel, and, importantly, deliver developments that support climate adaptation and mitigation and are resilient to the impacts of climate change. Opportunities to improve the sustainability performance of new developments will be encouraged by the Council.

Energy Efficiency and Renewables ~~Requirements~~ in New Buildings

~~New paragraph 7~~

~~Lancaster City Council commissioned consultants Three Dragons to consider the viability implications of setting energy efficiency and renewable energy requirements in new buildings, with requirements subsequently included in this policy. To ensure that these standards are being met, it is expected that adherence with these standards will be monitored at the construction and post construction phase.~~

New Paragraph 7

Lancaster City Council commissioned consultants Three Dragons to produce a Viability Assessment (VA) to consider the viability implications of setting energy efficiency and renewable energy requirements in new buildings, with requirements subsequently included in this policy. The VA establishes that development in accordance with these policy requitements remains viable. The impact of Policy DM30a on housing supply and affordability in the District is considered in accordance with the NPPF, as demonstrated in the VA.

All percentage reductions in carbon emissions against Part L Building Regulations 2013 should be based on Target Emissions Rates (TER values) calculated using the most recent version of the Standard Assessment Procedure (currently SAP 10.2) or any future superseding assessment framework.

New paragraph 8

Fabric First Approach

There are various ways in which to achieve the carbon reduction requirements in policy DM30a. The Council is prioritising ~~encourages use of~~ encourages use of ~~is prioritising~~ a fabric first approach ~~to reduce the demand for energy and have included an~~ and the energy hierarchy ~~within the policy~~ to reduce carbon emissions. The prioritisation of a fabric first approach will minimise the impact upon viability. The fabric first approach will require ~~encourages~~ ~~will require encourages~~ developers to consider how new homes are designed and built to improve the performance of the fabric. This will ~~should~~ ~~will~~ ~~should~~ include improved U-values for structure ~~for structure~~, enhanced attention to airtightness and thermal bridging to reduce the dispersal of heat, orientation and design of buildings to ~~optimise~~ maximise optimise ~~maximise~~ solar gain (maximise solar gain in winter and minimise solar gain in summer) with the inclusion of measures to prevent over-heating.

New paragraph 8a

Energy Status

Energy and Carbon Statements are required for all material change of use applications, where the conversion to a new use, will result in a change in energy status. Change to energy status is defined in regulation 2(1) of the Building Regulations 2010 or most up to date version. A change to the energy status is when a building was previously exempt from the Building Regulation energy efficiency requirements but now is not. The change to energy status applies to the building as a whole or to parts of the building that have been designed or altered to be used separately. For example, when a previously unheated space becomes part of the heated building.

New paragraph 9

Achieving ~~Net Zero~~ ~~Carbon Emissions Reduction~~ Net Zero ~~Carbon Emissions Reduction~~

~~Net Zero~~ ~~Carbon emissions reduction~~ Net Zero Carbon ~~emissions reduction~~ in the context of Policy DM30a refers to the reduction in ~~having zero or negative CO_2~~ ~~the reduction in~~ having zero or negative CO_2 emissions associated with a building's annual ~~operational~~ regulated energy consumption. ~~Achieving net zero~~ ~~will require~~ This can be achieved by ~~the combination of~~ Achieving net zero will require ~~This can be achieved by~~ the combination of constructing ~~a highly an~~ a highly ~~an~~ energy efficient building using a fabric first approach~~,~~ and/or ~~plus~~ ~~, and/or~~ plus on-site or ~~demonstrated to be~~ connected to off-site renewable electricity generation.

~~New paragraph 10~~

~~Transition Arrangements for Carbon Reduction Measures~~

~~The Council wishes to avoid perpetuating the building of new homes without the implementation of appropriate carbon reduction measures into the future. It is appreciated that developers will need time to adapt to the carbon reduction measures within policy DM30a and so the phased introduction of the measures within policy DM30a aims to provide an appropriate transition period. However, on large sites where planning permission is granted using the carbon reduction requirements at the time of the permission, new homes may be built to the lower requirements for several years into the future. To avoid this, the Council will grant planning permissions subject to conditions which will ensure new homes are built in accordance with the carbon reduction requirements at the time they are built.~~

~~New paragraph 11~~

~~The proposed transitional arrangement for the changes to the Building Regulations will require building/initial notices for each home to be submitted by June 2022 and a commencement made on each home by June 2023. All new homes granted planning permission on or after adoption must be built to meet the 31% reduction in carbon emissions against Part L of the Building Regulations 2013. As the timescales will be similar to the implementation of the Building Regulations, taking into account the time which regularly elapses between a planning permission being granted and homes being built, the impact of the introduction of standard from adoption on developers will be minimal.~~

~~New paragraph 12~~

~~A 75% reduction in carbon can be achieved using existing or similar building techniques and a technological approach. While this may be a simpler approach than the fabric first approach required by the policy, it is acknowledged that additional technology will have a greater impact upon viability. The policy therefore requires a fabric first approach to minimise the impact on viability. It is, however, understood that adapting to the fabric first approach will require changes to the way in which homes are designed and built and for this reason the policy delays the introduction of this requirement until 2025. Measures do, however, need to be in place to ensure that new homes built after this date meet this requirement rather than the lower requirement. The same issues apply to the 2028 requirement for zero carbon emissions. For schemes where~~

~~the build period is likely to extend beyond 2025, developers will be expected to provide details of the phasing.~~

~~New paragraph 13~~

~~The Energy Statement must include the information necessary to show compliance with the carbon reduction requirements in place at the time the planning permission is issued, and a plan for the implementation of the future standards. A planning permission will be subject to conditions requiring the submission and approval of further Energy Statements showing how the 2025/2028 requirements will be met for homes commenced after those dates and to ensure that they are built to meet these requirements.~~

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New paragraph 14

Energy Use in New Developments (Energy Hierarchy)

The location, density, mix of uses, detailed design, orientation and the materials chosen all have a major impact on a building's energy efficiency. The ~~implementation~~ council encourage the use implementation ~~council encourage the use~~ of the Energy Hierarchy (see Fig 9.1) within the design of new buildings ~~ensures that the first consideration is~~ ensures that the first consideration is to minimise energy use and demand, for example through building fabric efficiency ~~and connecting the building to active travel networks~~. Once energy demand has been minimised, energy efficient electrical fittings and efficient heating and hot water systems can then be included, followed by the installation of renewable and low carbon technologies to offset the emissions from the energy that is used on site.

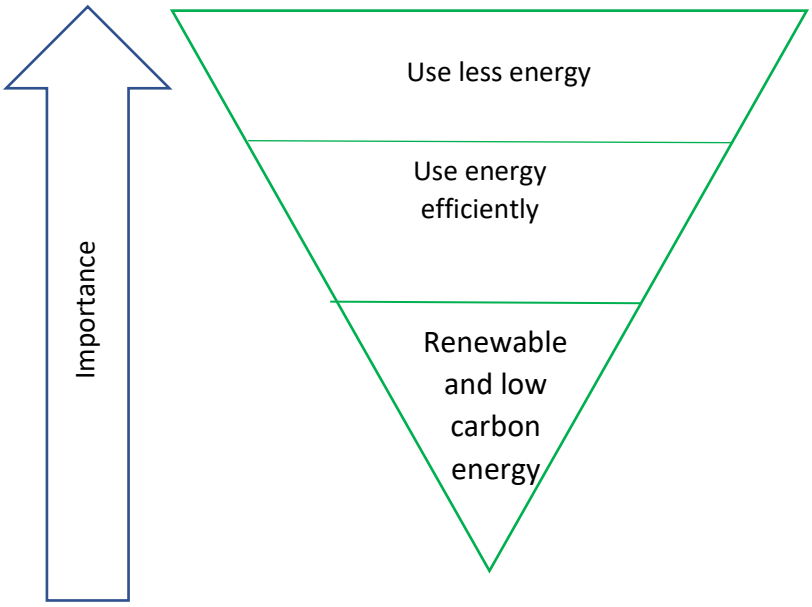

Figure 9.1: The energy hierarchy should be used to guide and prioritise how energy use is minimised and supplied to meet carbon emissions reductions.

New paragraph 15

Schemes are encouraged to ~~should~~ ~~are encouraged to~~ should consider the Energy Hierarchy at the start of the design process ~~ensuring that measures~~ to reduce carbon and improve efficiencies by ~~are~~ incorporat~~inged~~ them into the build process:

New paragraph 16

3. Use Less Energy

In order to reduce carbon emissions, heat loss from buildings should be minimised. A range of measures can be incorporated into a development to deliver improvements in energy efficiency. For example, high levels of insulation can be integrated into the main building fabric and consideration should also be given to utilising materials with a high thermal mass. These have the capacity to store heat, helping to reduce variations in temperature within a building.

The siting, design, layout and orientation of buildings can have a significant impact on their sustainability. As most energy use in a building is from heating, one of the simplest methods of reducing energy demand is to use passive solar design to provide light and heat through natural sunlight and solar heat gain, thereby reducing the need for artificial light and heat. Not only does this significantly reduce overall energy consumption but it can also offer occupants a pleasant living and working environment.

New paragraph 17

The latest UK climate projections (Met Office, 2019) highlight that across the UK, average temperatures will rise, especially during summer. In line with this and improved fabric efficiency standards, buildings will need greater protection from overheating to prevent uncomfortable internal temperatures. Considerations should be taken for preventing excessive solar gains in summer such as through the use of external solar shading or shutters to mitigate overheating. The building design should support the mitigation of overheating wherever possible, by maximising natural ventilation, reducing internal heat gains from building services and considering construction type, layout and utilizing additional thermal mass in design, for example. The location of external hard surfaces should also be considered to minimise their warming effect, such as when the building is being naturally ventilated. The potential for incorporating features that provide shade, shelter and cooling should be identified. This could include the use of suitable landscaping, green roofs and walls, and local water features.

New paragraph 18

4. Use Energy Efficiently

Once the demand for energy has reduced, measures to make the best or most efficient use of energy should be considered. The use of energy efficient lighting and electrical fittings is critical.

The energy efficiency of a building is influenced by the use of space, insulation and materials within a building.

~~New paragraph 19~~

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New paragraph 20

4. Renewable and Low Carbon Energy

Having considered the above elements of the Energy Hierarchy, ~~Developers~~ proposals should then look at how the remaining energy needs on site can be met through renewable and low carbon energy sources. Renewable and low carbon sources of heating and power include ground, water and air source heat pumps, photovoltaics, solar thermal, biomass and wind (large and small scale). Heat pumps can also be used to provide cooling from the ground, ~~and~~ water and air. In some cases, this can be combined with heating to provide seasonal storage of heat. ~~Low carbon sources of heating include energy from waste processes and gas fired combined heat and power.~~

New paragraph 21

~~District heating is~~ Heat networks are a key way to help deliver efficient, renewable and low carbon heat to residents. For new developments, priority is expected to be placed on how thermal energy can be delivered though heat networks.

New paragraph 22a

Sustainable Design Statement

The aim of the Sustainable Design Statement is to ensure that all the information necessary to assess the matters and criteria within policies DM30a, DM30b and DM30c and other sustainability measures referred to within the Local Plan are simple to find and assess. Design and Access Statements and

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- Set out how the energy hierarchy has been followed.

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other ‘optional extras’ are presented for example floor type, kitchen units, etc. By offering the opportunity to include such measures and ensuring that the fabric can support future installations at the start of the process, will allow buyers to secure improvements integrated as part of the build rather than retrofitted at a later date. The ability to do this should be made available to purchasers at the start of the process.