

## Addressing Climate Change and Biodiversity Net Gain through the Local Plan Consultation Response Form

Ref:

(For official use only)

The paper 'Addressing climate change and biodiversity net gain through the Local Plan - raising the ambition' outlines the challenge of climate change, describing how the preparation of the Wiltshire Local Plan can, in part, help address the issue.

To view the paper please visit the Council's Local Plan Review Consultation page on its website at: <https://www.wiltshire.gov.uk/planning-policy-local-plan-review-consultation>

**Please return to Wiltshire Council, by 5pm on Monday 8<sup>th</sup> March 2021.**

**By post to:** Spatial Planning, Economic Development and Planning, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN.

**By e-mail to:** [spatialplanningpolicy@wiltshire.gov.uk](mailto:spatialplanningpolicy@wiltshire.gov.uk)

This form has two sections:

Section One – Personal details

Section Two – Your response to the questions. Please use a separate sheet for each representation.

### Section One – Personal details

\*if an agent is appointed, please fill in your Title, Name and Organisation but the full contact details of the agent must be completed.

	1. Personal details	2. Agent's details (if applicable) *
Title		MS
First name		SUE
Last name		GREEN
Job title (where relevant)		PLANNING MANAGER – LOCAL PLANS
Organisation (where relevant)		HOME BUILDERS FEDERATION (HBF)
Address Line 1		c/o 80 NEEDLERS END LANE
Address Line 2		BALSALL COMMON
Address Line 3		WARWICKSHIRE
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Postcode		CV7 7AB
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## Section Two – Questions

**Consultation Question A1: Land-use policies need to be evidence based, realistic, viable and achievable. Is it reasonable to assume that the Local Plan can deliver outcomes that significantly reverse existing carbon emission trends before 2030?**

**Answer:**

Land use policies should be evidence based, realistic, viable and achievable. A sustainable pattern of development and an appropriate distribution of growth are important means to help address climate change, however there are limitations on the ability of land-use planning policies to addressing climate change. The Council is referred to the HBF's answers to Questions B2 – B6 below.

**Consultation Question A2: What practical and achievable steps should the Local Plan take to significantly reduce carbon emissions by 2030?**

**Answer:**

A distribution of new development that delivers greater levels of self-containment and reductions in unsustainable travel patterns is a practical and achievable step to reduce carbon emissions. The Council is referred to the HBF's answers to Questions B2 – B6 below.

**Consultation Question A3: How should these actions be delivered and measured?**

**Answer:**

No HBF comments.

**Consultation Question B1: If we are to successfully tackle flood risk and promote sustainable water management, would the measures set out above go far enough?**

*Please explain your answer*

**Answer:**

The HBF agree that wherever practicable, it is important to incorporate Sustainable Drainage Schemes (SuDS) within planned development schemes.

The HBF also note that under Policy Theme 1 – Tackling Flood Risk and Promoting Sustainable Water Management, the Council proposes that all new development should be designed in a manner that limits the daily consumption & disposal of water and supports the collection and re-use of rainwater and grey water. Under Building Regulations, all new dwellings must achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the NPPG. The NPPG states that where there is a “*clear local need, Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day*” (ID : 56-014-20150327). The NPPG also states the “*it will be for a LPA to establish a clear need based on existing sources of evidence, consultations with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement*” (ID : 56-015-20150327). The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas.

**Consultation Question B2:**

**If we are to successfully enhance our natural capital through place shaping and nature based solutions, would the measures set out above go far enough?**

*Please explain your answer*

**Answer:**

Under Policy Theme 2 – Enhancing Green/ Blue Infrastructure (GBI) and Biodiversity, the Council proposes that all new development will provide a minimum of 10% net biodiversity gain on site, or off-site in accordance with measures to be set out in policy and the emerging GBI Strategy.

It is the HBF’s opinion that the Council’s policy approach to biodiversity should not deviate from the Government’s proposals on biodiversity gain as set out in the Environment Bill. This legislation will require development to achieve a 10% net gain for biodiversity. It is the Government’s opinion that 10% strikes the right balance between the ambition for development and reversing environmental decline. 10% gain provides certainty in achieving environmental outcomes, deliverability of development and costs for developers. 10% will be a mandatory national requirement, but it is not a cap on the aspirations of developers who want to voluntarily go further. The mandatory requirement offers developers a level playing field nationally and reduced risks of unexpected costs and delays.

The Environment Bill will introduce new duties to support better spatial planning for nature through the creation of Local Nature Recovery Strategies (LNRSs). LNRS will detail existing areas of high biodiversity value as well as those areas where habitat creation or restoration would add most value. The intention is that the whole of England will be covered by LNRSs with no gaps or overlaps. Each LNRS will include a statement of biodiversity priorities for the area covered by the strategy and a local habitat map that identifies opportunities for recovering or enhancing biodiversity. Each LNRS will be produced locally, with a relevant public body appointed as the responsible authority by the Secretary of State. This will achieve the best combination of local ownership and knowledge and national consistency and strategy. Such spatial environmental mapping will help developers to locate their sites strategically to avoid biodiverse sites that would be difficult to achieve net gain on.

The Environment Bill will make provision for local decision makers to agree biodiversity net gain plans with developers. Where offsite compensation is required, Councils will be able to review developers plans to deliver compensation through local habitat creation projects. Where suitable local projects are not available, there will be the option for investment in nationally strategic habitats. The Government will make provision for statutory biodiversity units in the Environment Bill, which will be purchasable at a set standard cost. This approach will allow Councils, landowners and organisations to set up habitat compensation schemes locally, where they wish to do so, where this is not the case, the Government will provide a last-resort supply of biodiversity units. The Government's proposals for statutory biodiversity units will provide a recourse for developers and Councils, where local habitat compensation schemes are not available, therefore preventing delays to development.

The Council's policy approach should also reflect the Government's proposals for a transition period of two years as set out in the Environment Bill. The Government proposes to work with stakeholders on the specifics of this transition period, including accounting for sites with outline planning permission, in order to provide clear and timely guidance on understanding what will be required and when.

**Consultation Question B3:**

**If we are to successfully plan for a net zero carbon future through sustainable design and construction, would the measures set out above go far enough?**

*Please explain your answer*

**Answer:**

Under Policy Theme 3 – Sustainable Design and Construction in the Built Environment, the Council is seeking to achieve net carbon neutrality by 2030. All new development should be designed to achieve net zero carbon standards.

It is commendable for the Council to seek to make the County carbon neutral by 2030 but the Council's proposed policy approach should not conflict or go beyond the Government's proposals for Building Regulations. As set out in The Future Homes Standard consultation (ended on 7<sup>th</sup> February 2020), the Government intends to future proof new homes with low carbon heating and world-leading levels of energy efficiency by uplifting standards for Part L (Conservation of Fuel & Power) and changing Part F (Ventilation) of the Building Regulations.

Today's new homes are very energy efficient with lower heating bills for residents compared to existing older homes. Energy performance data has shown that around 8 out of 10 new build dwellings have an A or B energy efficiency rating, compared to just 3% of existing properties. An HBF report published in November 2019 found that, as a result, the average new build buyer in England and Wales saves £442.32 every year on heating costs compared to owners of existing dwellings.

The HBF recognise and support the need to move to The Future Homes Standard but there are difficulties and risks to housing delivery given the immaturity of the supply chain for the production / installation of heat pumps and the additional load that would be placed on local electricity networks in combination with Government proposals for the installation of electric vehicle charging points (EVCP) in new homes.

The Government Response to The Future Homes Standard : 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings dated January 2021 provides an implementation roadmap, the Government's aim is for the interim Part L (Conservation of fuel and power), Part F (Ventilation) and Overheating Regulations to be regulated for in late 2021 and to come into effect in 2022. The 2021 interim uplift will deliver homes that are expected to produce 31% less CO2 emissions compared to current standards. The second Part L consultation is published alongside the Government's Response. To ensure as many homes as possible are built in line with new energy efficiency standards, transitional arrangements will apply to individual homes rather than an entire development and the transitional period will be one year. This approach will support successful implementation of the 2021 interim uplift and the wider implementation timeline for the Future Homes Standard from 2025.

The Future Homes Standard will ensure that new homes will produce at least 75% lower CO2 emissions than one built to current energy efficiency requirements. By delivering carbon reductions through the fabric and building services in a home rather than relying on wider carbon offsetting, the Future Homes Standard will ensure new homes have a smaller carbon footprint than any previous Government policy. In addition, this footprint will continue to reduce over time as the electricity grid decarbonises.

The HBF support moving towards greater energy efficiency via a nationally consistent set of standards and timetable, which is universally understood and technically implementable. The Government Response to The Future Homes Standard consultation confirms that the Planning and Energy Act 2008 will not be amended, which means that the Council will retain powers to set local energy efficiency standards for new homes. The HBF acknowledges that the Council may stipulate energy performance standards that exceed the Building Regulations but consider that the Council should comply with the Government's intention of setting standards for energy efficiency through the Building Regulations. It is the HBF's opinion that the Council should not be setting different targets or policies outside of Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which would undermine economies of scale for product manufacturers, suppliers and developers. As set out in the Planning for the Future White Paper a simpler planning process improves certainty. The higher levels of energy efficiency standards for new homes proposed in the 2021 Part L uplift and Future Homes Standard means that the Council should not need to set local energy efficiency standards in order to achieve the shared net zero goal.

Under Policy Theme 3 – Sustainable Design and Construction in the Built Environment, the Council proposes that the introduction of Electric Vehicle Charging Points (EVCP) should be tackled through land-use policies and aligned with initiatives being developed to support the Council's Local Transport Plan, as well the encouragement of active and sustainable modes of transport.

The HBF recognise that electric vehicles will be part of the solution to transitioning to a low carbon future. The Department of Transport consultation on Electric Vehicle Charging in Residential & Non-Residential Buildings (ended on 7<sup>th</sup> October 2019) set out the Government's preferred option to introduce a new requirement for EVCPs under Part S of the Building Regulations. The inclusion of EVCP requirements within the Building Regulations will introduce a standardised consistent approach to EVCPs in new buildings across the country. The Government's proposed requirements will apply to car parking spaces in or adjacent to buildings and the intention is for there to be one charge point per dwelling rather than per parking space (the Government's emphasis underlined). It is proposed that charging points must be at least Mode 3 or equivalent with a minimum power rating output of 7kW fitted with a universal socket to charge all types of electric vehicle currently on the market.

It is the HBF's opinion is that the Council's policy approach is unnecessary given the Government's proposals for Part S of the Building Regulations. If the Council's policy approach is retained, the HBF consider that the physical installation of active EVCPs is unnecessary. The evolution of automotive technology is moving quickly therefore a passive cable and duct approach is a more sensible and future proofed solution, which negates the potential for obsolete technology being experienced by householders. A passive cable and duct approach means that the householder can later arrange and install a physical EVCP suitable for their vehicle and in line with the latest technologies.

**Consultation Question B4:**

**Is the move to a position where all new development is rated as zero carbon achievable from the date the Local Plan is adopted (i.e. from 2023)? How might this be achievable and if not, why not?**

*Please explain your answer*

**Answer:**

It is not possible to achieve zero carbon from the anticipated date of adoption of the Local Plan in 2023. The Council is referred to the HBF's answer to Question B3 above.

**Consultation Question B5:**

**Would a move to support the delivery of zero carbon new development materially affect scheme viability?**

*Please explain your answer*

**Answer:**

The Council's approach to the delivery of zero carbon new development will affect scheme viability. In plan-making, viability is inseparable from the deliverability of development. As set out in the 2019 NPPF, the contributions expected from development including the level & types of affordable housing provision required and other infrastructure for education, health, transport, flood & water management, open space, digital communication, etc. should be set out in the LPR (para 34). As stated in the 2019 NPPF, development should not be subject to such a scale of obligations that the deliverability of the LPR is threatened (para 34). The viability of individual developments and plan policies should be tested at the plan making stage.

Viability is a key issue in determining the soundness of the LPR at Examination. Without a robust approach to viability assessment, land will be withheld from the market and housing delivery will be threatened, leading to an unsound LPR and housing delivery targets not being met. Viability assessment should not be conducted on the margins of viability. This will be particularly important in the aftermath of uncertainties caused by the Covid-19 pandemic and Brexit. If the resultant Benchmark Land Value (BLV) is lower than the market value at which land will trade, then the delivery of housing targets will not be met.

The Council's policy approach to zero carbon development should not compromise deliverability and viability. The Council's updated viability assessment should include additional costs for 2021 Part L uplift and Future Homes Standard 2025. The Government's estimated cost for Option 2 (interim step of 31% reduction in carbon emissions compared to the current Part L 2013 requirements) is £4,847 per dwelling. Currently, the full costs for Future Homes Standard 2025 are unknown (see HBF comments to Question B3 above).

The cost of EVCPs should also be included in the Council's updated viability assessment. The Department for Transport - Electric Vehicle Charging in Residential & Non-Residential Buildings consultation estimated an installation cost of approximately £976 per EVCP. The HBF and its Members also have serious concerns about the capacity of the existing electrical network in the UK. The supply from the power grid is already constrained in many areas across the country. Major network reinforcement will be required across the power network to facilitate the introduction of EVCPs and the move from gas to electric heating as proposed under the Future Homes Standard. These costs can be substantial and can drastically affect the viability of developments. If developers are funding the potential future reinforcement of the National Grid network at significant cost, this will have a significant impact on their businesses and potentially jeopardise future housing delivery. The Government's current proposal automatically levies a capped figure of £3,600 on developers for upgrading local electricity networks, therefore this figure should also be included in the Council's updated viability assessment (see HBF comments to Question B3 above).

Furthermore, there are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's updated viability assessment. The Government has confirmed that more work needs to be undertaken to address viability concerns raised by the housebuilding industry in order that biodiversity net gain does not prevent, delay or reduce housing delivery. The DEFRA Biodiversity Net Gain & Local Nature Recovery Strategies : Impact Assessment Table 14 : Net Gain Delivery Costs (Residential) sets out regional costs (based on 2017 prices) in South West of £18,470 per hectare of development based on a central estimate but there are significant increases in costs to £63,610 per hectare for off-site delivery under Scenario C. There may also be an impact on gross / net site acreage ratio, which should be considered in the Council's updated viability assessment (see HBF comments to Question B2 above).

**Consultation Question B6:**

**In terms of performance standards for new buildings, what method(s) should the Council aim to implement?**

*For example, should we rely on current Building Regulations, or the Government's proposed 'New Homes Standards' (or any successor scheme, such as that promoted through the Planning White Paper) to achieve an uplift in the performance of new buildings?*

**Answer:**

The Council should rely on proposed changes to the Building Regulations. The 2019 NPPF confirms that Local Plans should avoid unnecessary duplication (para 16f). The Council is referred to the Government's proposed changes to Parts L (Conservation of Fuel & Power), F (Ventilation), M (Access to & Use of Buildings), R (Physical Infrastructure for High-Speed Electronic Communications Networks) & S (Electric Vehicle Charging in Residential & Non-residential Buildings) of the Building Regulations and the Government's proposals for biodiversity gain set out in the Environment Bill. As set out in the Planning for the Future White Paper a simpler planning process improves certainty. The Council is referred to the HBF's answers to Questions B3 – B5 above.

**Consultation Question B7:**

**How should the Council support the retrofitting and modernisation of existing buildings to achieve higher performance and reduce carbon emissions?**

*Please explain your answer*

**Answer:**

No HBF comment.

**Consultation Question B8:**

**If we are to make headway in terms of decarbonising energy production, consumption and emissions, would the measures outlined above go far enough? If not, what are we missing and how would additional measures be delivered?**

*Please explain your answer*

**Answer:**

No HBF comment.

**Consultation Question B9:**

**Should the Council set out policies that favour particular technologies, or should it encourage all technologies to provide green energy in Wiltshire?**

*Please explain your answer*

**Answer:**

No HBF comment.

**Consultation Question B10:**

**Should the Local Plan set targets for the production and use of renewable energy? If so, what might they be and how would they be measured?**

*Please explain your answer*

**Answer:**

No HBF comment.

**Consultation Question B11:**

**What steps should be taken to retrofit existing buildings with ultra-low or zero carbon forms of energy production? In particular, how could such technology be incorporated into buildings within sensitive locations such as Conservation Areas and/or Listed Buildings?**

*Please explain your answer*

**Answer:**

No HBF comment.



**Consultation Question B12:**

**If we are to tackle issues associated with air quality would the measures set out above go far enough and be effective in improving air quality in Wiltshire? If not, what measures are we missing and how should they be framed in land-use planning policy?**

*Please explain your answer*

**Answer:**

No HBF comment.

**Consultation Question B13:**

**What practical policy steps should the Local Plan take to significantly increase modal shift to public and active transport, and speed up the transition to greener fuelled vehicles?**

*Please explain your answer*

**Answer:**

The Council is referred to the HBF's answer to Question B3 above.

**Consultation Question B14:**

**The electricity grid system may not be able to cope with a rapid take-up of electric vehicles and the charging infrastructure needed to power them? What measures should the Council explore with Distribution Network Operators/Distribution Service Operators to resolve this?**

*Please explain your answer*

**Answer:**

The Council is referred to the HBF's answer to Questions B3 and B5 above.

**Consultation Question B15:**

**If all new development is to be future proof promote zero carbon living in energy production and consumption terms, what impact would this have on the design and viability of schemes?**

*Please explain your answer*

**Answer:**

The Council is referred to the HBF's answers to Questions B3 – B6 above.

**If you have any further comments you wish to make, please detail them below.**

No further HBF comments.

## Future notification

I wish to be notified of any future updates relating to the Local Plan Review:

YES:  NO:

Clicking yes will add you to the planning policy contact database. This will mean you are kept informed of any future planning policy updates and consultations.

Further information on how the Spatial Planning Department treats your personally identifiable information can be found by reading the privacy notice available via the link below:

<https://www.wiltshire.gov.uk/planning-privacy-notice>

Here you will also find information about how and why your data may be processed and your rights under the Data Subject Information Notice section further down the page.

Signature:



Date:

9/3/21

Thank you for completing this form.

## Data Protection

Wiltshire Council has a duty to protect personal information and will process personal data in accordance with Data Protection legislation. The personal data you provide on this form will only be used for the purpose of the Wiltshire Development Framework. It may also be used for the prevention or detection of fraud or crime and in an anonymised form for statistical purposes. The data will be stored on computer and/or manual files. You have a right to a copy of your information held by any organisation, with some exemptions. To gain access to your personal data held by Wiltshire Council or if you have any Data Protection concerns please contact Wiltshire Council's Data Protection Officer on 01225 713000 (switchboard) or e-mail to [dataprotection@wiltshire.gov.uk](mailto:dataprotection@wiltshire.gov.uk) ."