

Housing, Employment and miscellaneous key issues workshop April 2011

~ Response to comments on Policy EQ1 'Addressing Climate Change in South Somerset' ~

Introduction

Policy EQ1 seeks to ensure climate change is addressed through the incorporation of a range of mitigation and adaptation measures. It is a wide ranging policy, encompassing several topics, including an 'energy hierarchy,' decentralised and renewable or low carbon energy schemes, BREEAM and Code for Sustainable Homes, flood risk, designing for climate change, and biodiversity. This paper highlights the key issues raised during consultation, and outlines a response to address these issues.

Summary of issues

There were 29 comments made on Policy EQ1, comprising 3 in support, 13 objections and 13 observations – the main issues raised are set out below, grouped in order according to particular sections of the policy:

- Several suggested word changes e.g. state "must" rather than "should", "CO₂ emissions are minimised".
- Not clear that low carbon technology is being encouraged.

Response: agree word amendments would make policy clearer; bullet point 4 specifically states that "...low carbon energy will be encouraged and permitted..."

- Bullet point 2 – 10% renewable energy target – is too inflexible as 10% CO₂ reduction can be achieved solely by energy efficiency measures and without the need to use decentralised and renewable energy technologies.

Response: draft policy issued by the previous Government¹ states such targets will be unnecessary when the proposed revisions to the Building Regulations are introduced in 2013, but will be supported as an interim measure. From October 2010 Building Regulations already require a 25% reduction in CO₂ emissions (compared to 2006) for new dwellings. Agree with the potential inflexibility and lack of consistency with the need to prioritise energy efficiency measures; therefore consider clarifying this by making the 10% decentralised and renewable or low carbon energy requirement an addition to CO₂ reductions required in Building Regulations. The Coalition Government announced in the Budget 2011 that the requirement for zero carbon homes in 2016 is to be relaxed to only include 'regulated' emissions.

- Bullet point 3 – Code for Sustainable Homes, BREEAM – should also apply to Yeovil urban village.
- Object to introduction of Code for Sustainable Homes level 3 from 1st October 2010 as there is no national or regional requirement – wait until plan is adopted.
- Contrary to national policy as there are no exceptional local circumstances (see PPS1, para 30) justifying achieving Code and BREEAM standards – should be more flexible allowing feasibility and viability to be assessed on a site by site basis.
- Requirement for Yeovil Urban Extension to meet at least Code for Sustainable Homes level 6 is unviable.

Response: Yeovil Urban Village is dealt with by Policy YV3, which states Eco town standards will be adopted subject to viability assessment – Eco-Town PPS requires at least Code level 4. Although the policy states Code for Sustainable Homes level 3 is required from 1st October 2010, it will not be applied until the Core Strategy is adopted. EQ1 as worded only requires the specified Code and BREEAM levels "...unless it is proven not to be feasible or viable." These are only required at

¹ PPS: Planning for a low carbon future in a changing climate: consultation, March 2010.

specified areas (i.e. urban extensions to Yeovil and Market Towns) in line with national policy.

- Lacks consideration of local energy generation and district heating e.g. combined heat and power at local schools, hospitals, biomass wood chip heating.
- Should address solar PV development as well as wind energy, as there is increasing interest in this in South Somerset.

Response: EQ1 already encourages development of decentralised and renewable or low carbon technology generally, but may be useful to explain potential for local energy generation and district heating in supporting text. There has been increasing interest in solar farms in the district in recent months, but it is considered that the impacts of solar farms are already covered in bullet point 4 – may be useful to add further context in supporting text, including the latest position on the ‘feed in tariff’ – due to reduce from April 2012 but currently being reviewed by the Government.

- Add bullet point referring to the positive role that woodland can play in solving flooding and water quality issues.
- Mention the need to incorporate green infrastructure to soak up excessive water runoff and reduce flood risk.
- Bullet point 6 – flood risk – duplicates national policy.
- Flooding criteria should refer to Exceptions Test in order to comply with PPS25.
- Environment Agency suggest that the flood risk policy should be separated as it would give flood risk a stronger policy position.
- Lots of detail on energy efficiency but need more about water conservation.

Response: The role of woodland, and green infrastructure generally, in solving flooding and water quality issues is referred to in supporting text to Policy EQ4 Green Infrastructure, therefore no need to repeat in EQ1; consider including in Policy EQ4. Bullet point 6 is consistent with PPS25 but specifically refers to using South Somerset’s Strategic Flood Risk Assessment – agree further ‘local’ detail is required e.g. supporting text to explain that the area of search to which the sequential test will apply will be determined on merit in relation to the nature and location of the proposal, but will be district wide unless justified otherwise by the applicant. Agree that reference to Exceptions Test would fully reflect the strategic approach to directing development away from sites that flood. Do not agree that simply moving flood risk to a separate policy would give it a stronger policy position. Water efficiency is already specifically mentioned in EQ1 bullet point 8, and described paragraph 12.14.

- Strengthen policy in relation to potential impacts of renewable proposals on birds, including bird strike and disturbance – no wind farm within 800m of any internationally designated site should be in policy.
- Full bat survey data and assessment should be required as bats are vulnerable to mortality from incorrectly located wind turbines e.g. along flight lines, close to feeding areas or roost sites.
- Policy should refer to Somerset Levels and Moors as well as Severn Estuary.
- Susceptibility of biodiversity to climate change is a key issue, therefore would like to see creation of new natural habitats around existing valuable conservation habitats, together with a reduction in intensity of agricultural practices.
- Does not include the text and policy wording from the findings of the Brackett’s Coppice HRA and therefore is not compliant with the Habitats Regulations.

Response: National policy² states that “buffer zones” should not be created around international or national designations that prevent renewable energy development. The draft HRA recommended that wind farm developments are likely to be

² PPS22: Renewable Energy, 2004.

considered unacceptable within 800m of the international sites, which has been included in the supporting text. Policy EQ3 requires a survey where protected species are present, but agree would be useful to add to EQ1 supporting text. Reference to Severn Estuary is incorporated as recommended by the Somerset Levels and Moors Habitats Regulations Assessment – there was no such recommendation to refer to Somerset Levels and Moors. Recommendations from Brackett's Coppice HRA to add greater detail on impact upon bat populations in supporting text and policy bullet point 5 should be incorporated at the next stage in the 'publication' plan.

- Should set out the circumstances under which particular types of renewable energy development will be acceptable in AONBs in line with national policy.
- Produce a renewable energy SPD assessing areas for the development of renewables, especially wind farms, including specific assessment of risk to birds.

Response: PPS22 (para 11) states that criteria based policies should set out the circumstances in which particular types and sizes of renewable energy developments will be acceptable in nationally designated areas – EQ1 refers to impacts generally rather than national designations. Renewable Energy SPD to be considered as part of Local Development Scheme review in autumn 2011.

Further response to issues – the Budget 2011

Regarding proposed improvements to Building Regulations, the recent Budget announced that although zero carbon homes will continue to apply from 2016, house builders will only be accountable for those CO₂ emissions covered by Building Regulations (e.g. heating, fixed lighting, hot water), and not include 'unregulated' emissions (e.g. from cooking, plug-in electrical appliances) as was previously the case. The Budget 2011 outlines that more realistic requirements for on-site reductions will be introduced, complemented by cost-effective options for off-site carbon reductions.³ Therefore, the key message is that while energy efficiency, carbon compliance and allowable solutions are still part of the zero carbon definition, the emissions reductions required from allowable solutions will be significantly reduced.

There is some concern from consultees as to the feasibility and viability of meeting the standards of the Code for Sustainable Homes. Evidence from the Strategic Housing Market Assessment states Code level 3 would not make development unviable in many cases. The Sustainable Energy and Buildings background paper refers to Government studies on the costs of meeting the various Code for Sustainable Homes levels – this makes clear that although there would be a relatively high cost associated with meeting the higher levels, most of this (80-90% at Code 6) is due to energy standards that would be required through changes to the Buildings Regulations. The proposed amendments to the zero carbon definition in the Budget 2011 would mean the energy standard will no longer be as stringent, and may make it more difficult to justify the requirement of Code for Sustainable Homes standards; this will need to be considered when more detail on the proposed changes to 'zero carbon' is released by the Government.

Recommendations

- Make suggested minor word amendments to clarify Policy EQ1.
- Await further clarity and announcements from the Coalition Government on the energy hierarchy, delivery of zero carbon homes, and allowable solutions – make any necessary amendments to EQ1.

³ The Plan for Growth, March 2011.

- Retain reference to large scale development requiring 10% reduction in CO₂ emissions from decentralised and renewable or low carbon energy sources, but clarify that this is in addition to Building Regulations requirements.
- Refer to interest in solar farms and local energy generation in supporting text, and outline the latest Government position on this e.g. 'feed in tariff' is being reviewed, but currently due to reduce from April 2012.
- In supporting text explain that the area of search to which the sequential test will apply will be determined on merit in relation to the nature and location of the proposal, but will be district wide unless justified otherwise by the applicant.
- Add reference to the flooding exception test and explain relationship with sequential test (bullet point 6).
- Make amendments suggested in Brackett's Coppice HRA to ensure EQ1 is compliant with the Habitats Regulations.
- Local Development Scheme review in autumn 2011 to consider the merits of producing a Renewable Energy SPD, which assesses areas for the development of renewables, especially wind farms, including specific assessment of risk to birds.