

## Uttlesford Local Plan EIP

### Matter 4: Climate Change, Transport and Environment

#### Issue 1: Climate Change

##### Core Policy 22: Net Zero Operational Carbon Development

##### Q1 Are the standards of development required by this policy consistent with national policy, including the December 2023 Written Ministerial Statement 'Planning - Local Energy Efficiency Standards Update', and justified?

1. No. Our representations provide a detail response as to why HBF do not consider CP22 to be consistent with the WMS. HBF recognises the need to reduce carbon emissions in response to the climate crisis and we have been working with Government through the Future Homes Hub to develop a route map to ensuring new homes are zero carbon ready. Like Government our focus is on ensuring that there is a single deliverable standard for the country that all developers can understand and work towards. This is also a key focus of the WMS which seeks to avoid the complexity of having multiple standards that in turn harms economies of scale.
2. However, HBF recognise the WMS does not prevent Councils setting standards beyond those in building regulations. But it does place caveats on how this is achieved. Not only does it require higher standards to be viable and deliverable but also that they are expressed and calculated in a way that is consistent with building regulations. Seeking to minimise carbon emissions is therefore consistent with the aim of the WMS but the approach to achieving that which uses a standard proposed by the campaign body LETI, is not consistent with the approach in the WMS which seeks consistency and alignment with building regulations.
3. This issue has also recently been considered by the Inspectors examining the Isle of Wight Local Plan who concluded that similar standards based on energy use intensity and space heating standards were not consistent with the approach set out in the WMS and in particular its aim to avoid the proliferation of multiple local standards. In their post hearings letter<sup>1</sup> the inspectors state that and if it is to be included will need to be reformatted to be consistent with the WMS.

##### Q2 Is the requirement for fossil fuel free development consistent with national policy?

4. The requirement to be fossil fuel free, in that no new development are connected the gas grid and fossil fuels are

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<sup>1</sup> ED21 – Inspectors Post Hearing Letter - <https://www.iow.gov.uk/environment-and-planning/planning/island-planning-strategy/island-planning-strategy-examination/>

not used for domestic space heating, hot water or cooking, is not currently a requirement of building regulations but is part of the Future Homes Standard that is expected to come into effect in the short term. As such the Council are seeking to introduce this requirement ahead of a future change in national policy on this particular aspect of building standards.

*Q3 Is the absence of a Target Emissions Rate (TER) metric in this Plan policy consistent with national policy and justified?*

5. The decision by the Council not to use TER as the means for assessing performance against this policy is inconsistent with national policy. The WMS position is clearly seeking to ensure alignment between local plan policies and the requirements of building regulations in order to ensure consistency and avoid multiple different standards being required. The approach being proposed by the Council will require developers to assess the performance of new homes using metrics and assessment packages that are not endorsed by Government and will mean the development industry having to measure performance of their home differently in neighbouring areas. It is also not clear from the Council's evidence whether there are sufficient skilled assessors using PHPP or CIBSE to support the use of different metric, how this will operate alongside current building regulations and the potential impact this will have on the rate at which new homes will be delivered.

*Q4 Is the proposed Energy Use Intensity (EUI) limits requirement in this Plan policy justified and effective?*

6. The use of EUI is not justified. As set out in our response to Q3 the use of EUI creates an additional assessment regime that is not consistent with approach advocated in the WMS.

*Q5 Have the implications of these standards of development for housing delivery, viability and affordability been robustly assessed?*

7. HBF could find not find any evidence that the Council has considered the impact of this policy on the delivery of new homes. Whilst it is possible to build homes to these standards there appears to be no assessment as to whether there are the skills, supply chains and capacity available to ensure these standards can be delivered whilst maintaining the delivery of new homes as set out in the housing trajectory. For example, HBF would have expected some consideration to have been undertaken as to whether there is sufficient grid capacity to cope with the increase amounts of decentralised energy that will be fed into the national grid during the period when there is excess electricity generation compared to what is being used. Should there be a need to increase grid capacity as a result of these policies there is a risk that new development will be hindered by a lack of grid capacity to export power.
8. With regard to viability, it is not clear how much build costs have been increased to take account of the standards set out in CP22. The stage 1 assessment states that an uplift of between 8% and 10% has been applied to all sites with the Stage 2 assessment seemingly reducing this to 5%. However, as set out in our representations this is assumption would appear to be lower than other estimates as to the cost of meeting much higher energy

efficiency standards with the Future Homes Hub suggesting that in order to deliver space heating and EUI standards as suggested by the Council the cost is likely to be in the region of 15-19% higher than the 2021 Building Regulations. The impact of these higher costs alongside others costs that are likely to be higher such as delivering 20% BNG as well as taking into account the Building Safety Levy which, in the Government's response to the latest consultation, will see development pay £18.12 per m<sup>2</sup> on PDL and £36.25 per m<sup>2</sup> for land that is not PDL.

Q6 Is the requirement for post-completion monitoring justified and effective?

9. No. The consultation on the Future Homes Standard suggested the need for post completion monitoring but this was proposed as a voluntary regime. If post completion monitoring is to be required, it should be on a voluntary basis.

Q7 What is meant by the term 'expected' in relation to net zero development for extensions and conversions?

10. No comment.

**Core Policy 24: Embodied Carbon**

Q11 Are the embodied carbon standards for development consistent with national policy?

11. National planning policy is silent on the issue of embodied carbon standards as are building regulations. However, given that the Government has been clear that it does not want to see a proliferation of different standards across the country HBF would suggest that the approach being taken by the Council is not consistent with the approach advocated in the WMS.

Q12 Is there sufficient embodied carbon data on which to base Whole Life Carbon Assessments for them to be an effective tool to help minimise embodied carbon in new developments?

12. HBF is concerned that the collection of data with regard to embodied carbon is still relatively new and not available for all products. The council will need to show that there is sufficient data to ensure assessments are effective.

Q13 Have the implications of the embodied carbon standards for housing delivery and viability been robustly assessed?

13. HBF could not find any assessment as of the cost of meeting these standards in the viability assessment.

**Issue 3: Environment**

Q22 Would the quantity of development proposed in the Plan worsen water stress, reduce flows in watercourses or result in greater abstraction from the chalk aquifer?

14. For Council.

Q23 Are the proposed water efficiency standards consistent with national policy and justified? Are they a requirement for new development or optional? Do they also apply to refurbishment or changes of use?

15. HBF recognises that the Council is in a water stressed area and the lower standard allowed for through the optional technical standards is justified. However, we do not consider it justified to go below this figure. Future water standards are being considered that will phase the introduction of lower standards and the council should not look to introduce lower standards ahead of these, recognising that a consistent national approach is the best way of ensuring improved standards whilst maintaining the delivery of new homes.

Q24 Is water and sewage infrastructure capacity a constraint on development?

16. For Council.

Q25 Is the Plan effective in reducing or avoiding the risk of flooding to new development? Where development has to be in an area at risk of flooding, would it be safe for its lifetime and avoid increasing flood risk elsewhere?

17. No comment.

Q26 Is the requirement for an endowment sum in relation to green and blue infrastructure justified?

18. No comment.

Q27 What justification is there for requiring biodiversity net gain in new development greater than that required by the Environment Act 2021? How is the proposed minimum requirement of 20% biodiversity net gain arrived at? Would such a level affect the viability of development?

19. The Council will need to provide clear evidence as to why a 20% biodiversity net gain is required on all new developments given that PPG states that plan makers should not seek higher percentage without justification. The starting point is clearly that LPA should not go beyond 10% and it is an indication that in order to go beyond 10% there must be a clear and unique reason.

20. As for whether 20% will impact on the viability of residential development, given the limited practical experience of delivering BNG under the current regime it is difficult to say with any certainty that it will not impact on viability. The main difficulty is that until the baseline assessment of biodiversity is understood it is not possible to understand how much it will cost to deliver a 10% net gain let alone 20%. The likely impact of

a 20% net gain is that either more offsite delivery will be required, or the developable area of site will be reduced – adding significant extra cost or reducing the return to the developer as fewer homes can be built, especially on sites with higher levels of biodiversity. Rather than set a specific target a minimum of 20% the HBF would suggest that the policy encourages developers to go beyond 10% where possible.

Q28 Is it realistic to expect development to enhance local landscape character? Is this requirement consistent with the remainder of the policy for landscape character?

21. No comment.

Q29 Is it sufficiently clear when development will not be permitted in relation to air quality?

22. No comment.

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