

planning

Government legislation and policy

- how can we campaign for change?



Introductions

- **Toby Coke**
 - **Planning Consultant**
 - **Trainee Building Surveyor**
 - **Career:**
 - **Local Council Planner – Wandsworth, Breckland, Aberdeen**
 - **Wind turbine planner – TNEI, Energy Workshop, Sirius**
 - **Whatever you pay me to do planner – Self-employed**
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Planning – A Quick Intro

- Mediates between conflicting interests in the use and development of land
 - The ‘system’ is defined by
 - primary legislation
 - Regulations and Orders
 - Case law
 - National policy and advice,
 - appeals, and local policy and guidance.
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The 3 faces of planning

- Development Plan
- Development Management
- Enforcement

Each of these processes are

- Technical
 - Regulatory
 - Political
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Material considerations?

- Whether something is a material consideration is ultimately a matter of law for the courts
 - But, the weight to be attached to a material consideration is a matter for the decision maker (within reason)
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Types of material consideration

- National policy (NPPF)
 - Ministerial statements
 - Emerging policy at an advanced stage with no objection
 - Supplementary planning guidance/documents
 - Previous decisions, precedents, 3rd party reps
 - NOT: protection of private interests & matters covered by other legislation
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2008 Planning and Energy Act

- Planning policies can require
 - Energy efficiency standards beyond Building Regulations
 - Generation from low carbon or renewable sources.

(Merton rule a precursor to legislative change)



2015 Written Ministerial Statement

- Eric Pickles - warns local authorities that the power could be withdrawn if they set requirements above CSH level 4 equivalent (a 19% improvement on the 2013 Part L standard)
 - March 2019 - National planning guidance clarifies the upper limit of CSH level 4 applies to new housing developments, but not to non-housing developments.
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Planning policies since then...

- With the exception of Greater London, local authorities have steered clear of requiring additional efficiencies.
 - London Plan – large residential developments to be ‘zero carbon’ from October 2016; non-residential from 2019.
 - Zero carbon = at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site, remaining emissions off-set through a cash in lieu contribution
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Recent Policy Recommendations

- UK Green Building Council (2019) 'Policy Playbook' recommends local authorities adopt energy efficiency planning policies up to CSH level 4.
 - Fit for the Future (CCC, 2019) recommends all local planning authorities require an assessment of overheating risk during the planning application process.
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Existing & Emerging Policies in Yorkshire

- Richmondshire
 - Residential developments to exceed B Reg's
 - All large developments require an energy statement demonstrating carbon savings
 - Craven
 - Residential developments to meet the highest CSH standard or its successor
 - Sheffield
 - Looking at new policy 19% beyond B Reg's
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Existing & Emerging Policies in Yorkshire

- Leeds
 - All large developments to achieve 20% less than Building Regulations until 2016 when all development should be zero carbon & minimum of 10% of the predicted energy needs from low carbon energy.
 - Large non-residential to meet the BREEAM standard of 'excellent'
 - All large developments to connect to district heating where viable
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Existing & Emerging Policies in Yorkshire

- Leeds emerging...
 - Looking at options to respond to climate emergency and commitment to be zero carbon by 2030.
 - One option is for all development to be carbon neutral (through a revised Local Plan policy)
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Thank you

