

## **Matter 3: Sustainable Design, Energy Efficiency and Renewable Energy**

***Issue:** Whether the policies relating to sustainable design, energy efficiency and renewable energy are positively prepared, justified, effective and consistent with national policy*

### **3.1 Is Policy DM29 positively prepared, justified, effective, and consistent with national policy?**

1. The HBF does not consider that the policy is justified or consistent with national policy, as the HBF has concerns that the whilst the policy is aspirational it will not be deliverable and that it is not always apparent how a decision maker should react to development proposals.
2. The HBF is generally supportive of the Council looking to support opportunities for solar gain and thermal energy generation. However, the Council will need to ensure that these measures are balanced with other considerations such as site density, site layout, topography, heat resilience, site viability and deliverability. Building at a higher density can allow for more effective use of land to meet housing requirements, however, this can have the effect on reducing the potential for solar gain. This need for balance is set out in the NPPF<sup>1</sup> in relation to the efficient use of land and should be reflected within the policy wording.
3. The Councils will also need to consider the balance between solar gain and overheating and ensuring that the policy has sufficient flexibility to design for that balance.
4. The HBF does not consider that it is necessary for part VII to refer to the need to meet the requirements of Policy DM30c, it is assumed the Plan is to be read as a whole, and that unnecessary duplication should be avoided as set out in the NPPF<sup>2</sup>.
5. In relation to the green and blue infrastructure the HBF recognises the importance and opportunity that multi-functional green and blue infrastructure brings with regards to the benefits provided to people and nature, whilst at the same time helping to mitigate and adapt to the impacts of climate change. However, the HBF considers that the Council may want to reconsider the amendment to the justification text in paragraph 9.5 which changes the levels of provision to an expectation, the HBF is concerned that this inflexibility may not be appropriate when the Council are looking to ensure effective use of land and to promote active travel. The HBF consider that this amendment is not necessary.
6. The HBF is also not clear what a development may need to provide in order to demonstrate that they have provided opportunities for food growing space or onsite composting, presumably the provision of a garden or outdoor space would offer these

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<sup>1</sup> Paragraph 125 of NPPF 2021

<sup>2</sup> Paragraph 16 of NPPF 2021

opportunities for any resident who wished to take them. However, this may not be possible or appropriate for all types of development for example apartment schemes where gardens are not private. The HBF recommends that this policy requirement is deleted, or 'where appropriate' added.

7. As with other policies the HBF considers that it would be beneficial for the Council to ensure that the policy is appropriately flexible and allows for consideration of viability implications to be considered in line with policy DM58.

### ***3.2 Is the cross-referencing to other policies within Policy DM29 correctly drafted and necessary?***

8. The HBF does not consider that it is necessary to repeat the content of other policies or to refer to development needing to be in line with their requirements. In particular, the HBF does not consider that it is necessary for part VII to refer to the need to meet the requirements of Policy DM30c, it is assumed the Plan is to be read as a whole, and that unnecessary duplication should be avoided as set out in the NPPF<sup>3</sup>.

### ***3.3 How would opportunities being taken to maximise solar gain at new criterion II of Policy DM29 work with building at higher densities?***

9. The HBF considers that the Council will need to incorporate further flexibility within the policy to ensure that consideration is given to other policy requirements including building at higher densities in relation to the need to maximise solar gain.

### ***3.4 If the content of the supporting text at paragraph 9.5 is an expectation, should it form part of policy? Will the expectations set out in paragraph 9.5 affect the delivery of homes?***

10. The HBF does not consider that the supporting text at paragraph 9.5 should be amended and does not consider that it should be included within the policy. The HBF is concerned that the levels of provision could have implications for the delivery of homes and considers that flexibility should be retained.

### ***3.5 Is Policy DM30a justified, effective, and consistent with national policy?***

11. The HBF does not consider that DM30a is justified or consistent with national policy.
12. This policy states that development should contribute to both mitigating and adapting to climate change to reduce greenhouse gas emissions. It goes on to state that development proposals for all new residential development will be required to achieve a minimum 31% reduction in carbon emissions against Part L of the Building Regulations 2013, a minimum of a 75% reduction in carbon emissions against Part L by 01/01/2025 and net zero carbon emissions by 01/01/2028. It states that the carbon reductions must be met by using a fabric first approach and following the energy hierarchy.
13. The HBF recognises the need to move towards greater energy efficiency via a nationally consistent set of standards and timetable, which is universally understood and technically implementable.

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<sup>3</sup> Paragraph 16 of NPPF 2021

14. Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations were updated in 2021 and took effect from 15<sup>th</sup> June 2022, with transitional arrangements in place for dwellings started before 15<sup>th</sup> June 2023. To ensure as many homes as possible are built in line with new energy efficiency standards, these transitional arrangements will apply to individual homes rather than an entire development.
15. 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 2021 Building Regulations interim uplift will already deliver homes that are expected to produce 31% less CO<sub>2</sub> emissions compared to current standards. The implementation of the Future Homes Standard 2025 will ensure that new homes will produce at least 75% lower CO<sub>2</sub> emissions than one built to previous 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.
16. The HBF supports the Government's approach 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, the additional cost associated with this and the additional load that would be placed on local electricity networks in combination with Government proposals for the installation of EVCPs in new homes.
17. In autumn 2020, the HBF established a Future Homes Task Force to develop workable solutions for the delivery of the home building industry's contribution to meeting national environmental targets and objectives on Net Zero. Early collaborative work is focussed on tackling the challenges of implementing the 2021 and 2025 changes to Building Regulations successfully and as cost-effectively as possible, in particular providing information, advice and support for SME developers and putting the customer at the centre of thinking.
18. On 27 July 2021, the Future Homes Delivery Plan was published (see [The Future Homes Delivery Plan – Summary of the goals, the shared roadmap & the Future Homes Delivery Hub](#)). To drive and oversee the plan, the new delivery Hub was launched, with the support and involvement of Government. The Hub will help facilitate a sector-wide approach to identify the metrics, more detailed targets where necessary, methods and innovations to meet the goals and the collaborations required with supply chains and other sectors. It will incorporate the needs of all parties including the public and private sector and crucially, consumers, such that they can all play their part in delivering environmentally conscious homes that people want to live in.
19. The HBF considers that the Council should comply with the Government's intention of setting standards for energy efficiency through the Building Regulations. The key to

success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils should not need to set local energy efficiency standards to achieve the shared net zero goal because of the higher levels of energy efficiency standards for new homes proposed in the 2021 Part L uplift and the Future Homes Standard 2025.

20. The HBF considers that this policy should be deleted and left for building regulations, avoiding the same set of requirements being considered twice, and potentially reaching differing conclusions.
21. The policy also states that proposals must include opportunities for low carbon energy and renewable technologies or other sustainability measures to be integrated into the build. And goes on to state that the design of buildings must facilitate climate adaptation and mitigation measures as well as ensuring that the structure and fabric can be retrofitted through the lifetime of the building.
22. The HBF is concerned about how the costs associated with this element of the policy and how this has been considered in the Council's Viability Assessment.

### ***3.6 Are the requirements to provide a Sustainable Design Statement and Energy Statement necessary?***

23. The HBF does not consider that the requirements to provide a Sustainable Design Statement and Energy Statement are necessary.
24. The HBF considers that if the Council does decide to go ahead with this requirement it should ensure that the requirement is not overly onerous and is proportionate to the scale of the development.
25. The HBF would also query the need to consider the whole life cycle emissions. These emissions are related to the materials and products that go into making our buildings and infrastructure, and are likely to include emissions caused by: extraction, processing and manufacture; transport, assembly and installation on site; replacement, refurbishment and maintenance; demolition and disposal. Therefore, they are much wider than just the development industry and are not under the control of the applicant and may be difficult to detail, to influence and for the Council to monitor.

### ***3.7 Is Policy DM30b justified and consistent with national policy?***

26. The HBF does not consider that this policy, which seeks to introduce the optional water efficiency standards for new residential development is justified and consistent with national policy.
27. The Building Regulations require all new dwellings to 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. The Optional Technical Housing Standard is 110 litres per day per person.

28. As set out in the NPPF<sup>4</sup>, all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. Therefore, a policy requirement for the optional water efficiency standard must be justified by credible and robust evidence. 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 PPG. PPG<sup>5</sup> 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'*. PPG<sup>6</sup> 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'*. The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The North West and Lancaster are not considered to be an area of Water Stress as identified by the Environment Agency<sup>7</sup>. Therefore, the HBF considers that requirement for optional water efficiency standard is not justified nor consistent with national policy in relation to need or viability and should be deleted.
29. Part 4 of the policy states that new developments should maximise the inclusion of water efficiency and consumption measures. The HBF considers that the use of 'maximise' is inappropriate and unnecessary, and may add significant costs to a development.

### **3.8 Does the Council area meet the Planning Practice Guidance's (PPG) parameters for applying the optional requirement of 110 litres of water per person per day?**

30. As set out above, the HBF does not consider that the Council area meets the PPG parameters for applying the optional requirement of 110 litres of water per person per day.

### **3.9 Is Policy DM30c justified and consistent with national policy?**

31. This policy looks for all major development to demonstrate how they achieve sustainable and environmentally conscious development taking into account a number of principles. These include those in relation to the reuse and recycling of materials, the use of green / blue roofs and wall, the use of MMC, the production of a Sustainable Design Statement.
32. Part 3 of the policy states that the full lifecycle of the building from concept to demolition, alongside lifecycle emissions and environmental pollutants, must be considered. The HBF is concerned about how this element of the policy may be implemented and how it will be utilised by the decision maker. The HBF seeks assurances that it is something that can be considered by the developer on a case-by-case basis as a consideration that will be part of the wider considerations of the development and that it may not

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<sup>4</sup> Paragraph 31

<sup>5</sup> ID: 56-014-20150327

<sup>6</sup> ID: 56-015-20150327

<sup>7</sup> 2021 Assessment of Water Stress Areas Update: <https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

appropriate to take forward all or any of the suggestions in paragraph 33. The HBF also queries the viability considerations that have been in relation to this policy requirement and seek assurance that it won't be something that leads to an additional adverse impact on development costs and viability.

33. The HBF is generally supportive of the use of modern methods of construction (MMC). The home building industry is a progressive industry that has, for many years, adopted a range of innovative methods to improve the sustainability, efficiency and reliability of materials and processes in the lifecycle of a construction. This ranges from the use of digitally enabled house type designs delivered through partnerships with offsite manufacturers and the wider supply chain, to the use of new building methods or assemblies. Due to the variety of methods encompassed under the broad umbrella term, MMC, there can be confusion as to the true extent of MMC taking place in the homebuilding industry. Research published by the National House-Building Council (NHBC) Foundation back in 2016 found that the majority of house builders and housing associations are using, or have considered, at least one MMC approach within their recent build programmes. However, it should be noted that the ability to scale up the delivery of MMC is determined by external factors as well as the appetite of home builders.
34. The Council will also need to consider how the promotion of MMC would sit alongside the Council's other policies particularly those in relation to design or housing mix. As the need to create variety of individually designed homes for each authority or area within an authority, along with the appropriate mix of homes to meet the local need is often at odds with the volumetric construction required by MMC which requires repetitive or standardised designs in order to be effective.
35. The HBF is generally supportive of the use of wording 'where possible' and 'where appropriate' in relation to the parts 4 and 5 of the policy, which is considered to add a level of flexibility. The HBF considers that it would be appropriate for the Council to acknowledge within the justification text that this flexibility applies not just to physical site constraints or site designs but also to the viability of the development.
36. As has been set out previously, the HBF considers that requirements for a Sustainable Design Statement are unnecessary, however, if the Council does decide to go ahead with this requirement it should ensure that the requirement is not overly onerous and is proportionate to the scale of the development.

### **3.10 Is Policy DM53 justified, effective and consistent with national policy?**

37. The HBF does not consider that Policy DM53 is justified or consistent with national policy.
38. The policy states that where feasible, new major development should connect to existing district heating or cooling networks or provide new networks. The HBF considers that it is important that this is not seen as requirement and is instead implemented on a flexible basis. Heat networks are one aspect of the path towards decarbonising heat, however currently the predominant technology for district-sized communal heating networks is

gas combined heat and power (CHP) plants. Over 90% of district networks are gas fired. As 2050 approaches, meeting the Government's climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery but at the moment one of the major reasons why heat network projects do not install such technologies is because of the up-front capital cost. The Council should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies. This may mean that it is more sustainable and more appropriate for developments to utilise other forms of energy provision, and this may need to be considered.

39. Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies. All heat network domestic consumers should have ready access to information about their heat network, a good quality of service, fair and transparently priced heating and a redress option should things go wrong. Research by the Competition and Markets Authority (CMA) found that a significant proportion of suppliers and managing agents do not provide pre-transaction documents, or what is provided contains limited information, particularly on the on-going costs of heat networks and poor transparency regarding heating bills, including their calculation, limits consumers' ability to challenge their heat suppliers reinforcing a perception that prices are unjustified. The monopolistic nature of heat networks means that future price regulation is required to protect domestic consumers. The CMA have concluded that "a statutory framework should be set up that underpins the regulation of all heat networks." They recommended that "the regulatory framework should be designed to ensure that all heat network customers are adequately protected. At a minimum, they should be given a comparable level of protection to gas and electricity in the regulated energy sector." The Government's latest consultation on heating networks proposes a regulatory framework that would give Ofgem oversight and enforcement powers across quality of service, provision of information and pricing arrangements for all domestic heat network consumers.

*3.11 Is Policy DM53 consistent with the Arnsdale & Silverdale Area of Outstanding Natural Beauty Development Plan Document?*

*3.12 Should Policy DM53 refer to impact on nationally designated landscapes instead of or as well as referring to the impact on the setting of nationally designated landscapes?*

*3.13 What is Figure 13.1? Does it represent opportunities or constraints for wind energy? Are these opportunities and constraints adequately replicated on the Policies Map?*