

Core Strategy Selective Review

Review of Changes to Policies EN1 and EN2 Background Paper

Publication Draft
Leeds Local Plan
Development Plan Document
February 2018



**Note Explaining the Core Strategy Selective Review of Changes to EN1 and EN2
following the Written Ministerial Statement of March 2015**

January 2018

1.1 The Core Strategy contains adopted policies which are intended to help Leeds mitigate the impacts of climate change in the face of major growth planned for the district. The relevant policies are EN1: Climate Change – Carbon Dioxide Reduction, EN2: Sustainable Design and Construction and EN4: District Heating.

1.2 The current adopted policies are as follows:

1.3 POLICY EN1: CLIMATE CHANGE – CARBON DIOXIDE REDUCTION

All developments of 10 dwellings or more, or over 1,000 square metres of floorspace, (including conversion) where feasible), will be required to:

(i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should be zero carbon, and

(ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.

Carbon dioxide reductions achieved through criteria (ii) will contribute to meeting criteria (i).

Criteria (ii) will be calculated against the emissions rate predicted by criteria (i) so reducing overall energy demand by taking a fabric first approach will reduce the amount of renewable capacity required.

If it can be demonstrated that decentralised renewable or low carbon energy generation is not practical on or near the proposed development, it may be acceptable to provide a contribution equivalent to the cost of providing the 10%, which the council will use towards an off-site low carbon scheme. The opportunity to aggregate contributions to deliver larger scale low carbon projects would be implemented independent of the development. Wherever possible, the low carbon projects would be linked with local projects that would bring local benefits.

It is likely that the approach of pooling off-site contributions through planning obligations will be replaced by CIL in April 2014.

Applicants will be required to submit an Energy Assessment with their application based on expected end user requirements to demonstrate

compliance with this Policy. Where end user requirements change significantly, an updated EA should be submitted prior to construction.

1.4 POLICY EN2: SUSTAINABLE DESIGN AND CONSTRUCTION

To require developments of 1,000 or more square metres or 10 or more dwellings (including conversion) where feasible to meet at least the standard set by BREEAM or Code for Sustainable Homes as shown in the table below. A post construction review certificate will be required prior to occupation.

	2012	2013	2016
Leeds Code for Sustainable Homes requirement	Code level 3	Code level 4	Code level 6
Leeds BREEAM standard for non-residential buildings requirement	Very Good	Excellent	Excellent

1.5 POLICY EN4: DISTRICT HEATING

Where technically viable, appropriate for the development, and in areas with sufficient existing or potential heat density, developments of 1,000 sqm or more or 10 dwellings or more (including conversions where feasible) should propose heating systems according to the following hierarchy:

- (i) Connection to existing District heating networks,
- (ii) Construction of a site wide District heating network served by a new low carbon heat source,
- (iii) Collaboration with neighbouring development sites or existing heat loads/sources to develop a viable shared District heating network,
- (iv) In areas where District heating is currently not viable, but there is potential for future District heating networks, all development proposals will need to demonstrate how sites have been designed to allow for connection to a future District heating network.

Carbon savings and renewable energy generation achieved under this policy will contribute to EN1(i) and EN1(ii).

- 1.6 The Government's introduction of the National Housing Standards has implications for the residential parts of these policies. The Written Ministerial

Statement issued on 25 March 2015 set out that government intends to introduce a new approach to technical standards and to withdraw the Code for Sustainable Homes but allow the continuing use of the Code for 'legacy' cases. The WMS sets out that: 'Planning Authorities may continue to set and apply standards of energy efficiency above Building Regulations, equivalent to a Code Level 4 standard. This approach can be maintained until the amendment of the Planning and Energy Act (2008).' The amendment to that Act has not taken place as yet.

- 1.7 The new system for technical standards also includes new 'optional' Building Regulations standards for water. The Written Ministerial Statement provides that where a planning authority has an existing Code for Sustainable Homes policy, they may apply a water efficiency standard up to the higher standard set by Government in the housing standards ie 110 litres per person per day. The rest of the Code standards cannot be applied.
- 1.8 This means that EN1 and EN2 need to be amended accordingly.
- 1.9 The Housing Standards only affect the energy efficiency parts of Policy EN1 and therefore the 'Merton Rule' part of the policy that seeks 10% of the energy needs of the development to come from renewable energy is not affected by the Housing Standards and can still be applied.
- 1.10 The Government have not made any changes to the BREEAM standard so Leeds City Council can continue to apply the BREEAM requirement for non-residential development in Policy EN2. The energy efficiency requirement for non-residential development in Policy EN1 can also still be applied.
- 1.11 Core Strategy Policy EN4 is unaffected by the introduction of the National Housing Standards and can continue to be applied to applications for major development. The policy encourages the use of district heating networks in major development. It aims for multiple users to all be connected to the same sustainable heat source. A minor amendment is needed to Policy EN4 where it references Policy EN(i). This reference needs to be amended to reflect the new wording of Policy EN1. The provision of heat networks in new development will still help to contribute to the requirement for 10% of the energy needs of the development to come from low carbon or renewable energy sources and therefore it is still appropriate to reference that part of Policy EN1.
- 1.12 The Building Regulations are technology neutral and do not have a specific target for low carbon technology but the Regulations do set an overall energy performance target which is expressed in carbon terms (within which there is a minimum energy target for the fabric of the building). Installation of a low carbon technology measure, such as a heat pump and a link to a low carbon district heating scheme, will contribute to that energy performance target.

- 1.13 Core Strategy Policy EN1 should therefore be amended to delete the energy efficiency requirement for residential development. Following the Government's backtracking on its zero carbon commitment, the last sentence should be deleted that says 'until 2016 when all development should be zero carbon'.
- 1.14 This means that the City Council will continue to ask for energy efficiency to a standard which is the equivalent of Code for Sustainable Homes Level 4 until the Building Regulations catch up with that energy efficiency standard.
- 1.15 The policy also says that where it is not practical to include renewable energy measures in the development then a contribution can be given instead of providing the 10% renewables. The Council planned to pool these contributions in a similar way to the Government's Allowable Solutions. The Council has since adopted the Community Infrastructure Levy requirement and the Government has abandoned Allowable Solutions.
- 1.16 This means that the opportunity to ask for a contribution instead of renewable energy measures in the development is limited to only five contributions per project.
- 1.17 The Government has said that the changes at national level can be 'passported' into the existing local policies and there will be no requirement to submit the revised policies for further examination. However, Leeds City Council has taken the Core Strategy review as an opportunity to update the policies so that there is clarity about the implementation of the policies.
- 1.18 Cumulatively, Policies EN1, EN2 and EN4 provide the Council's adopted policy mechanism for reducing the carbon impact of new development.

2. The revised policies are:

2.1 POLICY EN1: CLIMATE CHANGE – CARBON DIOXIDE REDUCTION

All developments of 10 dwellings or more, or over 1,000 square metres of floorspace, (including conversion) where feasible, will be required to provide a minimum of 10% of the predicted energy needs of the development from low carbon or renewable energy.

All non-residential developments of over 1,000 square metres of floorspace, (including conversion) where feasible, will be required to reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate.

If it can be demonstrated that renewable or low carbon energy generation is not practical, it may be acceptable to provide in lieu of provision, a contribution equivalent to the cost of providing the 10%, which the council will use towards off-site low carbon

schemes. Wherever possible, the low carbon projects would be linked with local projects that would bring local benefits.

Applicants will be required to submit an Energy Assessment (EA) with their application based on expected end user requirements to demonstrate compliance with this Policy.

Where end user requirements change significantly, an updated EA should be submitted prior to construction.

2.2 POLICY EN2: SUSTAINABLE DESIGN AND CONSTRUCTION

Non-residential developments of 1,000 or more square metres (including conversion) where feasible are required to meet the BREEAM standard of 'excellent'.

Residential developments of 10 or more dwellings (including conversion) where feasible are required to meet a water standard of 110 litres per person per day.

2.3 POLICY EN4: DISTRICT HEATING

Where technically viable, appropriate for the development, and in areas with sufficient existing or potential heat density, developments of 1,000 sqm or more or 10 dwellings or more (including conversions where feasible) should propose heating systems according to the following hierarchy:

- (i) Connection to existing District heating networks,**
- (ii) Construction of a site wide District heating network served by a new low carbon heat source,**
- (iii) Collaboration with neighbouring development sites or existing heat loads/sources to develop a viable shared District heating network,**
- (iv) In areas where District heating is currently not viable, but there is potential for future District heating networks, all development proposals will need to demonstrate how sites have been designed to allow for connection to a future District heating network.**

Carbon savings and renewable energy generation achieved under this policy will contribute to EN1.

For more information, please contact:

Policy and Plans Group
Merrion House
Merrion Way
Leeds, LS2 8BB

Email: CoreStrategyReview@leeds.gov.uk
www.leeds.gov.uk/localplan



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