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
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.
The 3 faces of planning

• Development Plan
• Development Management
• Enforcement

Each of these processes are

• Technical
• Regulatory
• Political
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).
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
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• Eric Pickles - warns local authorities that the power could be withdrawn if they set requirements above CSH level 4 equivalent (a 19% improvement on the 2013 Part L standard)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.
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
Recent Policy Recommendations


• Fit for the Future (CCC, 2019) recommends all local planning authorities require an assessment of overheating risk during the planning application process.
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
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
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)
Thank you