

Guidance note for the implementation of Policy CS10
Effective from 18th July 2016

As of the 18th July 2016, the Council will no longer require planning applications for residential development to comply with Core Strategy Policy CS10 'Sustainable Design and Construction' (2008) or guidance contained in the Council's Sustainable Design and Construction SPD (2012).

This position is primarily based on the Housing and Planning Act which received royal assent on Friday 13th May 2016. The Act brings an end to the aspiration to deliver zero-carbon homes through the planning process, relying instead on building regulations to deliver energy efficient buildings.

As Policy CS10 of the Core Strategy seeks to deliver zero-carbon homes through the application of planning policies, it is clear that the enactment of the Bill has now made this policy out of date with current legislation. This is a significant material consideration which outweighs the primacy of the development plan in this regard.

This position is reflected in the Council's emerging draft Local Plan 2030 which does not propose planning policies that seek additional (to current building regulations) energy efficient or carbon reduction standards for new dwellings.

With regards to **water efficiency** the Council will require residential development to comply with Policy ENV7 'Water Efficiency' of the emerging Local Plan 2030 which sets out '*All new residential development must achieve, as a minimum, the optional requirement set through Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day*'.

For the avoidance of doubt the Council will continue to apply Policy CS10 and subsequent guidance contained in the adopted Sustainable Design and Construction SPD (2012) for planning applications for all 'major'¹ non-residential development.

This guidance note supersedes the Council's 1st October 2015 guidance note, a copy of which is provided below in appendix 1.

¹ As defined in Policy CS10 of the Core Strategy (2008) and explained in paragraphs 9.57 and 9.58)

Appendix 1 – Policy CS10 transitional arrangements for Residential Development From 1st October 2015

The Council has given consideration to a number of Government announcements and changes following the Housing Standards Review in relation to their zero carbon policy and issues the following guidance.

This guidance relates to residential development only and is effective from the 1st October 2015 to the adoption of the new Local Plan 2030.

Code for Sustainable Homes

The government have confirmed within Written Ministerial Statement (HCWS488) the withdrawal of the Code for Sustainable Homes (CSH). Many of the issues are either being integrated into Building Regulations or are covered through other legislative mechanisms.

As such the Council will no longer require residential developments to comply with the Code for Sustainable Homes. Where planning conditions are in place before the 27th March 2015 requiring CSH compliance these will remain.

Water Efficiency

The Written Ministerial Statement continues *'from 1 October 2015: Existing Local Plan, neighbourhood plan, and supplementary planning document policies relating to water efficiency'. should be interpreted by reference to the nearest equivalent new national technical standard. Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy'*. The Council will therefore implement the new optional requirements for water efficiency as set out within Building Regulations 2010, as amended. All urban residential developments (CS3, CS4 & CS5) must achieve a minimum estimated water use standard of no more than 110 litres/person/day. The existing mandatory national requirement of 125 litres/person/day applies to developments within Tenterden and the Villages.

Energy Performance

The government have stated that LPAs *'will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until the commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015'* which is anticipated to come into force alongside the introduction of the zero carbon homes policy in 2016.

The Council will continue to advocate the principles of the energy hierarchy i.e. reduce the need for energy (through Fabric Energy Efficiency), use energy more efficiently before supplying energy from renewable sources.

Low and Zero Carbon Energy Generation

Part B of policy CS10 requires a proportion of energy demand to be secured through the installation of low and zero carbon energy sources once fabric first principles have been applied. Residential development must achieve a 10% reduction in CO₂

emissions as a result of implementing LZC technologies for CS3 and CS6 developments and a 15% reduction in CO₂ for CS5 and CS4 developments. This policy requirement will remain in place.

Ashford Carbon Fund

Part C of policy CS10 requires developments to be 'carbon neutral' by enabling any residual carbon emissions to be offset into a carbon fund. This policy requirement will remain in place.