

The Welborne Plan

Fareham Borough Council

Response to Inspector's Question for the Council (post hearings) on the Ministerial Statement dated 25th March 2015

April 2015

CD-55

1 Introduction

1.1 On 27th March 2015, the Inspector asked the following further question to the Council:

1.2 *“A written ministerial statement was made by Eric Pickles MP and published on 25th March 2015. It covers a wide range of issues intended to streamline the planning system, protect the environment, support economic growth and assist locally-led decision-making. Reference is made to a new system of housing standards.*

It would be helpful if the Council could comment briefly on whether or not, in its view, the content of the Statement has any implications for the Local Plan Part 3: The Welborne Plan of which I should be aware.”

1.3 A response from the Council was requested and accordingly is set out below. The Inspector’s Question has been added to the Examination Documents (ID-21). The Ministerial Statement has also been added to the library of submission documents (ND17).

2 The Ministerial Statement

2.1 The written ministerial statement was published by the Department for Communities and Local Government (DCLG) on 25 March 2015 and outlines the steps that the Government is taking to streamline the planning system, protect the environment, support economic growth and assist locally-led decision-making.

2.2 The statement provides an updated planning position from the Government on a wide range of issues including energy efficiency in buildings, brownfield land, the green belt, unauthorised encampments, parking and housing standards. The streamlining consists of updates to guidance and changes to legislation and indicates various timescales as to when the changes will take effect.

2.3 With regards to housing standards, it is noted that the new regulations and standards have now been implemented following Royal Assent being given to the Deregulation Bill 2015 on 26 March 2015, thus creating the Deregulation Act 2015.

2.4 The statement is wide ranging and covers the following areas. They are:

- Solar energy: protecting the local and global environment
- Brownfield land: increasing support for councils
- Green belt: protecting against inappropriate development
- Unauthorised encampments: ensuring fair play in the planning system
- Parking: helping local shops and preventing congestion
- Planning applications: streamlining the process
- Short term lets: championing the shared economy
- Planning guidance: making the planning system more accessible
- Change of use: supporting brownfield regeneration
- Zero Carbon Homes: supporting small builders
- Housing standards: streamlining the system

- Plan making
- Decision taking, transition and compliance.

3 Implications for the Welborne Plan

3.1 Taking each section in turn, the Council considers the implications for the Welborne Plan are as follows:

3.2 Solar energy: protecting the local and global environment

This section mainly deals with large scale solar energy schemes, and it is not envisaged that large scale solar farms will be delivered as part of the Welborne development. Should any proposals come forward, then they would need to comply with government policy and otherwise be consistent with the Welborne Plan.

3.3 The reforms to permitted development rights which encourage the take up of larger scale solar power generation on non-domestic buildings are not thought to conflict with the design principles set out in Chapter 4 of the Welborne Plan. The Council will consider whether it is appropriate for any amendment to be made to the Welborne Design Guidance Supplementary Planning Document (SPD) in due course.

3.4 Brownfield land: increasing support for councils

The Council considers that measures to encourage the use of Local Development Orders are not applicable in the case of Welborne, a largely greenfield site which requires comprehensive masterplanning. Therefore no change to the Plan is considered necessary.

3.5 Green belt: protecting against inappropriate development

The announcement has no relevance for the Welborne Plan. There is no Green Belt in Fareham or neighbouring authorities.

3.6 Unauthorised encampments: ensuring fair play in the planning system

The changes in guidance on unauthorised encampments is noted. The Council considers it does not have any relevance for the Welborne Plan.

3.7 Parking: helping local shops and preventing congestion

The statement includes some additional text to be read alongside the National Planning Policy Framework (NPPF) regarding the imposition of local parking standards. It also makes it clear that non-residential parking space can be rented out.

3.8 The Welborne Plan does not set parking standards in the new development. The Council will consider, in consultation with the Highway Authority, what the appropriate response to the ministerial statements will be in any future revisions of the Parking Strategy for Welborne and the residential and non-residential parking SPDs for Fareham Borough.

3.9 Planning applications: streamlining the process

The Council notes the changes to the Development Management Procedure

Order, and does not consider there are likely to be any implications for the Welborne Plan.

3.10 Short term lets: championing the shared economy

The measures in the Deregulation Act 2015 to include new flexibility for short-term lets in London are not applicable to Fareham Borough and the Council considers there are no implications for the Welborne Plan.

3.11 Planning guidance: making the planning system more accessible

The Council has considered the various updates to planning guidance outlined in this section and considers there are no material implications for the Welborne Plan. In the case of the reference to the ministerial statement of 28 November 2014, the Council considers that the clarification on the status of the advice does not affect the conclusions reached in its response to the previous Inspector's question (CD47).

3.12 Change of use: supporting brownfield regeneration

The Council has considered the announcements in this section and the measures in the Town and Country Planning (General Permitted Development) (England) Order 2015. The Council does not consider these measures have any implications for the Welborne Plan given the current planning status of the land within the Plan area.

3.13 Zero Carbon Homes: supporting small builders

The announcement regarding an exemption for small housing sites from the requirement for off-site carbon abatement measures is noted. As a large scale development these proposals are not expected to have any significant impact upon the Welborne Plan proposals.

3.14 Housing standards: streamlining the system; and Plan Making

These sections outline a new system of additional optional Building Regulations on water and access, and a new national space standard.

3.15 With respect to water efficiency, a number of points are relevant. The ministerial statement confirms that from the date that the Deregulation Bill is given Royal Assent (26th March 2015) until the 30 September 2015 the government's policy is that planning permissions should not be granted requiring or subject to conditions requiring compliance with any technical housing standards other than for those authorities that have existing policies on water efficiency. It goes on further to confirm that planning permission may still be granted on the basis of existing Local Plan and neighbourhood plan policies on matters including water efficiency, even though they have a degree of conflict with "new national technical standards". Currently Policy CS 15 of the adopted Fareham Core Strategy seeks to achieve Code for Sustainable Homes Level 6 on all new residential development in the Borough. There is therefore an adopted up to date local plan policy supporting the imposition of requirements on water efficiency for new dwellings (which still supports applying a requirement for a water efficiency standard equivalent to the new national technical standards proposed which will not be in place until 1st October 2015 at the earliest).

- 3.16 Notwithstanding the policy approach set by the adopted Core Strategy, at paragraph 9.15 of the submission draft Welborne Plan the Council sets out a pragmatic approach to enable the delivery of efficient use of water resources in the new development whilst still ensuring that, overall, the delivery of the scheme will remain viable. The ministerial statement refers to new 'additional' and 'optional' Building Regulations on water efficiency. Reference to the Building Regulations 2010 Approved Document G, section G2.36.(2) indicates the requirement for water efficiency in new dwellings to be 125 litres per person per day, with an optional requirement to improve consumption by reducing the requirement to 110 litres per person per day.
- 3.17 The supporting guidance in the Building Regulations to section G2 does however indicate that the estimated water consumption levels include a fixed factor of water for outdoor use of 5 litres per person per day. This is an important principle as Policy WEL37 of the Welborne Plan sets a water consumption level of 105 litres per person per day for internal use, which it is reasoned is in accordance with the Building Regulations 2010 optional requirement (G2.36.(2)(b)¹). Therefore the level of water usage set out in WEL37 is equivalent to the current optional additional Building Regulations standards and, whilst seeking to ensure efficient use of water resources it does not seek to rigidly impose a Code For Sustainable Homes requirement as set out in CS 15 of the Core Strategy.
- 3.18 The justification for applying the optional Building Regulations requirement is as set out in paragraph 9.12 of the Welborne Plan, which has been supported and endorsed by the Environment Agency throughout their representations on the Welborne Plan:

9.12 "Water efficiency at Welborne will be critical to the delivery of a sustainable new community. The impetus for efficient usage of water at Welborne is threefold: Firstly local water supplies come mainly from a heavily used aquifer where there is no further water available for licensing, as well as nearby watercourses, so increased levels of abstraction could cause environmental harm. Secondly, treated wastewater is discharged back into the environment and it is important to ensure that the quantity and quality does not result in any adverse effects on protected habitats. Thirdly, climate change is likely to affect the availability of water in the long term so it will be necessary to avoid creating substantial additional demand from resources which may be depleted in future. Portsmouth Water's current Water Resources Management Plan 2009138 and Draft Water Resources Management Plan 2014139 indicate that new houses will be more efficient through a metered supply and incorporation of water efficient fittings and fixtures to ensure that a sustainable water supply to Welborne will be possible."

- 3.19 Therefore the Council considers that the Welborne Plan contains adequate justification for the proposed current optional buildings regulations standards for water and that Policy WEL37 provides sufficient clarity that those higher standards should be met in all new dwellings at Welborne. But, notwithstanding this, if the National Technical Standards differ significantly then the Council will be bound to consider the degree of conflict between those national standards and the plan

¹ http://www.planningportal.gov.uk/uploads/br/BR_PDF_AD_G_2015.pdf

proposals during the decision making process as envisaged by the ministerial statement.

- 3.20 Regarding access, the statement refers to the introduction of optional technical standards and new Part M Building Regulations. The revised Building Regulations have been published and are due to come into effect on 1 October 2015. There are three relevant Welborne Plan policies.
- 3.21 Policies WEL17 (Market Housing) and WEL18 (Affordable Housing) set the expectation that approximately 15% of all homes delivered within each phase of the development shall be designed to meet higher accessibility standards equivalent to the Lifetime Homes standards. The precise proportions shall reflect evidence of need and demand at the time the phase comes forward and will be subject to the need to ensure that the phase remains economically viable. Paragraph 6.7 confirms this is in line with the expectation set out in policy CS17 of the Core Strategy and to ensure flexibility in the housing stock at Welborne.
- 3.22 The Welborne Plan was drafted while the Government was undertaking a review of housing standards. The Council considers that Policies WEL 17 and WEL 18, as worded, are sufficiently flexible, and in particular with reference to *equivalent to the Lifetime Homes standards*, to indicate the Council's desire to achieve an appropriate proportion of homes which meet higher accessibility standards as set out in Lifetime Homes Standards, or Optional Requirement M4(2) of Part M of the Building Regulations should they be in effect at the time that a planning application is determined..
- 3.23 Policy WEL20 sets out the expectation that each residential phase will include a proportion of homes designed to high standards of accessibility, suitable for occupation by wheelchair users. The new Planning Practice Guidance (Reference ID: 56-009-20150327) notes that Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. Although this policy might in practice only be applicable to the affordable housing in Welborne, this is considered compatible with the wording of Policy WEL20 as drafted, which does not stipulate the tenure of homes, but does recognise that the precise proportion of wheelchair-adapted homes within each phase shall reflect the latest available evidence of need. Furthermore should there be clear evidence of need for this type of accommodation within market housing, then this policy contains sufficient flexibility for the Council to encourage the provision of accessible market housing without being in anyway prescriptive.
- 3.24 Regarding space standards, there is no relevant policy in the Welborne Plan and so there are no implications for the Welborne Plan.
- 3.25 Finally, regarding energy performance, the statement makes clear that local planning authorities 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 commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015.

- 3.26 The statement makes it clear that the government believes Local planning authorities should not set conditions with requirements above the equivalent of Code for Sustainable Homes Level 4.
- 3.27 Policy WEL 36 of the Welborne Plan sets out a requirement for an Energy Strategy to be prepared which will achieve high energy efficiency standards, including the use of Passivhaus if appropriate. The policy also states there is an expectation that proposals for residential development shall incorporate 10% of dwellings built to Passivhaus standard, unless it can be demonstrated to be unviable.
- 3.28 Whilst the intention of the ministerial statement is understood, there is a need for the Welborne Plan to set out with sufficient clarity what are the Council's aspirations on energy efficiency. It should also be noted that the NPPG still requires local Plans to be 'aspirational but realistic' (para 154) and Policy WEL18 includes a viability test to ensure the requirements for Passivhaus are not unreasonably required as part of any planning application on the Welborne site.
- 3.29 A development of the scale of Welborne, especially given the expected delivery time of the project as a whole, will need to consider the most cost effective means of meeting the revised energy standards, and address the requirements for and provision of energy supplies through an Energy Strategy or similar document in any event which should not prove over-burdensome and which can be flexible as circumstances, and government policy, change. Overall, it is considered that the proposed policy provides sufficient flexibility to encourage and support high levels of energy efficiency in the construction of new buildings as the current government continues its policy transition towards zero carbon homes.

Decision taking, transition and compliance

- 3.30 The statement concludes with some guidance regarding transitional arrangements regarding technical housing standards. Paragraphs 3.14 to 3.27 above have set out the Council's position regarding the ministerial statement and in particular that no changes are necessary to the Plan at this point in time. Where relevant to the Plan, the new technical standards are compatible with the Plan policies.
- 3.31 Some of the changes highlighted in the statement are expected to come into force by the end of 2016. The Council has already indicated its commitment to a review of the Local Plan which will enable the emerging picture on energy efficiency standards and other aspects covered in the statement to be reflected in that review.

4.0 Conclusion

- 4.1 In conclusion, the Council considers that the Ministerial Statement does not raise matters which cannot be accommodated within the current drafting of the Welborne Plan, and no further amendments to the Welborne Plan are required as a result of this statement.