

## Matter 11

**Issue 11: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for climate change and the natural and built environment?**

### Protecting and enhancing the environment

#### Policy SP13 Climate Change and Sustainable development

**1. *Is the policy effective, justified and consistent with national planning policy?***

- 1.1. This policy states that all development must mitigate against the likely effects of Climate Change on present and future generations and minimise negative impacts on the environment. Part A of the policy states that this will be achieved by adhering to any national or local policy or guidance on climate change measure or technical standards relating to energy use in place at the time of the proposed development, such as the Future Homes / Building Standard.
- 1.2. Whilst the HBF generally considers that it is appropriate for the Council to not set their own standards and to instead rely on the nationally set standards provided through Building Regulations and the Future Homes Standard. The HBF has concerns in relation to the reference to 'adhering to any national or local policy or guidance', the HBF does not consider it appropriate to require a development to meet any future national or local policy or guidance, as any requirements within these documents will not have been tested and examined in the same way as the Local Plan and should not therefore be elevated to having the same weight as the development plan. The HBF is also concerned about any unnecessary duplication of requirements and does not consider that this part of the policy is required.
- 1.3. The HBF generally supports sustainable development and considers that the homebuilding industry can help to address some of the climate change emergency challenges identified by the Council. However, 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.
- 1.4. 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. 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 provided an implementation roadmap. The 2021 Building Regulations interim uplift will deliver homes that are expected to produce 31% less CO2 emissions compared to current standards. The implementation of the Future Homes Standard 2025 will ensure that new homes will produce at least 75% lower CO2 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.

1.5. The HBF considers that the Council should ensure that this policy is only implemented in line with the December 2023 Written Ministerial Statement<sup>1</sup> which states that *'a further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continue to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes'*. It goes on to state that *'the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale'*. The HBF considers as such it would be appropriate to make reference to the Future Homes Standard and the Building Regulations as the appropriate standards for development.

1.6. The Council will also be aware that the Future Homes and Buildings Standards: 2023 consultation<sup>2</sup> has been released covering Part L (conservation of fuel and power), Part F (ventilation) and Part O (overheating).

**2. *Is there duplication between parts a, b and d of the policy?***

2.1. There may be duplication between Parts a, b, and d in relation to how they are delivered within development. These elements could potentially be streamlined into something more appropriate which does not give Development Plan weight to policies that have their own regimes, or give additional weight to local policies and guidance that are not being tested.

**3. *What is the justification for part a) of the Policy. Is it necessary or appropriate to reference standards to be introduced under other legislation?***

3.1. The HBF does not consider that there can be justification for this element of the policy, it is not necessary and should be removed.

**4. *Does the policy comply with the Written Ministerial Statement concerning Local Energy Efficiency Standards, December 2023?***

4.1. The HBF considers that this may depend on how the policy is implemented and the content of any local policy that part (a) currently suggests needs to be adhered to.

**5. *Is it clear from the policy how the Council will seek to achieve net zero carbon and how development proposals will be assessed?***

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<sup>1</sup> <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>

<sup>2</sup> <https://www.gov.uk/government/consultations/the-future-homes-and-buildings-standards-2023-consultation/the-future-homes-and-buildings-standards-2023-consultation>

5.1. The HBF does not consider it is clear.

**6. *Part h of the policy encourages water efficiency. Whilst the Borough is not in water stress, is there evidence to support the higher optional water efficiency standards set through Building Regulations?***

6.1. The HBF does not consider that there is evidence to support the higher optional water efficiency standards.

6.2. The HBF does not consider that it is necessary for development to adopt, as a minimum, measures to limit water usage including the implementation of the optional technical standards for water efficiency. The optional water standard is 110 litres per person per day, 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.

6.3. 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>3</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>4</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 Hyndburn are not considered to be an area of Water Stress as identified by the Environment Agency<sup>5</sup>. Therefore, the HBF considers that requirement for optional water efficiency standard is not justified nor consistent with national policy.

**7. *Should the Policy consider development on land used for public water supply and potential mitigation measures to ensure that the development has no impact on water supply or quality?***

**8. *Para 7.23 of the supporting text mentions safeguarding best and most versatile agricultural land. Should this be included in the Policy?***

**9. *Does the viability appraisal assess the costs of meeting these policy requirements? Is the policy sufficiently flexible to take account of scheme viability?***

9.1. The Viability Appraisal has given some consideration to elements such as the use of the Future Homes Standard, however, this may not fully reflect the requirements of this policy.

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<sup>3</sup> PPG ID: 56-014-20150327

<sup>4</sup> PPG ID: 56-015-20150327

<sup>5</sup> 2021 Assessment of Water Stress Areas Update: <https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

The HBF considers that there are significant opportunities to increase the flexibility of this policy, including flexibility in relation to the viability of development.

**Policy SP14**

**10. Is the policy effective, justified and consistent with national planning policy?**

**11. Should the Policy give greater recognition to the Local Nature Recovery Strategies to highlight its function to help direct the location of Green infrastructure through the Local Plan?**

**Policy SP15 Landscape character**

No questions

**Policy SP16 Natural Environment Enhancement**

**12. Is the policy effective, justified and consistent with national planning policy? In particular,**

- a) Bearing in mind the advice in the PPG , should the policy support the statutory framework for biodiversity net gain rather than include reference to the detailed requirements, ie. a minimum 10% Biodiversity Net Gain (BNG)?**
- b) In the event that BNG cannot be provided on site, should it be clear in the policy and or supporting text that an appropriate mechanism to secure an offsite site contribution would be required and how this would be expected to be achieved?**

12.1 The HBF considers that the policy should support the statutory framework for BNG rather than include its own references. This policy states that natural environment enhancement will be secured by ensuring that all development affecting ecological or geological resources secures a minimum of 10% measurable biodiversity net gain and ensure ongoing management of measures are in place.

12.2 Biodiversity net gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a biodiversity net gain of 10%. There are specific exemptions from biodiversity net gain for certain types of development. The exemptions are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. The HBF considers that this policy is not consistent with national policy, and will need to be updated to reflect the recent guidance, policy and legislation. The PPG has recently been updated to provide more information on BNG which may assist the Council as they consider this policy. The PPG<sup>6</sup> states that plan-makers should be aware of the statutory framework for biodiversity net gain, but they do not need to include policies which duplicate the detailed provision of this statutory framework. It also states that it would be inappropriate to include policies which are incompatible with this framework.

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<sup>6</sup> PPG ID: 74-006-20240214

12.3 The HBF considers that it would be appropriate to refer in the justification text to the alternatives to onsite provision, it would also be useful if this could refer to the guidance available in the PPG and on gov.uk, to avoid any inconsistencies.

**13. Should the Policy give greater recognition to the Local Nature Recovery Strategies to highlight its function to help direct the location of Green infrastructure through the Local Plan?**

13.1. The HBF considers that recognition of the role of the Local Nature Recovery Strategy(ies) and their links to the Local Plan can be beneficial.

**Policy SP17 Renewable energy**

**14. Is the policy effective, justified and consistent with national planning policy? Specifically, should it ensure that the risk to water catchment land should be assessed and mitigated?**

**Policy SP18 High Quality Urban Design**

**15. Is the policy effective, justified and consistent with national planning policy?**

15.1. This policy looks for high quality design consistent with the principles set out in other relevant policies of the Local Plan, Design Codes and more specific guidance documents.

15.2. The HBF has concerns in relation to the reference to Design Codes and more specific guidance documents, the HBF does not consider it appropriate to require a development to meet any future Design Code or more specific guidance documents, as any requirements within these documents will not have been tested and examined in the same way as the Local Plan and should not therefore be elevated to having the same weight as the development plan.

**Policy SP19 Heritage**

**16. Is the policy effective, justified and consistent with national planning policy?**  
**17. Is the Policy sufficiently strategic in nature and should it be more Hyndburn specific?**  
**18. In the Schedule of proposed minor modifications (HBC1.006) it is proposed to add a new part 6 to the policy to require Archaeological Desk base Assessments with any planning applications on certain identified sites. What is the justification for this addition?**

**Policy SP20 Environmental Amenity and Air Quality**

No questions

**Policy SP21 The Leeds and Liverpool Canal.**

**19. Should the policy seek to conserve and enhance the heritage assets which form part of the canal and its corridor**

