

NATIONAL PLANNING FORUM

EXECUTIVE BOARD-ENDORSED CONCLUSIONS ON THE APPROPRIATE RELATIONSHIP BETWEEN SPATIAL PLANNING AND BUILDING REGULATIONS: MAY 2007

INTRODUCTION

1. The National Planning Forum is the largest cross-sectoral forum focussing on spatial planning, development management and delivery in England. A sub-group of the NPF Climate Change Working Group comprising Simon Marsh (NPF Vice-Chair and RSPB); Graham Jones (POS); Cllr Paul Bettison, (NPF Vice-Chair and LGA); Cllr Mike Haines LGA; Rob Shaw TCPA; Roger Humber HMC; Andrew Whitaker HBF and Kay Powell (NPF Secretary) examined **the appropriate relationship between spatial planning and building regulations**, adding to the reactions of the Forum on 20 March to this proposition [relevant extract from the note of the Forum meeting is in the Annex]. A note of the sub-group's meeting was discussed by the NPF Executive Board (EB) on 24 May. They asked for the addition of a new paragraph 10 and for clarification of the point of difference (para 12). The **EB-agreed note** continues below:

CONSIDERATION

2. The sub-group noted that building regulation approvals involve technical, performance-based judgements, with no discretion. Planning decisions involve judgement based on policy set at national, regional and local levels. These used to be 2 separate processes (planning first - to decide on the principle; then detailed work for building regulations), now they are more closely interlinked as the importance of detailed design is recognised, and may be integrated. This is probably inevitable; but in order for an integrated system to work perspectives (of planners and surveyors) need to change. There would be training and development implications/ costs; fees might be raised to cover these - the cost of this, plus costs of research and development for building products and additional design, would ultimately be passed on to consumers.

3. The building industry was concerned that primarily technical issues could become blurred and subjective if they were considered under the planning system, including renewable energy (RE) on which planners were not experts. The draft PPS tried to rationalise this blurring, but wouldn't help if updating of building regs continued to lag behind planning policy. Local government had led the way (LB Merton) on pushing the boundaries of incorporating RE in new build, but there was general concern about the difficulty of measuring actual performance and enforcement via the planning system. Monitoring and enforcement are an issue because of the lack of a baseline and a common standard for measurement. Work on sharing data via "city knowledge" could help.

4. It was agreed important not to try to put into effect through planning what could be done better via building regs. Planning covered wider issues relating to both mitigation and adaptation - for example location, siting and aspect of buildings. However, given the imperative to act all agreed that it was important to find the quickest, most effective way of mitigating and adapting to climate change for new build, and ensure standards were met. Building regs could (and should) be ratcheted up more quickly than currently programmed, could be extended to cover on-site RE, would bite more quickly than planning and ensure consistently higher standards across the country with greater speed and certainty. Higher performance standards (the Code for Sustainable Homes) required some RE in any case.

5. Planning has the potential to provide a framework for delivering local sustainable energy infrastructure to bring heat and power to existing, as well as new, developments at local authority-wide scale. Paragraphs 22 and 23 of the PPS should be rephrased to clarify this, and to ensure that the PPS is not seen as implying a "sequential test" which would result in the onus (and cost of finding solutions) falling on developers. The sub-group could see that this might lead to the unintended consequences of development activity slowing down, and/or increased costs for purchasers. It shouldn't be used as a charter for nimbyism. However, some

flexibility should be available to those local authorities (LAs) wishing to work with developers to push the boundaries of what was possible, and the degree of success should be monitored.

6. The tension between mitigation and adaptation needs to be resolved – for example ensuring the drive to higher densities was not at the expense of enhancing open space and tree cover which were essential both for reducing CO₂ and increasing shade and cooling effects. It was noted that Part F of the building regs dealt with ventilation/cooling.

7. Dealing with the existing stock (that was 3 times less energy efficient than new housing) was a big issue that needed more local political debate. It would be unfair to load all costs on new build; a wider solution to increasing access to RE would benefit more people, but investment would be needed up-front. There were opportunities for LA's to use trading powers to set up RE generating and supply companies, either independently or in partnership with an energy supply company (ESCO). Government could encourage, or prescribe by separate legislation - eg Denmark's Heat Law requires every municipality to produce a plan for district heating. Local RE grids could be developed as in Woking, linked to the national grid for input and back-up. Some of the investment could be underwritten via a tariff system, although it was noted that this and PGS would load more costs onto developers. There would be a transitional period with unrelated RE solutions for individual properties.

8. There was concern about the lack of Ofgen intervention in the current energy price war, which would do nothing to encourage changed behaviour in energy use. Investment wouldn't take place unless it generated a future income stream. People need to be made aware that air conditioning, heating of outdoor areas in homes and business premises – even cat flaps – could reduce the energy efficiency of buildings and cost them money.

9. It would be important for the final version of the PPS and the Practice Guidance to be short, focussed, practical and written in plain English. It should focus on what planning can add to complement building regulations and other Government measures (including fiscal) to support the delivery of viable, sustainable mitigation and adaptation.

10. The Executive Board noted in addition that there was a case for development plans to enshrine different policies for example for issues such as water supply which differ so markedly from region to region, but less for energy efficiency. However there was a clear role for planning in relation to matters such as the location, detailed siting, orientation of development, and setting a framework for linking local generation and supply across the whole area.

CONCLUSION

11. There was cross-sectoral agreement that:

- **building regs should be changed/ updated more quickly, resulting in less need for the planning system to tackle the issues, less unnecessary variation of standards across the country, and less need for additional training for planners/ expertise “bought in” by developers and LAs;**
- **building regs should be expanded to cover all building performance and RE aspects of buildings;**
- **paras 22 and 23 of the PPS should be rephrased to articulate the role of planning in establishing a framework for delivering local sustainable energy infrastructure serving existing, as well as new, development at local authority-wide scale and to clarify that policy is not intended to imply a sequential test;**
- **more should be done to inform communities and individuals about energy efficiency in building use (eg ventilation) as this depends crucially on usage;**
- **there should be more focus on actual (not just theoretical) measurement of energy efficiency, and the lack of a baseline and a common standard for measurement needs to be addressed;**

- **there is a need for training and support to underpin the new policy (for planners, developers, building regs staff) which would need to be funded;**
- **Ofgen's terms of reference should be expanded to include green issues as well as price.**

12. There was difference of opinion on:

- **whether - and if so the extent to which - LAs should have discretion to move above any future mandatory standards of energy efficiency and RE, supported by evidence-based development plan policies.**

ANNEX:

EXTRACT FROM THE NOTE OF 20 MARCH 2007 NATIONAL PLANNING FORUM MEETING

The following discussion points were recorded resulting from a proposition posed by Peter Ellis, Communities and Local Government [NPF member comments in italics, Peter's response in normal font]:

Item 4: DRAFT CLIMATE CHANGE PPS AND PRACTICE GUIDE

.....”(2) **What is the appropriate relationship between spatial planning and building regulations?**

- *Architects continue to be concerned at the level of duplication between the planning and building regulation regimes. The 2 need to be integrated to avoid avoid the need for a full design to be drawn up in advance of the principle of development being established - both Barker and work on the Householder Development Consents Review indicate a trend towards this. One of the concerns in preparing the draft PPS had been simplifying the range of assessments required from developers under separate legislation.*
- *building regulations deal with the performance of buildings in terms of energy efficiency; but siting (ie planning) is also crucial. Government has an “escalator ambition” for Part L of the building regs which will lead to buildings with a zero carbon footprint by 2016. Planning policy needs to complement / reinforce this.*
- *need for local flexibility on design standards; a recent CABE report highlighted major regional differences in design quality which need to be addressed. “.....*