

Core Strategy Policy 27: Sustainable Resources and New Developments

Position Statement Following Deregulation Act 2015

Background

The Deregulation Act 2015 received Royal Assent on 26th March 2015. It proposes changes to the Planning and Energy Act 2008 which will result in local planning authorities no longer being allowed to include policies in their development plans requiring energy efficiency standards for dwellings that exceed building regulations, such as the Code for Sustainable Homes. It is proposed that all energy efficiency standards will be included in building regulations.

Until this time, the Government have set out transitional arrangements that allow local planning authorities to continue to apply policies in their Local Plans which require compliance with energy efficiency standards that exceed building regulations. Where a local planning authority has an existing policy that sets requirements relating to the Code for Sustainable Homes, as is the case in Chorley, they can continue to require dwellings to achieve an energy efficiency equivalent to Code for Sustainable Homes Level 4, but they will not be able to require compliance with other aspects of the Code for Sustainable Homes as it has now been withdrawn.

Core Strategy Policy 27, which is set out below, requires all new dwellings to achieve Code for Sustainable Homes Level 4, increasing to Level 6 in 2016. This can no longer be implemented as the Code has been withdrawn, therefore this statement sets out how the policy will be implemented in line with the transitional arrangements, until energy performance standards are set in building regulations.

Core Strategy Policy 27: Sustainable Resources and New Developments

Incorporate sustainable resources into new development through the following measures:

All new dwellings will be required to meet Level 3 (or where economically viable, Level 4) of the Code for Sustainable Homes. This minimum requirement will increase to Level 4 from January 2013 and Level 6 from January 2016. Minimum energy efficiency standards for all other new buildings will be 'Very Good' (or where possible, in urban areas, 'Excellent') according to the Building Research Establishment's Environmental Assessment Method (BREEAM).

Subject to other planning policies, planning permission for new built development will only be granted on proposals for 5 or more dwellings or non-residential units of 500 sq metres or more floorspace where all of the following criteria are satisfied:

- a) Evidence is set out to demonstrate that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change;
- b) Prior to the implementation of zero carbon building through the Code for Sustainable Homes for dwellings or BREEAM for other buildings, either additional building fabric insulation measures, or appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%;
- c) Appropriate storage space is to be provided for recyclable waste materials and composting;
- d) If the proposed development lies within a nationally designated area, such as a Conservation Area or affects a Listed Building, it will be expected to satisfy the requirements of the policy through sensitive design unless it can be demonstrated that complying with the criteria in the policy, and the specific requirements applying to the Code for Sustainable Homes and BREEAM, would have an unacceptable adverse effect on the character or appearance of the historic or natural environment.

The integration of the principles above into other types of development will also be encouraged.

Transitional Requirements

In line with the Government's transitional arrangements until housing standards are set through revised building regulations, the Council will require the following:

Core Strategy Policy 27: Transitional Requirements

All new dwellings are required to achieve a minimum Dwelling Emission Rate (DER) of 19% above 2013 Building Regulations (Code Level 4 equivalent). Compliance with other aspects of the Code for Sustainable Homes will no longer be required.

All other new buildings will continue to be required to achieve a BREEAM 'very good' rating.

Compliance with criteria a) to d) will no longer be required as these requirements are covered by building regulations and other Local Plan policies.