

Report

Report to:	Climate Change and Sustainability Committee
Date of Meeting:	14 June 2023
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	The Role of Planning and Building Standards
----------	--

1. Purpose of Report

1.1. The purpose of this report is to advise the Climate Change and Sustainability Committee on:-

- ◆ recent changes to national spatial planning policy and Building Regulations and to outline the role of the Planning and Building Standards service in delivering the Council's climate change and sustainability ambitions

2. Recommendations

2.1. The Climate Change and Sustainability Committee is asked to approve the following recommendation(s):-

- (1) note the details set out in this report in terms of national spatial planning policy and the Building Regulations, together with the role of the Planning and Building Standards Service in delivering the Council's climate change and sustainability ambitions.

3. Background

3.1. Tackling the twin climate and nature crises is one of the key ambitions set out in the Scottish Government's Programme for Government 2022-23. The way in which land and buildings are used and the protection of the natural environment are identified as actions to achieve climate change and nature targets alongside the decarbonisation of homes and buildings and a just transition to net zero.

3.2. Specific measures that have been implemented by the Scottish Government recently include changes to the Building Regulations in February 2023 which introduce new energy standards covering energy performance, overheating and ventilation for new buildings and renovations (further changes relating to electric vehicle charge points will come into effect in June 2023) and the adoption of National Planning Framework 4 (NPF4) also in February 2023 which represents the national spatial strategy for Scotland to 2045.

3.3. These changes were anticipated during the preparation of the Council's Sustainable Development and Climate Change Strategy 2022 to 2027 and several of the priorities in the action plan reflect the role of the Planning and Building Standards Service in delivery the strategy.

- ◆ Priority 3 supporting towns and town centres to transition to net zero
- ◆ Priority 4 ensuring climate change, access to services and active travel forms part of the design of new residential developments

- ◆ Priority 5 developing a place-based approach to climate action
- ◆ Priority 5 Review new build home specifications to meet national low or zero carbon emissions heat requirements and for new non-domestic buildings to achieve maximum energy efficiency
- ◆ Priority 6 prepare Local Development Plan 3 and an Open Space strategy
- ◆ Priority 10 promote measures to increase biodiversity

4. Changes to Building Regulations

4.1. A new version of the energy standards in Scottish Building Standards came into force on 1 February 2023. This covers energy performance, overheating, and ventilation in residential and commercial buildings and the changes are aimed at making buildings more energy efficient and environmentally friendly. Any new domestic or non-domestic developments subject to a building warrant application from that date are required to demonstrate compliance with the new standards.

4.2. The main changes can be summarised as follows;

- ◆ higher targets have been introduced for the energy and emission performance of new buildings, which will result in a 32% reduction in carbon emissions for domestic buildings and a 20% reduction for non-domestic buildings compared with prior targets
- ◆ a new method of measuring a building's expected energy demand has been introduced which shifts the focus from a building's carbon output to the amount of energy it will require to function. The aim to ensure the installation of low-energy heating systems and other energy-saving systems
- ◆ higher fabric standards for new homes have been introduced in terms of lower u-value targets. The lower the u-value of a fabric, the more slowly heat is able to transmit through it and so the better it performs as an insulator. This means that more insulation (and/or better insulating materials) will be required in new-build homes to meet the new requirements
- ◆ in order to avoid the overheating of highly insulated buildings in hot weather and the corresponding need for energy-consuming mechanical ventilation such as air conditioning, new requirements for “overheating checks” have been introduced for new dwellings which will involve checking the number of windows and openings in a building to ensure solar gains are not excessive and free air movement is supported

4.3. In addition, further changes were introduced on 5 June 2023 involving a requirement for electric vehicle charging to serve new buildings and those subject to major renovation. For new domestic buildings, enabling infrastructure should be provided to each parking space within the curtilage of the development site. An electric vehicle charge point socket should be provided per dwelling. Installation should be cost-effective so that where the cost of providing the electrical supply to the site exceeds an average of £2,000, then only the enabling infrastructure needs to be installed.

4.4. Where more than 10 car parking spaces are provided within the curtilage of a non-domestic building, enabling infrastructure for charge points should be provided to at least 50% of the spaces. It should be noted that Supporting Planning Guidance on electric vehicle charging infrastructure was approved by the Planning Committee last year and is being used to assess relevant proposals, however, it will be reviewed in light of these changes.

5. National Planning Framework 4

5.1. NPF4 was adopted by the Scottish Government on 13 February 2023. It represents the national spatial strategy with the overall aim of improving people's lives by making

sustainable, liveable and productive places and will have a clear role in delivering the UN Sustainable Development Goals as well as national outcomes.

5.2. The Planning Act now requires the preparation of Local Development Plans and the determination of planning applications to accord with NPF4 and the six outcomes it is required to achieve, namely:-

- ◆ improving the health and wellbeing of the people
- ◆ increasing the population of rural areas
- ◆ meeting housing needs
- ◆ improving equality and eliminating discrimination
- ◆ meeting targets for emissions of greenhouse gases
- ◆ securing positive effects for biodiversity

5.3. An overarching principle of NPF4 is to ensure future places will be net zero and nature-positive, designed to reduce emissions and adapt to climate change, as well as protecting, enhancing and restoring the natural environment. Low and zero carbon design and energy efficiency is encouraged while new development should be accessible by sustainable transport with a focus on reusing previously developed sites in recognised settlements. There is also a commitment to a just transition and the creation of a circular economy.

5.4. NPF4 includes 33 policies on separate topics for the development and use of land which are to be applied in the preparation of local development plans (LDPs); local place plans; masterplans and briefs; and for determining planning applications. All of the policies should be taken and applied as a whole.

5.5. The Scottish Government has advised that further detailed guidance will be produced over the next 12-18 months that will provide more detail on these themes. This will help inform the format and content of new LDPs and aid the assessment of planning applications.

6. Future Steps

6.1. The changes to Building Regulations and the adoption of NPF4 described above will be implemented through normal service delivery. On a day to day basis, the assessment of applications for planning permission and building warrants is already required to take account of the changes. They have introduced challenges in relation to skills and experience and a training and development programme is being developed to address any skills gaps and training needs.

6.2. Work on the preparation of a replacement Local Development Plan 3 will formally start later this year. The new LDP is required to take into account NPF4 as well as the Council's Community Plan. NPF4 sets out what LDP3 will be required to address the key relevant points including:-

- ◆ addressing the climate emergency and nature crisis by ensuring the spatial strategy will reduce emissions and adapt to current and future risks of climate change and promoting nature recovery and restoration
- ◆ reducing, minimising or avoiding greenhouse gas emissions. New development should be guided to, or involve the creation of, sustainable places
- ◆ promoting nature recovery and restoration through the creation of nature networks, the strengthening of connectivity and increasing biodiversity. They should promote nature recovery and restoration and incorporate measures to increase biodiversity. Natural places and soils are to be identified and protected and be taken into account when allocating land for development

- ◆ promoting compact urban growth by limiting urban expansion. Opportunities for the sustainable re-use of brownfield land including vacant and derelict land are to be set out
- ◆ allocating future development where it can be accessed by sustainable modes and encourages and enhances active travel. A place-based approach will be used that reduces car dominance and reflects the principles of local living
- ◆ requirement for LDPs to take account of the Local Heating and Energy Efficiency Strategy and reflect areas of heat network potential and designated Heat Network Zones
- ◆ avoiding identifying new development in areas of flood risk and take account of the probability of flooding from all sources with a precautionary approach taken. Places should be resilient to flooding and water resources used efficiently and sustainably
- ◆ Identifying and protecting blue and green infrastructure assets and networks and enhancing and expanding existing provision

6.3. The way in which the plan will be produced is changing in that, as a first stage, an evidence report that will inform the spatial strategy must be prepared and submitted to Scottish Ministers for a 'gatecheck'. It is only once the evidence report has been cleared that work can start on the proposed plan. The new system requires extensive engagement with key agencies as well as partners and local communities throughout the process. Collaboration with other Council services, partners and external organisations who can provide information and evidence on climate and sustainability issues will be important.

6.4. The Scottish Government published guidance on how to prepare LDPs on 24 May 2023. At the evidence report stage information required to be submitted includes:-

- ◆ local sources of greenhouse gas emissions
- ◆ local opportunities for greenhouse gas sequestration and storage
- ◆ the likelihood and severity of climate risks in the plan area currently and in the future
- ◆ who is likely to be affected by climate change
- ◆ areas of heat network potential
- ◆ designated heat network zones
- ◆ existing nature networks
- ◆ details of degraded habitats

Overall, the evidence should be used to develop policy options that will reduce climate change causing emissions and support adaptation while promoting nature recovery and restoration.

6.5. The preparation of the Open Space Strategy (OSS) will be carried out alongside the new LDP and will form part of the evidence report referred to above. The OSS is to set out policies and proposals on the development, maintenance and use of green infrastructure. Draft guidance, published in 2021, outlined the 6 outcomes that are expected to be achieved and include securing positive effects for biodiversity and mitigation of and adaptation to climate change.

6.6. A review of the Council's existing Residential Design Guide has started. Rather than a traditional planning document, the revised version will incorporate a joint planning and building standards approach to the design and layout of new housing sites to ensure energy efficiency and net zero emissions targets are an integral part of the process. This approach will also be used in relation to other forms of development through the preparation of a customer journey map.

6.7. In terms of determining planning applications, as noted above, additional detailed guidance is awaited from the Scottish Government. A letter from the Chief Planner in February set out some specific advice in relation to the climate and nature crises. Firstly, while policy prioritises this in all decision making, it will be for the decision maker to determine whether the significant weight that is to be applied tips the balance in favour or against a proposal on the basis of its positive or negative contribution to the climate and nature crises. The advice also refers to the future development of a methodology for calculating or minimising emissions, however, in the meantime, the emphasis in decision making should be on reducing emissions as far as possible rather than eliminating all emissions. Quantitative assessments are required only for some major development proposals although no thresholds have been provided.

7. Employee Implications

7.1. The introduction of the changes to the Building Regulations and NPF4 has identified a range of training and skills gaps that will inhibit their implementation. The Planning and Building Standards service is putting together a training and development plan to address this. This will include identifying officers who seek to specialise particular topics.

8. Financial Implications

8.1. The implementation of the changes will be carried out by current establishment. As noted above, however, additional training requirements are likely to be needed.

9. Climate Change, Sustainability and Environmental Implications

9.1. The contents within this report reflect changes in legislation and national policy. A full Strategic Environmental Assessment (SEA) was undertaken by the Scottish Government and no further action will be required. The preparation of the LDP3 and OSS will incorporate SEA at the appropriate time.

10. Other Implications

10.1. There are no other implications associated with this report.

11. Equality Impact Assessment and Consultation Arrangements

11.1. Equality Impact Assessment (EqIA) will be carried out as part of the preparation of the LDP3 and OSS. In addition, extensive engagement and consultation will be carried out.

David Booth

Executive Director (Community and Enterprise Resources)

24 May 2023

Link(s) to Council Values/Priorities/Outcomes

- ◆ Accountable, effective, efficient and transparent
- ◆ Good quality, suitable and sustainable places to live

Previous References

- ◆ None

List of Background Papers

- ◆ National Planning Framework 4 adopted by Scottish Government 13 February 2023
- ◆ Building Standards Technical Handbook February 2023: Domestic Buildings
- ◆ Building Standards Technical Handbook February 2023: Non-Domestic Buildings

Contact for Further Information

If you would like to inspect background papers or want further information, please contact:-

Tony Finn, Planning and Building Standards Manager

Community and Enterprise Resources

E-mail: tony.finn@southlanarkshire.gov.uk