



Stockton-on-Tees – Housing Standards and the Local Plan

7 September 2018

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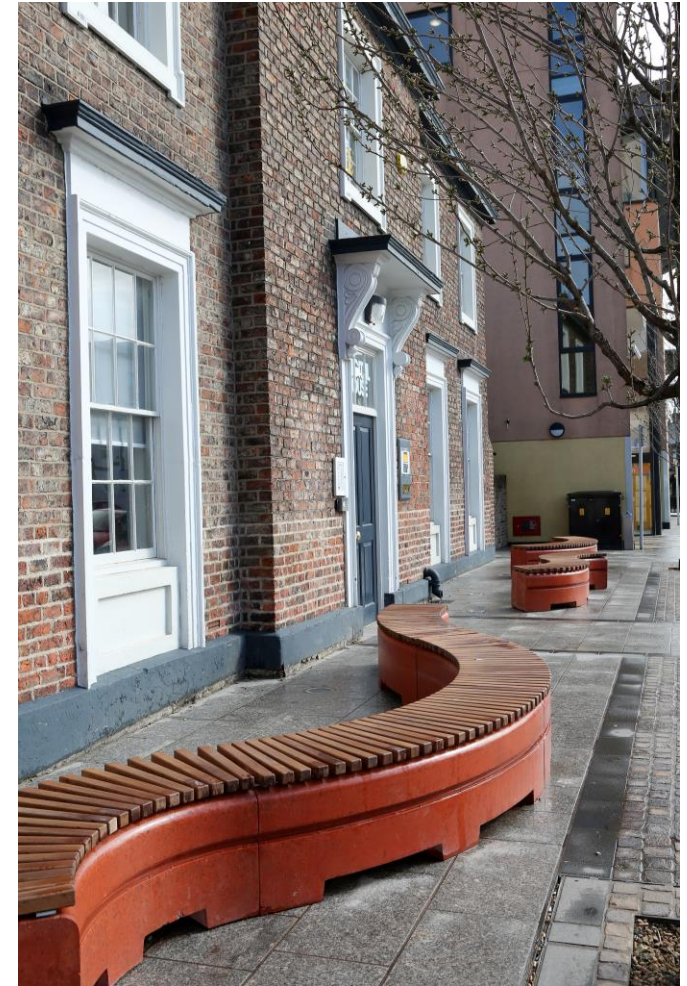
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Presentation

- Drivers
- Local Plan experience
- ‘Merton Rule’ and **that** Ministerial Statement
- Emerging Local Plan
- Public Examination
- Help to others?



The place

- Part of the Tees Valley sub region
 - Combined Authority in April 2016
 - 191,600 population (approx.)
 - 89,950 occupied households.
 - Urban / rural mix
-
- Birthplace of passenger railways
 - Home of the friction match
 - Widest High Street in the UK



Local Plan experience



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What are the drivers

- Fuel poverty affects 9,907 occupied households across the Borough, 12.3% of the population
- 1,322 extra households unable to adequately heat and light their homes in 2016/17
- Priorities; Economic Growth, tackling health inequalities
- 24 year gap in life expectancy between wards 2 miles apart
- Male life expectancy in some LSOA's remains same as in 1930's
- 45% of CAB enquiries energy related

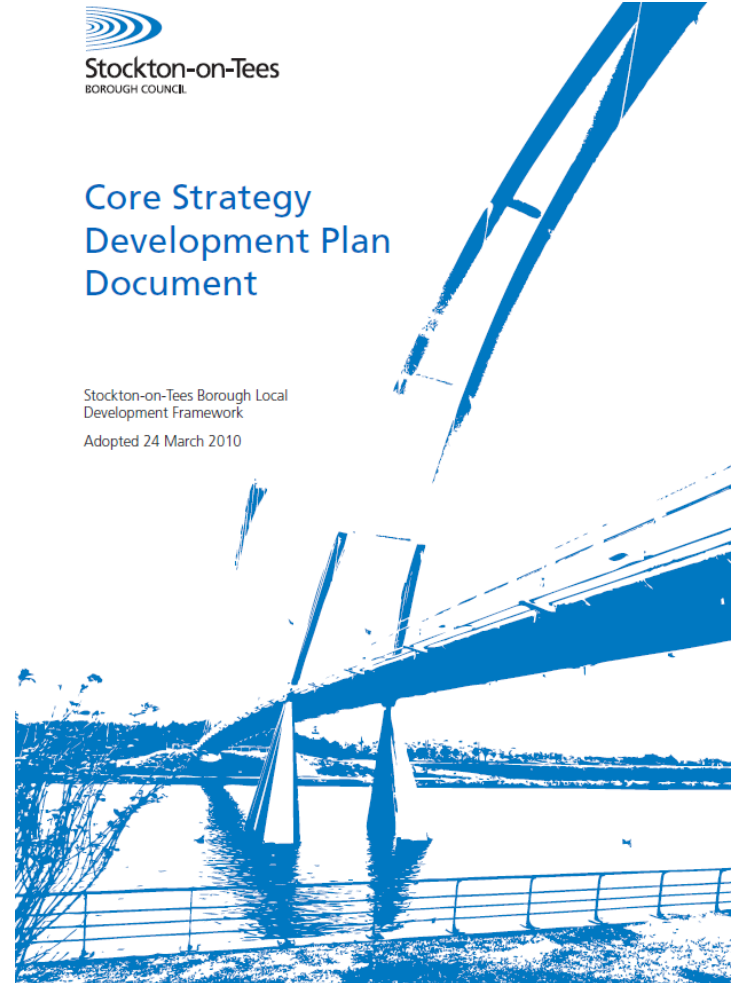


Current Local Plan status

- 1997: Last 'Local Plan' adopted
- 2010: Core Strategy Development Plan document adopted
- 2012: Along came NPPF
- 2012: Regeneration and Environment Local Plan (RELP) went as far as consultation draft

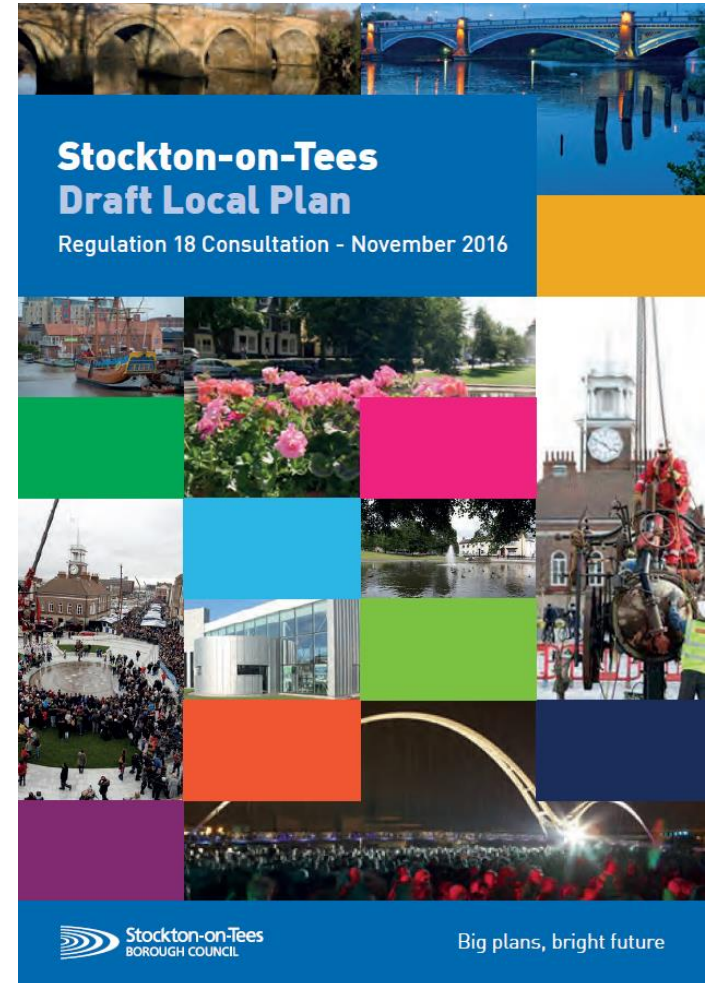
2015: Housing standards review

- 2016: Emerging Local Plan 2018 – 2032 through consultation
- 2018: Examination in Public
- 2019: Publication



Our approach to Merton

- From 2010: Policy CS3 Sustainable Living and Climate Change
 - *Code for Sustainable Homes, Level 4*
 - *10% predicted energy requirements from onsite renewable energy*
 - *Energy efficient measures in all build*
 - *All domestic development to Lifetime Homes Standards*
 - *Zero Carbon Homes by 2016*
- Very effective up to 2014/15



Housing Standards Review March 2015

- Utter confusion at the time: “local planning authorities should not set in their emerging Local Plans any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”
- Immediate from developers on live applications
- In some instances applications withdrawn and resubmitted next day
- One national planning consultant signed off with “Local Planning Authorities should no longer be conditioning sustainability criteria in planning approvals”
- Legal opinion was sought



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Stuck to our guns – last 24+ months

- Advice was to continue to condition renewables – but caution if that was taking development higher than CSH Level 4
- Continued to apply the existing policy on 10% renewable energy for energy demand
- Developer response was ‘can we do energy efficiency’?!
- We’ve just about continued to achieve betterment, 5 year supply didn’t help!
- APSE Merton Rule publication invaluable – and very accurate!



Emerging Local Plan and Examination



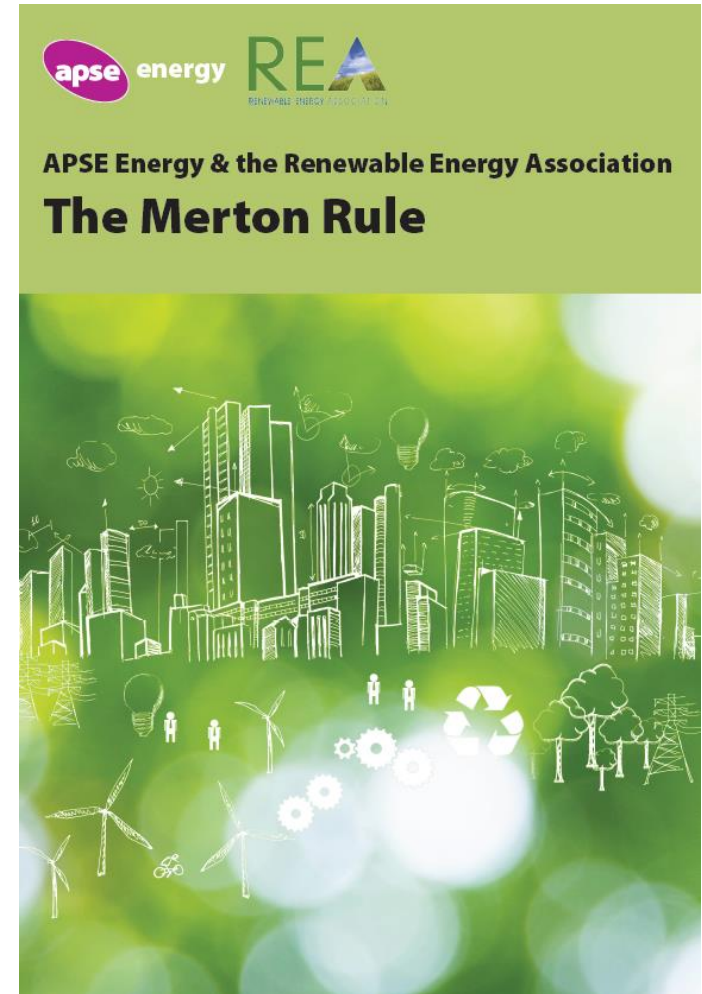
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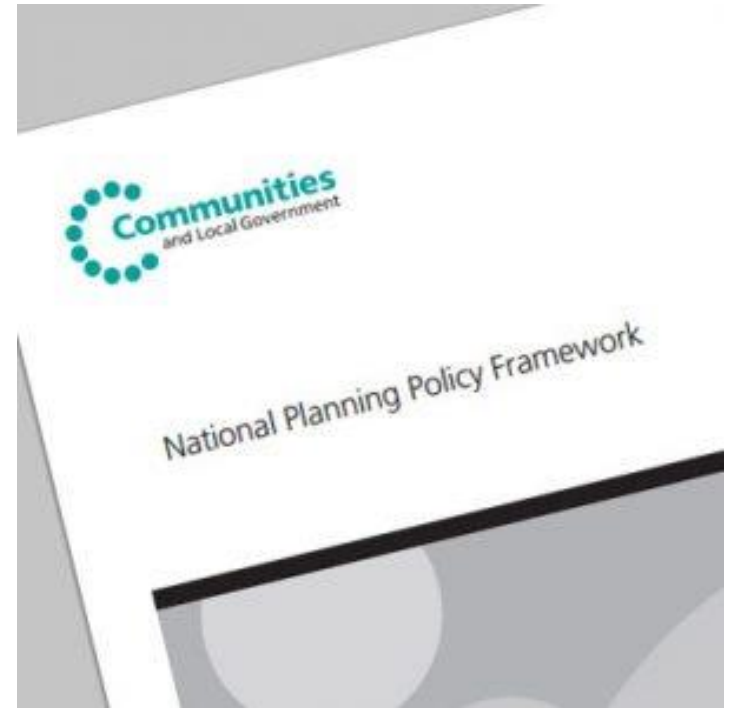
Emerging Local Plan; 2016 -

- Policies including ENV 1 – 3 cover energy efficiency, renewable energy and decentralised energy supply
- ENV 1 is essential a Merton Type Rule for all major development requiring...
 - **Energy statement with application of the energy hierarchy**
 - **All development to meet GHG emissions reduction targets in CC Strategy**
 - **10% reduction in total energy requirement over and above Part L (2013) Building Regulations**
 - **BREEAM on all commercial development**



Consulting on the Policy

- Many objections to Policy ENV 1, centred on four main issues:
 1. The Ministerial statements on technical housing standards in 2015
 2. Consistency with the National Planning Policy Framework (NPPF)
 3. Consistency with government's 'Direction of travel on energy and standardising energy performance'
 4. Viability of increasing energy efficiency standards in new build



1. The Ministerial statements on technical housing standards in 2015

- Objections to Policy ENV 1 stated it was unsound to require energy standards and improvements, as Ministerial Statement had 'removed' all powers

Section 1 of the Planning and Energy Act 2008

- ✓ may impose reasonable requirements for energy from renewable sources
- ✓ a proportion of energy used to be low carbon energy
- ✓ may impose reasonable requirements for energy efficiency standards that exceed Building Regs

Sections 42 and 43 of the Deregulation Act 2015

- ✓ Proposed amendments but no Commencement Order
- ✓ Provision on energy efficiency never brought into effect and no sign that it will
- ✓ Both energy efficiency standards (for domestic and non-domestic buildings) and renewable energy provisions are still firmly applicable.

The Infrastructure Act 2015

- ✓ LPA's 'will continue to be able to set and apply policies ...requiring compliance with energy performance standards that exceed Building Regs until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Act'.



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2. Inconsistency with the National Planning Policy Framework?

- NPPF Paragraph 150 b) any local requirements for sustainability of buildings should reflect the governments policy for national technical standards.
- ✓ The proposed new section 1A was never commenced
- ✓ Sections 1(1) (a), 1(1) (b) and 1 (1) (c) relating to both renewable energy and energy efficiency in new buildings is entirely extant and applicable



3. Government's 'direction of travel' on energy

- Objections that policy is not consistent with government's 'direction of travel on energy and standardising energy performance' and therefore unsound
- ✓ There has been no move to rescind provisions in Planning and Energy Act
- ✓ Clean Growth Strategy 2017 committed to strengthening energy performance standards for new and existing homes
- ✓ Industrial Strategy 2017 has clean growth as core objective with increased focus on energy and resource productivity
- ✓ Neighbourhood Planning Bill 6 Feb 2017; Minister confirm that Government will not prevent local councils requiring higher building standards



The Clean Growth Strategy

Leading the way to a low carbon future

4. Viability of increasing energy efficiency standards in new build

- Objections based on economic viability of increasing energy efficiency standards in new build and therefore unsound
- ✓ Policy ENV1 assessed as part of the Whole Plan Economic Viability Assessment
- ✓ Small additional cost to building to a higher standard, costs of renewable technologies continue to fall
- ✓ Evidence submitted on higher environmental standards achieve higher returns
- ✓ WPVA assessment demonstrates that proposals remain viable, but with greater viability challenge in lower value areas



As it stands...



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Moving forward from EiP

- **Caveat: The Planning Inspector's report has not yet been published and we await the outcome of the soundness of the policy**
- Acceptance that all provisions remain valid and applicable
- All about the relationship with the developer to gain outcome
- Viability is always questioned but we meet with 'what can you do'
- Always an opportunity to gain betterment
- Experience has influenced the development of the new policy
- Paper on everything to plan for at Examination



Thank you

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