Climate Team consultation response

Reference: PL/2023/10490
Address: Elm Tree Motor Company, Pelhams Court, Marlborough, SN8 2AG
Proposal: Demolition of all buildings on site and erection of 13 dwellings, a new officebuilding and associated works.

Applications for planning permission must be determined in accordance with the relevant policies of the development plan unless material considerations indicate otherwise (ref: Section 38(6) of the Planning and Compulsory Purchase Act 2004). Section 19 of this Act places a legal duty on development plan documents, taken as a whole, to include policies designed to secure development that contributes to the mitigation of, and adaptation to, climate change.

Development Plan:

At paragraph 1.3 of the Wiltshire Core Strategy (WCS) key principles that underpin the strategy to help build more resilient communities are identified including:

- *"Providing for the most sustainable pattern of development that minimises the need to travel and maximises the potential to use sustainable transport."*
- *"Managing development to ensure that jobs and the right infrastructure are delivered at the right time to ensure that out commuting, in particular to areas outside of Wiltshire, is not increased"*
- *"Working towards lowering Wiltshire's carbon footprint through the appropriate location of development, and through renewable energy and sustainable construction."*

Paragraph 1.10 states: *"**The overarching priorities are to help build and protect resilient communities through….. tackling the causes and effects of climate change**"*

Paragraph 2.10 states: *"**Climate change is a central issue to be addressed by the WCS**….. The basis of this strategy is to achieve sustainable patterns of development in order to reduce carbon emissions."*

The WCS sets out that addressing climate change as a strategic objective stating at paragraph 3.5 that: ***"Climate change is possibly the greatest long-term challenge facing the world today."***

Paragraph 6.32 sets out that the strategy will contribute to tackling climate change through a number of different areas of policy, such as:

- focusing growth at the larger settlements to help minimise the need for travel,
- ensure new development can withstand future changes in climate and add minimally to carbon emissions,
- provide a network of green infrastructure; and
- ensure more sustainable forms of transport.

Core Policy 41 seeks to help to reduce Wiltshire's contribution to climate change through improved design and construction methods. The policy states that: *"New development, building conversions, refurbishments and extensions will be encouraged to incorporate design measures to reduce energy demand. Development will be well insulated and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer."*

Furthermore, all proposals for major development will be required to submit a Sustainable Energy Strategy alongside the planning application outlining the low-carbon strategy for the proposal. All non-residential development will be required to achieve the relevant BREEAM 'Excellent' standards.

Core Policy 60 sets out that *"the council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods."* It sets out a number of means to achieve this including planning development in accessible locations, and promoting alternatives to the private car. These aims are further supported by CP61, CP62, CP63, CP64, CP65 and CP66.

In addition, the Wiltshire Core Strategy contains specific policies in relation to **biodiversity (CP50), green infrastructure (CP52), high quality design (CP57), flood risk (CP67)** and **water resources (CP68)**. These all relate to reducing Wiltshire's contribution to climate change and/or adaptation. To be compliant with these policies regard should be had to the implications of the development on climate change. As set out previously climate change is the central issue to be addressed by the development plan.

Finally, also a key part of the development plan is the **Marlborough Area Neighbourhood Plan 2021-2036**, made March 2023. This has a number of relevant policies including **MARL19: Building to the Passivhaus Standard**. Consistent with the supporting and encouraging framework of CP41 of the Wiltshire Core Strategy this offers greater detail and sets sustainable construction of homes into the current policy context around transitioning to net zero. Criteria A-D are relevant to this scheme including minimising energy demand through landform, layout, orientation, massing and landscaping; certification to Passivhaus or equivalent; and evaluation of operational and embodied carbon.

Other material considerations:

As set out above planning legislation establishes that **other material considerations** should be taken into account in the determination of planning applications. As such, these need to be kept in mind as developments are planned and formulated. Other material considerations may include other local planning policy and guidance, the emerging Wiltshire Local Plan Review, UK government legislation or Written Ministerial Statements and national planning policy and guidance such as the National Planning Policy Framework.

The Council is carrying out a **Local Plan Review**. A draft version has was approved by cabinet and full council so proceeded to the Regulation 19 stage of public consultation. The consultation has recently closed and comments are being assessed. A suite of ambitious new and replacement policies to further reduce Wiltshire's contribution to climate change and foster better community resilience to impacts from climate change are now emerging. The direction of travel is reflective of wider strategic policy already adopted by Wiltshire Council, such as the **Wiltshire Climate Strategy, adopted February 2022**. This builds on the Council's February 2019 resolution to acknowledge a **climate emergency and subsequent commitment to seek to make the county carbon neutral by 2030**.

To further underline this the **Climate change act 2008 (2050 Target Amendment) Order 2019** raised the **duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline** (previously 80%).

The **National Planning Policy Framework (December 2023)** (NPPF) sets out the UK government's position on planning in England.

Paragraph 7 of the NPPF states: *"The purpose of the planning system is to contribute to the achievement of sustainable development"* and paragraph 8 makes it clear that **mitigating and adapting to climate change is a core planning objective**.

Paragraph 157 states: *"The planning system should support the transition to a low carbon future in a changing climate…. It should* ***help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions****, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."*

Paragraph 159 states that: *"****New development should be planned for in ways that:***
a) ***avoid increased vulnerability to the range of impacts arising from climate change.*** *When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
b) ***can help to reduce greenhouse gas emissions, such as through its location, orientation and design****. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards."*

Paragraph 162 goes on: *"In determining planning applications, local planning authorities should* ***expect new development to…… take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption****"*

In terms of transport paragraph 108 states that "transport issues should be considered from the earliest stages of plan-making and development proposals, so that….. opportunities to promote walking, cycling and public transport use are identified and pursued".

In terms of the future national direction of travel the **10 Point Plan**, **Net Zero Strategy**, **Heat and Buildings Strategy**, the **Sixth Carbon Budget, Timber in Construction Roadmap,** and **Powering Up Britain** are very clear. The intentions include:

- More journeys by public transport, walking and cycling;
- More electric cars;
- More sustainable (safe) construction practices; and
- More renewable energy and storage technologies.

Comments on the submission:

Overall: No objection subject to conditions (and no objections from drainage colleagues/Environment Agency).

The climate team actively and strongly encourages developers of all scales to put the mitigation of and adaption to climate change as a golden theme to run through their development project. This will mean different things depending on the scale of the project, but to support the transition to a low carbon future, radical reductions in greenhouse gas emissions over the existing status quo will be required.

The proposal has been submitted with a Sustainable Energy Strategy. This robustly covers the issue of operational carbon and energy and shows a very positive approach that is supported. This includes the use of fabric first principles and then low-carbon and renewable energy technologies. This is likely to provide a significant betterment over the minimum building regulations. However, the technical design work is yet to be undertaken. As such a condition to secure final details is necessary.

This will also present an opportunity for the issues of embodied carbon, and potentially sustainable transport and climate change adaptation to be included in a final Sustainable Energy Strategy. This would be consistent with the supporting and encouraging of the development plan policies CP47 and MARL19. It would be reflective of sustainable construction being a key element of high-quality design under CP57.

I have considered the paucity of information in relation to the embodied carbon impacts from this proposal. The scheme involves demolition and reusing the buildings might be a more favourable option. However, intuitively I feel that this will stifle the redevelopment potential of the site, making a less dense form of development and one that probably would result in poorer outcomes overall. The waste minimisation strategy sets out a reasonable approach to minimise and mitigate the negative aspects of demolition too. Furthermore, I note some of the construction techniques being proposed, including the use of SIPs and consider that this will have a low carbon impact with the timber frames even providing a form of carbon sequestration. More detail can be secured through a final Sustainable Energy Strategy that secures a low carbon approach balanced with making efficient use of a brownfield and accessible location.

The type of units proposed also appears to take on-board the comments with MARL19, with a high density arrangement that seems consistent with the general locality.

The office building, as a non-residential development should be constructed to meet the relevant BREEAM Excellent standards. However, policy CP41 does provide an exemption stating that the impact of sustainable construction requirements on the viability of development will be taken into consideration. A rule of thumb has been informally adopted by the planning department that schemes smaller than 1,000m^2 will not need to comply with BREEAM because certification can be expensive and a disproportionate cost for smaller schemes. I will suggest a condition to require compliance, but the discretion of the case officer, in discussion with the developer might mean that this is not imposed and the policy is still complied with.

In terms of water efficiency the recent letter to local authorities from Minister Double highlights that in water stressed locations such as this that a higher water efficiency standard can be secured of 110l/p/d. When conditioned this higher standard can then be imposed through building regulations Part G. This would improve the sustainability of the development and I cannot see mention of it in the submission.

I note the use of cycle storage, the proximity of the site to the town centre and the proposal to have electric vehicle charging facilities for every home. This is all positive in principle and its location clearly offers the potential for active travel and public transport use such as to justify a lower parking standard if desired. A lower parking standard may free up some space in the site, allowing for more planting to support ‘beautification’, biodiversity net gain and climate change adaptation. It might also support a layout that can better achieve electric charging solutions for the whole site in a more cost-effective way.

Building regulations is the only means currently available to secure electric vehicle charge points in new development. The scheme is aligning with current relevant Part S building regulations. However, there are exemptions allowed including for example where the average cost of providing electric vehicle charging exceeds £3,600. Long cable routes can make this very difficult and there can also be land rights issues. Parking spaces for EV charging need to be allocated to relevant plots as the charger should be connected to their domestic supply. I suggest that this is a matter raised with the developer prior to determination to ensure that their strategy has been properly considered and that their commitment to providing EV charging to each unit is viable. I am concerned that it may not be, and some units will never have access to EV charging.

Finally, turning to climate change adaptation. I note the landscaping scheme would be an enhancement over the existing brownfield site and this will have some climate change adaptation benefits in relation to overheating. I would express some concern over potential flood risks. Whilst the evidence in relation to whether climate change is occurring is irrefutable, the evidence in relation to what the impacts will be, and the timing and magnitude of the impacts are less well understood. However more flooding is likely. The recent events in Marlborough, whilst anecdotal, may provide an indication of what to expect. Looking at recent media coverage this event appears to align with the EA's current flood risk mapping: Marlborough flooding victims flee homes with town underwater | The Wiltshire Gazette and Herald. However, I would urge a precautionary approach and making full use of any technical expertise available within the council's drainage team and at the Environment Agency to help assess this scheme and risks considering climate change allowances.

Suggested conditions:

- Prior to the commencement of development a final Sustainable Energy Strategy, including details of operational energy, embodied carbon, climate change adaptation measures and sustainable transport shall be submitted to and approved in writing by the Local Planning Authority. In terms of operational energy and embodied carbon this shall be based on the principles set out in the Sustainable Energy Strategy by PKA Architects dated November 2023. The development shall be carried out in accordance with the approved details. REASON: To ensure that the objectives of sustainable development set out in policy CP41 and CP57 of the Wiltshire Core Strategy are achieved.

- Prior to the commencement of development a BREEAM Pre-Assessment shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the non-residential development is targeting the relevant BREEAM "Excellent" standard (or any such equivalent national measure of sustainable building which replaces that scheme). REASON: To ensure that the objectives of sustainable development set out in policy CP41 and CP57 of the Wiltshire Core Strategy are achieved.

- Within 6 months of the development being first brought into use a final Certificate shall have been submitted and approved in writing by the Local Planning Authority certifying that the relevant BREEAM "Excellent" standard (or any such equivalent national measure of sustainable building which replaces that scheme) has been achieved by the non-residential development. REASON: To ensure that the objectives of sustainable development set out in policy CP41 and CP57 of the Wiltshire Core Strategy are achieved.

- Prior to the commencement of any development final details of the low-carbon and renewable energy technologies (such as air source heat pumps and roof-mounted solar PV) shall be submitted to and approved in writing by the Local Planning Authority. This shall include the location, number and manufacturer's specifications. The development shall be carried out in accordance with the approved details. REASON: To ensure that the objectives of sustainable development set out in policy CP41 and CP57 of the Wiltshire Core Strategy are achieved.

- Prior to the first occupation of each dwelling the electric vehicle charge point for that property shall be provided and made available for use in accordance with the commitment made in the Sustainable Energy Strategy by PKA Architects dated November 2023, and the Technical Note – 7327/01 Highways Appraisal by Cole Easdon dated November 2023. Further detail of the charge points (such as location

and manufacturer's specification) shall be submitted to and approved in writing by the local planning authority prior to their installation. The development shall be carried out in accordance with the approved details. REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

- Prior to the first occupation of each dwelling the cycle parking shall be provided and made available for use in accordance with the approved plans. REASON: To ensure that the objectives of sustainable development set out in policy CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

- The dwellings shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach. REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.

Climate change is the central issue to be addressed by the development plan. The direction of travel since its adoption in 2015 is very clear with the Council's adopted Climate Strategy in 2022 setting a framework for reducing carbon emissions in Wiltshire and for making the county resilient to climate change. Furthermore, the NPPF states that planning needs to shape places in ways that contribute to radical reductions in greenhouse gas emissions.

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