

# **LB Waltham Forest Development Management Policies Local Plan Document**

Session; Energy

21 May 2013

30 minutes

## **Agenda**

**Participants;** Inspector, Council, Aviva and the Mall Partnership.

**Issues;** policy DM11. My Q71

- 1) Council's overall view of, and response to, representations and Inspector's questions. Presentation of proposed amendments.
- 2) Energy

**The Mall Ltd Partnership** (representation dmpps52) observes that there does not appear to be any justification stated for requiring the particular level of the CfSH and BREEAM codes chosen. (The use of the codes in principle is justified in the CS and repeated in paragraph 12.6 of the DMPDPD but there is no justification stated for choosing level 4 and "very good" respectively).

**The Council** responds The Codes/BREEAM go further than the current building regulations in that they cover a more comprehensive list of sustainability criteria. The Council intends to achieve higher standards of sustainable design across the range of criteria that are covered in the Codes and BREEAM (Energy/CO<sub>2</sub>, Water, Materials, Surface Water Runoff, Waste, Pollution, Health and Well-being, Management and Ecology), as explained in the supporting text. The Building Regulations Part L 2010 require a 25% reduction of carbon emissions over 2006 regulations, which equates to the energy element of Code Level 3. The Council notes the reference to the Poole Core Strategy. However, the Council understands from the Inspectors Report that Poole Borough Council anticipated to accelerate carbon reduction targets (in comparison to the national framework) and that no work had been carried out locally on the viability and deliverability implications of the additional costs involved. Contrary to Pool Borough Council, Waltham Forest Council does not set carbon reduction targets that are different from national/London Plan targets (note that the targets are set in the Development Management DPD). By referencing the Codes for Sustainable Homes and BREEAM targets, the Council anticipates that wider sustainability aspects of buildings are taken into consideration. It should further be noted that the Council has recently undertaken a study on the local viability of climate change targets to

inform its decision on the most suitable Code and BREEAM standards as well carbon reduction targets.

**The Council** proposes to add an additional paragraph of justification following paragraph 12.7

### 3)Energy Assessment

My concern with part B of the policy (my Q71) is that it appeared to be requiring an Energy Assessment for its own sake without making it clear what performance levels the development was expected to attain. My experience in appeals has been that this can divert attention away from evaluating a development and towards evaluating an Energy assessment instead. By contrast, London Plan policy 5.2 C makes it clear that the call ("should", not "must") for an energy assessment is as a tool to demonstrate compliance with the targets set by policy 5.2 B and so focuses attention on the substantive performance of the development itself, not on the procedural "requirement" (the word used in the DMPDPD policy) of whether an assessment is provided or not.

From the Council's response to my question, I infer that the Council's intentions are to mirror the London Plan provisions. Accordingly, I offer the following for the Council to consider, in addition to the changes it has put forward;

Add to part A of policy DM11; To assist the Council in the application of this policy, planning applications for relevant developments should be accompanied by the developer's self-assessment quantitatively demonstrating the methods, measures and appliances by which compliance will be achieved.

Delete part B of policy DM11.