

Living in Hackney Scrutiny Commission

Date of Meeting: 26/10/2021

Title of Report: The role of Planning in achieving net zero carbon development

Report Author: Planning Service

Authorised by: Natalie Broughton (Head of Planning)

Introduction

- 1.1. This report sets out how policies within Hackney's Local Plan (LP33) and procedures and processes within the Development Management team are aimed to meet our commitments in the Council's climate change emergency declaration and COP26 goals in achieving a net zero target by 2040.
- 1.2. The Local Plan (LP33) sets out an objective for the borough to become a low carbon resilient borough with reductions with emissions, significant improvements in air quality and a lessening of the urban heat island effect within the borough.
- 1.3. It should be noted that planning policy can only directly shape the built environment and influence development through the planning processes; through plan making (production of planning policy and guidance) and the through of the assessment and determination of planning applications (the development management process), and as such existing buildings that do not require planning permission are not subject to these policies.

The role of Planning Policy in achieving net zero

National Planning Policy

- 1.4. At a national level the Climate Change Act 2008 establishes a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels. To drive progress and set the UK on a pathway towards this target, the Act introduced a system of carbon budgets including a target that the annual equivalent of the carbon budget for the period including 2020 is at least 34% lower than 1990.
- 1.5. Section 19(1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "*policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change*".
- 1.6. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for

planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

- 1.7. The NPPF states that: “*The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. 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.*”

The London Plan

- 1.8. The London Plan sets out a comprehensive range of policies that underpin London’s response to climate change. These policies cover climate change mitigation and adaptation, waste, aggregates, contaminated land and hazardous substances. Rising to the challenge of climate change is a theme that runs through the Plan, and is central to the economic, social and environmental dimensions of sustainable development, as set out in the NPPF. There are relevant policies in all chapters of this Plan – particularly those on Design (Chapter 3), Green Infrastructure and Natural Environment (Chapter 8) Sustainable Infrastructure (Chapter 9) and Transport (Chapter 10).

Local Planning Policy: The Hackney Local Plan 2033 and Planning Guidance

- 1.9. Hackney’s Local Plan 2033 (LP33), adopted in 2020, requires all new development to be net-zero carbon and has further policies to mitigate environmental impacts, recover and enhance biodiversity, promote health and wellbeing in the population, and build resilient infrastructures which adapt to the effects of climate change. The Borough is also strongly committed to promoting social sustainability and acknowledges that to succeed in all spheres a concerted approach from all is needed.
- 1.10. Policies set out in LP33 exceed national and London Plan policies. LP33 takes a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for water and flood risk (LP53), water supply and waterways (LP52), biodiversity and landscapes (LP47), and the risk of overheating (LP54) from rising temperatures ensuring the future resilience of communities and infrastructure (LP46) to climate change impacts. Hackney’s Local Plan can be found here - <https://hackney.gov.uk/lp33>
- 1.11. The GLA has a requirement concerned with overheating for referable applications, and Hackney’s Local Plan policy LP54 goes further, requiring that all new development mitigates the risk of overheating both internally and externally through design, orientation and materials. This approach that limits

the need for air conditioning units is an example of how planning policy is striving to create a better environment in Hackney.

- 1.12. Local Plan policy LP55 provides strong requirements on net-zero carbon emissions that goes beyond building regulations. It is applicable to all of development, with the minimum required target of 35% beyond Part L. All residential developments requiring planning permission must demonstrate how they meet zero-carbon standards and mitigate climate change, including smaller developments that form approximately 41% of planning permissions granted. Non-Residential developments are also required to meet these standards.
- 1.13. Where developments cannot meet these requirements on site, they will be required to provide off-site contributions which will be used by the Council to deliver equivalent off-setting. Major developments must produce an energy assessment, detailing carbon emission targets that have been reached, and any shortfalls.
- 1.14. The vast majority of Hackney's built environment which will exist in 2100 is already standing, and makes significant contributions to carbon emissions. It is critical that when these buildings are re-used or extended, intervention is made to ensure the resulting developments are brought up to a modern standard and contribute to borough-wide contributions to carbon reduction. Retrofitting of existing technologies should be completed in such a way that the original character of buildings is undamaged, and where possible, enhanced.
- 1.15. Where it is unfeasible to achieve zero carbon development on-site (particularly for small developments), evidenced by an energy statement any shortfall in is provided by a payment in lieu contribution to the Hackney Carbon Offset Fund which is secured through a 106 agreement.
- 1.16. Since the adoption of the Hackney Local Plan LP33 and associated S106 Planning Contributions 2020 the contribution to the Carbon Offset Fund is estimated as £2,850 per tonne of carbon to be offset. This is based on the cost of carbon currently set at £95 per tonne emitted over 30 years (i.e. £95x30 years). This may be updated in the future to reflect a more accurate market value of offsetting.
- 1.17. As of 06 October 2021, the Council has negotiated contributions totalling £4,445,580.60. S106 agreements (a legal agreement between a developer and the Council) require that these contributions are received once works commence on site. Therefore, a total of £ 1,370,677 has so far been received. Bids to spend this money can be made to the CIL/S106 Board who, with advice from the Planning Service, will determine whether proposed spend is in accordance with Carbon Offset Fund objectives. In 2020, the fund allocated a total of £775,020 to LBH (under the umbrella of the Energy Company), to fund the Solar Pilot Leisure Centres Project (£250,000) and Green Homes Program (£400,000).

- 1.18. LP33 also encourages lower carbon solutions as part of the energy efficiency hierarchy - an element of this strategy relates to supporting decentralised energy networks (LP56). Where appropriate, developments can be designed in a way that maximises opportunities to connect to existing decentralised energy networks and future networks.
- 1.19. The Sustainable Design and Construction SPD, adopted in July 2016, provides guidance on how sustainable design and construction can be embedded into developments in Hackney. The objective of the SPD is to provide well designed buildings with sustainability measures that will provide carbon and financial benefits throughout the lifetime of the building.

Other Workstreams

London Council's Low Carbon Development Action Plan

- 1.20. In November 2019, London boroughs agreed a Joint Statement on Climate Change (<https://www.londoncouncils.gov.uk/node/36794>) which recognises the significant threat of climate change to London and its residents. The Joint Statement outlines seven major programmes of collective work, from retrofitting to energy, and a green economy to a more resilient city.
- 1.21. Hackney is the lead borough for the workstream of the Low Carbon Development Action Plan. The action plan spans 10 years (2021 to 2030) and Hackney will fulfill the lead role for 2 years at a minimum. The aim of the Action Plan is to avoid further operational and embodied carbon being locked into London's building stock going forward.
- 1.22. Through a two year work plan (2021 to 2023), Hackney will bring together experts in policy and sustainability across London boroughs to create positive sustainable change in the built environment. Essential steps include establishing and adopting effective policies and guidance around carbon reduction, lobbying for national policy changes, and upskilling officers to support this essential work.

Hackney Climate Change Action Plan

- 1.23. The Council is producing a Climate Change Action Plan (CAP) that will provide the strategic framework to work through a number of key issues and challenges, utilising recently completed evidence assessments to underpin a more strategic approach for future delivery and integrate better with external stakeholders. In particular it seeks to confirm our position and responses to key borough-wide emissions beyond the Council's immediate responsibility, alongside developing a KPI set that will support more robust future scrutiny and progress tracking. The Climate Change Action Plan mirrors the workstreams of the London Councils and is split into 7 different themes including low carbon development and retrofitting.

- 1.24. The draft Hackney Climate Action Plan will be presented to the Mayor and Cabinet in June 2022 for approval for public consultation. The Hackney Climate Action Plan is scheduled to be adopted following public consultation in Autumn 2022.

How does Planning ensure sustainable design and construction in development to meet the Council Climate Change and Net zero ambitions

Planning Policy and guidance

- 1.25. As set out in sections 1.9 - 1.19 above, the Council Planning Policy framework in the form of the Local Plan (LP33) policies, associated Supplementary Planning Documents (SPDs), Area Action Plans (AAPs) along with the S106 SPD which includes details of the carbon off-set fund, provide a policy steer in ensuring sustainable design and construction in the borough whilst meeting our net zero ambitions.

Development Management Process

- 1.26. Hackney's planning application validation requirements set out all the information which needs to be provided with planning applications in the Borough. This includes requirements for submission of Energy Statements and Sustainability Impact Assessments. Relevant applications will not be assessed without the submission of these documents. The Planning Service employs specialist sustainability officer/s who are trained to scrutinise submissions and determine whether planning policy objectives have been met. Measures to ensure that developments are sufficiently sustainable will be secured by way of planning conditions or s106 obligations as appropriate. As mentioned above, where on site carbon reduction measures cannot be met in full and officers are of the view that this is justified by site constraints the Carbon Offset fund can be used to address shortfalls.
- 1.27. For most developments, consideration of reduction of energy use relates to the demand for energy use that the completed operational building creates, and this is what is assessed in the case of most planning applications. However, policy SI.2 of the London Plan 2021 has introduced a requirement for the very biggest developments to also provide an assessment of 'whole life carbon'. This is an assessment of the carbon impacts of the development throughout its life, and notably includes assessment of the carbon impacts of the materials used in the development.

The role of Planning in ensuring developers are informed and engaged with the Council's net zero carbon targets

- 1.28. Hackney's Local Plan (LP33) underwent three rounds of public consultation during the Plan preparation process (late 2016, late 2017, late 2018). At each stage, the general public was invited to comment on policies in the Plan including climate change policies. The development industry was contacted via Hackney's plan making consultation database and comments were invited

on the Plan's policies. Subsequently the Local Plan underwent a public examination in June 2019 where the planning inspector publicly determined the soundness of the plan taking into consideration public comments made on the Plan. Following on from the consultation of the Local Plan, the s106 Supplementary Planning Document (SPD) which sets out the Council approach to contributions to the Carbon Offset Fund also underwent public consultation and was sent to developers for comment before it was adopted.

- 1.29. The Planning Service holds quarterly engagement sessions with the Planning User Forum which is formed from a number of key external stakeholders with the service and comprises developers, architects, planning consultants and members of local Conservation Area Advisory Committees (CAACs). These meetings are used to share general updates on development management matters and policy development and policy changes as and when they arise.
- 1.30. The Planning Service provides a pre-application service for developers. This allows for the Council to provide a without prejudice assessment of draft development proposals. This can either be in relation to development principles or more evolved proposals. As part of this process the Planning Service will advise on its planning policy objectives for sustainable development and review these elements of proposals where they have been worked up.

Ends