



Council's Response to Inspectors' Matters, Issues, Questions

Matter 10 – Climate Change

Issue 1 – Climate Change and Development Requirements – Policies CC1, CC2, CC3, CC4, CC5, CC6, CC7 and CC8

Issue 1 – Climate Change and Development Requirements – Policies CC1, CC2, CC3, CC4, CC5, CC6, CC7 and CC8

Q1 What is the justification for Policy CC1? In the event that changes to the Building Regulations occur in 2025, what is the requirement for a policy in the Local Plan?

Q2 Is it sufficiently clear what is expected of applications for planning permission now, ahead of planned changes to the Building Regulations?

Q1 & Q2 DDC Response:

1. The Council declared a climate emergency in November 2019 and is committed to delivering a carbon neutral District by 2050. This target responds to the Climate Change Act 2008 which sets a legally binding target for the UK to bring all greenhouse gas emissions to net zero by 2050. Reducing the carbon emissions that result from new development, as well as improving the energy efficiency of new buildings is a key part of delivering on this target. This is a matter that emerged as a significant one for local stakeholders in consultation during the preparation of the Plan.
2. With regard to the quantum of reductions, although Councils can set higher energy efficiency targets than those in the Building Regulations, this Council believes such an approach has the potential to be unhelpful in terms of certainty and consistency. It is the view of this Council that the proposed Future Homes Standard and Future Building Standard represents well-developed, significant, and meaningful contributions to ensuring that new homes and commercial buildings are energy efficient and will contribute to a low carbon future and to the legally binding target of net zero by 2050. The level of carbon reduction currently required through building regulations was the Council's preferred option set out in the Regulation 18 draft Local Plan. The policy approach has had to adapt and be amended during the period of plan preparation due to the emerging nature of Government proposals.
3. The timetable for the implementation of the Future Homes and Future Buildings Standards has been subject to delay and is not within the control of the Council. The Standards are currently intended to come into force in 2025, in the very early years of the Plan. Unlike the Code for Sustainable Homes, the current advice is that the Standards will be delivered through Building Regulations and not the planning system. One of the Strategic Objectives of this Plan is that all new development delivers increased energy efficiency and a reduction in carbon emissions. Policy CC1 aims to ensure that, alongside the tightening of Building Regulations in this



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area, such issues are also considered carefully as an integral part of the determination of planning applications.

4. In answer to the second part of the question, the policy is still necessary and relevant even with the standard being delivered through Building Regulations. The policy requires submission of an Energy Statement to demonstrate how energy efficiency and the reduction of carbon emission has been considered from the outset. This is because it is not considered appropriate or adequate (nor possible under the Future Homes Standard) to leave consideration of energy efficiency and carbon emissions matters to the Building Regulations regime in its entirety.
5. The policy has been amended significantly during the period of plan preparation due to the emerging nature of Government proposals. The Council does, however, consider that the effectiveness of this policy and its supporting text could be improved by additional wording to clarify when energy statements are required, as well as what an Energy Statement should address. It is clear from the Implementation section that follows the policy that it is the intention of the policy to require an Energy Statement to accompany all applications for new dwellings, as well as non-residential buildings.
6. In this instance the Council accepts a further post submission modification is required. The Council considers that this change is necessary for soundness in order to improve the clarity and thus the effectiveness of the policy. The Council therefore proposes the following modifications to the policy and the Implementation section of the supporting text as follows:

CC1 - Reducing Carbon Emissions

~~In the event that the Future Homes Standard is required to be delivered through the planning system all new residential dwellings must achieve, as a minimum, a reduction in carbon as required by this Standard. This should be achieved using the measures set out below:~~

Residential development proposals must include submission of an Energy Statement, which should describe how reductions in carbon emissions that are required through the relevant building regulations in place at the time will be achieved with a particular focus on the following measures:

~~a An increase in fabric standards to deliver~~ Demonstrate a 'fabric first' approach to minimising energy consumption of new development, ~~and.~~
This should include:

(i) Measures to utilise and control solar gains, including the position and permanence of solar shading features and;



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(ii) The use of materials and building techniques that reduce heat and energy needs, including the use of materials with a lower embodied carbon content;

b The use of on-site renewable and low carbon energy technologies

Until the introduction of the Future Building Standard, all new non-residential buildings must achieve BREEAM 'Very Good' standard overall, including Very Good for addressing maximum energy efficiencies under the energy credits.

Development proposals subject to this policy must submit an Energy Statement in the case of residential applications and a BREEAM pre-assessment for commercial developments as part of a planning application ~~to~~. This should demonstrate how the policy requirements of the relevant standards above have been complied with and satisfy the council that energy efficiency has been 'designed in' to the proposed layout and design. BREEAM Ppolicy requirements will be secured by condition.

7. The Council recognises that the supporting text of the policy will also require modifications to ensure consistency with the above, if the Inspectors agree that the modifications are required for soundness.

Q3 Where energy reduction is concerned, is the Plan consistent with paragraph 154(b) of the Framework, which states that any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards?

Q3 DDC Response:

8. Yes, policy CC1 relies on the Government's commitment to delivering the Future Homes Standard and Future Building Standard, which represents a significant and meaningful contribution to ensuring new homes and non-residential buildings are energy efficient and contribute to a low carbon future. At the time of writing, there were no published reports of any delay to the draft specification and implementation date. The Climate Change Topic Paper Update October 2022 (CCEB07) gives further information.



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Q4 Have the full range of measures required by Policies CC1, CC2, CC4 and CC8 been tested, alongside other planning policy costs, to determine how they will impact upon the viability of development? Are the conclusions accurate and robust?

Q4 DDC Response:

9. **CC1:** The update to the Viability Assessment, titled 'Viability Note' (dated July 2022) considers Environmental Standards at paragraphs 20 to 23. The report considers the recent update to Part L of the Building Regulations, which sets a target of 31% reduction in CO2 emissions, and which applies to new homes that submitted plans after June 2022, or had not begun construction before June 2023. These standards were assumed to apply in the base costings of the viability work. Policy CC1 does not seek to impose standards over and above those set out in the Building Regulations. This matter has therefore been tested.
10. **CC2** is a general design policy, giving the applicant the opportunity to choose opportunities, approaches and materials to mitigate the effects of climate change. The costs of such design approaches are considered to be included within usual build costs.
11. The **CC4** water efficiency requirement of not exceeding 110 litres per person per day (over Buildings Regulations base at 125lpppd) is likely to have a de minimis cost. The Whole Plan Viability Study did include the cost (estimated to be £9/ dwelling) in the modelling.
12. The **CC8** tree planting requirements cannot easily be disaggregated from costs associated Biodiversity Net Gain and inevitable landscaping expectations for most sites. Tree Planting and protection requirements are unlikely to have an impact on viability.



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Q5 Have any locations that would be 'suitable in principle' for medium or large-scale wind turbines been identified? If so, are these locations appropriate and justified by evidence? If not, why not?

Q5 DDC Response:

13. Paragraph 155 b) of the NPPF requires that Plans should consider identifying suitable areas for renewable and low carbon energy sources. National Planning Guidance (Paragraph: 003 Reference ID: 5-003-20140306) makes clear however that such consideration during the preparation of the Plan has to balance the desirability of increasing the generation of renewable and low carbon energy with the environmental protections that affect this district.
14. There are five internationally designated environmental sites in Dover district, including those designated for migratory bird species. The Habitat Regulations require that the integrity of these sites is protected from adverse effect, including with regard to non-physical disturbance such as noise, vibration and light spill. Over 20% of the district lies in the Kent Downs Area of Outstanding Natural Beauty, an area that also includes the only two Heritage Coasts in Kent. There are two National Nature Reserves and three Marine Conservation Zones and extensive areas of SSSIs. Furthermore, the coastal environments of the White Cliffs are distinctive features of the national landscape.
15. The district is therefore one where the nature and extent of the environmental protections and the landscape characteristics here mean that medium or large-scale wind turbine schemes have the potential to result in significant harmful visual impacts over extensive areas, including sites that are subject to the Habitat Regulations, as well as sensitive marine and coastal environments. The Plan itself does not therefore identify any 'suitable in principle' locations for medium or large-scale wind turbines. However other local renewable and low carbon energy schemes are given clear support in the Plan (Policy CC3) in order to increase the use and supply of renewable and low carbon energy sources.



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Q6 What is the justification for the requirement set out in Policy CC4 for all new dwellings to be built to a higher water efficiency standard? Is this appropriate in all circumstances?

Q6 DDC Response:

16. In setting out how the planning system should contribute to the achievement of sustainable development; the National Planning Policy Framework and guidance makes clear this includes planning to provide the high-quality housing required to meet the needs of present and future generations and helping to use natural resources prudently. The Framework's policies expect local planning authorities to adopt proactive strategies to adapt to climate change that take full account of water supply and demand considerations (paragraph 153).
17. National Planning Practice Guidance makes clear that local planning authorities may consider whether a tighter water efficiency requirement for new homes is justified to help manage water demand (Paragraph: 013 Reference ID: 56-013-20150327). All new homes already have to meet the mandatory national standard set out in the Building Regulations (of 125 litres/person/day). Where there is a clear local need, as for example evidenced by falling within an area of serious water stress, National Planning Practice Guidance states that local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres/person/day (Paragraph: 014 Reference ID: 56-014-20150327).
18. Serious water stress is defined in the Water Industry (Prescribed Conditions) Regulations 1999 as where '*the current household demand for water is a high proportion of the current effective rainfall which is available to meet that demand; or the future household demand for water is likely to be a high proportion of the effective rainfall which is likely to be available to meet that demand*'.
19. Identified areas of water stress were updated by the Environment Agency in 2021 in the document titled: [Water stressed areas – final classification](#). The whole of Dover District is in an area of serious water stress and it is therefore appropriate for all development to be built to higher water efficiency standards. The standard can be achieved at a low cost, and without impact on viability.



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20. In responding to the Regulation 19 Submission consultation, both the Environment Agency and Natural England requested that this Plan go further on this matter. However, the national technical standards prevent this at the present time. The Dover Water Cycle Study (CCEB03)¹ provides more background information on this matter.

Q7 What are the reasons for the suggested changes to Policies CC5, CC6 and CC7? Why are they necessary for soundness?

Q7 DDC Response:

21. **CC5:** This proposed additional modification (AM85) seeks to refer to the 'design' flood level which refers to a flood event of a given annual probability. This change was requested by the Environment Agency and is an important clarification necessary to make the policy clear and consistent with national policy. Subsequent to the drafting of AM85, the Environment Agency has requested a further post submission modification (as set out in the Statement of Common Ground), such that AM85 would be replaced by the following:

"...Where development does go ahead in FZ3, all floor levels for living and sleeping accommodation should be set at a minimum of 300mm and 600mm above the design flood level for ~~Flood Zones 2 and 3~~ respectively, including an allowance for climate change".

22. **CC6:** This proposed additional modification (AM86) seeks to make a factual change to refer to the permission required for works affecting any watercourse in the drainage district. This change was requested by The River Stour Internal Drainage Board. Whilst it would not normally be necessary to refer to permission from other legislative regimes, the implementation paragraph finds it necessary to refer to the lead local flood authority. Given the integral role of the Internal Drainage Board in managing flood risk and land drainage, it seems important to also refer to this organisation in this part of the plan. This is proposed as a factual clarification. Paragraph 160 of the NPPF refers to taking account of advice from both the lead local flood authority and internal drainage boards and the amendment proposes the wording sought by the Internal Drainage Board itself.

23. **CC7:** This proposed additional modification (AM87) seeks to provide additional information to the Implementation section of the supporting text of Policy CC7 to clarify for applicants what surfacing treatments will and will not be acceptable in

¹ [CCEB03 Water Cycle Study Update March 2023 \(doverdistrictlocalplan.co.uk\)](https://www.doverdistrictlocalplan.co.uk/CCEB03-Water-Cycle-Study-Update-March-2023)



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CCMAs. Given the vulnerability of these areas additional clarification on this matter is considered necessary and justified by the evidence found in the recommendations of the Review of the Coastal Change Management Areas in Dover District.

24. However, upon further review of the Policy the Council consider that a further post submission modification is required. The Council considers that this change is necessary for soundness in order to improve the clarity and thus the effectiveness of the policy. The Council therefore proposes the following modifications to the policy and the Implementation section of the supporting text as follows:

CC7 - Coastal Change Management Areas

Within the Coastal Change Management Areas (as identified on the proposals map:

- **Permanent new development will not be permitted within a Coastal Change Management Area ~~as identified on the policies map.~~**
- **Temporary development may be granted time-limited planning permission provided that it is demonstrated ~~through an accompanying Coastal Change Vulnerability Assessment and a Geotechnical Appraisal, undertaken by suitably qualified persons,~~ that the development:
 - I. **Requires a coastal or clifftop location;**
 - II. **Will be safe and will not increase the risk to life during its planned lifetime;**
 - III. **Provides wider sustainability benefits; and**
 - IV. **Will not exacerbate rates of coastal change anywhere on the coastline.****
- **Householder applications for extensions, outbuildings and alterations at existing dwellings in CCMAs may be permitted as long as the assessments and appraisals required by criterion f) of this policy demonstrate that the development:**
 - I. **Will be safe and will not increase the risk to life during its planned lifetime;**
 - II. **Will not exacerbate rates of coastal change anywhere on the coastline.**
- **~~Within a CCMA s~~Swimming pools and septic tanks will not be permitted while**



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- **‡The management of surface water using infiltration/soakaways is unlikely to be supported.**
- **All proposed development in CCMA's (including temporary and householder) will require both:**
 - I. **A coastal change vulnerability assessment; and**
 - II. **A geotechnical appraisal.**

These must be undertaken by suitably qualified persons.

Implementation

5.50 The requirements of CC7 comply with the recommendations of the Review of the Coastal Change Management Areas in Dover District carried out for the Council in 2018. Given the vulnerability of such parts of the District to the effects of climate change, the requirements of Policy CC7 will be enforced for all development proposals coming forward in Coastal Change Management Areas.

A Coastal Change Vulnerability Assessment is required to be submitted as part of all applications to a development can demonstrate its exposure to risk from coastal erosion. This must consider the changes in risk over the planned lifetime of the development. A Geotechnical Appraisal must also be submitted as part of all applications in Coastal Change Management Areas. The purpose of the Geotechnical Appraisal is for a development to demonstrate that it will not detrimentally affect ground stability nor exacerbate or accelerate coastal erosion, with respect to itself, its neighbours or any surrounding infrastructure or property, neither during nor after its construction.

Both the Vulnerability Appraisal and Geotechnical Appraisal must be undertaken by suitably qualified persons and can be commensurate in scope to the size and scale of the development as well as the development's vulnerability.

In line with the recommendations of that Review, the Council will consider removing Permitted Development rights for properties falling within these Areas. ~~Extensions, outbuildings and alterations at existing dwellings in CCMA's may be permitted as long as they demonstrate that they satisfy the criteria of Policy CC7.~~ (as set out in AM87) Permeable surfacing may be permitted for isolated areas of hardstanding such as driveways and patios. However, this will only be the case where runoff from other hardstanding does not drain to this permeable surfacing. Non permeable surfacing will not be permitted.