

Planning Committee

2pm, Wednesday, 22 August 2018

Zero Carbon New Buildings – Feasibility

Item number	6.1
Report number	
Executive/routine	
Wards	
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Executive Summary

In 2007, The Sullivan Report 'A Low Carbon Building Standards Strategy for Scotland' set out a road map to achieve 'zero-carbon new buildings' in Scotland by 2030. Planning Committee on 11 December 2017 agreed a motion to receive a report in 3 cycles setting out the feasibility of introducing an Edinburgh Standard for Zero-Carbon New Buildings. This report assesses the feasibility of such a policy and sets out how best the Council can ensure that new buildings in Edinburgh achieve zero-carbon.

Zero Carbon New Buildings – Feasibility

1. Recommendations

- 1.1 It is recommended that the Council's approach to achieving zero carbon new buildings in Edinburgh is reviewed as part of the preparation of the next local development plan.

2. Background

- 2.1 At Planning Committee on 11 December 2017, a motion was agreed to receive a report in 3 cycles setting out:
- 2.1.1 The feasibility of introducing an Edinburgh Standard for Zero-Carbon New Buildings, either through an adjustment to the wording of the current policy Des6 of the LDP and/or through some other means, which would require new buildings in Edinburgh to be net zero-carbon, as defined in the 2007 Sullivan report; this would include consideration of practicality of implementation and resource implications for CEC and developers;
 - 2.1.2 The role that 'allowable solutions', as defined in the 2013 Sullivan update report, could play in achieving this new standard;
 - 2.1.3 Identify and review mechanisms to achieve low carbon sustainable buildings and development through the LDP2; and
 - 2.1.4 A proposed timetable for introducing this new standard and including the feasibility of a mechanism to suspend the new standard if Scottish Building Regulations are eventually improved to require net zero-carbon new buildings, as recommended in the 2007 Sullivan report.
- 2.2 This report responds to this remit and sets out a recommendation for the way forward to achieving zero carbon buildings in Edinburgh in line with the Scottish Governments approach to rising sustainable building standards.

3. Main report

Background

- 3.1 In 2007, The Sullivan Report 'A Low Carbon Building Standards Strategy for Scotland' set out a road map to achieve 'zero-carbon new buildings' in Scotland by 2030. The Strategy aims to achieve this through the staged raising of % carbon reduction requirements in the Scottish Building Standards. In 2013, the Scottish Government evaluated progress in achieving zero carbon buildings. This update to

the Sullivan Report identified that the rising Scottish targets were having an impact on delivering new development, and therefore, supported a longer lead in time for raising the carbon reduction targets.

- 3.2 Following the 2013 report, the Scottish Government updated the Scottish Building Standards in 2015 and 2017. The percentage % carbon reduction standards as set out in Section 6 of the Scottish Building Standards are as follows:
 - 3.2.1 For Domestic Buildings – a 45% improvement compared to the 2007 standards.
 - 3.2.2 For Non-Domestic Buildings – a 60% improvement compared to the 2007 standards.
- 3.3 In addition to the carbon reduction standards set out in Section 6, the Scottish Building Standards also include standards to measure sustainability in new buildings. Section 7 Sustainability also recognises where a new building has gone beyond the current standards. A sustainability standard is defined as Bronze, Silver, Gold and Platinum and can also be defined as ‘active’, i.e. ‘Silver Active’ if low and zero carbon technologies are used to meet the carbon reduction targets.
- 3.4 Due to the current requirements of Section 6, all new developments in Scotland meet the Section 7 Silver standard. The Gold standard represents a 60% (domestic) and 75% (non-domestic) improvement. The Platinum standard represents zero carbon new buildings.

The Role of Local Authorities in Zero Carbon Buildings

- 3.5 Local authorities, through their planning and building standards responsibilities have a role in helping to meet the Scottish Government’s targets. The Climate Change (Scotland) Act 2009 and The Planning etc. (Scotland) Act 2006 require that all new buildings must avoid a specified and rising proportion of the projected greenhouse gas emissions from their use through low and zero-carbon generating technologies.
- 3.6 The requirement of the Acts on the planning system focus on the twin role of the planning and building standards systems:
 - 3.6.1 Local Development Plan policies focus on putting development in sustainable locations, as well as requiring the use of low and zero-carbon generating technologies in new buildings; and,
 - 3.6.2 The Scottish Building Standards set out the required specified and rising proportion of carbon reduction that new buildings need to meet and reward new buildings which go beyond these targets.

Current Edinburgh Policy on Zero Carbon New Buildings

- 3.7 Edinburgh’s current planning policy on carbon reduction in new buildings is Policy Des 6 of the Edinburgh Local Development Plan (adopted November 2016). The policy states that planning permission will only be granted for new development where it has been demonstrated that:

- 3.7.1 the current carbon dioxide emissions reduction target has been met, and
 - 3.7.2 with at least half of this target met through the use of low and zero carbon generating technologies.
- 3.8 Policy Des 6 is written to ensure that new buildings in Edinburgh meet the current carbon reduction standards set out in Section 6 of the Scottish Building Standards, with the knowledge that the Scottish Building Standards will rise over the lifetime of the plan, working towards net zero carbon. The Council's Edinburgh Design Guidance and S1 Sustainability Form also reward developments which go beyond Policy Des 6 in line with the sustainability standards set out in Section 7 of the Scottish Building Standards. The Council ensures that all new buildings meet the technical requirements set out within Section 6 and if appropriate, Section 7 of the Scottish Building Standards.

Feasibility of a zero carbon new buildings policy

- 3.9 Policy Des 6 forms part of the adopted Edinburgh Local Development Plan (November 2016). It is not possible to amend this policy outwith the preparation of a new Local Development Plan. Therefore, any change to policy Des 6 will need to be considered as part of the preparation of the next plan, the timetable for which is set out elsewhere on this agenda.
- 3.10 In respect of other mechanisms to bring forward a policy on zero carbon in new building, such as non-statutory guidance or the use of conditions, it is highlighted that the adopted Local Development Plan only requires buildings to meet the current carbon dioxide emissions reduction targets as set out in the Scottish Building Regulations. Therefore, a policy which compels development to go beyond the requirements of the current building regulations, would not comply with the adopted development plan.
- 3.11 In addition, the Council's Building Standards function cannot require new buildings to go beyond the current regulations. This is because Section 0.1.4 'Status of Technical Handbooks' of the Scottish Building Regulations states that if the regulations are "followed in full then this should be accepted by the verifier as indicating that the building regulations have been complied with".
- 3.12 In light of the above assessment, it is recommended that the Council's approach to achieving zero carbon new development in Edinburgh is reviewed as part of the preparation of the next local development plan.

The use of 'allowable solutions'

- 3.13 The 2013 review of the Sullivan Report highlighted research by the 'Zero Carbon Hub' which identified that it would not be possible for all new homes meet the 'net zero carbon' and that allowable solutions would be required to ensure buildings met the Scottish Government target. An 'allowable solution' is one that allows developers to offset their carbon reduction requirements by paying financially towards (largely) near-site or off-site, local carbon projects.
- 3.14 In planning terms an offsite 'payment' would be considered to be a planning obligation and would need to be assessed against the tests set out in Planning

Circular 3/2012. Planning obligations or ‘developer contributions’ made under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) should only be sought where they meet all of the following tests:

- be necessary to make the proposed development acceptable in planning terms,
- serve a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans,
- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area,
- be fairly and reasonably relate in scale and kind to the proposed development, and,
- be reasonable in all other respects.

3.15 As outlined above in paragraph 3.12, the Council is currently unable to compel a development to go beyond the current Scottish Building Regulations through its existing planning policy. Therefore, requiring an allowable solution to meet carbon reduction targets would not be necessary to make a proposed development acceptable in planning terms. Therefore, the policy would fail test number 1 of Circular 3/2012 and would not be an acceptable form of agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Next steps

- 3.16 On 26 June 2018, The Scottish Government initiated a review of the energy standards of the Scottish Building Regulations with a call for evidence on a number of topics including achieving further carbon abatement from new buildings. Following the call for evidence, new building standards will be prepared for consultation purposes in 2019 with the next set of standards and supporting guidance introduced in October 2021 with the changes being published 1 year in advance. The Council will submit evidence in respect of the review of energy standards consultation by the deadline of 17 September 2018.
- 3.17 The Council’s approach to achieving zero carbon new development in Edinburgh can be reviewed as part of the preparation of the next local development plan, the timetable for which is elsewhere on this agenda.

4. Measures of success

- 4.1 The measure of success is that the Council ensures that new buildings in Edinburgh meet the carbon reduction and sustainability standards set out within the Scottish Building Standards, working towards achieving zero carbon buildings by 2030.

5. Financial impact

- 5.1 There are no direct financial impacts arising from the approval of this report.

6. Risk, policy, compliance and governance impact

6.1 There are no perceived risks associated with this report.

7. Equalities impact

7.1 There is no perceived equalities impact associated with the approval of this report.

8. Sustainability impact

8.1 There are no direct sustainability impacts arising from this report. The Council will manage the impacts of new development on carbon through its planning policies and implementation of the Scottish Building Standards as identified in this report.

9. Consultation and engagement

9.1 Future consultation on changes to planning policy will take place as part of the next local development plan process, the timetable for which is subject of a separate report to this Committee.

10. Background reading/external references

10.1 Motion to Planning Committee, [11 December 2017](#)

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11. Appendices

None