



CG FRY & SON
D E V E L O P M E N T

**West Dorset Weymouth and Portland Local
Plan**

**Examination in Public: Matter 6
Environment and Climate Change (Policy
ENV13 – Achieving High Levels of
Environmental Performance)**

**Hearing Statement on behalf of C G Fry &
Son Ltd - ID 526**

November 2014

**David Lohfink BSc(Hons), MA, MRTPI
Land & Planning Director
C G Fry & Son Limited**

CONTENTS

	Page No.
1. Introduction	3
2. Question 6.5: "Has adequate consideration been given to the consequences of climate change?"	4
3. Conclusion	8

1.0 INTRODUCTION

- 1.1 This Hearing Statement has been prepared by David Lohfink, Land & Planning Director for C G Fry & Son Limited, to assist the Inspector at the Examination in Public of the submitted West Dorset, Weymouth and Portland Local Plan (the Draft LP). C G Fry & Son has a number of land interests in both local authority areas and has been a highly regarded and successful building contractor and housebuilder in the area for in excess of 80 years.
- 1.2 This Statement concentrates on Policy ENV13 (Achieving High Levels of Environmental Performance) and seeks to address Question 6.5: “Has adequate consideration been given to the consequences of climate change?”
- 1.3 C G Fry & Son is unashamedly a “fabric first” developer that fully supports the drive in the Housing Standards Review to remove the majority of climate change related measures from the plethora of standards and guidelines (such as the Code for Sustainable Homes, Building for Life and so on) and consolidate those measures that really matter (such as energy use and water use) into the Building Regulations.
- 1.4 C G Fry & Son believe buildings should be built simply, built well and built to last. They should be well insulated and built to exacting “air tightness” standards which significantly reduce energy use in any event. Buildings should also be simple to use as technology such as air source heat pumps, solar pv, greywater recycling and rainwater harvesting measures all require operation and maintenance and, unfortunately, the vast majority of house purchasers and occupiers are not as diligent in these respects as we would like.

2.0 QUESTION 6.5: “HAS ADEQUATE CONSIDERATION BEEN GIVEN TO THE CONSEQUENCES OF CLIMATE CHANGE?”

- 2.1 As stated above, C G Fry’s principal concern surrounds Policy ENV13 and the preceding paragraphs 2.5.23 to 2.5.29 of the Draft LP where reference is made to assessments such as BREEAM, the Code for Sustainable Homes (CfSH) and Lifetime Homes. Policy ENV13 currently requires, for example, CfSH Level 4 to be achieved now and Level 5 by 2016 and calls for the use of, inter alia, passive solar heating, solar thermal and/or pv installations and rainwater harvesting.
- 2.2 C G Fry understands that the LPAs are seeking to review the wording of Policy ENV13 to remove various references to national standards such as the CfSH but the wording that C G Fry has seen and that has not yet gone out to wider consultation does not go far enough having regard to the clear direction of travel of the Housing Standards Review.
- 2.3 C G Fry’s representations on the Draft LP have been consistent throughout its genesis in advising that the Plan oversteps what the evidence reasonably suggests. At the time of the August-October 2013 consultation on the consolidated modifications, C G Fry (through Savills), stated: *“Levels of building sustainability in relation to the Code for Sustainable Homes are set nationally by building regulations and there is no evidence available to demonstrate that local circumstances warrant a departure from this. Paragraph 95 of the NPPF advises that any local requirement for a building’s sustainability should be consistent with the Government’s zero carbon buildings policy and adopt nationally described standards.”*
- 2.4 C G Fry argued for the deletion of Policy ENV13 and this remains the Company’s position especially having regard to the fact the Housing Standards Review (HSR) has gathered significant momentum in the intervening period.

- 2.5 The LPAs are attempting to acknowledge the HSR by proposing further amendments to the wording of Policy ENV13 but these changes simply don't go far enough. The reality is that the Government is clear that the planning system should now really only deal with some residual matters where there are clear and demonstrable local circumstances. The LPAs really should acknowledge this and just accept that this is the direction of policy travel at the national level and not concern themselves with hanging on to some residual matters in policy ENV13 such as rainwater harvesting and the installation of solar thermal and/or pv.
- 2.6 The latest stage in the HSR saw a Technical Consultation take place from 12th September 2014 to 7th November 2014. This invited comments on a range of technical standards and "optional requirements" on matters such as access, space standards, security and water efficiency as well as principal considerations in adopting optional requirements and nationally described standards.
- 2.7 Paragraph 15 of the recently concluded Technical Consultation states that the circumstances where an LPA can apply an optional requirement will be clearly set out in guidance although this paragraph does state that *"the Government takes the view that optional requirements should be applied on a "need to have" rather than a "nice to have" basis, so that they are only imposed where necessary."*
- 2.8 On water efficiency, for example, Paragraph 90 of the Technical Consultation reminds us that the March (2014) Written Ministerial Statement set out the Government's intention to introduce a water efficiency optional requirement into the Building Regulations and that this optional requirement will be available to LPAs where there is a clear local need for such a standard. Paragraph 122 states that in respect of water efficiency, optional requirements should only be applied to

address a clear and evidenced need (and where consideration has been given to the impact on viability and housing supply of such a requirement).

- 2.9 The Draft LP area is not recognised as being particularly stressed from a water supply point of view.
- 2.10 Paragraphs 128-138 deal with the proposed policy intent and describe that the Government proposes to issue a statement of policy in early 2015. A number of paragraphs are particularly noteworthy including Paragraph 130 which states *“From the date of the statement, local planning authorities should not set in their Local Plans, supplementary planning documents or their local information requirements for planning applications any additional technical requirements relating to the construction, layout and performance of new dwellings other than those set out in the Building Regulations optional requirements, the associated Approved Documents and the nationally described space standard.”*
- 2.11 Paragraph 132 states *“As many of the requirements of the Code for Sustainable Homes will be consolidated into the Building Regulations, the Code will be wound down from the time the statement is made. From the date of the statement, therefore, new plan policies should not refer to the Code.”*
- 2.12 The direction of policy travel and the statements made about transitional arrangements are very helpful given the plethora of adopted and emerging planning policies across England that contain design standards above current building regulations including the Draft LP.
- 2.13 Regard should also be had to the Written Ministerial Statement (and supporting note) in March 2014 which provided the catalyst for the abovementioned Technical Consultation and stated, amongst other things: *“we propose a “Building Regulations only”*

approach, with no optional additional local standards in excess of the provisions set out in Part L of the Regulations.”

- 2.14 It does seem to C G Fry that, as the Draft LP would probably not get close to adoption until late Spring 2015 or early Summer 2015 (assuming the Inspector finds it sound), this is the time to properly consider how the policies it contains (chief among them being ENV13) should respond to the clear direction of policy travel in the HSR. It seems pointless pursuing a policy that is in conflict with the HSR insofar as it continues to make reference to the CfSH (although it is accepted that this is likely to fall away in revised wording) along with solar thermal/pv and rainwater harvesting.
- 2.15 C G Fry can see no local evidence or other justification for retaining Policy ENV13 in its current form and would, ideally, like to see it deleted. C G Fry might be prepared to support re-wording of the policy to remove references to:
- the CfSH;
 - BREEAM;
 - solar thermal and/or pv installations on southerly facing roof slopes; and
 - systems for the collection of rainwater for use (rainwater harvesting).

3.0 CONCLUSION

- 3.1 Policy ENV13 should either be deleted or substantially reworded to remove references to the CfSH, BREEAM, solar thermal and/or pv installations on southerly facing roof slopes and systems for the collection of rainwater for use (rainwater harvesting).
- 3.2 This would fully reflect the clear direction of travel of the Housing Standards Review including the March 2014 Written Ministerial Statement and the recently concluded Technical Consultation (12th September 2014 to 7th November 2014).
- 3.3 It seems sensible to C G Fry for the Draft LP to grasp this mettle now.