

**RESPONSE OF SHIPBOURNE PARISH COUNCIL TO T&MBC'S CONSULTATION
ON THE DRAFT CLIMATE CHANGE STRATEGY 2020 -2030 AND DRAFT
CLIMATE ACTION PLAN**

Shipbourne Parish Council welcomes a new Climate Change Strategy but are disappointed in its content. They note that the T&M Climate Change Strategy 2008-11, long out of date, has not been monitored and is only now being replaced. Many of the actions in this earlier Strategy have not been carried out despite being under the control of T&MBC and indeed are being carried over into this strategy some 12 year later.

It seems to the Parish Council that in order to have a proper strategy a full update report on where T&M are now in relation to carbon emissions and actions that have or have not been achieved since the targets set out in the 2008-11 strategy needs to be commissioned immediately which provides a worked out road map and methods for reaching the 2030 target.

The Parish has a series of points that they feel need addressing in any effective strategy.

1. The strategy quotes that the 'aspiration' is carbon neutrality by 2030, but this is not set out in any meaningful way. The normal definition of carbon neutral is to achieve a zero carbon footprint. What tests are going to be used for monitoring? What will be measured?

An 'aspiration' is weak. Why is it not set out as a *target* with reasoned commitments?

2. Why are the 3 Greenhouse Gas (GHG) Protocol categories covering direct emissions from owned or controlled emissions, indirect emissions from energy generated off site, like electricity from power stations, and indirect emissions imported into T&M, not addressed in the strategy in a clear way?

3. How does the aspiration of 'carbon neutral' relate to the Tyndell Analysis recommendation for T&M of 6.4 million tons CO₂ emissions between 2020-2100?

Is T&M target to be reducing their budget to reach zero carbon by 2030?

There seems to be indications of what SHOULD be achieved but no clarity on what T&M will commit to as a target.

What annual reduction is required? this is not stated, and how can the T&M strategy possibly achieve it without using offsets which are questionable in efficacy anyway?

4. In order to have a proper strategy a full up to date report on where T&M are now and an in depth itinerary and time line provided for the methods of reaching the 2030 target is needed. This report should have been undertaken last year as soon as the Climate

Emergency was agreed in advance of this strategy. The Action Plan indicates consultants will be appointed in September 2020. It should be immediate, budgeted and already ongoing.

5. Monitoring

The T&M BC climate strategy 2008-11 stated many targets but it has not been monitored. Particularly actions have not been carried out in relation to T&MBC's own estate and operations. Time has been lost. Monitoring has not been carried out.

It is essential that there are clear distinctions made between

- what the Council can achieve under its own powers, what and by when with clear commitments made and budgeted for, and
- what is needed that the Council cannot achieve itself. Who needs to undertake them, within what timescale and what actions that the Council are going to take to ensure that the actions are undertaken. There is insufficient detail and commitment made to the types of partnership working and what outcomes that are expected.
- These actions need to be identified as targets. At present the Action Plan does not indicate measureable outcomes.

6. Scrutiny

Both the Strategy and the action plan is far too thin on detail, in particular there is no clear indication of how the 2030 emission levels will be achieved and no mention of regular monitoring to ensure targets are being reached and if not what to do about it. Regular scrutiny of progress must be undertaken in order to achieve these goals and both Councillors and Officers should be working within a strict monitoring regime. There is great disappointment that this does not seem to have been achieved through the previous Climate Strategy. It cannot happen again.

7. Partnership working

Working with partners and a range of others as indicated in the strategy is obviously essential but the strategy does nothing to set out how and who; energies from all types of groups and organisations need to be sourced and coordinated. Camden Borough and Reading are examples of 2 authorities that have benefitted greatly from 2 different approaches on how to harness local knowledge and energies. This needs to be acknowledged and worked on very proactively by T&M if any progress is to be made.

Camden's Citizens assembly : <https://www.camden.gov.uk/climate-crisis><https://readingcan.org.uk/readings-first-adaptation-plan>

The TM strategy and Action Plan is very vague on how participation by others is going to be achieved and by when. For instance:

- The designated webpage on the TMBC website is insufficient to engage with T&M communities. A much more proactive role must be undertaken by the Council to engage with a wide range of interest groups and partners in the community. There are no examples of how this is to be done, who will be engaged in doing it and how it will be budgeted.
- Promoting the uptake of LOCASE grant scheme seems odd as it stopped in March 2020.

9. Sustainable Development

Housing and development both in terms of embodied energy and energy use during its lifetime represents a major contributor to energy consumption in the Borough and the target to 2030 cannot possibly be met without addressing the energy needs of existing and future stock. Retrofitting is very difficult and costly, and much more inefficient than designing new build to high zero ratings and integrating renewable energy resources into the new build. Despite this it should be made a priority, it can be done extremely well and saves huge embodied energy. The Local Plan and planning system in T&M could influence new build and changes to exiting stock in a positive way to contribute to the low carbon future through the planning system. The technical building methods are available and many developers wish to build to these high standards. However it is vital they are on a level playing field with their competitors and a way to ensure this is to ensure high standards through planning policies in the Borough. SPC cannot understand T&M BC's resistance to this. The Action Plan indicates that the Council is seeking to deliver 'sustainable development' in line with the Local plan but the new submitted local plan is inadequate to achieve it. This action is stated as being 'ongoing'. However this does not appear to be the case:

- Recently when asked at Committee whether a condition could be applied to encourage the applicant to build an extension to high standards which would be in line with policy on Climate change, the Officer's response was that there was no policy to cover it.
- Recent responses to consultation on extensions and refurbishments in Shipbourne Village requiring different orientations or minor amendments to address climate change issues have also been ignored by the Planning Officers.

However the existing policy CC1 in the MDE DPD as follows *does* address standards of building to address climate change and could have been applied:

Policy CC1

1. All proposals for new development, building conversions, refurbishments and extensions will be required to incorporate passive design measures to reduce energy demand. Proposals will be required to be well insulated and air tight and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer. This should be achieved by such of the following means as practicable:

- (a) orientating windows of habitable rooms within 300 degrees of south and utilising southern slopes;*
- (b) locating windows at heights that allow installing shading mechanisms, for example awnings, to prevent over heating during summer months;*
- (c) using soft landscaping, including deciduous tree planting, to allow natural sun light to pass through during the winter months whilst providing shade in the summer;*
- (d) integrating passive ventilation, for example wind-catchers installed on roofs; and*
- (e) planting green roofs to moderate the temperature of the building in order to avoid the need for mechanical heating and/or cooling systems.*

2. The achievement of Code Level 4 of the Code for Sustainable Homes will be encouraged in all proposals for new residential development,(excluding extensions and conversions). Water efficiency measures including the installation of storage facilities for the harvesting of rainwater for external and internal water use should be included in meeting Level 4.

3. Proposals for new residential development will not be permitted unless at least 10% of the estimated CO2 emission savings for each new dwelling are achieved from installed low or zero carbon technologies¹⁰. The calculation of the annual energy demand for each new dwelling will be required to include the energy use for space heating, water heating, fixed lighting and ventilation and also the energy use from cooking and other appliances, (where supplied with the dwelling) as required by the Code for Sustainable Homes. For major developments, site-wide strategies incorporating larger installations such as combined heat and power will be encouraged.

4. Conversions of properties to residential use will not be permitted unless BREEAM's Homes 'Very Good' Standard is achieved.

5. Proposals for new office (B1) or retail and related development (A1, A2, A3 and A4) (excluding extensions) will not be permitted unless savings of at least 10% of the estimated CO2 emissions are achieved from installed low or zero carbon technologies. In addition, proposals for new office or retail and related development of more than 1000m² (including extensions) will not be permitted unless they achieve the relevant BREEAM 'Very Good' Standard. For all other non-residential development Policy NRM11 (i) of the South East Plan will apply.

6. In all cases, the Council will have regard to the impact of these requirements on the viability of development.

(It should be noted that this policy is in compliance with both the NPPF 2012 and 2019 and therefore can be applied.)

There is obviously no will to carry out even existing policies. This appears to be also the case with the Council's attitude to addressing climate change in the emerging Local Plan.

T&MBC could have major influence over the standard of its building stock. The fact that there seems no will to do so and this is reflected in the new Climate Change Strategy is surely a betrayal of the next generation.

The Action Plan states 'Through the grant of planning permission, the Council will seek to deliver sustainable development outcomes in line with the adopted development plan and future amendments to this.' This must be read in conjunction with the paragraph in the

Sustainability Strategy which states that the Government ‘made it clear that local plans should not be setting any additional local technical standards and requirements relating to the energy performance of new dwellings’ This is both inaccurate and very misleading.

Shipbourne Parish Council have already objected to the Regulation 19 submitted Local Plan in relation to the lack of consideration and development Management policies addressing the adaptation to and mitigation of climate change. Tonbridge and Malling Borough Council have ignored the requirements of the NPPF, the Climate Change Act 2008, The Planning and Compulsory Purchase Act 2004, the Planning and Energy Act 2004 in the formulation of the LP policies in relation to Climate Change.

T&MBC are relying on a Written Ministerial Statement (WMS) in 2015:

‘that local plans should not be setting any additional local technical standards or requirements relating to energy performance of new dwellings.’

as reflected in the Deregulation Act 2015, **but it has not been enacted and the powers set out in the Acts above remain.** <http://www.legislation.gov.uk/ukpga/2008/21/section/1> and <http://www.legislation.gov.uk/ukpga/2015/20/section/43>

This WMS has also been superseded by a more recent Government response which emphasises the importance of LPAs having a holistic understanding of climate impacts, ranging from flood risk to increased temperatures and heat stress. Local plans need to play a full part in building community resilience to changing climate:

The Government’s response to the Draft National Planning Policy Framework published in July 2018 states:

“A number of local authority respondents stated the view that the text in the revised Framework restricted their ability to require energy efficiency standards above Building Regulations. TO CLARIFY, THE FRAMEWORK DOES NOT PREVENT LOCAL AUTHORITIES FROM USING THEIR EXISTING POWERS UNDER THE PLANNING AND ENERGY ACT 2008 OR OTHER LEGISLATION WHERE APPLICABLE TO SET HIGHER AMBITION. IN PARTICULAR, LOCAL AUTHORITIES ARE NOT RESTRICTED IN THEIR ABILITY TO REQUIRE ENERGY EFFICIENCY STANDARDS ABOVE BUILDING REGULATIONS. The Government remains committed to delivering the clean growth mission to halve the energy usage of new buildings by 2030.” (p.48. Government response to the draft revised National Planning Policy Framework consultation July 2018, Ministry of Housing, Communities and Local Government - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728498/180724_NPPF_Gov_response.pdf)

Advice from The Town and County Planning Association and the Royal Town Planning Institute also indicates that climate change policies which cover design and construction standards for carbon emissions and energy provision as well as construction and material standards can be applied in Local Plans and can go beyond building regulation standards. ClientEarth are putting 100 local authorities across England on notice, warning them that they will violate their legal obligations and risk legal challenge if they do not introduce proper climate change policies.

The most recent consultation on **‘The Future Homes Standard: changes to Part L and Part F of the Building Regulations for new dwellings’** has been challenged by both developers, housebuilders RTPI and the TCPA and many others, the standards being far too late and far too low. It is not yet in law and is likely to be amended. These new regulations are not due in any event until 2025. T&MBC cannot rely on this to ensure that targets to 2030 can be met and must indicate in their own Strategies and Policies (as they legally are able to do) that they wish to apply the highest of standards in order to meet the target of carbon neutral by 2030. Tonbridge and Malling will otherwise be providing a legacy of substandard housing both unfit for coping with climate change, and contributing unnecessary carbon emissions.

Other recently adopted Local plans and emerging new ones exemplify how Local Planning policies covering construction standards and carbon emissions can be applied. Examples are Guildford, Camden, Bristol and London

Currently this Climate Change Strategy is no strategy – it is a wish list that has no substance and excuses as to why things cannot be achieved. A strategy needs to be clearly proactive and supported by a Council with Officers and Councillors who have a strong ‘can do’ approach and are committed to reaching stated targets, where there are problems a robust approach to solving them must be demonstrated.

Shipbourne Parish Council are concerned for the next generations and will only support a Strategy that is properly supported by up to date research , that provides a roadmap that will enable stated targets, indicates how it will be managed, monitored and scrutinised and how the Council engages with the whole community of its Borough.

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