



## **Ministry of Housing, Communities & Local Government consultation**

### **Planning for the Future - White Paper**

#### **Submission from CIBSE**

Submitted 29<sup>th</sup> October 2020

Name:	Dr Julie Godefroy
Position:	Technical Manager
Name of organisation:	Chartered Institution of Building Services Engineers
Address:	222 Balham High Road, London, SW12 9BS
Email address:	<a href="mailto:JGodefroy@cibse.org">JGodefroy@cibse.org</a>

The Chartered Institution of Building Services Engineers, CIBSE, is the professional engineering institution that exists to 'support the Science, Art and Practice of building services engineering, by providing our members and the public with first class information'

CIBSE members are engineers who design, install, operate, maintain and refurbish life safety and energy using systems installed in buildings. CIBSE is unusual amongst built environment professional bodies because it embraces design professionals and also installers and manufacturers and those who operate and maintain engineering systems in buildings, with an interest throughout the life cycle of buildings.

CIBSE has over 20,000 members, with around 75% operating in the UK and many of the remainder in the Gulf, Hong Kong and Australasia. CIBSE is the sixth largest professional engineering Institution, and along with the Institution of Structural Engineers is the largest dedicated to engineering in the built environment.

CIBSE publishes Guidance and Codes providing best practice advice and internationally recognised as authoritative. The CIBSE Knowledge Portal makes our Guidance available online to all CIBSE members, and is the leading systematic engineering resource for the building services sector. It is used regularly by our members to access the latest guidance material for the profession. Currently we have users in over 170 countries, demonstrating the world leading position of UK engineering expertise in this field.

## CONSULTATION RESPONSE

### EXECUTIVE SUMMARY

Our overall assessment is that the proposals could potentially work, but there is much potential for detrimental outcomes on biodiversity and wider environmental issues, climate change mitigation, and health, and too little detail to assess the proposals properly. We have therefore geared our response towards recommendations for the development and implementation of the proposals.

Our key recommendations are as follows:

**1. More strategic consideration and a more robust assessment of sustainability and environmental impacts**, to deliver the government's commitments:

- More information on the **sustainable development test**, including how climate change and biodiversity will be addressed. We strongly recommend aligning the test with the Climate Change Act, the 25 Year Environment Plan, the principle of net environmental gain, and the UN Sustainable Development Goals.
- More robust and more strategic consideration of environmental and health impacts in **zone allocation**, including the provision of public transport, walking and cycling links; a mix of uses must be considered rather than permission granted in principle for

---

development, as this would risk creating large single-use areas (e.g. housing) with detrimental effects on transport, health, and the local economy. There must also be a place in local plans and zone allocation for green infrastructure and renewable energy generation.

- We agree that the current system of **Environmental Impact Assessments** could be improved to make it less time-consuming and more influential on environmental outcomes. However, we need more information on what the new proposals will entail, which points of the process the assessments will apply to, and guarantees they will inform the decision process: a zone granted permission in principle through the local plan, but where development is deemed to have a negative impact at the more detailed assessment stage, should not be granted approval.
- Issues such as transport, energy infrastructure (including renewable energy generation), and green infrastructure also need to be considered at the **strategic level**: planning at the local level alone cannot fully deliver on these issues. We are concerned that the current proposals of simple zone allocation in local plans, together with the removal of the Duty to Cooperate, will create a significant gap in this area.

**2. A confirmation that the proposals for a faster and simplified approval system will not run against the Hackitt Review and Building Safety Bill**, and details on how the proposals would work with the new regulatory system, including the new Gateways.

**3. Design codes** must set best practice for new buildings and retrofit in terms of energy consumption, low-carbon supplies, health and comfort. The codes must be robust to avoid creating “slums of the future”, as housing created through Permitted Development Rights has unfortunately shown. They must be informed by what people want, including “getting the basics right”: comfortable, and easy and affordable to run<sup>1</sup>. This means the design codes must have at their heart low-energy design, good air quality, and good fabric performance for efficiency, daylight, acoustics and year-round thermal comfort. There is plenty of best practice guidance available on this, including CIBSE guidance, and a growing number of schemes showing it can be delivered across the country. We have included guidance principles and references in our response. CIBSE would very much welcome the opportunity to support the work of MHCLG on this, including the Model Design Code.

**4. A more ambitious and comprehensive approach to retrofit:**

- The new system of permission in principle must not lead to reduced scrutiny on demolition. Existing buildings must be assessed for their potential to be re-used, adapted, and retrofitted to low-carbon standards. Demolition should not be granted permission in principle, it should be subject to applications and only accepted if thoroughly justified on the basis of functionality and whole-life carbon performance.
- Low-carbon retrofit for climate mitigation and adaptation must also be considered in the resources and skills strategy
- Low-carbon retrofit for climate mitigation and adaptation must be considered in design codes.

**5. The ability for local authorities and communities to demonstrate leadership** in climate change and sustainability, by setting standards higher than the national minima in

---

<sup>1</sup> « A public vision for the home of 2030”, Design Council, July 2020 <https://www.homeof2030.com/the-challenge/a-public-vision-for-the-home-of-2030/>

neighbourhood plans, zones, or local design codes. This could be achieved without a multiplication of standards, if the design codes and Building Regulations set a coherent framework of requirements, with a clear end goal (i.e. exemplar low energy consumption, and zero-carbon supplies now or with expected grid decarbonisation). CIBSE do not think the current proposals for Part L 2020 and the Future Homes Standard provide this (and they only apply to new homes); we detailed our recommendations in our response to the 2019-20 consultation and look forward to revised proposals.

6. We welcome the intent to develop a **resources and skills** strategy for the planning sector. This must support better enforcement, better monitoring, as well as plan-making and decision-making for the delivery of net zero carbon, covering plan-making, masterplans, design codes, and the retrofit of existing buildings. Improving competence and enforcement is crucial to deliver the recommendations of the Hackitt Review.

7. **Monitoring of policy outcomes**, including energy use and carbon emissions. In particular, disclosure of energy and carbon performance could be required for schemes above a certain size.

8. Using **public procurement** to demonstrate exemplar practice, building supply chains and expertise towards net zero carbon. This should apply to homes delivered through Homes England, as well as public land and assets. To demonstrate best use of public money, schemes should be monitored and the outcomes should be made public, with lessons feeding into future policy.

## RESPONSES TO QUESTIONS AND PROPOSALS

### ***1. What three words do you associate most with the planning system in England?***

Important; opportunity; climate.

### ***2. Do you get involved with planning decisions in your local area?***

- a) No
- b) Other - This is not the role of CIBSE as a professional institution.

### ***3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?***

***[Social media / Online news / Newspaper / By post / Other – please specify]***

We respond here with our view as professional institution on what would be the most appropriate: a combination of several means should be used to reach the widest range of stakeholders possible, including online but not only as there are segments of the population for whom this is not the most appropriate way to engage. Local events, local newspapers, and post must also be considered.

#### **4. What are your top three priorities for planning in your local area?**

***[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]***

We respond here with our view as professional institution on what would be the most appropriate:

- The environment, biodiversity and action on climate change; note this would include giving priority to the re-use, adaptation and retrofit of existing buildings (including those of heritage value), where this limits whole life carbon.
- The design of new homes and places
- Increasing the affordability of housing. This should make it easier for a wide variety of people to live and work across the country, and in turn support the local economy.

#### **5. Do you agree that Local Plans should be simplified in line with our proposals?**

***[Yes / No / Not sure. Please provide supporting statement.]***

No. In principle the proposals may work, but so little detail is provided and the changes are so substantial with the risk of many detrimental outcomes, that it is not possible to confidently support them as they are. Here are our recommendations for the development of the proposals and their implementation:

We broadly agree the primary role and function of local plans should be “*first, to identify land for development and sites that should be protected; and, second, to be clear about what development can take place in those different areas*”. However, we have a number of important reservations:

##### **The classification of zones into growth / renewal / protection needs refining:**

While we understand detailed proposals are not yet available, including the sustainable development test, we are concerned the proposed zoning currently appears simplistic; for example, some brownfield sites have developed much ecological value, and may not be suitable for “substantial growth”, while other areas in the Green Belt have little amenity and ecological value, are located near public transport and in direct proximity to urban areas in need of growth, and may therefore be suitable for new housing. We recommend a much more developed and clear set of criteria, with the ability for local authorities to take local context into account.

We are concerned that the term “development” is used in the White Paper to imply new build, and that permission in principle could imply the demolition of existing buildings without

questioning of their value and capacity for change (e.g. buildings on brownfield sites which would become Growth areas).

A catch-all permission for “development”, only accompanied by a quantum and height limit, would not be sufficient, and there should be additional considerations including:

- Opportunities for re-use, adaptation and retrofit of existing buildings within these zones: new buildings are not the only way to deliver “growth” and regeneration. They are also often not the most carbon-efficient way, compared to a low-carbon retrofit which would improve energy efficiency while limiting expenditure of embodied carbon and other resources – see also our comments on Proposal 17. Demolition should be subject to an application, not granted permission in principle.
- Consideration of mix of uses: Under the current proposal, we understand that a zone designated as Growth, and possibly as Renewal, would see permission in principle for a range of uses (e.g. homes, schools, offices). This could lead to every site delivering single uses for the shortest return, without consideration of local needs. Therefore, either the mix of uses should be submit to interrogation before full planning approval, or the zone allocation and design codes must consider mix of uses to meet local need and favour mixed-use developments which reduce transport needs, and support health, well being and the local economy.

“Protected” zones should be widened. For example, it should include areas which provide a flood risk mitigation function for other areas downstreams, unless it was demonstrated that flood mitigation post-development was equal or improved (it is not enough to avoid building on areas of high flood risk; we must also avoid creating a risk elsewhere).

**The proposed classification must include important uses**, such as energy infrastructure (e.g. land for solar PVs, energy centres or communal batteries). While mentioned in Proposal 15, these are currently not listed prominently in the White Paper. These must be considered in local plans.

We have concerns that local plans would be assessed against a **single statutory “sustainable development” test**: see response to Question 7.

***6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?***

***[Yes / No / Not sure. Please provide supporting statement.]***

Not sure. Using a National Planning Policy Framework (NPPF) as source of development management policies seems sensible, but the outcomes will depend what that framework is.

---

We have reservations about the current NPPF<sup>2</sup>, which we have summarised here. We recommend these aspects are taken into account when revising the NPPF:

- The current NPPF fails to fully reflect the **25 Year Environment Plan** (25 YEP). This is a significant shortcoming. The NPPF has a cross-sector reach and is a significant opportunity to deliver the objectives of the 25 YEP, as highlighted in the YEP itself.
- The **definition of sustainable development** should make reference to and be aligned with the UN Sustainable Development Goals, which the UK government has committed to deliver.
- There should be more emphasis on health and wellbeing and how the built and natural environment can significantly contribute to improvements in this area; in particular, health must be included as part of the essential strategic considerations in plan-making.
- The multiple environmental, health and place-making benefits of **green infrastructure** (including trees) should be better reflected throughout, and objectives should be better aligned with the 25 YEP.
- Whilst we recognise the importance of addressing housing needs in terms of numbers, this should not be to the detriment of **housing quality and sustainability**, which are essential rather than desirable issues. We have highlighted specific areas of concern in our full consultation response, including references to guidance on how to deliver both housing numbers and broader social and environmental objectives.
- We would stress the importance of **implementation of policy and monitoring of outcomes**, which should be given equal importance to plan-making and decision-making.

***7 (a) Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?  
[Yes / No / Not sure. Please provide supporting statement.]***

No. A sustainability assessment of local plans is clearly needed. However, we have concerns about whether the proposals, as they are, can achieve simultaneously a robust assessment of sustainability **and** the desired speed:

- No information is provided on what this test would involve. The outcomes from the planning process would be so dependent on it, that it is not possible for us at this stage to agree or disagree. We strongly recommend using the Climate Change Act, the 25 Year Environment Plan, the principle of net environmental gain, and the UN SDGs as framework for the test; note these would not be additional commitments, merely a consistent approach with existing commitments, in order that such commitments can be delivered.

---

<sup>2</sup> CIBSE response to NPPF consultation, May 2018 <https://www.cibse.org/News-and-Policy/Consultations/Closed-Consultations/Draft-revised-National-Planning-Policy-Framework>

- 
- We have concerns about whether subjecting local plans to a single test is appropriate and possible, given the White Paper's ambition to deliver speed: whether a development is "sustainable" will result from a combination of the site and its context and the development's response to these. A single test could only properly assess a local plan if that plan was quite detailed, for example not only considering which zones are suitable for development, but which type of development and mix of uses they should entail. This would require relatively detailed local plans and significant work upstream – probably involving much longer periods than the 3 years stated in the proposals. If this level of detail was not available, a test could only assess the potential of a plan to deliver sustainable development, subject to further work and further assessment at a later date i.e. staged sustainable development tests, of a level of detail commensurate to the proposals - see also our comments on Proposal 16 for environmental impact assessments. The same is true when considering heritage impacts: buildings and sites may be considered, at the level of a local plan, as suitable for adaptation and re-use, but the impacts on heritage value could only be properly assessed when development proposals are detailed.

In response to the statement "*Plans should be informed by appropriate infrastructure planning, and sites should not be included in the plan where there is no reasonable prospect of any infrastructure that may be needed coming forward within the plan period*": we recommend the following additions and strengthening:

- Plans must include energy and green infrastructure. See also comments on Proposal 15.
- Growth areas, and particularly land allocated to housing, must take account of public transport infrastructure, whether existing or with a certain prospect of being delivered on time before completion of the development. Road infrastructure is not sufficient; **we must avoid the delivery of housing sites which are solely reliant on private vehicle transport**, as these sites otherwise lead to poor health, carbon, and air quality outcomes. See also comments on Proposal 15.

In response to the statement "*we are interested in views on the future of optional technical standards*": we support these, with regards to energy, carbon and sustainability performance. Local Authorities, subject to an appropriate viability test, should be able to set standards which go beyond national minima - see also comments on Proposal 16. This can deliver better outcomes locally AND support the rest of the market in adopting improved standards later on.

### ***7 (b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?***

Cooperation across stakeholders and beyond the boundaries of local authorities is essential on issues such as regional planning of transport, green infrastructure and energy infrastructure.

Unless a robust replacement is found for the formal Duty to Cooperate, and given adequate resources, we cannot see that removing the Duty would be justified.

*8 (a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?*

*[Yes / No / Not sure. Please provide supporting statement.]*

No response

*8 (b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?*

*[Yes / No / Not sure. Please provide supporting statement.]*

No response

**9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?**

***[Yes / No / Not sure. Please provide supporting statement.]***

No. There are many potential risks of detrimental outcomes in this approach of reducing scrutiny to favour speed, and we do not think there is sufficient detail available to confidently support this proposal. Much will depend on the following to ensure that detrimental outcomes are avoided:

- **Crucially, government need to confirm that the proposals for a faster and simplified approval system will not run against the Hackitt Review and Building Safety Bill**, and they need to provide details on how the proposals would work with the new regulatory system, including the new Gateways.
- The sustainable development test – see response to Question 7
- Refining the definition of Growth areas; a catch-all permission for a certain quantum and height of undetermined uses could not guarantee sustainable development – see response to Question 5
- The environmental impact assessment - see comments on Proposal 16.
- The robustness of design codes, to avoid creating “slums of the future”, as the concerns about housing created through Permitted Development Rights have shown – see response to Question 17
- We are concerned about the proposal that “*there will be no need to submit a further planning application*” in Growth areas, once the local plan has been approved. First, because we doubt that local plans can be produced to the level of detail which covers important topics affecting communities, while still meeting the government’s ambition for speed.” Second, because many individuals and communities find it difficult to engage with proposals at local plan level, which can be abstract and difficult to comprehend, but are

---

much more likely to understand and meaningfully engage with proposals which more directly affect them. It does not seem appropriate that they should lose any opportunity to engage once a Plan has been approved. This does not meet the stated ambition for better and more democratic engagement of communities with the planning process.

**9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?**

***[Yes / No / Not sure. Please provide supporting statement.]***

Not sure. In practice, Renewal and Protected areas will have so many different and complex characteristics, that we anticipate they will require much more case-by-case consideration than the current proposals imply. See also our response to Question 5.

**9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?**

***[Yes / No / Not sure. Please provide supporting statement.]***

Not sure

**10. Do you agree with our proposals to make decision-making faster and more certain?**  
***[Yes / No / Not sure. Please provide supporting statement.]***

No. We broadly agree with the intent of improving certainty and speed (with the exception of the proposal for a streamlined approach to developer contributions, which is not CIBSE's area of expertise and which we do not comment on) but have concerns about the following:

- Over-reliance on digitisation: while this can offer efficiency and transparency gains and can allow some people to engage more with the planning process, digital means are not entirely inclusive, and other means of communication and engagement must remain too.
- The proposal that applications could be deemed to be accepted if statutory limits have been exceeded: this could encourage game playing among applicants (e.g. too much information to process on time); furthermore, meeting response time relies on well-resourced local authorities, a factor largely outside their control; it does not therefore seem appropriate that they, and local communities, should be penalised by having development accepted without scrutiny, when this may be the result of under-resourcing.

**11. Do you agree with our proposals for accessible, web-based Local Plans?**

***[Yes / No / Not sure. Please provide supporting statement.]***

Yes, with the same caution about sole reliance on digitisation as in Question 10.

**12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?**

***[Yes / No / Not sure. Please provide supporting statement.]***

Not sure.

The timescale itself is ambitious. In addition, we are concerned that the proposed steps would not allow proper consideration of comments received from public consultation: these comments would be received at Stage 3, a 6-week period concurrent with the Secretary of State (SoS) initially receiving and reviewing the plan. Stage 4 is described as an examination by the SoS of the plan's legality. It is not clear what would be made of the public's comments: they may be heard, but would the SoS's have a duty to consider them? Would it be the SoS's responsibility to analyse them and recommend which ones should be taken into account, and how? We think there is a risk of legal examination taking precedent, with little time left for meaningful consideration of feedback from the consultation. The final Stage 5 is then proposed as only 6 weeks, which seems short if comments from both the SoS and the public have to be incorporated into the revised and final plan.

We recommend reviewing other options e.g. carrying out public consultation prior to examination by the SoS. The local authority would take this into account into their plan and include it as part of the plan's justification when submitting it to the SoS. This may even help reduce requests for representations from the public at Stage 4, as at least some members of the public would feel they have already had an opportunity to be heard and accounted for.

We are also not sure that the proposed Stages 1 and 2 periods would allow sufficient time for environmental assessments, when such assessments must be carried out if local plans are detailed to the level of masterplans (in addition to the sustainable development test which would happen at local plan level) – see comments on Proposal 16.

**13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?**

***[Yes / No / Not sure. Please provide supporting statement.]***

Yes.

As stated in our response to Question 9, we are not sure that most people will be able to engage meaningfully at the level of local plans, and this would be a serious lacking in local democracy if they then do not have the chance to engage at the level of individual sites in Growth areas; retaining neighbourhood plans could provide meaningful engagement opportunities.

**13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?**

---

Neighbourhood plans must allow communities to integrate other objectives than appearance and character; in particular, neighbourhood plans should be able to set sustainability standards, subject to appropriate viability tests.

**14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?  
[Yes / No / Not sure. Please provide supporting statement.]**

Yes.

The White Paper puts emphasis on the plan-making and planning decision making processes as reasons for a low housing supply, however Local Government Association data shows that 90% of planning applications are approved, and that over the last ten years, 1 million homes more have received planning approval than have been built; those built represent only 60% of the approved total<sup>3</sup>.

**15. What do you think about the design of new development that has happened recently in your area?  
[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/ or poorly-designed / There hasn't been any / Other – please specify]**

No response

**16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?  
[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]**

We respond here with our view as professional institution on what would be the most appropriate: all the options quoted are extremely important; on balance however, and if one has to be chosen, we select “less reliance on cars” not as it is more important than the others, but because it is the one most influenced by the planning process. In particular, energy efficiency of new buildings can and should be delivered in large part through Building Regulations.

In turn, reducing the reliance on cars can free space for other uses, including trees, greenery, and walking / cycling routes.

**17. Do you agree with our proposals for improving the production and use of design guides and codes?  
[Yes / No / Not sure. Please provide supporting statement.]**

---

<sup>3</sup> “Housing backlog – more than a million homes with planning permission not yet built”, Local Government Association, February 2020 : Since 2009/10, 2,564,000 million homes have received planning approval, and 1,530,680, or about 60% of the approved total, have been built. <https://www.local.gov.uk/housing-backlog-more-million-homes-planning-permission-not-yet-built>

---

Yes, potentially. These Design Codes will be all the more essential in areas granted permission in principle; they must be robust in order to avoid the “slums of the future”, as the concerns about housing created through Permitted Development Rights have shown. They must draw on best practice guidance and the expertise from the industry. In particular, they should address important building performance issues for health and comfort, especially those which are not comprehensively covered in Building Regulations and which heavily depend on planning issues such as site context and site layout, including:

- site accessibility through public transport, walking and cycling
- provision of green spaces and play areas
- proximity to facilities
- the quality of the indoor environment (daylight provision, air quality, noise and overheating risk)
- low-energy and low-carbon design: ideally this would be achieved through Part L of the Building Regulations, but we do not think this currently shows an appropriate and ambitious enough framework; see our briefing on net zero carbon buildings<sup>4</sup> and our response to the Part L and FHS consultation<sup>10</sup> for our recommendations on how this could be amended. In the meantime, planning can help deliver more robust and ambitious energy and carbon objectives, wherever viable.

Having low-energy, comfortable and healthy environments at the heart of the Model Design Code would not only help meeting environmental and health objectives, but would best meet what people want from their homes: see response to Question 20.

The National Design Guide is a good start and acknowledges these issues, but it lacks specifics: without clearer guidance and definition, the guidance could then easily be ignored, or translated into overly onerous or insufficient requirements. The Model Design Code must also set some essential standards to be applied throughout: for example, in the case of daylight, schemes are often deemed to be acceptable if an arbitrary portion of the scheme (often 80%) meets daylight requirements; the remaining 20%, with inadequate daylight provision, are often affordable housing or housing for the elderly or disabled, exposing vulnerable populations to living conditions detrimental to health outcomes.

CIBSE has produced a range of guidance on the topics of low-energy and low-carbon design<sup>4</sup>, as well as CIBSE TM60 *Good Practice in the Design of Homes*, 2019, CIBSE TM40 *Health and Wellbeing in Building Services*, 2020, and thermal comfort (CIBSE TM52 *he Limits of Thermal Comfort: Avoiding Overheating in European Buildings*, 2014 and CIBSE TM59 *Design methodology for the assessment of overheating risk in homes*, 2017).

In addition, design codes should draw on best practice such as Building for a Healthy Life<sup>5</sup> and the Good Homes Alliance overheating guidance<sup>6</sup>, which are already embedded in the practice of some local planning authorities.

---

<sup>4</sup> <https://cibse.org/News-and-Policy/Policy/Technical-Themes/Net-Zero/CIBSE-guidance-to-deliver-net-zero-carbon-new-buil> .

<sup>5</sup> <https://www.udg.org.uk/publications/othermanuals/building-healthy-life>

<sup>6</sup> <https://goodhomes.org.uk/overheating-in-new-homes>

CIBSE would very much like the opportunity to support the work of MHCLG on this.

**18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?**

***[Yes / No / Not sure. Please provide supporting statement.]***

Yes. This new body must draw on a range of disciplines and expertise. CIBSE would be very happy to support its work.

It a good idea to promote the concept of a chief officer for design and place making, as it will allow a prominent individual to be given the status to act as the champion for design quality, and help raise the profile of place making.

Local authorities will need significant support in preparing design codes so creating a supporting body or network will be valuable. CIBSE have long highlighted the need for better resources among local authorities, to support plan making, decision making, and enforcement. Most local authorities acknowledge there is a significant shortage of resources in planning teams and struggle to allocate sufficient time to developing plans. Expertise in sustainability, including social value, blue/green infrastructure, climate adaptation and net zero carbon needs particular expertise that doesn't normally reside within a local planning team. Therefore an expert body or network will be essential in ensuring key issues are adequately covered.

We therefore welcome Proposal 23: *"As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms"* and the statement that *"it will be important to develop a resourcing and skills framework which works for all authorities across the country. We will work with local planning authorities, professional bodies and the wider planning sector to ensure views about implementation are considered"*.

Improving resources, skills and competence in local authorities is crucial, and is required to deliver the culture change called for by the Hackitt Review.

Key areas where more skills and resources are required are the following:

- Policies and delivery of zero carbon, including new and existing buildings; this must include skills on addressing the existing building stock of historic significance, with joint consideration of conservation and climate adaptation and mitigation. This will limit the risk of unintended consequences from poor quality interventions, reduce uncertainty in the planning process, and help create climate and conservation policies which are consistent with each other.
- New and evolving functions associated with the White Paper proposals, including the creation of design codes, masterplans in Growth areas, and the assessment of

---

environmental impacts (at the local plan level and, where needed, at the masterplan level – see comments on Proposal 16).

- Monitoring of outcomes: see comments on Proposal 24.

CIBSE have produced best practice guidance in these areas and have a track record in professional development. We would be very happy to support MHCLG and other professional institutions in this.

**19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?  
[Yes / No / Not sure. Please provide supporting statement.]**

Yes, in particular the proposal that “*environmental standards can be more deeply embedded in all Homes England’s activities and programmes of work*”. Public expenditure must be used to show leadership and support the development of skills and expertise. Affordable housing which is low-energy, health and comfortable will benefit occupants on low-incomes; in turn, it will reduce the pressure on healthcare and public expenditure which results from issues such as high energy costs, poor indoor air quality, and mould.

Homes delivered by Homes England should be exemplar, including **exemplar levels of energy consumption and demand reduction**, and be net zero-carbon or at least **ready for net zero-carbon** subject to a realistic scenario for decarbonisation of the electricity grid.

Design in itself is not sufficient. To complement this and maximise the value gained from public expenditure, we also recommend using homes delivered by Homes England for a programme of **building performance monitoring** including the key aspects of energy performance, health and comfort. Findings should be disseminated to influence later Homes England programmes as well as Building Regulations and planning policy.

**20. Do you agree with our proposals for implementing a fast-track for beauty?**

**[Yes / No / Not sure. Please provide supporting statement.]**

No. If there is such a fast track process, it should be available for developments which show **exemplar levels of sustainability**, including net zero carbon developments and exemplar low-carbon adaptations and retrofits of existing buildings.

Planning reform should be informed by evidence of what people want from their home, for example the recent large-scale survey “Home of 2030”<sup>7</sup>, which was carried out as a cross-departmental initiative funded by HM Government, with a steering group including MHCLG, BEIS and DHSC. This showed that while people acknowledge the importance of appearance,

---

<sup>7</sup> « A public vision for the home of 2030”, Design Council, July 2020 <https://www.homeof2030.com/the-challenge/a-public-vision-for-the-home-of-2030/>

they place it well behind other characteristics they want from their home, the three most important being a home that is fit for purpose:

- *“A home that gets the basics right (such as having a comfortable internal environment)”*: 93% of respondents scored this as priority
- *“A home that is affordable to run so I can still live a comfortable life”*: 93%.
- *“A home where I don't have to worry about everything working as it should”*: 90%.

By comparison, *“A home that looks attractive and has its own identity”* scored a lower 76%, and was on a similar footing as environmental concerns: *“A home that is environmentally friendly and is part of a response to climate change”* (79%) and *“A home that makes it easier for me to make more sustainable living choices”* (76%).

In addition, and importantly, the survey also shows that current homes do not deliver against these key priorities: *“at present only 65% of English adults report that they are able to live comfortably once they have paid for all of the costs associated with their home. Only 56% report that their home gets the basics right and more than half of people feel agree that their home life is becoming more complicated and stressful.”*<sup>7</sup> Addressing these points should therefore be a priority for changes to the planning system (and other parts of the regulatory framework, such as Building Regulations).

These findings are consistent with recurring findings of post-occupancy evaluation studies.

All of this clearly points to the need for homes which are energy efficient, with a well-designed envelope and very good fabric performance to reduce energy demand and provide good thermal comfort year round, good daylight levels, low noise levels, and heating and ventilation systems which are simple to operate and work well.

While the attention to appearance is welcome, the performance and functionality of places and homes is paramount, and must not be secondary in the planning system. This must be central to design codes, masterplans in Growth areas, and “patterns” for permitted development in Renewal areas. These must be at the core of the design guidance. References to guidance on how to achieve this are provided in our response to Question 17.

A focus on appearance must also ensure it does not stifle innovation nor solutions which address essential building performance aspects. For example, the UK building stock should be heading towards a vernacular with more external blinds/shutters to mitigate heat gains in summer, which may be prevented by the requirement for visual appearances in local areas to remain similar to what is already there.

***CIBSE Comments on proposal 15 - We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits (no question posed in the consultation)***

## Environmental objectives

We very much support the WP reference to the 25 Year Environment Plan, the statement that “*we want the reformed system to play a proactive role in promoting environmental recovery and long-term sustainability*”, and the expectation that development will deliver a biodiversity net gain – as stated in Question 6, planning has a central role to play in this, and we are concerned that the current NPPF does not have delivery of the 25 YEP as one of its core objectives.

We support the reference to adaptation to climate change; as also stated in our comments on the NPPF, there is currently insufficient guidance available to local authorities on how to take climate adaptation into account in local plans. Alongside design codes and green infrastructure standards, this could very much help the capacity of buildings and places to adapt to climate change and limit risks such as flooding and overheating, while delivering multiple benefits to health, air quality and biodiversity.

## Green infrastructure

We welcome the development of a national framework of green infrastructure standards. The CIBSE Society of Public Health Engineering (SoPHE) has a number of members expert in this area who could provide advice on such standards.

Alongside Local Nature Recovery strategies, **biodiversity improvements and green infrastructure must be considered at a more strategic level, including coordination with other local authorities**. This must happen for green infrastructure strategies to be truly effective on matters such as biodiversity, flood risk mitigation and water management.

## Zones allocation

We also support the statement that “*we will want to be clear about the role that local, spatially-specific policies can continue to play, such as in identifying (...) places where renewable energy or woodland and forestry creation could be accommodated.*” This should be strengthened: local plans and the classification of zones must take it into account, as stated in our response to Question 5. Local plans must identify places where such land uses could and should be accommodated; these uses should be protected rather than competing against other types of developments, such as housing. Ideally, they should be coordinated at the regional level, and in consultation with network operators to take account of the network’s capacity and needs.

The following statement needs strengthening “*in identifying land for inclusion within the Growth area, or the densities of development appropriate in different locations, the ability to maximise walking, cycling and public transport opportunities will be an important consideration*”: this must not be just a consideration, it must be central to zone allocation and the development of plans locally and in each zone; if public transport, walking and cycling infrastructure is not available, there must be a commitment to deliver it, with associated

resources available. The sustainable development test of the local plan, and subsequent environmental assessments of individual zones or developments, must take this into account.

***CIBSE Comments on proposal 16 - We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England (no question posed in the consultation)***

We agree that the current EIA process needs to be improved, as it is currently time-consuming and does not improve outcomes as much as it could and should (the impact of development is assessed, but the process is so time-consuming that it is often too late to be properly mitigated). We therefore agree with the stated objectives, alongside the commitment to environmental protection and improvements. However, little information is provided on how and when environmental assessments would be carried out, and how they would relate to the sustainable development test. As stated in our response to Question 7, an assessment of environmental impact must take place not only at local plan stage, to inform strategic decisions, but also at a more detailed stage. This must allow meaningful scrutiny, and lead to design changes if required. Given the White Paper's emphasis on speed and "permission in principle", we are concerned the proposals will lead to much reduced scrutiny at the development stage, with detrimental environmental outcomes.

It is also unclear who would carry out environmental assessments under the new system: for example, masterplans developed in Growth areas to accompany local plans should be subject to an environmental assessment; would it be the responsibility of local authorities? If so, this must be taken into account in resources, but also in timescales for production of local plans.

We strongly recommend that this is given due consideration, in advance of the consultation in the autumn.

***CIBSE Comments on proposal 17 - Conserving and enhancing our historic buildings and areas in the 21st century (no question posed in the consultation).***

We welcome the intent that "*the significance (of listed buildings and conservation areas) is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change*".

Retrofitting of the existing stock is one of the main challenges for the UK to reach its net zero target, as highlighted by the Committee on Climate Change, which in its May 2020 advice to the Prime Minister ranks "*low-carbon retrofits and buildings that are fit for the future*" as one of "five clear investment priorities", and in its June 2020 annual progress report to Parliament, states "*Buildings and heating policy continues to lag behind what is needed*"<sup>8</sup>. In addition, avoiding new building and re-using existing ones can save significant amounts of embodied carbon expenditure. Therefore, adaptation, re-use and low-energy and low carbon retrofit

---

<sup>8</sup> CCC 2020 Progress report to Parliament <https://www.theccc.org.uk/publication/reducing-uk-emissions-2020-progress-report-to-parliament/>

---

must be given more attention in the planning system, both in terms of policies and in the resources allocated to it.

We are concerned that the proposals for permission in principle in Growth and potentially in Renewal areas would see buildings demolished without scrutiny. Demolition of existing buildings should be subject to an application, including an evaluation of adaptation and retrofit options; it should not be granted permission in principle.

It is notoriously common, and a cause of delays, to find conservation and sustainability policies which contradict each other, or officers which do not agree – often due to a lack of clear guidance and expertise on appropriate strategies to adopt. This must form part of the government’s resource and skills strategy for the sector.

***CIBSE comments on proposal 18 - To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050 (no question posed in the consultation).***

We agree with the intent to “*facilitate ambitious improvements in the energy efficiency standards*”; alongside a revised Future Homes Standard (see below), this must include Building Regulations proposals for non-domestic buildings and for all existing buildings. This must also include the **ability for local authorities and, if applicable, neighbourhood plans, to require more ambitious standards than national minima**, subject to suitable viability tests. There are many local authorities where more onerous requirements are currently being delivered, with no known impact on viability and house building e.g. Greater London Authority, a number of West of England authorities – many of whom submitted such evidence to the consultation on the Future Homes Standard. This local leadership helps reduce carbon sooner, and makes it easier and more affordable for the rest of the country to subsequently adopt higher standards too. Potentially, to avoid too many variations in standards across the country, these could be selected from a framework setting principles and levels (e.g. different levels of fabric performance and energy consumption, demonstrated through an accepted methodology – ideally this methodology would be Part L of the Building Regulations, but we do not think this currently shows an appropriate and ambitious enough framework; see our briefing on net zero carbon buildings<sup>9</sup> and our response to the Part L and FHS consultation<sup>10</sup> for our recommendations on how this could be amended).

We agree with the ambition that “*homes built under our new planning system will not need retrofitting in the future*”. However, we are very concerned that the proposals for the Future Homes Standard (FHS), as consulted upon late 2019-early 2020, cannot deliver this. Our concerns were detailed in our response to the consultation<sup>10</sup>. We look forward to the

---

<sup>9</sup> <https://www.cibse.org/News-and-Policy/Policy/Technical-Themes/Net-Zero>

<sup>10</sup> CIBSE response to Part L and Part F consultation, February 2020 <https://www.cibse.org/News-and-Policy/Policy/Consultations/Closed-Consultations/Changes-to-Part-L-and-Part-F-of-the-Building-Regul>

government’s response to that consultation and to revised proposals for the FHS. CIBSE would be very happy to support MHCLG’s work on this.

*21. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don’t know / Other – please specify]*

No response

**22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?**

***[Yes / No / Not sure. Please provide supporting statement.]***

Not sure. We cannot advise on specifics, but recommend that the new system must:

- Be transparent and simple for all to understand. It is currently notoriously opaque and open to loopholes and game playing.
- Take account of community infrastructure needs such as provision of blue and green infrastructure (including green space and trees) as well as their maintenance, and possibly the raising of funds for carbon savings in the area, as already happens in some local authorities.
- Ensure that areas where development values are low are not detrimentally affected by this, and have appropriate means to meet community infrastructure needs. A balance must be struck between funding raised through local development, and that which is centralised or “pooled” across the country.

*22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?*

*[Nationally at a single rate / Nationally at an area-specific rate / Locally]*

No response

*22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?*

*[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]*

No response

*22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?*

*[Yes / No / Not sure. Please provide supporting statement.]*

No response

**23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?**

***[Yes / No / Not sure. Please provide supporting statement.]***

Yes. There is no reason why it should not. Permitted developments require resources from the local community, such as schools, GP surgeries, and public transport, just like “normal” development. Furthermore, they already benefit from a much simplified and quicker process.

**24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?**

***[Yes / No / Not sure. Please provide supporting statement.]***

Yes

*24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a ‘right to purchase’ at discounted rates for local authorities?  
[Yes / No / Not sure. Please provide supporting statement.]*

No response

*24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?  
[Yes / No / Not sure. Please provide supporting statement.]*

No response

*24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]*

No response

**25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?  
*[Yes / No / Not sure. Please provide supporting statement.]***

No response

**25(a). If yes, should an affordable housing ‘ring-fence’ be developed?**

***[Yes / No / Not sure. Please provide supporting statement.]***

No response

**Comments on proposal for Public assets and investment (page 68 - no question asked in the consultation)**

---

**Public land and assets must be used to support the UK's transition to net zero carbon** by demonstrating exemplar low-energy and low-carbon practice; this will cut carbon sooner, and help develop supply chains and expertise. We have developed our recommendations in the response to the 2019 Environmental Audit Committee 2019 inquiry "Net Zero Government"<sup>11</sup>, with key points as follows:

- Before investment is made in new public buildings, **the question must first be asked: is a new building required, or can existing ones be adapted and retrofitted? This would reduce expenditure of embodied carbon and other resources**, and would be in line with the stated intent of Proposal 17 of "*Conserving and enhancing our historic buildings and areas in the 21st century*".
- **If the need for new buildings is established, these must demonstrate exemplar low-energy standards and be ready for net zero carbon** (on the basis of expected electricity grid decarbonisation), in advance of the Future Homes Standard and future changes to Building Regulations.
- **Support best practice retrofit and supply chain development** through the adoption of PAS 2035 (for housing) and the upcoming PAS 2038 (non-domestic), and the production of digital building passports (including log books) and zero-carbon retrofit plans
- **Monitor and disclose energy and carbon performance** e.g. through the use of Display Energy Certificates updated annually or the expected future operational ratings for non-public non-domestic buildings. Findings and lessons should be easily publicly available, and used to inform future changes to the regulatory framework towards net zero carbon.

**Comments on Proposal 24: We will seek to strengthen enforcement powers and sanctions** (no question asked in the consultation)

We agree with this Proposal: policy on its own is not sufficient, it must be enforced. Improving enforcement is crucial, and is required to deliver the recommendations of the Hackitt Review.

In addition, we strongly recommend that more resources and attention should be devoted to monitoring of outcomes, at the local authority and individual development level e.g. air quality, energy use and carbon emissions, health outcomes. This will help track policy implementation and should inform gradual improvement loops to policies.

**26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?**

The proposals do not adequately highlight the need to deal with the challenge of overheating risk in homes and climate adaptation generally. These issues are not adequately covered by building regulations and require addressing in the planning process. Health inequalities are

---

<sup>11</sup> July 2019; The CIBSE submission can be found here: <https://www.cibse.org/News-and-Policy/Policy/Consultations/Closed-Consultations/Net-zero-government-inquiry>

well-evidenced, on the rise, and known to be linked to environmental factors<sup>12</sup>. Developments need to recognise the risk to social equity of coping with more frequent heat waves, more frequent storm events and potential periods of drought in the summer.

Climate change will disproportionately affect low income, socially and economically marginalized communities, individuals suffering from chronic diseases or social isolation, older and young people and other vulnerable populations due to their limited ability to adapt, cope and recover. Such communities need to be protected in the planning system. Without explicit requirements for the planning process to require adaptation for future climate there is a risk that global warming could exacerbate pre-existing inequalities and inequities, due to factors such as; excess indoor temperatures and heat stress, flood risk, fuel poverty, indoor and outdoor air pollution exposure, contaminated water, etc.

**END**

Please do not hesitate to contact us for more information on this response:

Julie Godefroy

Technical Manager

[JGodefroy@cibse.org](mailto:JGodefroy@cibse.org)

---

<sup>12</sup> Institute of Health Equity, *Marmot review*, 2010, and *Marmot Review, 10 Years On*, 2020  
<https://www.health.org.uk/publications/reports/the-marmot-review-10-years-on>