

APPENDIX 17.1 LEGISLATION AND PLANNING POLICY

RELEVANT CLIMATE CHANGE POLICY

Legislation

Climate Change Act 2008 (2050 Target Amendment) Order 2019

The Climate Change Act 2008 establishes the framework for the UK to set and deliver greenhouse gas emission reduction targets; mainly through the establishment of the Committee on Climate Change which ensures targets are evidence based and independently assessed. The Act commits the UK government to reduce greenhouse gas emissions to a minimum of 80% below 1990 baseline levels by 2050. In 2019, this target was amended to be more ambitious and now the commitment is to reduce greenhouse gas emissions to a minimum of 100% below 1990 baseline levels by 2050. In addition to this, the Government is also required to regularly report on emission target progress, assess the risks and opportunities to the UK associated with climate change, and develop preparation and adaptive plans for these.

The UK Climate Change Risk Assessment is required to be produced every five years under the Climate Change Act 2008, in order to look at the risks and opportunities arising for the UK from climate change. The 2017 series of reports, alongside other documents from the European Commission and National House Building Council Foundation are used in this chapter to assess potential vulnerabilities and adaptive potential of the proposed development and site regarding climate change impacts.

Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations (2017)

On the 16th May 2017, the European Commission Environmental Impact Assessment Directive (2014/52/EU) was incorporated into Welsh law under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This legislation requires the consideration of climate change within an EIA. The key text in relation to climate change is provided below.

Schedule 3: Regulation 5(8)

1(f): "The characteristics of development must be considered with particular regard to the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge."



Schedule 4: Regulation 17(3) INFORMATION FOR INCLUSION IN ENVIRONMENTAL STATEMENTS

“A description of the likely significant effects of the development on the environment resulting from, inter alia:” ...

4: *“A description of the factors specified in regulation 4(2) likely to be significantly affected by the development...climate (for example greenhouse gas emissions, impacts relevant to adaptation)”*

5(f): *“the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the proposed development to climate change”*

Building Regulations

Parts of the subsequent discussion relate to energy use in buildings due to the direct relation with greenhouse gas emissions. Part L of The Building Regulations sets fabric energy efficiency standards, energy efficiency requirements and CO₂ emissions limits for dwellings and non-residential buildings. Approved document '2014 L1A and 2014 L2A provide details on the assessment criteria and methodologies used to test whether buildings are compliant in Wales. Aside from any local planning policy requirements it must be demonstrated that a building is compliant with the building regulations to be approved by building control. These regulations are the government's key mechanism for reducing CO₂ emissions in buildings.

Calculations are undertaken using a prescribed methodology - the Standard Assessment Procedure (SAP). A Target Emissions Rate (TER) is calculated, which represents the minimum standard for a building of that size. A Dwelling Emissions Rate (DER) is then calculated which is an estimation of likely emissions for the development in question. The DER must not exceed the TER for a building to be compliant.

All New Dwellings in Wales must have a SAP calculation before construction commences and comply with Part L of Building Regulations. The regulations are significant to this assessment because it legally binds new buildings to be constructed to a minimum standard, which can be utilised as a baseline.

Building Regulations Part L and F Review – Stage 2A

On 19th December 2019, the Welsh Government released its consultation for Part L (Conservation of Fuel and Power) and Part F (Ventilation) which proposed changes to Building



Regulations for new residential developments in Wales. The changes exist with the aim to future-proof new homes for the introduction of low carbon heating systems and will also aim to make homes more energy efficient by improving compliance and overall performance.

In 2020, the Consultation proposed a considerable uplift to energy efficiency standards, which would be used as an interim standard to the Future Part L 2025 standard. The Consultation proposed two options for uplifting energy efficiency standards in Part L:

- Option 1 - 37% improvement on the current Part L standard: This performance standard would be achieved through high fabric standards, a natural ventilation system, and additional measures to further reduce energy demand.
- Option 2 - 56% improvement on the current Part L standard: This performance standard would be achieved similarly to option 1 but will likely adopt mechanical ventilation with heat recovery (MVHR) or provide greater encouragement for low-carbon heating.

Following the completion of the consultation process, the Government's response concluded that the preferred option of 37% was the most appropriate step up in energy efficiency standards for 2021 in preparation for an envisaged 75-80% reduction in emissions via a Part L 2025 standard.

Given the Proposed Development's intended timings for the phased build out between 2024 to 2032, the aim is to meet or exceed the 75-80% emissions reduction target outlined in the consultation response, to ensure full compliance with local policies as well as the higher building standards due to be implemented.

National Policies

Planning Policy Wales, Edition 11 (2021)

Planning Policy Wales (PPW) sets the Welsh Government's broad framework and context for LDP policy. Section 5.8 Sustainable Buildings outlining relevant policies in respect of planning for sustainable buildings in development plans.

Paragraph 5.7.13: *“Welsh Government planning policy recognises an energy hierarchy. The Welsh Government expects all new development to mitigate the causes of climate change in accordance with the energy hierarchy for planning, as set out in the following energy policies.”*

Paragraph 5.8.3: *“Sustainable building design principles should be integral to the design of new development. Development proposals should:*

- *mitigate the causes of climate change, by minimising carbon and other greenhouse gas emissions associated with the development's location, design, construction, use and eventual demolition; and*
- *include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change.”*

Paragraph 5.8.7: *“Developers should take into account future requirements for carbon reduction in new buildings when designing their schemes, as a result of changes to Building Regulations in Wales; being mindful of any future changes will ensure design aspects of requirements are considered as early as possible.”*

Future Wales – The National Plan 2040

Future Wales – The National Plan 2040 sets out the national development plan context for energy. Within The National Plan, Policy 16 – Heat Networks states that *“As a minimum, proposals for large-scale, mixed-use developments of 100 or more dwellings or 10,000sqm or more of commercial floorspace should consider the potential for a heat network.”*

Other Relevant National Planning or Development Strategies

The Environment (Wales) Act 2016 established an 80% emissions reduction target for 2050, while regulations passed in December 2018 set interim targets for 2020, 2030 and 2040, as well as the first two carbon budgets (2016-20 and 2021-25). Welsh Ministers have since



declared a climate emergency in 2019, and have committed to strengthening Wales’s emission reduction targets in the coming years.

Cardiff Council has set a target to be net zero by 2030, and has set out plans for all local authority new builds to be net zero by 2024. All new local authority-procured developments are to be carbon-neutral by 2024.

In March 2019, the Welsh Government published “Prosperity for All: A Low Carbon Wales” where it sets out how Wales aims to meet its carbon targets. This includes proposals to address the adoption of electric vehicles and the required charging infrastructure. The policies aim to increase the uptake of electric vehicles (including battery electric vehicles, hybrids and plug-in hybrid) and promote active travel. The vision is that by 2025, all users of electric cars and vans in Wales are confident that they can access electric vehicle charging infrastructure when and where they need it.

Local Policies

The site falls under the administrative area of Cardiff Council. The main documents that apply are the Cardiff Local Development Plan 2006 – 2026 and Cardiff Replacement Local Development Plan 2021 to 2036.

Cardiff Local Development Plan 2006 – 2026

The Cardiff Local Development Plan 2006 – 2026 sets out the long-term plan for development across the city. It was adopted in January 2016. Policy within the CLDP relating to climate change and emission reductions include the following:



- KP5 – Good Quality Design
- KP15 – Climate Change
- EN12 – Renewable Energy and Low Carbon Technology
- EN14 – Flood Risk
- KP18 – Natural Resources
- KP16 – Green Infrastructure
- EN10 – Water Sensitive Design
- EN6 – Ecological Network and Biodiversity

Policy KP15 requires development to incorporate an energy efficient design and on site renewable energy generation. The planning application will demonstrate sufficient consideration has been given to issues such as high standards of insulation, cooling, low energy construction methods, orientation and construction materials, in line with Policies KP5, EN12, KP15 and KP18. The arena is also targeting a BREEAM ‘Excellent’ rating.

The application should reduce carbon emissions associated with heating and cooling through the implementation of renewable energies. An Energy Assessment will be needed with the application which would outline the financial viability and technical feasibility of installing renewables, as outlined under Policy EN12.

The Climate Change Chapter of the ES will also assess the innovative and creative energy, management of surface water, and waste management solutions proposed to make new developments more environmentally sustainable.

Cardiff Replacement Local Development Plan 2021 to 2036

Cardiff Council are in the early stages of preparing a new Local Development Plan (LDP) for Cardiff. The new plan will replace the CLDP and be called the Cardiff Replacement Local Development Plan (LDP). The Replacement LDP will help shape Cardiff for the next 15 years to 2036 ensuring the right development happens in the right place at the right time, benefitting communities and the economy and setting out which areas need to be protected.



The Plan will set out how Cardiff can become more resilient and adapt to combat the impacts of climate change including:

- The role of ecosystems in addressing carbon storage, natural flood management, air quality, heat islands and noise pollution
- Guidelines for the design of resilient new developments
- Managing flood risk
- Facilitate the provision of infrastructure for cleaner vehicles

South East Wales Regional Waste Group Regional Waste Plan 1st Review (2008)

The Regional Waste Plan 1st Review (2008) will assist the region in developing an integrated and adequate network of modern waste management facilities by providing strategic information on the types of waste facilities required and the types of locations likely to be acceptable. In terms of climate change, the objectives are to:

- Minimise greenhouse gas emissions
- Adapt to the effects of climate change
- Avoid increasing flood risk

One Planet Cardiff Strategy 2030 and Cardiff Council Climate Action Plan.

The One Planet Cardiff (2030) is a strategic response to the climate emergency. The One Planet Cardiff Strategy (2030) sets a target for the Council's operations to be Carbon neutral by 2030, and an action plan to work with city wide partners to become a Carbon neutral City by 2030. This strategy is currently under consultation, but as it forms part of an emerging policy, the Proposed Development will need to be mindful of the implications of the strategy.