



Letter to all :

Local Planning Authorities in Wales:  
- Chief Planning Officers

Our ref : A-PAA-52-01-003/6  
Date : 16 November 2010

Dear Colleague,

## **POLICY CLARIFICATION LETTER CL-04-10**

### **Planning for Sustainable Buildings – Update to the Code for Sustainable Homes (Planning Policy Wales, Section 4.11)**

1. In May 2009 the Welsh Assembly Government published a national planning policy expecting most new developments seeking planning permission to meet a minimum sustainable building standard. This is contained in Section 4.11 of Planning Policy Wales (2010) and is supplemented by Technical Advice Note 22 Planning for Sustainable Buildings (2010) which provides guidance for local planning authorities and developers in implementing the planning for sustainable buildings policy. These can be found on our website at [www.wales.gov.uk/planning](http://www.wales.gov.uk/planning).

#### ***Energy/CO2***

2. For residential development the policy uses the Code for Sustainable Homes ('the Code') to expect all new applications for residential development to meet Level 3 of the Code, with additional expectations that 6 credits will be achieved under Category Ene1 Energy/CO2.
3. An update to the technical guidance (Version 3) for the Code has been published by Communities and Local Government (CLG) and will apply to all new sites registered from 11<sup>th</sup> December 2010. These changes have been made to align the Code with the changes to Part L of the Building Regulations that apply to England and Wales from 1<sup>st</sup> October 2010. This can be found here <http://www.communities.gov.uk/publications/planningandbuilding/codeguide>
4. Under Version 2 of the Code, 6 credits under Ene1 provide a 31 per cent improvement over Part L 2006 Building Regulations. Under Version 3 of the Code, 1 credit under Ene1 provides an 8 per cent improvement over Part L 2010 Building Regulations, which is equivalent to a 31 per cent improvement over Part L 2006. Credits 1 to 5 have been reallocated to take into account the new baseline generated by Part L 2010.



5. Therefore if the policy were to remain at 6 credits under Ene1 for sites registered under Version 3, this would provide a 59 per cent improvement over Part L 2010.
6. To retain the policy at the current level, in terms of carbon reduction as set out in Section 4.11 of Planning Policy Wales, the Assembly government expects that

**Dwellings subject to the policy set out in Section 4.11 of Planning Policy Wales which are registered under the Code for Sustainable Homes (Version 3) will be expected to meet Code for Sustainable Homes Level 3 and obtain 1 credit under issue *Ene1 – Dwelling Emission Rate*.**

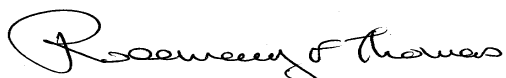
7. In taking decisions on applications which are subject to the planning for sustainable buildings policy, local planning authorities should ensure that they are clear on which version of the Code they are giving planning permission for and reflect this in the appropriate planning conditions (See Technical Advice Note 22: Planning for Sustainable Buildings). An explanatory note is contained at Appendix A.
8. The detailed wording set out in this Policy Clarification Letter (para 6) will be incorporated into the next update of Planning Policy Wales.

#### ***Surface Water Runoff and Flood Risk***

9. Following publication of Version 3 of the Code for Sustainable Homes, the Assembly Government will shortly publish supplementary technical guidance to ensure compliance of the Code with Assembly Government planning policy and guidance on development and flood risk contained in Planning Policy Wales (PPW) and Technical Advice Note 15: Development and Flood Risk (TAN15). This supplementary technical guidance concerns the credits allocated under the following categories:
  - Sur 1 Surface Water Run-off
  - Sur 2 Flood Risk
10. The supplementary technical guidance ensures that in seeking to meet the mandatory credits in Sur 1 and voluntary credits in both Sur 1 and Sur 2 that procedures and evidence needed to obtain credits reflect the policy set out in PPW and TAN15.
11. A copy of this letter can be found on [www.wales.gov.uk/planning](http://www.wales.gov.uk/planning)

Yours faithfully

**Rosemary Thomas**



Chief Planner/Deputy Director  
Department for Environment and Sustainability

## Appendix A

### Explanatory Note

#### Planning for sustainable buildings and Version 3 of the Code for Sustainable Homes

Under version 2 of the Code for Sustainable Homes there are 15 credits allocated under category Ene1 which considers the carbon footprint of the home. These 15 credits are allocated for improvements between 10% to 100% + 'Zero Carbon'.

To achieve Level 3 of the Code (Version 2) this requires 5 credits to be obtained, which is a 25% improvement in the carbon emissions above the regulatory minimum required by Part L 2006 (Building Regulations). The current national planning policy on sustainable buildings goes beyond this and expects applications to achieve 6 credits, which is a 31% improvement in the carbon emissions above Part L 2006.

Changes to Part L in England and Wales from 1<sup>st</sup> October 2010 have set the minimum regulatory standard for all new buildings at a 25 per cent improvement over Part L (2006). This equates to the mandatory standard for achieving Level 3 (Ene1) under Version 2 of the Code.

As the purpose of the Code is to set standards beyond the regulatory minimum, the Code technical guidance has been updated by CLG and amended to ensure that buildings are not rewarded for meeting the regulatory minimum standard.

This update to Ene1 means that those 5 credits that require a 25% improvement have been reallocated as they will be secured by Building Regulations (Part L) 2010. This leaves only 10 credits available for Ene1. The 25% improvement over Part L 2006 (Level 3 minimum) therefore becomes the baseline from which further improvements under the Code can be rewarded.

In Version 2, 15 credits are split at 15 improvement levels from 10% to 100% + 'ZeroCarbon'. In Version 3, the top 10 credits (above 25% improvement) have remained, but expressed as a percentage over Part L 2010, rather than Part L 2006.

While 6 credits under Version 2 expect a 31% improvement over Part L 2006, in Version 3, 1 credit will achieve the same result but is expressed in terms of an 8% improvement over Part L 2010. The percentages will differ because they have been converted to take into account the fact that the baseline from which improvement is measured has been raised to 25% and that the remaining 75% now becomes the 0% - 100% range in which the remaining 10 credits are allocated against.

The table below illustrates the changes in the credits for Ene1.

# Code for Sustainable Homes – Ene1

