

**Committee:** Planning Committee

**Date Of Meeting:** 9<sup>th</sup> March 2011

**Title of Report:** Lowering Transport Emissions – Policy Note

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<b>This report contains</b>	Yes	No
Confidential information		✓
Exempt information by virtue of paragraph(s) ..... of Part 1 of Schedule 12A to the Local Government Act 1972		✓
Is the decision on this report DELEGATED?		✓

**Introduction:**

Members may recall the report to this Committee on 10<sup>th</sup> November 2010. This explained the background to this policy note including a Regional Group Initiative for transport related Low Emission Strategies. It explained how the draft policy note was supporting the Council’s commitment to a Low Carbon Economy and its response to climate change.

**Purpose of Report:**

The Planning Committee on 10<sup>th</sup> November agreed in principle support to the Policy Note ‘Lowering Transport Emissions’ for Development Control purposes, subject to an external consultation with 117 targeted stakeholders from the Local Development Framework consultee list. This concluded on the 15<sup>th</sup> December and two comments were received. This report provides a formal response to those comments. No changes are recommended to the policy note (attached to this report) presented on the 10<sup>th</sup> November as a consequence of the consultation.

**Recommendation(s):**

That Planning Committee:

- (i) Note the contents of this report and adopt the Policy Note attached to this report ‘Lowering Transport Emissions’ for Development Control purposes

## Corporate Objective Monitoring

Corporate Objective		Impact		
		Positive	Neutral	Negative
1	Regenerating the Borough through Partnership		✓	
2	Raising the standard of Education & Lifelong Learning		✓	
3	Promoting Safer and More Secure Communities		✓	
4	Creating a Healthier, Cleaner & Greener Environment through policies for Sustainable Development	✓		
5	Strengthening Local Democracy through Community Participation		✓	
6	Promoting Social Inclusion, Equality of Access and Opportunity		✓	
7	Improving the Quality of Council Services		✓	

### Financial Implications

None

### Departments consulted in the preparation of this Report

Environmental Protection

### List of Background Papers relied upon in the preparation of this report

Draft Planning Policy Statement for a Low Carbon Future in a Changing Climate (March 2010)

Developing the Low Carbon Economy (Cabinet 5<sup>th</sup> August 2010)

Plugged in Places (Cabinet 30<sup>th</sup> September 2010)

## **Background**

### **1.0 Introduction**

Following additional funding support from Government, Sefton Council is currently taking the lead in a Liverpool City Region Group Initiative (RGI) to further this work.

The key objectives of the RGI are to:

- Raise the level of awareness and readiness amongst partners of the RGI regarding LES
- Maximise co-operation between local authorities in the geographical area of Merseyside.
- Accelerate the deployment and penetration of low emission transport fuels and technologies

The principle behind this Policy Note for Development Control purposes, is that it is intended to be supported by other Merseyside and some Cheshire authorities, as part of the RGI Initiative in the coming months. Subject to being approved by this Planning Committee this policy note will be brought to the District Planning Officers Working Group and the Merseyside Development Control Managers Group seeking in principle support.

### **2.0 Proposal**

The Policy Note will be used as a Development Control tool to encourage developers to support action through the planning system to help lower transport emissions. In particular it will be used to encourage developers to introduce Electric Vehicle Recharging Infrastructure.

It is intended to be used as a temporary measure, during which time, requirements relating to a Low Emission Statement or electric and plug-in vehicles, including cabling and charging infrastructure will be set out through the Council's Core Strategy and other potential Development Plan Documents (DPDs) as part of the Local Development Framework. This process is based on advice in the draft PPS Planning for a Low Carbon Future in a Changing Climate.

### **3.0 Consultation Responses**

Comment: Highways Agency

Welcome and support policies that reduce carbon emissions and aims to mitigate the transport impacts of development.

Council Response: No Further Comment

Comment: Turley Associates, on behalf of Sainsbury's Supermarkets Ltd

Sainsbury's object to the setting of an immediate requirement for car parking spaces, to provide electric charging points. There is currently no justification to support the implementation of electric charging points and it is difficult to estimate the demand for such a facility over the next 5 years time. In line with the supplement to PPS1 and PPS22, it is suggested that the Table 3 of the Planning Policy Note should be revised to state:

*"New development should include provision to ensure that by 2015 at least one or 10% (whichever is the greater) parking spaces marked out for use by electric vehicles only, together with adequate charging infrastructure and cabling for each marked bay*

Council Response:

The purpose of this Policy Note is to provide a Development Control officer with a tool to encourage developers through negotiation to support action through the planning system to help lower transport emissions. This Policy Note has been brought in until such time that the Core Strategy and Development Policies DPD are adopted hopefully in 2013.

Therefore given the flexibility in the Policy Note, it is not proposed to amend the desired standards for Table 3 relating to electric vehicle infrastructure.

#### **4.0 Conclusion**

This Policy Note is an important contribution towards the Council's commitment to Developing the Low Carbon Economy (Cabinet 5<sup>th</sup> August 2010) and its response to climate change.

#### **Recommendation(s):**

That Planning Committee:

- (i) Note the contents of this report and adopt the Policy Note attached to this report 'Lowering Transport Emissions' for Development Control purposes

#### **Lowering Transport Emissions\_Planning Policy Note**

**Purpose - How will this be used**

This Policy Note will be used as a Development Control tool to encourage developers and agents to support action through the planning system to help lower transport emissions. It is intended to be used as a temporary measure, until the Core Strategy is adopted in 2012. Local policy requirements relating to a Low Emission Statement or electric and plug-in vehicles, including cabling and charging infrastructure will be set out through the Core Strategy and other potential Development Plan Documents (DPDs).

## Introduction

A Low Emission Strategy is a package of measures to help mitigate the transport impacts of development. **The Climate Change Act 2008** places a statutory target of reducing carbon emissions by 80 per cent below 1990 levels by 2050, with an interim target of 34% by 2020. The Government view is that the decarbonisation of the transport sector has a big part to play in achieving this goal. The Government's role and approach is set down in its publication 'Low Carbon Transport: A greener future July 2009'. Its implementation is supported by the Low Emission Strategies, Good Practice Guidance (Jan 2010). This document was prepared by 'The Beacons Low Emission Strategies Working Group', a Government backed initiative. Developers are advised to refer to this guidance where it can be downloaded through <http://www.lowemissionstrategies.org>.

## Objectives

A Low Emissions Strategy can provide a package of measures to help mitigate the transport impacts of development. Objectives include;

Reduction in carbon emissions

Reduction in toxic emissions

An accelerated uptake of cleaner fuels and technologies in and around development

Guidance to help developers understand how to evaluate LES and incorporate into future scheme designs

## National Policy Context

Government policy is encouraging the planning system to effectively manage the environmental impacts of new development. This includes the emission of air pollutants and green house gasses through PPS23 Planning and Pollution Control (2004) and a new draft PPS Planning for a Low Carbon Future in a Changing Climate. Both are expected to be taken into adequate account by Local Planning Authorities in preparing Local Development Documents.

PPS23: outlines the statutory basis for applying a combination of planning conditions and legal obligations to address this impact of emissions. This advice is material to decisions on individual planning applications. The Government is committed to using the precautionary principle (1992 Rio declaration on Environment and Development) invoked when there is good reason to believe that harmful effects may occur.

A material planning consideration under PPS23 can include development, that may lead to impacts on health. It can also include the location of development, where it may give rise to pollution, either directly or indirectly. It also seeks to ensure that other uses and developments are not as far as possible, affected by major existing or potential sources of pollution. National environmental objectives, through for example Air Quality Management Areas (AQMAs) are material planning considerations.

The supplement in PPS1 (2007) recognises that planning has a key role in helping to tackle climate change against the UK's emissions targets. This includes having direct influence on energy use and emissions, and in bringing together and encouraging action by others and local communities by giving them real opportunities to influence, and take action on climate change.

The draft PPS Planning for a Low Carbon Future in a Changing Climate: is planned to replace the existing supplement in PPS1 (2007) and PPS 22 on Renewable Energy (2004). Lowering transport emissions where new development is proposed will be encouraged through the planning system.

Together with the supplement in PPS1 this draft is supporting carbon reduction and are material considerations in determining planning applications.

The draft PPS LCF11.1 is subject to the caveat that local requirement relating to decentralised energy, a building's sustainability or for electric vehicle charging infrastructure, will only be acceptable where the LPA can show that it:

“Would not make new development unviable having regard to the overall costs of bringing sites to the market, including the costs of any necessary supporting infrastructure”

The PPS LCF10.2 also states that local policies for cabling and electric vehicle infrastructure should be set out in a DPD. The standards we expect to include in the Core Strategy or future DPD will be based on Appendix 2 of this policy note

Other national planning advice: relevant to lower transport emissions can be found in PPS1: Delivering Sustainable Development, PPS6: Planning for Town Centres, PPG13:Transport.

### **Local Policy Context**

Sefton UDP policies CS3, EP2 Pollution and DQ2 Design are the most current local planning policies supportive of lower emissions.

The Council's Design SPG (Part 4), and particularly the checklist in appendix A, is aimed at helping to ensure that development is as sustainable as possible, including the reduction in the amount of CO2 and other harmful gases release into the atmosphere from transport.

Ongoing air quality duties in Sefton have reinforced our understanding, that transport emissions play a significant role in contributing to health based, Air Quality Targets being exceeded. Sefton Council are in the process of designating, Air Quality Management Areas (AQMAs), under Section 82 of the Environment Act 1995. This is due to the likelihood that health based limits for Nitrogen Dioxide (NO2) and Particulate Matter (PM10) will be exceeded in parts of the Borough. A map of AQMAs are included in Appendix 1. Sefton Council's requirements regarding Air Quality are set out in a separate Development Control Information Note

Low emission measures set out in this policy note, will be implemented through both planning conditions and S106 agreements. Where off-setting is considered or wider community benefits are sought, it may be appropriate for the developer to enter into a planning obligation through a Section 106 agreement. It is important that should a

Community Infrastructure Levy (CIL) approach (ideally sub regional) be adopted in the future, then CILs should support Low Emission Strategy Proposals.

## Policy Implementation

Low Emission Strategy Statement:

Where a Transport Assessment, A Transport Statement or a Travel Plan (Table 2) is required, a Low Emission Strategy statement should be integrated within this work, explaining actions for carbon reduction and reductions in toxic air pollutant emissions. In practice this requirement will mostly apply to large and major thresholds of developments (Table 1). Electrical vehicle recharging points are required for all types of new development that includes parking provision (Table 3).

An LES can provide a package of measures to help mitigate the transport impacts of development by encouraging the accelerated uptake of cleaner fuels and technologies, in and around a development. They compliment other design and mitigation options, such as travel planning.

In order to support the development of the LES statement, information on the types of mitigation measures and low emission technologies will be available to guide applicants in the future (<http://www.lowemissionstrategies.org>). In the future a national toolkit will be available to download from this web address. This will help assess the amount of transport emissions resulting from the proposed development. Developers will be able to assess the costs, effects and benefits from adopting low emission fuels, technologies and infrastructure.

Table 1 sets out the agreed size thresholds for built development will apply as part of a pan Merseyside approach to travel The 'Ensuring Choice of Travel SPD', was adopted by Sefton Council in 2009.

Type of Development (If unsure, contact the Planning Department)	Minor	Medium	Large	Major
A1 Food Retail	<200m <sup>2</sup>	200 - 500m <sup>2</sup>	500- 800m <sup>2</sup>	>800m <sup>2</sup>
A1 Non-food Retail	<200m <sup>2</sup>	200 - 800m <sup>2</sup>	800 - 1500m <sup>2</sup>	>1,500m <sup>2</sup>
A3 Restaurants & Cafes	Less than 250m <sup>2</sup>		250 m <sup>2</sup> to ....	>2,500m <sup>2</sup>
A4 Drinking Establishments				>600m <sup>2</sup>
A5 Hot Food Takeaway				>500m <sup>2</sup>
A2 Financial and Professional Services B1 Business Higher - or further education - Institutions	Less than 200m <sup>2</sup>	201m <sup>2</sup> – 1000m <sup>2</sup>	1001 - 2500m <sup>2</sup>	>2501m <sup>2</sup>

B2 Industrial Uses	Less than 500m <sup>2</sup>	500 - 1000m <sup>2</sup>	1000 - 2500m <sup>2</sup>	More than 2500m <sup>2</sup>
B8 Storage and Distribution	Less than 500m <sup>2</sup>	500 - 2000m <sup>2</sup>	2000 - 5000m <sup>2</sup>	More than 5000m <sup>2</sup>
C1 Hotels	Fewer than		30 to 70 bedrooms	More than 70 bedrooms
C2 Residential Institutions			All other residential institutions	Hospitals
C3 Dwelling Houses	Fewer than 10 dwellings	10 to 30 dwellings	30 to 50 dwellings	More than 50 dwellings

Table 2 below summarises (based on the Ensuring Choice of Travel SPD) the criteria for when an LES statement should be requested.

	Information	When a requirement
	A Transport Assessment	Major Developments (generate a significant number of trips) It could affect the Strategic Road Network Or it may create significant issues relating to road safety, access, road capacity or pollution. E.g within or adjacent to an AQMA, where development results in increased traffic flows to AQMAs either existing or proposed.
	A Transport Statement*1	Large Development in addition to an accessibility checklist, or where additional information is sought (air quality assessment?).
	A travel Plan	If the Planning Application is for a large or major development, any smaller development that employs 200 or more staff or that estimates >100,000 visitors per year. or in an Air Quality Management Area (AQMA), but threshold for

\*1 It's worth noting that where low emissions are to be covered through a transport statement, it is likely that a developer will require a specialist consultant to prepare an air quality emissions reduction plan, in addition to an engineering consultant.

#### Electric Vehicle Recharging and Alternative Fuel Provision:

The requirement for Electric vehicle recharging points, (Table 3) is founded on the agreed Merseyside 'parking standards' for development, in the Ensuring Choice of Travel SPD.

For new and refurbished filling stations, one alternative refuelling option is required for every four pumps.



The policy for EVRs will apply to all thresholds of development as set out in Table 1

Table 3: Minimum Provision of Parking Bays and charging points for Electric Vehicles in new developments	
Houses: All houses with at least one off-street parking space or garage space	One charging point per house (in most cases a domestic 13a socket fixed to an internal or external wall, will cost less than £100)
Flats:	At least one or 10%, (whichever is the greater) parking spaces must be marked out for use by electric vehicles only, together with an adequate charging infrastructure and cabling for each marked bay.
All Other Development:	At least one or 10% (whichever is the greater) parking spaces must be marked out for use by electric vehicles only, together with adequate charging infrastructure and cabling for each marked bay
Above requirements includes conversions	

Our aim is for as many EVR points to be installed within the development site as possible. We believe that for new houses and some other types of development (dependent on the type of activity) involving staff or visitor parking, this is relatively straightforward and affordable. Typically it is envisaged that this shall involve the provision of a standard domestic 13a socket, Charging time 6 –8 hours. These can be fixed on internal or external walls. In other circumstances there may be the requirement for more expensive free standing EVR infrastructure to be installed.

Where the required number of EVRs cannot be provided within the development site we want them to be provided within the local committee area of that development. Developers should provide a commuted sum so that we or our partners can install them in public areas such as on-street, and in local, district and town centres. It is proposed that these will need to have fast charging capabilities. For more details about this see Appendix 2.

Once the national toolkit is ready, this can be used to calculate the costs and contribution that these interventions will make towards fewer carbon and toxic pollutant emissions and can be incorporated into the Low Emission Strategy statement.

### **Exceptional Circumstances**

There may be some cases where interventions to generate lower emissions through this policy note would make a development proposal unviable which would otherwise meet our key aim of regenerating Sefton. This is especially relevant to the need to clean contaminated sites in our regeneration priority areas which are concentrated in south Sefton, and in cases where we also require affordable housing.

In such cases, we may waive part of the requirements for lowering emissions as set out in this policy note.

## Appendix 1

AQMAs maps to be attached in published version

## Appendix 2

A formula for accepting developer contributions is illustrated below. The breakdown of costs has been put together following discussions with suppliers of EVR charging points, our own experience and with other Local authorities who were in the first phase of the Government's Plugged in Places initiative to introduce EVRs. We recognise that these costs are a guideline as it comprises an average. However it is the figure we would normally charge unless there are exceptional circumstances as set out in this note.

A free standing EVR fast charging point can serve two parking bays, (13 and 32a combined 2-3 hours for a full charge). The estimated cost is **£10,000 per point** for 2010/2011 prices. This covers the cost of the unit's installation, including cabling and a 10-year networking fee and a 10 year maintenance contract, plus a contribution towards the costs of administering the commuted sum. This amount may change in line with inflation and as a result of the technology developing and maturing.

A commuted sum of half this amount is required per bay. This **equates to £5,000**

Supply of EVR Point (13 and 32a combined fast charge)	£3,000
Street Installation Costs	£4,000
10 year networking fee	£300
10 year maintenance fee	£1,500
Supervision of installation on Council land	£800
Administration Cost	£400
	<b>Total £10,000</b>

Of the total of the commuted sum per EVR (100%):

- 30 % is for the supply of infrastructure itself:
- 40 % is for installation costs (includes cabling)
- 15% is for a 10 year (maintenance contract and networking charge)
- 10 % is for supervision of street installation costs
- 5 % is for the costs of administering the commuted sum.

Sefton's Legal Department also charge an additional fee for preparing legal agreements ('section 106' planning obligations), on an agreed scale of charges. For more complex agreements – mostly those which include affordable housing – additional sums may be requested to cover the costs of obtaining advice from external expert consultants, legal and administration costs.

### Appendix 3

Further references and reading:

Sefton Council's Air Quality and Development Control Information Note -  
<http://www.sefton.gov.uk/default.aspx?page=5863>

Ensuring Choice of Travel SPD  
<http://www.sefton.gov.uk/default.aspx?page=7044>

Information on mitigation measures and low emission technologies is available to guide applicants (<http://www.lowemissionstrategies.org>).