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Llywodraeth Cymru
Welsh Government

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To All Local Authority Cabinet Members with
Responsibility for Planning

CC Chief Executives
Chief Planning Officers

05 June 2014

Dear Colleagues

At the RTPI Cymru Annual Conference on 4 June, I announced my intention to withdraw the national planning policy requirement for sustainable building standards and cancel TAN 22: Planning for Sustainable Buildings, when the changes to Part L (relating to energy efficiency) of the Building Regulations come into force at the end of July.

Presently the policy (contained in section 4.12 of Planning Policy Wales (PPW)) comprises three elements:

Part A: Designing for Climate Change - Policy to reinforce the need to give further emphasis on the design of new developments to tackle the causes of climate change and adapt to the current and future effects of climate change (Paragraphs 4.12.2 and 4.12.3 refer).

Part B: National Development Management Policy - Policy which expects new homes and major new non-residential developments to achieve a minimum sustainable building standard under the Code for Sustainable Homes and BREEAM (Paragraph 4.12.4 refers).

Part C: Strategic Sites - Policy that expects local planning authorities (LPAs) to assess strategic sites to identify opportunities for higher sustainable buildings standards and include relevant policies in their Local Development Plan (LDP) (Paragraphs 4.12.5 – 4.12.7 refer).

Part B of this policy will be withdrawn on 31 July 2014 when a new edition of PPW will be issued. Parts A and C will remain in place.

I believe TAN22 has served its purpose now that the Welsh Government has control over Building Regulations which provide a more appropriate vehicle for setting building standards. Removing TAN22 will reduce duplication, time and costs in the development process and this is very much in the spirit of my Positive Planning agenda.

Independent research has suggested that several key elements which are not covered by existing guidance or mechanisms would be lost if TAN22 were removed. In order to retain these valuable planning guidance principles, TAN12: Design, was identified as being the most appropriate policy guidance document to accommodate information on these key issues. TAN12 will be amended to include information on the energy hierarchy; allowable solutions; and sustainable building policies on strategic sites in LDPs. The revised TAN12 will also be issued on 31 July 2014.

In making these policy changes there are a number of procedural issues which local planning authorities will need to consider. I set out below advice for dealing with these situations.

Development Management

All planning applications need to be determined in accordance with the adopted development plan unless material considerations indicate otherwise. National planning policy in the form of PPW and TANs are such considerations in this process.

An adopted LDP may contain specific policies on a strategic site requiring higher sustainable buildings standards, these policies should continue to be given the due weight afforded to them by law.

Any applications determined after the 31 July 2014, including Section 73 applications which might seek to remove extant conditions on planning permissions requiring the relevant Code for Sustainable Homes / BREEAM levels to be achieved, should be assessed in accordance with the policy changes and any existing adopted LDP policy which may require a higher standard.

Local Development Plans

In formulating their Local Development Plans, LPAs should continue to assess their strategic sites to identify opportunities to require higher than regulatory standards to be achieved. Evidence that this assessment has been undertaken and that higher standards would not impact on the overall viability of a scheme will need to be prepared. The Welsh Government will use its scrutiny role in the LDP process to ensure that these issues are considered in emerging LDPs and when they are reviewed.

I do not expect local planning authorities to develop policies for the use of local sustainable building standards in LDPs which would apply to all developments outside of strategic sites. If this were to occur it would lead to inconsistencies across Wales which would not provide any certainty and again, goes against the thrust of Positive Planning.

I am committed to ensuring that all new development in Wales is sustainable. My aim is that the majority of the environmental criteria required by the present national sustainable building standards will be reflected in Building Regulations and planning policy in the longer term.

The next review of Part L, planned for 2016, will consider further steps in energy performance towards meeting the EU Directive target of nearly zero energy new buildings by 2019 for the public sector and 2021 for all new buildings. In the meantime I expect all new development to achieve the new 2014 Building Regulations and for developers to be taking these levels into account in the design of their development proposals (subject to the transitional arrangements set out in Building (Amendment) (Wales) Regulations 2014/110.

In order to facilitate this, as part of the package of policy changes and advice, officials are currently working with the Design Commission for Wales (DcfW) to produce practice guidance on sustainable buildings which will further advise developers on integrating sustainable building design principles into their proposals and to LPAs on assessing LDP strategic sites. This guidance will be published on 31 July 2014 alongside the changes to PPW and TAN12.

This will complement the Welsh Government's range of Practice Guidance on energy efficiency and generation in new development which are available on our website.

Yours faithfully

A handwritten signature in black ink, reading 'Carl Sargeant' in a cursive style.

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