

Inspectors' Matters, Issues and Questions – 3 August 2022

Matter 2: Climate Change

Issue (i): Do the climate change policies of the Plan ensure that the development and use of land contributes to the mitigation of, and adaptation to, climate change, and are they consistent with national policies, in general conformity with the London Plan, justified and effective?

Q1. What are the implications of any further work on the London Plan and any related supplementary guidance in terms of recent updates to the Building Regulations, and are any MM necessary to the Plan to ensure that it is justified and consistent in these terms?

Council response:

- 2.1 The carbon reduction targets set out in Policies CC2.2(c) and CC2.3(c), represent a minimum improvement beyond Part L of Building Regulations 2013, and will therefore need to be updated once the changes to Part L 2021 and the GLA's updated Energy Assessment Guidance 2022 are fully adopted.
- 2.2 Part L 2021 of Building Regulations took effect on 15 June 2022, however the publication of the accompanying Part L 2021 software has been delayed and, at the time of writing (early September 2022), is not yet available¹. The Mayor's Energy Assessment Guidance has been updated in light of changes to Part L and is publicly available, but this new guidance will not come into full effect until the new Part L 2021 software has been approved by government and is fully functional.
- 2.3 With a consortium of London boroughs, we are looking to commission a review of [Document 2D12](#) Towards Net Zero Carbon – achieving greater carbon reductions on site, the role of carbon pricing 2019, to understand the implications of the changes to Part L 2021 to our proposed carbon reduction targets included in Policy CC2.2(c) which go beyond the London Plan. The purpose of this evidence review will be to ensure that Merton's Local Plan contains equivalent targets to those published at Regulation 19 which are translated to the updated Building

¹ <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/pre-planning-application-meeting-service-0>

Regulations. However, this work cannot be carried out until Government has published the approved Part L 2021 software as this will be used to undertake this review.

- 2.4 Please note, we are not intending to change the targets from that already stated in the Local Plan ([Document 0D1](#)); we are just looking to determine the equivalent targets against the updated Part L 2021 as our targets are currently calculated against Building Regulations 2013. Should government publish the approved Building Regulations 2021 Part L software during the examination process to allow the equivalent target to be derived, we will propose a Main Modification to provide the updated equivalent target. Should government publish the approved 2021 Building Regulations software after the examination has concluded, we will publish an explanatory note or similar to provide Local Plan users with the equivalent target.
- 2.5 Policy CC2.3(c) requires all development resulting in the creation of a new dwelling or 500sqm or more non-residential GIA to meet the GLA's energy efficiency targets. In their updated energy assessment guidance (2022), the GLA is proposing to maintain their 10 per cent and 15 per cent targets beyond Part L 2021 for residential and non-residential development respectively. Once the new Part L software has been approved and the GLA have fully adopted their new Energy Assessment Guidance, a main modification will be required to Policy CC2.3(c) to refer to a 10 and 15 per cent improvement against Part L 2021 instead of Part L 2013 in line with the GLA's updated guidance. We are not proposing to make this modification until the Part L modelling has been approved by government and the GLA have adopted their updated guidance.

Statement of Common Ground between
London Borough of Merton and
Clarion Housing Group

On draft policy CC2.2 Minimising Greenhouse Gas Emissions

This Statement of Common Ground follows attendance from both parties at Merton's Local Plan Stage 1 Examination Hearings on Matter 3 'Climate Change' on 14th June 2022 where Clarion requested clarification regarding offsite carbon offset projects as set out in policy CC2.2e(ii) and its supporting text. The Inspectors requested a Statement of Common Ground once this wording had been reviewed and agreed between both parties.

The page and paragraph numbers within this document are based on [Submitted Document 0D1 Merton's Local Plan Stage 3 Regulation 19 July 2021](#).

Clarion Housing Group and Merton Council are committed to maximising carbon savings on site towards the Mayor's net zero carbon target, and ensuring low carbon development in line with our national and local carbon reduction commitments of operating at net zero carbon by 2050.

Both parties agree to recommend the following proposed main modifications (MM2.2c) to the Planning Inspectors.

Proposed Modifications:

MAIN MODIFICATION MM2.2c

p. 43 (0D1)

Amend Policy CC2.2 e(ii)

off-site provided that an alternative proposal which offers Additionality* is identified, delivery is certain and subject to agreement with the council.

***NEW FOOTNOTE:** See Glossary for definition of Additionality

Reason: To improve clarity and general conformity with the London Plan in response to Inspectors' action arising from Stage 1 Hearings.

MAIN MODIFICATION MM2.2c

p. 44 (0D1)

Amend Policy CC2.2 supporting text 2.2.5

This means that any carbon shortfall⁸ will need to be offset via offsite projects which offer Additionality ~~renewable energy generation offsite~~ or via cash-in-lieu contributions.

Reason: To improve clarity and general conformity with the London Plan in response to Inspectors' action arising from Stage 1 Hearings.

MAIN MODIFICATION MM2.2c

p. 47 (0D1)

Amend Policy CC2.2 supporting text 2.2.13

For new build development, offsetting any carbon shortfall via cash-in-lieu contributions or via offsite ~~renewable energy generation projects~~ will only be considered where the council is satisfied that on-site savings have been maximised. Proposals for off-site projects should have carbon equivalence to the carbon shortfall on-site. Off-site projects should offer Additionality, and monitoring and verification measures would be expected.

Reason: To improve clarity and general conformity with the London Plan in response to Inspectors' action arising from Stage 1 Hearings.

MAIN MODIFICATION MM2.2C

p.636 (0D1)

New glossary term for Additionality (after Accessibility)

Additionality

Additionality is the principle that offsite carbon offset projects should involve projects that: would not have occurred without the offset funding; would not have occurred under a business-as-usual scenario; could not reasonably be expected to be undertaken as part of a developer's planning application; and are not required to meet national legislation. To demonstrate this, the Applicant will be expected to provide evidence, such as:

- A business case showing that the work could not have happened as part of their existing decarbonisation plans/ regular maintenance without utilising the offset payment instead of paying it to the council; and
- Evidence showing that the asset is not eligible for any other form of funding from national government, Mayoral programmes, etc. If the asset is eligible then the offset payment could only be used in addition to existing funding streams if it was demonstrated that it will deliver additional improvements.

Reason: To improve clarity and general conformity with the London Plan in response to Inspectors' action arising from Stage 1 Hearings.

Signatories

Both parties agree that this statement is an accurate representation of matters discussed and issues agreed upon.

Signed for London Borough of Merton by:

Name - Tara Butler

Job Title – Deputy Manager, Future Merton


Signature - 

Date – 21 September 2022

Signed for Clarion Housing Group by:

Name – Daniela Adamo

Job Title – Senior Development Manager

Signature – 

Date – 13 September 2022