

PLANNING POLICY AND LOCAL PLAN COMMITTEE

15 JULY 2020

REPORT OF THE CORPORATE DIRECTOR: PLACE AND ECONOMY

A.4 – AMENDMENTS TO POLICY PPL10: RENEWABLE ENERGY GENERATION AND ENERGY EFFICIENCY MEASURES

(Report prepared by Gary Guiver and William Fuller)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the Planning Policy and Local Plan Committee's endorsement for suggested amendments to Policy PPL10 on 'Renewable Energy Generation' in Section 2 of the Council's emerging Local Plan. This follows a meeting involving some Members of the Council's Climate Change Working Group and the Planning Policy and Local Plan Committee held on 25th June 2020, where a form of wording was agreed for this Committee's consideration.

EXECUTIVE SUMMARY

At its last meeting on 8th July 2020, the Planning Policy and Local Plan Committee was asked to consider a number of suggested amendments to certain planning policies in Section 2 of the Council's emerging Local Plan relating to housing design standards, efficiency and accessibility. Most of the suggested amendments were agreed by the Committee and will be put forward to the Planning Inspector, as appropriate, for their consideration as part of the Local Plan examination process. It was however decided that consideration any amendments to Policy PPL10 on 'Renewable Energy Generation' would be deferred to allow discussion with the Council's Climate Change Working Group to ensure they properly embrace the ambitions of the Council in tackling the climate emergency.

On 25th June 2020, some Members from the Climate Change Working Group and the Planning Policy and Local Plan Committee met, virtually via Skype, to discuss potential further amendments to Policy PPL10 and the wording that was agreed is set out as follows:

Policy PPL10

RENEWABLE ENERGY GENERATION AND ENERGY EFFICIENCY MEASURES

Proposals for renewable energy schemes will be considered having regard to their scale, impact (including cumulative impact) and the amount of energy which is to be generated.

All proposals for new development of any type should consider the potential for a range of renewable energy solutions, appropriate to the building(s), site and its location, and should include

renewable energy installations, and be designed to facilitate the retro-fitting of renewable energy installations.

For residential development proposals involving the creation of one or more dwellings, the Council will expect detailed planning applications to be accompanied by a 'Renewable Energy Generation Plan' (REGP) setting out the measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy. The REGP must demonstrate how the following measures have been considered and incorporated:

- Triple Glazing;
- Solar Roof Panels or Solar Tiles;
- Air Source Heating Systems;
- Ground Source Heating Systems;
- Super Insulation (walls and loft void);
- Rainwater Capture Systems;
- Electric Vehicle Rapid Charging Points (provided to an individual dwelling or through an appropriate communal facility);
- Superfast Broadband and a flexible space within each home to enable home working and a reduction in the need to travel;
- Mechanical Heat Recovery Ventilation;
- Solar Thermal Systems;
- Solar and Battery Storage Systems; and (where appropriate)
- Other newer or alternative technologies and measures aimed at maximising energy efficiency and the use of renewable energy.

Planning permission will only be granted where the applicant can demonstrate that the above measures have been fully considered and, where viable and appropriate, incorporated into the design, layout and construction. The Council will consider the use of planning conditions to ensure the measures are delivered.

To maximise the effectiveness of Solar Panels, buildings should be planned and orientated to have a strong southerly aspect and for the south side of pitched roofs to be rectilinear and uncluttered. Dormer Windows, hipped roofs and corner tower elements should be confined to the northern side of pitched roofs.

Nothing in this policy diminishes or replaces the requirements of Energy Performance Certificates (EPC) and Standard Assessment Procedures (SAP) for constructed buildings and compliance with the relevant building regulations.

The advantage of the proposed policy wording is that rather than setting out a prescriptive list of requirements, it places the onus on the applicant for planning permission to submit material to demonstrate how they have considered the available range of technologies and measures that can be put in place to maximise energy efficiency and the use of renewable energy and how they have incorporated them into their design, layout and construction. Where certain measures are considered to be inappropriate, impractical or unviable, the applicant's response to this policy gives them the opportunity to explain their reasons. Planning Officers and Members of the Planning Committee can

then determine whether or not proposals have met the requirements of the policy and achieve an appropriate response to climate change.

Your Officers support the proposed wording and see it as a reasonable, justified and workable response to the climate change emergency.

The Local Plan has already been submitted to the Secretary of State for it to be examined by a government-appointed Planning Inspector. The Inspector has the power to recommend 'modifications' to the Local Plan, following the examination, aimed at addressing any issues with the soundness of the plan. Whilst it will be at the Inspector's discretion which modifications are formally recommended, the Council will have the opportunity to suggest changes to the Inspector, for their consideration, as part of the examination process. It is recommended that the amended wording for Policy PPL10 set out above be put forward to the Inspector for their consideration, at the appropriate time.

RECOMMENDATION

That the Planning Policy and Local Plan Committee:

- a) considers and approves the revised wording for Policy PPL10 in the Tendring District Local Plan 2013-2033 and Beyond: Publication Draft (the emerging Local Plan) as set out in the executive summary above;**
- b) authorises the Assistant Director for Strategic Planning and Place, in consultation with the Chairman of the Planning Policy and Local Plan Committee, to put forward the suggested wording, in the form of amendments to the current draft policy, to the Planning Inspector for their consideration as part of the examination of the Section 2 Plan; and**
- c) authorises the Assistant Director for Strategic Planning and Place, in consultation with the Chairman of the Planning Policy Local Plan Committee, the Chairman of the Council's Climate Change Working Group and the Assistant Director for Housing and Environment, to draft associated amendments to the 'supporting text' or 'preamble' to Policy PPL10 which will also be put forward for the Inspector's consideration as part of the examination process.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

One of the key themes in the Council's emerging Corporate Plan 2020-2024 is "Building Sustainable Communities for the Future" for which one priority is having effective planning policies. Other priorities include achieving carbon neutrality by 2030, improving health and wellbeing and supporting business activity. The Council has also declared a 'Climate Emergency' giving greater urgency to

measures aimed at reducing carbon emissions and tackling climate change. The amendments to the Council's emerging planning policies set out in this report are aimed at improving their effectiveness in helping to improve residents' quality of life whilst also tackling climate change.

RESOURCES AND RISK

The preparation of the Local Plan is being managed by the Council's Planning Policy Team utilising funds from the agreed Local Development Framework (LDF) budget. This budget will also cover the cost of the independent examination of the Local Plan where Officers and, where necessary, expert consultants will defend the plan's policies and proposals in front of a government-appointed Planning Inspector. The amendments to policies recommended in this report, if agreed, will be forwarded to the Inspector for their consideration, along with other amendments, as part of the examination process.

Officers consider that there is sufficient evidence to justify the approach being suggested in this report from a need, viability and affordability perspective but that there may or may not be a cost involved in elaborating on or strengthening this evidence if the amendments attract objections from third parties; or if the Inspector requests further detailed evidence.

The potential risks of introducing the suggested policy amendments could include rejection by the Planning Inspector if he or she concludes that the changes are not necessary, viable or affordable; objections from third parties (most likely landowners or developments) to the changes – most likely on viability grounds; and a negative local reaction to the physical appearance of solar panels on new properties if they fail to respect or enhance the character of an area or appear unattractive.

LEGAL

The planning legislation and the National Planning Policy Framework (NPPF) (both the 2012 version applicable to this Local Plan and the new 2018 version that was updated in 2019) place Local Plans at the heart of the planning system, so it is essential that they are in place and kept up to date. The NPPF expects Local Plans to set out a vision and a framework for the future development of the area, addressing the needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended) state that applications for planning permission must be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The statutory 'development plan' for Tendring, as it stands is the 2007 Adopted Local Plan. However, the policies and proposals in the Adopted Local Plan are increasingly out of date. The NPPF states that where the development plan is out of date permission should be granted for sustainable development unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits or other policies indicate otherwise. It is therefore essential to progress the emerging Local Plan through the stages of the plan making process and ensure it meets

the requirements of national planning policy so it can become the new statutory development plan and be relied upon by the Council acting as the Local Planning Authority.

The Town and Country Planning (Local Planning)(England) Regulations 2012 make provision for the operation of the local development planning system including, for the purposes of this report, regulations relating to the preparation, publication and representations relating to a local plan and the independent examination.

The NPPF requires a local planning authority to submit a plan for examination which it considers to be “sound” meaning that it is: positively prepared, justified and effective. The job of the Planning Inspector is to test that the Local Plan meets legal and procedural requirements and the above tests of soundness. Any modifications proposed by the Inspector at the end of the examination process will ensure the plan meets all of these requirements but these have to be published for consultation in their own right before the Council can proceed to the final adoption of the Local Plan.

The amendments being suggested through this report are not an indication that the emerging Local Plan as currently written is ‘unsound’, but are aimed at improving the plan in response to comments received during the last public consultation, concerns raised locally about the quality of new residential development and, in particular, the Council’s declaration of a climate emergency.

OTHER IMPLICATIONS

Area or Ward affected: All wards.

Consultation/Public Engagement: The emerging Local Plan has already been the subject of three rounds of consultation – issues and options in 2015, preferred options in 2016 and the publication draft stage in 2017. If the Planning Inspector recommends modifications to the Local Plan following the examination of Section 2, those modifications (which may or may not incorporate the amendments recommended in this report) will be published for consultation in their own right before the plan can be formally adopted.

APPENDICES

None.