

Motion to Council pursuant to Council Procedure Rule 12 submitted by Councillor Matthew Bensilum in relation to Planning Consents and Renewable Energy Stipulations

*“(a) That Tendring District Council believes that:-*

- (1) in principle, any development in the District of Tendring should only be granted planning consent if suitable renewable energy is installed at the time of development. This to include options such as solar, heating and other measures, and such that developers will no longer be able to place restrictive covenants to prevent purchasers from installing these measures when they are required, with a possible exemption for very small developments; and*
- (2) furthermore, that any developers who currently hold restrictive covenants preventing homeowners from the installation of renewable energy such as solar, should be encouraged by the Council in the strongest possible terms, to remove these restrictions, where appropriate, and allow property owners to install solar panels and other green measures without hinderance.*

*(b) That Tendring District Council therefore notes:-*

- (1) that there are numerous developments spread across the District, where developers, by way of restrictive covenants, are preventing residents who have purchased a property from installing solar energy or similar ‘green’ energy measures;*
- (2) that the Council already has a policy in Section 2 of its adopted Local Plan i.e. Policy PPL10: RENEWABLE ENERGY GENERATION AND ENERGY EFFICIENCY MEASURES which, amongst other things, states:*

*“All development proposals should demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings, be designed to facilitate the retrofitting 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.*

*Planning permission will only be granted where the application can demonstrate that all reasonable renewable energy and energy efficiency 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."*

*(3) furthermore, that the supporting text within the Local Plan (paragraph 7.9.3) states, in respect of the Renewable Energy Generation Plan (REGP), that it - "must demonstrate how different measures have been considered and incorporated which could and should include:*

- Triple Glazing;*
- Solar Roof Panels or Solar Tiles;*
- Air Source Heating Systems;*
- Ground Source Heating Systems;*
- Super Insulation (walls and loft void);*
- Rainwater Capture System;*
- Electric Vehicle Rapid Charging Points (provided to an individual dwelling or through an appropriate 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 Battery Storage Systems; and where appropriate*
- Any other newer or alternative technologies and measures aimed at maximising energy efficiency and the use of renewable energy."*

*(4) that Paragraph 7.9.4 of that supporting text then states - "The Council is particularly supportive of the use of Solar Panels and will expect them to be incorporated into new development wherever possible and practicable";*

*(5) that through the review of the Local Plan, to be overseen by the Planning Policy and Local Plan Committee, the Council will be*

*revisiting Policy PPL10 – with the view to incorporating a new version that aligns with the substantial work carried out by Essex County Council and which is designed to strengthen councils’ ability to achieve high levels of energy efficiency and renewable energy provision – with the aim of achieving net zero carbon and which will be taken into account alongside the substantial changes coming through the amended Building Regulations in April 2025 which will mandate new development having to meet much higher levels of insulation, energy efficiency and net zero capability;*

- (6) that if a development has already been granted planning permission with certain measures required (for example by planning condition) but those measures are not delivered, the Council can consider enforcement action to ensure compliance – and that a developer could not legitimately (or sensibly) prevent those measures from happening through the use of a covenant; and*
  - (7) that, however, if a development is not required under its planning permission to do certain things (for instance the installation of solar panels), the Council cannot stop a developer applying a covenant to a property to restrict the retrofitting of such things as it would be a private matter between the developer and the buyer of a property.*
- (c) That Tendring District Council, having duly noted the above, requests the Leader of the Council and the Portfolio Holder for Housing and Planning to encourage developers, on behalf of this Council, to cease using such restrictive covenants in the future and to further encourage that any developers who already hold restrictive covenants preventing homeowners from the installation of renewable energy measures, such as solar, to remove those restrictions, where appropriate, and to allow property owners to install solar panels and other ‘green’ energy measures without hinderance.”*