

# Executive

## Countywide Interim Planning Advice Note – Renewable Energy and Sustainable Construction

7 December 2009

### Report of the Head of Planning and Affordable Housing Policy

#### PURPOSE OF REPORT

To seek approval of an 'Advice Note' document which has been prepared by Oxfordshire County Council in liaison with district councils across Oxfordshire to provide advice on renewable energy and sustainable construction issues in the interim period before Core Strategies are adopted. The Advice Note does not establish new planning policy, but seeks to emphasise the relevant policies in the adopted South East Plan. It also provides further information which will be of use in making applications for planning permission, and in the decision making process.

This report is public

#### Recommendations

---

The Executive is recommended to:

Approve the Advice Note attached as appendix 1 to this report for use as a guide to assist applicants in making planning applications and development control in making decisions regarding the need to improve renewable energy provision and sustainable construction standards.

#### Executive Summary

---

##### Introduction

- 1.1 This report relates to a new Advice Note that contains interim planning advice on renewable energy requirements and sustainable construction standards for new developments.
- 1.2 It has been prepared by the County Council working with the District Councils across Oxfordshire who are at a similar stage in preparing their Local Development Frameworks, and who would benefit from 'interim' advice and the economies of production that a shared document would provide.
- 1.3 It does not in itself establish new policy. New planning policy on these issues will be prepared, justified, consulted upon and formally adopted in the Local Development Framework and specifically the Core Strategy.
- 1.4 The Advice Note is intended to be used in the interim period before the Core Strategy is adopted. It will not form a statutory part of the development plan but would be a material consideration in decision making on the basis of its

links with the South East Plan.

- 1.5 The Advice Note repeats and emphasises the adopted policies of the South East Plan which require that local authorities put interim policies in place regarding renewable energy generation associated with large developments, whilst their Core Strategies are being prepared.
- 1.6 The Advice Note suggests that all new developments of over 10 dwellings or 1000 square metres of commercial floorspace should provide 10% of their energy from decentralised and renewable or low carbon sources of energy. The South East Plan specifies this as a minimum threshold and target to be applied before LDFs and Core Strategies 'test' more locally specific targets.
- 1.7 The document also encourages applicants to show how they have considered issues of sustainable construction, like energy efficiency, and to show how they have taken climate change risks (such as flooding) into account. It also contains a useful list of relevant guidance and good practice examples.

### **Proposals**

- 1.8 To approve the Advice Note for use by Cherwell District Council within decision making and to provide assistance to applicants in making planning applications.

### **Conclusion**

- 1.9 The Advice Note has been prepared to give assistance in the interim period (before Core Strategy policies are adopted) to applicants who may not be aware of the adopted South East Plan policies. The document provides a detailed list of external sources of information and makes clear that in determining applications the Council will give consideration to issues such as how a development has addressed energy or water efficiency.

## Background Information

---

- 2.1 Councils across Oxfordshire are currently preparing their Local Development Frameworks, which must contain planning policies that mitigate (lessen) the severity of climate change (for example by reducing carbon emissions) and that consider adaptation to predicted climate change impacts (for example by taking increased flood risk into account). Detailed policy analysis regarding the responsibilities now placed on local authorities, and the commitments the Council has made to tackle climate change, is referenced in the background papers.
- 2.2 National and regional policy on these issues has advanced rapidly, as have technological developments. The Cherwell Local Plan was adopted in 1996 and does not contain policies on renewable energy or sustainable construction. The Non Statutory Cherwell Local Plan 2011 contains a policy (D9) encouraging the consideration of energy efficient design measures, and a policy guiding the location of renewable energy schemes (EN21), although these are not statutory development plan policies. A Supplementary Planning Guidance document 'Building in Harmony with the Environment' was produced in 2000, which contains detailed guidance on sustainable construction (such as measures to increase the energy efficiency of developments) but it refers to references, organisations and contacts that are now out of date.
- 2.3 There is a clear difference between existing local policy, and the direction of current national and regional policy. The South East Plan recognises this and provides an 'interim' policy (within NRM11) to be applied before Local Development Frameworks are adopted.
- 2.4 Councils across Oxfordshire recognised that there would be benefits in producing a shared document to emphasise the 'interim' policy included in the South East Plan. The County Council has undertaken work with the Districts to produce a document that can be approved by the Oxfordshire local planning authorities.
- 2.5 In accordance with policy NRM11 of the South East Plan, the Advice Note highlights that, in advance of updated local policies being established through the Local Development Framework, all new developments of more than 10 dwellings or 1000 square metres of commercial floorspace should provide 10% of their energy from decentralised and renewable or low carbon sources. The Advice Note also explains how and when this target will not be strictly applied – if it can be shown to be unfeasible (i.e. not possible on a site), unviable (i.e. it would result in the development becoming financially unviable) or where it would conflict with other adopted policies. The South East Plan does not contain an equivalent 'interim' policy for sustainable construction standards. The Advice Note therefore only makes reference to an encouragement for developers to consider how the design and construction of their development makes use of sustainable methods (designing to increase the use of natural lighting, heat and ventilation, for example).
- 2.6 The Advice Note will not have statutory planning status but it will be a material consideration in decision making because of its links to the South East Plan.
- 2.7 The Advice Note was prepared in draft form by Oxfordshire County Council in

conjunction with the Oxfordshire district councils, including Cherwell. It was then circulated to a wide range of appropriate stakeholders for consultation during October and November 2009. A limited number of comments were made during this period and are summarised in the “consultations” section below. The comments have been considered in drawing up the revised version of the Advice Note that is before you today.

### **Key Issues for Consideration/Reasons for Decision and Options**

---

- 3.1 The key issues for consideration are whether or not to endorse the Advice Note for use by Cherwell District Council, based on the background information set out above.

The following options have been identified. The approach in the recommendations is believed to be the best way forward.

<b>Option One</b>	To endorse use of the Advice Note by Cherwell District Council
<b>Option Two</b>	To endorse use of the Advice Note by Cherwell District Council however to make changes to the advice as the Executive considers appropriate.
<b>Option Three</b>	Not to endorse use of the Advice Note by Cherwell District Council

### **Consultations**

---

**LDF Advisory Panel** The LDF Advisory Panel has been informed of the ongoing work on the Advice Note and has seen earlier iterations of the document.

**Government Office for the South East** The document should provide unique advice of direct relevance to an area, providing practical examples of how the South East Plan policies could be achieved. What, for example, are the most suitable opportunities for renewable energy in Oxfordshire and where are they? More ‘how to’ diagrams and less text would be helpful.  
*NOTE: These issues will be considered by each district in their Local Development Framework documents. It is not considered that this shared, interim document (which will not form part of the statutory development plan) is the most appropriate document to provide a high level of local detail.*

**Home Builders Federation** Their comments focused on the point that no additional evidence has been gathered to support the policies in this document and as such there is no justification for the advice.  
*NOTE: This document does not in itself propose new policies. It refers to South East Plan policies that have*

*already been adopted. Local evidence gathering will of course inform more detailed and locally specific policies that are developed through the LDF process.*

**Environment Agency** The document is clear and well written but should also address wider sustainability issues including flood risk, ecological protection and enhancement and green infrastructure. Additions are also recommended for the reference list with some further resources.

*NOTE: Wider sustainability issues will be addressed in detail in each authority's LDF policies. The suggested additions to the resource list have been made.*

## **Implications**

---

**Financial:** There are no significant direct financial implications arising from this report.

Comments checked by Eric Meadows, Service Accountant, 01295 221552

**Legal:** There are no significant direct legal implications arising from this report. The Advice Note does not set out new policy and is intended to provide advice on how to interpret existing, adopted regional policies in the interim period before the Core Strategy is adopted.

Comments checked by Sue Christie, Solicitor, 01295 221690

**Risk Management:** There are no significant direct risk management implications arising from this report.

Comments checked by Rosemary Watts, Risk Management & Insurance Officer, 01295 221566

**Equalities:** There are no significant direct equalities implications arising from this report. Equality Impact Assessments will be carried out prior to formally adopting Local Development Framework policies.

Comments checked by Claire Taylor, Community and Corporate Planning Manager, 01295 221563

## **Wards Affected**

---

All

## **Corporate Plan Themes**

---

**Theme 6: Protect and Enhance the Local Environment**

## **Executive Portfolio**

---

**Councillor Michael Gibbard**

## Portfolio Holder for Planning and Housing

### Document Information

---

Appendix No	Title
Appendix 1	Sustainable Design and Construction – Draft Oxfordshire Interim Planning Advice Note
<b>Background Papers</b>	
Planning Policy Statement: Planning and Climate Change (Supplement to Planning Policy Statement 1) South East Plan 2009 Renewable Energy and Sustainable Construction Study 2009 Cherwell Environmental Strategy for a Changing Climate, 2008	
<b>Report Author</b>	Amy Smart, Assistant Planning Officer Philip Clarke, Head of Planning and Affordable Housing Policy
<b>Contact Information</b>	Amy Smart - 01295 221850 <a href="mailto:Amy.Smart@Cherwell-dc.gov.uk">Amy.Smart@Cherwell-dc.gov.uk</a> Philip Clarke - 01295 221840 <a href="mailto:Philip.Clarke@cherwell-dc.gov.uk">Philip.Clarke@cherwell-dc.gov.uk</a>