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Cabinet Member for Housing and Communities

18 November 2021

**Name of Cabinet Member:**

Cabinet Member for Housing and Communities – Councillor D Welsh

**Director Approving Submission of the report:**

Director of Streetscene and Regulatory Services

**Ward(s) affected:**

All

**Title:**

Consultation on the Draft Energy Supplementary Planning Document

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**Is this a key decision?**

No.

Although the matters within the report affect all wards in the city, it is not anticipated that the impact will be significant

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**Executive Summary:**

This report seeks authority to consult for a six-week period on the draft Energy Supplementary Planning Document (SPD)

SPDs add further detail to the policies in the development plan but cannot introduce new policy. SPDs provide additional guidance for development and are capable of being a material consideration when making decisions on planning applications.

Providing further guidance on building standards as they relate to carbon reduction and climate change over the Plan period to 2031 is a key commitment set out in Policy EM2 (Building Standards) of the adopted Coventry Local Plan. The aim of this SPD is to provide technical guidance on energy standards and requirements to improve the environmental sustainability of new development in the city.

The additional guidance provided within the SPD aims to provide clear information for applicants about policy requirements and expectations, clearly set out what detail the council expects developers to provide to assist the decision – making process and to encourage developers to promote excellence and best practice in sustainable development.

Responses will be analysed and taken account of when considering amendments which may be required. The proposed final version will be reported to Cabinet for adoption, at which point it will replace the previous version.

Once adopted, this SPD will replace the Delivering a More Sustainable City SPD which was adopted in January 2009.

**Recommendations:**

1. The Cabinet Member for Housing and Communities is requested to authorise an extended (to account for the Christmas holidays) seven week public consultation on the draft Energy Supplementary Planning Document.

**List of Appendices included:**

Appendix 1: Draft Energy Supplementary Planning Document.

Appendix 2: Strategic Environmental Assessment Screening Report

Appendix 3: Equalities Impact Assessment

**Background papers:**

None.

**Other useful documents:**

Local Plan: adopted December 2017

National Planning Policy Framework July 2021

**Has it been or will it be considered by Scrutiny?**

No.

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No.

**Will this report go to Council?**

No.

## **Report title: Draft Energy Supplementary Planning Document**

### **1. Context (or background)**

- 1.1 The National Planning Policy Framework (NPPF) defines Supplementary Planning Documents (SPDs) as *'documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues.... Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the development plan'*.
- 1.2 Providing further guidance on building standards as they relate to carbon reduction and climate change over the Plan period to 2031 is a key commitment set out in Policy EM2 (Building Standards) of the adopted Coventry Local Plan. The aim of this SPD is to provide technical guidance on energy standards and requirements to improve the environmental sustainability of new development in the city.
- 1.3 The additional guidance provided within the SPD aims to provide clear information for applicants about policy requirements and expectations, clearly set out what detail the council expects developers to provide to assist the decision – making process and to encourage developers to promote excellence and best practice in sustainable development.
- 1.4 Regulations 11 to 16 of The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing SPDs. This includes a minimum statutory public consultation period of four weeks: the Council's recently adopted statement of Community Involvement however sets out a local standard that SPDs should be consulted on for six weeks, therefore this will be adhered to.
- 1.5 It is also a legal requirement, as set out in the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), to consider whether or not Strategic Environmental Assessment (SEA) of the SPD should be undertaken. The process for determining whether or not an SEA is required is called screening. This is to determine whether a plan will have significant environmental effects. The screening opinion undertaken is attached at Appendix 2. This concludes that no SEA is needed as the SPD elaborates on existing policy. This screening report must be consulted on so that three statutory bodies (Historic England, Natural England and the Environment Agency) can respond. It makes sense to make the screening report publicly available for comment at the same time as the SPD is being consulted on.
- 1.6 Finally, an Equalities Impact Assessment (EIA) has been undertaken, this is attached at Appendix 3 and this will also form part of the public consultation: see also paragraph 6.4 of this report.
- 1.7 Responses will be analysed and the SPD amended accordingly, before reporting to Cabinet for final adoption. In line with the legislation, the Cabinet report will include a statement setting out the details of the consultation, a summary of the main issues raised and how they have been addressed.

### **2. Options considered and recommended proposal**

- 2.1 The Cabinet Member may wish for the Council to rely upon the current Local Plan policies along with the National Planning Policy Framework and the 2009

Supplementary Planning Document. However, this would not honour the commitment of the adopted Local Plan to replace the outdated guidance and would mean the council is primarily reliant upon Local Plan and national policy without any further clarification which also reflects the local context. Therefore, this option is not recommended

- 2.2 The recommendation is to undertake a consultation on a new Energy SPD, as per Appendix 1, along with the Strategic Environmental Assessment Screening report at Appendix 2 and the Equalities Impact Assessment at Appendix 3. This approach is recommended in order to respond to the commitment in the adopted Local Plan to replace the outdated 2009 Supplementary Planning Document on Delivering a More Sustainable City with an up to date Supplementary Planning Document on Energy. This will accurately reflect the adopted Local Plan and subsequent changes to national policy and ensure delivery in accordance with local need.

### **3 Results of consultation undertaken**

- 3.1 No consultation has yet been undertaken as part of this report. However, the aim of the report is to ensure consultation takes place on the draft document.

### **4 Timetable for implementing this decision**

- 4.1 Consultation will take place for seven weeks during November, December 2021 and January 2022. This is longer than the standard consultation period to allow for the Christmas holiday period. Amendments will be considered during November and December, to allow for analysis of responses received. It is intended that a report will then be taken to Cabinet in 2022 seeking adoption of the SPD in accordance with the timescales set out in the adopted Local Development Scheme (the timetable for producing the Local Plan and SPDs which was adopted in July 2021).

### **5 Comments from the Director of Finance and the Director of Law and Governance**

#### **5.1 Financial implications**

There are no financial implications associated with this report.

#### **5.2 Legal implications**

- 5.1 There are no direct implications as a result of this report. Regulations 11 to 16 of The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing SPDs. The Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) also require the Council to consider whether or not Strategic Environmental Assessment (SEA) of the SPD should be undertaken.

### **6 Other implications**

#### **6.1 How will this contribute to achievement of the Council's Plan?**

Planning policy documents and planning applications help deliver the aims and objectives of the One Coventry Corporate Plan by determining the type and quantum of development needed, where this should be located, areas which should be protected, enhanced or improved and the infrastructure which should be provided. In line with the Corporate Plan, this document focuses upon supporting local communities creating an attractive, clearer and greener city.

## 6.2 How is risk being managed?

There are no risks associated with this report.

## 6.3 What is the impact on the organisation?

No direct impact.

## 6.4 Equalities Impact Assessment EIA

A full Equality and Impact Assessment (EIA) was undertaken as part of developing the Local Plan. As part of that analysis, the Council had due regard to its public sector equality duty under section 149 of the Equality Act (2010). The Supplementary Planning Document elaborates on Local Plan policy and so a further EIA has been undertaken (Appendix 3)

## 6.5 Implications for (or impact on) climate change and the environment

This is an elaboration of Local Plan policy relating to the delivery of sustainable development and, whilst it does not introduce new policy it will assist in ensuring that developers have due regard to climate change and energy matters through their planning applications.

## 6.6 Implications for partner organisations?

The Supplementary Planning Document will provide further detail to the adopted Local Plan policy which will assist those organisations involved in the delivery of sustainable development

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