
Cabinet

15th March 2022

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:

Energy Supplementary Planning Document - Adoption

Is this a key decision?

Yes – The proposals in the report will significantly affect residents and businesses in all wards of the city

Executive Summary:

This report seeks to adopt the Energy Supplementary Planning Document (SPD) following public consultation which was undertaken between 30th November 2021 and 18th January 2022.

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 to the consultation have been analysed and taken account of when amending the SPD. The proposed final version is attached at Appendix 1 to the report, and a summary of representations along with responses and proposed amendments can be seen at Appendix 2 to the report.

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

Recommendations:

Cabinet is recommended to:

- 1) Adopt the Energy Supplementary Planning Document (SPD).
- 2) Delegate to the Strategic Lead (Planning), following consultation with the Cabinet Member for Housing and Communities, any necessary further non-substantive (minor) changes to the document.

List of Appendices included:

Appendix 1 - Energy Supplementary Planning Document.
Appendix 2 - Consultation: summary of representations and responses
Appendix 3 - Strategic Environmental Assessment Screening Report
Appendix 4 - 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, however the draft SPD was considered by the Communities and Neighbourhoods Scrutiny Board (4) on 15th December 2021 as part of the consultation process.

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: 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. Because of the Christmas period consultation was undertaken over seven weeks between 30th November 2021 and 18th December 2022. Further detail is set out in section 3 of this report.
- 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 3 to the report. 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. The screening report was made publicly available for comment at the same time as the SPD was being consulted on.
- 1.6 Finally, an Equalities Impact Assessment (EIA) been undertaken, this is attached at Appendix 4 and was publicly consulted on.
- 1.7 Responses have been analysed and the SPD amended accordingly. In line with the legislation, this 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. This is contained at section 3 and Appendix 2 to the report

2. Options considered and recommended proposal

- 2.1 Cabinet 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 adopt a new Energy SPD, as per Appendix 1 to the report, 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 Public consultation was undertaken between 30th November 2021 and 18th January 2022. The minimum statutory period for SPD consultations is four weeks, the council's Statement of Community Involvement recommends six weeks however in this instance a seven-week consultation period was undertaken to allow for the Christmas holidays.
- 3.2 The council made all consultation documentation available on its website and in hard copy at the Council House and all libraries. A notification email was sent to all consultees on the planning policy consultation database, statutory consultees and Duty to Co-operate bodies (as set out in the regulations) which provided background to the SPD consultation and explained where people could view the documents and the various ways in which they could provide comments. The council also used its social media platforms and local press to publicise the consultation.
- 3.3 Regulation 12 of the Local Planning Town and Country Planning (Local Planning) (England) Regulations 2012 states that, before a local planning authority can adopt an SPD it must first prepare a statement setting out the persons consulted during the preparation of the document, with a summary of the main issues raised and how they have been addressed in the SPD. This report addresses these requirements, and details of the comments submitted, the officer response and changes made to the SPD as a result can be viewed at Appendix 2 to the report.
- 3.4 The Communities and Neighbourhoods Scrutiny Board (4) considered the draft SPD and supporting documents on 15 December 2021 as part of the consultation process. There was a discussion around encouraging good design and incorporating energy efficiency measures. The Scrutiny Board agreed with the content of the draft SPD's in principle.
- 3.5 Alongside the SPD, the SEA screening opinion and Equality Impact Assessment were made available for public comment as set out in section 1 of this report. In terms of the SEA screening, the statutory consultation bodies Natural England and Historic England concurred with the council's view that Strategic Environmental Assessment is not required. The Environment Agency did not respond. The screening assessment at Appendix 3 to the report has been updated to reflect this conclusion. The Equality Impact Assessment at Appendix 4 to the report has been updated as a result of internal guidance although no external responses were received on the matter.

4 Timetable for implementing this decision

- 4.1 The SPD can be adopted immediately.

5 Comments from the Chief Operating Officer (Section 151 Officer) and the Director of Law and Governance

5.1 Financial implications

There are no financial implications associated with this report.

5.2 Legal implications

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 4 to the report)

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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