

Tendring *District Council*



Independent Examination of Section 2 of the Tendring District Local Plan '2013-2033 and Beyond'

HEARING STATEMENT FROM THE LOCAL PLANNING AUTHORITY

Matter 8: Protected Places

January 2021

Policies PPL1 to PPL5

Development and Flood Risk (PPL1) and Coastal Protection Belt (PPL2) The Rural Landscape (PPL3), Biodiversity and Geodiversity (PPL4) Water Conservation, Drainage and Sewerage (PPL5)

8.1 [For each policy] Is the policy justified and consistent with national policy?

Are the requirements of the policy clear, and would they be effective?

What is the rationale behind alterations to the CPA (Coastal Protection Area) on the proposals map?

In relation to PPL5 are the water conservation measures outlined in PPL5 clearly articulated and supported by clear evidence?

Are the Council's proposed modifications to policies and supporting text necessary for soundness?

Policy PPL1: Development and Flood Risk

8.1.1 Policy PPL1 is justified, consistent with national policy and its wording and requirements, with the Council's suggested amendments, is considered to be clear and effective.

8.1.2 The 2012 National Planning Policy Framework states at paragraph 100:

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- *applying the Sequential Test;*
- *if necessary, applying the Exception Test;*
- *safeguarding land from development that is required for current and future flood management;*
- *using opportunities offered by new development to reduce the causes and impacts of flooding; and*
- *where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.*

- 8.1.3 These requirements are broadly echoed in the 2019 NPPF in paragraphs 155– 157.
- 8.1.4 Policy PP1, along with others within the emerging Local Plan are consistent with the guidance set out within national planning policy. The policy concisely sets out those circumstances where development may or may not take place within areas of high flood risk. It also details when the Sequential and Exception tests should be employed.
- 8.1.5 The recommended changes suggested by the Environment Agency in their representations ([LPPuD109](#)) are supported and included amongst the suggested amendments in document [SM1](#). The Council takes its legal duty to cooperate with the Environment Agency very seriously – particularly given the number of low-lying coastal communities in the district where flood risk is a genuine concern both now, and going forward as the effects of climate change impact upon the frequency and severity of flooding. The suggested amendments are therefore considered to be necessary for the soundness of the policy.
- 8.1.6 These suggested amendments include providing a refuge on site, increasing flood storage capacity and standards for finished floor levels in new development in flood zones. Comments made by Essex County Council ([LPPuD25](#)) to refer to blue infrastructure are also supported. See the Council’s Schedules of Representations and Responses ([RR8](#)) for more details.
- 8.1.7 Cooperation between the Council and the Environment Agency is ongoing and recent discussions indicate that there are some remaining issues for discussion which we aim to set out within in a Statement of Common Ground. These are likely to include suggestions for updating the Council’s Strategic Flood Risk Assessment (SFRA) to reflect updates to hydraulic modelling. The Council is however confident that any updates are unlikely to affect the soundness of the growth strategy in the Local Plan with the remaining allocated sites that are yet to be consented, such as Hartley Gardens and Oakwood Park, located on higher ground and a considerable distance from Flood Zones 2 or 3.
- 8.1.8 The Council is happy to consider any further suggestions for how the plan could be strengthened in regard to flood risk as part of the examination process.

Policy PPL2: Coastal Protection Belt

- 8.1.9 Policy PPL2 is justified, consistent with national policy and its wording and requirements, with the Council’s suggested amendments, is considered to be clear and effective.
- 8.1.10 Paragraph 114 of the 2012 NPPF required amongst other things that:

“Local planning authorities should maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.”

- 8.1.11 The principle of seeking to maintain the character of the undeveloped coast through the Coastal Protection policy is therefore entirely consistent with national policy. The Coastal Protection Belt is a locally derived designation originally established in 1984 by Essex County Council, to protect the open character of Essex coast against development that would harm the undeveloped landscape. The policy was supported through the Essex County Structure Plans in the 1980s, 1990s and 2000s and the East of England Plan from 2008. Whilst all of these plans have either been superseded or abolished, there remains support locally for this designation which, as stated above, is consistent with the NPPF.
- 8.1.12 In the Council’s 2007 Adopted Local Plan ([CD3.1](#)), policy EN3 continued to support the designation of a Coastal Protection Belt in Tendring to protect the unique and irreplaceable character of the coastline from inappropriate forms of development that did not have a functional need to be located in that area (i.e. development that requires a coastal location). Where development had a proven need, the policy required consideration to be given to the potential impact upon the environment.
- 8.1.13 In the Council’s now-abandoned 2012 attempt at preparing a new Draft Local Plan, a Coastal Protection Belt policy was carried forward with two clear functions: to protect the open character of the undeveloped coastline as a landscape designation but also prevent development in vulnerable coastal areas, through the refusal of development that did not have a compelling functional or critical operation requirement to be located there.
- 8.1.14 Critically, the Council took the opportunity to review and rationalise the geographical coverage of the Coastal Protection Belt to ensure its purpose fell in line with the above mentioned requirements of the National Planning Policy Framework to manage development in the district’s coastal areas – rather than seeking to protect more extensive tracts of land with a looser relationship with the coast for the sake of carrying forward the 1984 designation unchanged.
- 8.1.15 The Coastal Protection Belt was reviewed to reflect the many functions that the designation then performed and to take into account the pressure to find locations in the district for new housing growth. Consequently, the boundary was tightened in some locations where other policies in the Local Plan would apply to manage new development. The rationalisation included trying to link the designation boundary to key physical features such as roads on the plateaux of a coastal slope – ensuring the most sensitive and proximal areas of land around the coast were included. The most significant amendments to the Coastal Protection Belt included:

- the exclusion of land immediately south of the railway line between Great Holland and Frinton;
- the exclusion of land south of the B1352 between Bradfield and Mistley;
- the exclusion of land south of the A120 at Harwich;
- the removal of land between Clacton and Jaywick; and
- the exclusion of land north of Brightlingsea and south of Alresford.

8.1.16 The area designated within the 2012 Draft Local Plan, which was the subject of consultation before the plan was abandoned, is the same at that now proposed for the Coastal Protection Belt within the Emerging Local Plan 2013-2033. The emerging policy clearly endorses the protection of the undeveloped coast and sets out those circumstances where new development will be allowed within this area.

8.1.17 Whilst no specific wording changes are recommended to the actual Policy wording, a number of minor changes are suggested to the supporting text. The Environment Agency suggest a change ([LPPuD110](#)) that would refer to NPPG guidance on what kind of development would be acceptable in a coastal change management area. The suggestion by Brightlingsea Town Council ([LPPuD184](#)) to reinstate land to the west of Lodge Lane within the Coastal Protection Belt is accepted as it was considered that the retraction of the designation around the town (which essentially sits on an island with sensitive coastal slopes all around) had gone too far.

Policy PPL3: The Rural Landscape (PPL3),

8.1.18 Policy PPL3 is justified, consistent with national policy and its wording and requirements, with the Council's suggested amendments, is considered to be clear and effective.

8.1.19 The 2012 NPPF requires at paragraph 109 that:

“The planning system should contribute to and enhance the natural and local environment by:

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

8.1.20 Policies PPL3 and PPL4 broadly align with the above national planning guidance. This Policy gives clear guidance about what kind of development may be acceptable within the open countryside and other specific areas of rural character. The requirements of the policy are considered to be clear and effective.

8.1.21 In terms of representations, comments on this Policy made on behalf of Essex County Council ([LPPuD39 and 26](#)) were considered to be acceptable to make the Plan sound. These comments revolved around the protection of non-designated assets and other parks and gardens; not in themselves registered. As these points comply with the NPPF they are considered acceptable. Comments from Historic England ([LPPuD134](#)) which highlight the District's historic rural landscape are also accepted.

8.1.22 The policy wording and supporting text is also suggested for amendment as a result of the formal designation of the extension to the Suffolk Coast and Heaths AONB and the designation of Beth Chatto as a Registered Park or Garden.

Biodiversity and Geodiversity (PPL4)

8.1.23 Policy PPL4 is justified, consistent with national policy and its wording and requirements, with the Council's suggested amendments, is considered to be clear and effective.

8.1.24 The 2012 National planning policy framework requires at paragraph 113 that:

“Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.”

8.1.25 This Policy and PPL3 (above) support national guidance in the NPPF. This Policy gives clear local guidance on areas of special Biological or Geological importance and describes what steps would need to be taken for developments to be assessed in these areas.

8.1.26 Comments raised by Natural England ([LPPuD532](#)) revolve around the amount of information in HRAs and the ability of the determining Authority to assess these. The Policy was therefore amended to include this detail. A wording change by Essex County Council ([LPPuD40](#)) to be specific about HRA was also considered to be acceptable. A typographical error was spotted by the RSPB ([LPPuD79](#)) which concerned sporting recreational need. This has been addressed through suggested amendments.

8.1.27 Further additions are suggested to ensure the policy and supporting text aligns with the new approach to the Essex Coast Recreational disturbance Avoidance Mitigation Strategy ([EB7.3.2](#)) (RAMS) which is now the subject of its own policy in the Section 1 Plan.

Water Conservation, Drainage and Sewerage (PPL5)

8.1.28 Policy PPL5 is justified, consistent with national policy and its wording and requirements, with the Council's suggested amendments, is considered to be clear and effective.

8.1.29 Paragraph 94 of the 2012 NPPF requires that:

“Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.”

8.1.30 The proposed Policy carries through national planning advice. The approach applicants must take to water consumption, drainage and sewerage is detailed within the Policy.

8.1.31 The Policy attracted very few representations. The Environment Agency in their comment ([LPPuD112](#)) suggest ways to address where SUDS cannot be used. These points have been taken forward into the Policy. Natural England also made comments ([LPPuD533](#)) that states that findings from the District's HRA should be included in policy. This too was accepted as a suggested amendment.

8.1.32 With regard to the Inspector's specific question, it is considered that the water conservation measures within the emerging Policy are reasonable and give flexibility to applicants. In fact, on the 8th June 2020, the Council's Planning Policy and Local Plan Committee considered the suggested amendments to Policy PPL5 but also requested that the final sentence of the first paragraph in the policy referring to the specific water consumption rate of 'not more than 110 litres, per person, per day' was potentially too prescriptive and alternative wording is therefore suggested.

8.1.33 The Council has asked Anglian Water for their comments on this matter. They state:

“Anglian Water considers that the requirement to demonstrate that sewerage and sewage treatment infrastructure is present or can be provided in time to serve development is justified, effective and consistent with national planning policy. We are also fully supportive of the requirement to incorporate Sustainable Drainage Systems in new developments wherever possible as this will reduce the risk of surface water and sewer flooding and has wider community and environmental benefits.”

The requirements in the second paragraph of Policy PPL5 relating to foul drainage are necessary to ensure that the potential risk of downstream flooding and pollution to the water environment is considered as part of the determination of planning applications.

It is also legitimate to expect proposals to demonstrate that there is, or will be capacity in the sewerage network, since the Council may need to impose planning conditions to ensure that dwellings or other types of development are not occupied until the capacity is available. For larger developments we request planning conditions be applied where there is a need to specify the phase(s) of development that can come forward before mitigation within the foul sewerage network is required.

All new dwellings have to meet the mandatory national standard set out in the Building Regulations (of 125 litres/person/day). Where there is a clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres/person/day.”

8.1.34 Anglian Water is of the view that there is sufficient evidence to justify the inclusion of the optional higher water efficiency standard in the Tendring Section 2 Local Plan. Whilst the higher water efficiency standard of 110 litres/per person/per day was considered by the Council’s Planning Policy and Local Plan Committee to be too prescriptive, Anglian Water does not consider the suggested amendment to remove this reference to be effective as it does not provide certainty about the water efficiency standard which is to be applied for new dwellings. Anglian Water therefore wishes for the reference to remain in the Local Plan.

8.1.35 The Council has agreed a Statement of Common Ground with Anglian Water for the purposes of the examination and would have no strong objection to the 110 litres/per person/per day requirement remaining in the policy if the Inspector is satisfied that it is required for the clarity and effectiveness of the policy. The Council is also open to other suggestions for how the policy could be strengthened and improved.

Strategic Green Gaps (PPL6)

8.2 Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective?

Are the reasons for designation clear and is the policy supported by up to date evidence?

Are the Council's proposed modifications to policies necessary for soundness? How is the reference to “valued landscapes” to be interpreted?

Justification and consistency with national policy

- 8.2.1 A full explanation of the justification for Strategic Green Gaps (SGG), their consistency with in national and local plan, the reasons for designated certain areas and justification for suggested modifications to Policy PPL6 are contained within the Council's Topic Paper 5 ([TP5](#)).
- 8.2.2 SGG are well established in many Local Plans and have been part of the Tendring Local Plan since 1998. NPPF Paragraph 17 outlines the approach to place making and settlement identity making clear that planning policies and decisions should contribute to and enhance the natural and local environment "...recognising the intrinsic character and beauty of the countryside".
- 8.2.3 This is reinforced in Planning Practice Guidance which states that this approach applies to the wider countryside, as well as to designated landscapes. This relationship between the NPPF and the use of SGG (or another term for the same designation) has been clearly supported in planning appeals (see Strategic Green Gap Topic Paper ([TP5](#)) para 2.1 – 2.17).
- 8.2.4 The identity, character, and setting of settlements are formed, in part, by their physical separation from one another. Whilst the use of Landscape Character Assessments assist in safeguarding the intrinsic character and beauty of the countryside, in areas where development pressures could lead to coalescence or erosion of settlement separation, the definition of those gaps provides additional emphasis when considering allocations and development management issues.
- 8.2.5 In Tendring, SGG form an important part of the Council's strategy for guarding against the coalescence of settlements. Since they were originally defined in the Council's 1998 Local Plan, the SGG have been successful at fulfilling the function for which there were intended given the considerable pressure for new development experienced in the District, notably for housing.
- 8.2.6 A review by LUC ([EB7.2.5](#)) of Local Plan policies and the related Inspectors' reports on 'green gaps' showed that green gap policies were generally found sound at Examination, if they were focussed on protecting specific areas between settlements which play a role in maintaining settlement separation rather than seeking to protect all rural areas outside settlements and based on robust evidence to justify the extend of the gap identified.
- 8.2.7 Tendring Policy PPL6 is focused on areas of green space that will ensure an appropriate degree of physical and visual separation between communities to safeguard their separate identifies and is backed by an evidence base which has been independently assessed by LUC.

Reasons for designation

- 8.2.8 The areas designated under the policy are important to ensure that a clear physical and visual separation between settlements/neighbourhoods is maintained. The policy is supported by an independent assessment (LUC, 2020 Strategic Green Gaps [EB7.2.5](#)) which provides robust evidence to support the policy.
- 8.2.9 The emerging Local Plan has maintained and carried forward much of the green gap designations from the 2007 Local Plan, however the designations have been updated in light of:
- consented planning applications;
 - the selection of sites for allocation;
 - a review of their functionality in terms of preventing coalescence.
- 8.2.10 A full description of the changes between the 2007 plan and the emerging plan is contained in the Strategic Green Gap Topic Paper ([TP5](#)). The six SGG carried forward into the emerging plan were subsequently reviewed in the LUC study. The draft boundaries of the SGG were considered to be robust and no recommendations made to alter their extent. The exceptions to this include Clacton/Jaywick SGG and Clacton/Holland-on-Sea SGG where small alterations are recommended in order to draw the boundary along a stronger physical feature on the ground.
- 8.2.11 The boundaries of the SGG generally follow recognisable physical features on the ground, the defined urban edge or the boundaries of committed development or allocations.

Reference to “valued landscapes”

- 8.2.12 Strategic Gaps have a landscape function to prevent coalescence of settlements/neighbourhoods and preserve their identity, rather than being related to landscape quality or being a policy to protect landscape character. For this reason, many of the identified SGG hold landscape value but are not considered to be 'valued landscapes' in terms of the NPPF (Para 170). In fact, many have areas of poorer quality landscape or rural fringe uses but this does not necessarily detract from their function as a gap.
- 8.2.13 The landscape of the gap does not need to be particularly noteworthy (valued) to provide a sense of separation between settlements. However, the character of the landscape is relevant, in as far as the openness and rural nature of the landscape are crucial to the attainment of the policy. The sense of separation provided between settlements may be as a result of the undeveloped character of the landscape, (e.g. agricultural land uses/ low density rural settlement), presence of vegetation (e.g. woodland), or its visual character where views to and from settlement contribute to

perception of separation (e.g. distinct topography, presence of vegetation which limits inter-visibility between the settlements).

Policies PPL1 to PPL5

Archaeology (PPL7) Conservation Areas (PPL8) Listed Buildings (PPL9), The Avenues Area of Special Character, Frinton-on-Sea (PPL11), The Gardens Area of Special Character, Clacton-on-Sea (PPL12)

8.3 [For each policy] Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective? Are they supported by appropriate evidence?

Do the policies provide an appropriate approach to the consideration of trees within conservation areas and to non-designated heritage assets?

In particular in relation to policies PPL11 and PP12, “The Avenues” and “The Gardens” Areas of Special Character - are the reasons for designation clear and are the policies necessary and supported by up to date evidence?

Are the Council’s proposed modifications to the policies and supporting text necessary for soundness?

Policy PPL7: Archaeology

- 8.3.1 Policy PPL7 is justified and consistent with national policy, in particular it aligns with Paragraph 141 of the NPPF (2012) as it considers recording of archaeological assets in advance of loss. In response to Historic England’s ([LPPuD135](#)) comments about non-designated heritage assets, it is considered that a further change to the policy wording could address this.

Policy PPL8: Conservation Areas

- 8.3.2 Policy PPL8 is justified and consistent with national policy. Paragraph 137 of the NPPF (2012) is relevant to points a-e of Policy PPL8. Paragraph 138 of the NPPF (2012) in particular is relevant to development involving demolition. Paragraph 126 of the NPPF (2012) is also applicable. In regard to the comments made by Gladman Homes ([LPPuD329](#)) it was considered that a minor amendment to a paragraph in the supporting text regarding compliance with PPL7, 8 and 9 would address the points raised.
- 8.3.3 Essex Place services have advised that the effectiveness of the policy could be further strengthened if the Phrase “with regard to desirability” is too subjective and open ended. This is problematic when coupled with the finite use of “only”.

8.3.4 To resolve this concern, the first paragraph of the policy could be amended to read: *“New development within a designated Conservation Area, or which affects its setting, will ~~only~~ be permitted where it ~~has regard to the desirability of~~ contributes towards preserving or enhancing the special character and appearance of the area, especially in terms of:”*

Policy PPL9: Listed Buildings

8.3.5 Policy PPL9 is justified and consistent with national policy. Paragraph Paragraphs 128 of the NPPF (2012) is relevant to part (a) of the policy. Paragraphs 132, 133 and 134 of the NPPF (2012) are relevant to the remainder of the policy. Paragraph 126 of the NPPF (2012) is broadly relevant to this policy.

8.3.6 With regard to Historic England’s comment ([LPPuD136](#)) which relates to the removal of the words ‘on occasion’. It was considered that these words weaken the Policy and should therefore be removed. In regard to the comments made by Gladman Homes ([LPPuD330](#)) it was considered that a minor amendment to a paragraph in the supporting text of PPL8 regarding compliance with PPL7, 8 and 9.

8.3.7 Essex County Place services have advised that the effectiveness of the policy could be further improved because its current wording does not provide for situations where harm may be permissible to the designated heritage asset such as; enabling development, where the harm is outweighed by public benefit. The following is therefore recommended:

“Proposals for new development affecting a listed building or its setting will ~~only be permitted~~ be treated favourably where it will protect its special architectural or historic interest, its character, appearance, fabric and: Where a proposal will cause harm to a listed building, paragraphs 132, 133 and 134 of the NPPF (2012), should be applied dependant on the level of harm caused. Proposals will be treated favourably where they:

- a. are explained and justified through an informed assessment and understanding of the significance of the heritage asset and its setting; and*
- b. are of a scale, design and use materials and finishes that respect the listed building and its setting.”*

Policy PPL11: The Avenues Area of Special Character, Frinton-on-Sea:

8.3.8 The wording of Policy PPL11 is considered to be sound and is evidenced/backed up by paragraphs 5.5, 5.7, and 6.3 of the 2007 Frinton Conservation Area Management Plan ([EB7.4.6](#)). This being said, there have continued to be local concerns about some developments being granted planning permission by the Council or on appeal which

do not fully respect the special character and appearance of the area. Some subtle amendments to strengthen the policy by re-introducing elements of the current adopted policy are suggested, for the Inspector's consideration.

Policy PPL12: The Gardens Area of Special Character, Clacton-on-Sea

- 8.3.9 The wording of Policy PPL12 is considered to be sound. Essex County Place Services have however suggested, as the most recent, and only document supplementary planning document concerning this is designation is from 1990, the Council might wish to consider updating the guidance. Otherwise the policy is still considered relevant and should be retained in the Local Plan.

8.4 Renewable Energy Generation (PPL10)

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective? Are they supported by appropriate evidence?

What are the reasons for the Council's proposed modifications to the policy? Are they necessary for soundness? If so, are they clearly articulated and supported by clear evidence?

- 8.4.1 In its current form, as set out in the submitted plan, Policy PPL10 simply gives support to proposals for renewable energy schemes having regard to their sale, impact and energy generation potential. It also requires proposals for new development to consider the potential for renewable energy generation including the incorporation of renewable energy installations or the means by which such installations could be 'retro-fitted'.
- 8.4.2 As submitted, the policy is entirely justified and consistent with national policy – however given the important role of the planning system in tackling climate change and the declaration of a climate emergency by many authorities, including this Council, it is questionable whether the policy in its current form is as effective as it could be in tackling this important issue. Therefore, the Council is suggesting some significant, but entirely justified amendments.
- 8.4.3 The Council declared a climate emergency on 6 August 2019, which commits it to preparing an action plan with the aim of making its activities carbon neutral by 2030. A Climate Change Working Group has been set up to explore the opportunities and to develop recommendations for achieving this goal. As well as looking at what it can do to reduce its environmental impact, the action plan will also examine how the Council can act as a community leader to encourage the rest of Tendring to join in its mission. The Local Plan has an important role in the battle against climate change by ensuring

new development is located and designed in a way that helps to minimize carbon emissions. With this in mind the Chairman of the Council's Planning Policy and Local Plan Committee asked Officers to explore whether or not the policy could be strengthened to specifically require, for example, the installation of solar panels on the roofs of new housing.

- 8.4.4 Until recently there had been some confusion about whether Local Planning Authorities could set higher levels of energy saving and generation measures in excess of the measures required by the Building Regulations, for new buildings requiring planning permission. However, further research which confirms that local authorities do have the means by which to push for standards that exceed nationally set requirements. In practical terms, the cost of installing solar panels within new build schemes has reduced in recent years, but demand for electricity continues to rise and with the increase in electric powered vehicles and the phasing out of petrol and diesel engines in the near future, then the demand for electricity generated locally at our homes and work places to charge our vehicles, is set to grow significantly greater – and within the timeframes of this Local Plan.
- 8.4.5 When the Local Plan was published for consultation in Summer 2017, an objection was received from the Home Builders Federation ([LPPuD158](#)) in relation to Policy SPL3 (Sustainable Design), which claimed that there was no need for the Council, through the Local Plan, to ask for consideration of the use of renewable energy and the reduction of emissions, as such policies cannot be implemented or monitored. It is considered, however, that the installation of facilities such as solar panels and other energy efficiency measures can be secured at the planning stage, and that monitoring will be undertaken alongside the Council's routine monitoring and enforcement activities.
- 8.4.6 Two developers, Persimmon Homes ([LPPuD239](#)) and Gladman Homes ([LPPuD320](#)), made representations in relation to Part C of Policy SPL3 which also requires developers to consider the use of renewable energy and the reductions of emissions as part of any proposals. The developers claimed that a Written Ministerial Statement of 25th March 2015 clearly stated that improvements in energy efficiency and carbon reductions will be delivered through changes to Building Regulations, with only a limited number of optional technical standards that can be required through local plans. However, the government has subsequently clarified this position and has stated that Local Planning Authorities can stipulate energy saving and renewable energy generation measures, that exceed Part L of the requirement in the Building Regulations.
- 8.4.7 At its meeting on 8th June 2020, the Planning Policy and Local Plan Committee considered 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. It was however decided that consideration of Policy PPL10 on

'Renewable Energy Generation' 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.

8.4.8 On 25th June 2020, some Members from the Climate Change Working Group and the Planning Policy and Local Plan Committee met to discuss potential further amendments to Policy PPL10 and a revised version of the policy was agreed by the Committee on 8th July 2020. The proposed wording 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' (REPG) 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.

8.4.9 On 15th July 2020, the Planning Policy and Local Plan Committee resolved to agree the wording to form part of the Council's suggested amendments to the Local Plan for consideration by the Inspectors' for the Section 2 examination. Anticipating that there could be questions over the viability and/or evidenced justification for the changes, the Council has been very careful in the wording of the policy to ensure it is workable and suitably flexible.

8.4.10 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. This is considered to be an entirely pragmatic and flexible response to such an important (if not the most important) global issue.

8.4.11 Mindful however that the revised wording has not been the subject of full consultation, the Council is open to alternative suggestions for how the Local Plan could be strengthened to maximise its effectiveness in tackling climate change.

8.5 Ardleigh Reservoir Catchment Area (PPL13), Safeguarding of Hazardous Substance Site, South East of great Oakley/South West of Harwich (PPL15) Are the Council's proposed modifications to these policies necessary for soundness

8.5.1 For Policy PPL13, a representation from Anglian Water ([LPPuD87](#)) requested the inclusions of text which provides in principle support for development at Ardleigh reservoir associated with its operational functions. Whilst not essential for the soundness of the policy, it is considered to be an acceptable amendment which

reflects the Council's cooperation with Anglian Water. The Council is happy to consider alternative wording that achieves a similar outcome if the Inspectors have concerns.

8.5.2 For Policy PPL15, a representation from EPC-UK Ltd ([LPPuD18](#)) asked that the safeguarding area around the Bramble Island site be shown on the Policies Maps. In the interest of clarity this change was considered to be acceptable.