

Leicester  
City Council

WARDS AFFECTED: All Wards

Development Control Committee  
Strategic Planning and Regeneration Scrutiny  
Committee

6<sup>th</sup> September 2005  
14<sup>th</sup> September 2005

Cabinet

14<sup>th</sup> November 2005

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## Energy Efficiency and Renewable Energy Supplementary Planning Document

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### Report of the Corporate Director, Regeneration and Culture

#### 1 Purpose of Report

To seek Cabinet approval to the adoption of the Energy Efficiency and Renewable Energy Supplementary Planning Document.

#### 2 Summary

- 2.1 This Supplementary Planning Document (SPD) offers practical advice on how energy efficiency measures can be incorporated into new developments and what renewable energy and community heat and power technologies are available and suitable for developments.
- 2.2 At present the Document is intended to be supplementary to policy within the adopted City of Leicester Local Plan (1994) relating to energy efficiency, and in so doing helps to set the local planning policy framework for meeting regional targets for renewable energy, contained within the Regional Spatial Strategy of the East Midlands RSS 8, adopted in March 2005.
- 2.3 In due course it is intended that it will supplement policies within the Replacement Local Plan relating to energy efficiency, renewable energy and community heat and power.
- 2.4 The Replacement Local Plan is currently at proposed modifications stage and nearing the end of its progress towards adoption. A report will be presented to Cabinet on 14 November seeking agreement for the replacement Local Plan to be recommended to Council for adoption early in 2006. This is possible as part of the transitional arrangements under the new Planning and Compulsory Purchase Act 2004. The replacement Local Plan will stand until replaced itself in due course by new- style Development Plan Documents, under the new Act.

- 2.5 The new planning system enables the production of SPDs to replace previously entitled Supplementary Planning Guidance. The Energy SPD is intended to replace Supplementary Planning Guidance-Energy Efficiency that was adopted in August 2002 under previous planning legislation. It updates the document and takes on board new government guidance.
- 2.6 A six-week public consultation on the draft Guidance commenced on 29<sup>th</sup> July. Comments received have been taken into account in the preparation of the final draft Energy Efficiency and Renewable Energy Supplementary Planning Document attached as Annex B. Within that document there is a schedule of the comments received and what action has been taken in response. The document was also considered by the Strategic Planning and Regeneration Scrutiny Committee on 14<sup>th</sup> September and Development Control Committee on 6<sup>th</sup> September. The comments from those meetings are incorporated into the committee minutes and the attached Annex A, where a response is also reported.
- 2.7 Much of the response has been positive and supportive. Most of the comments made have been appropriate for revisions to the text. Probably the most notable being requests for greater prominence for the Renewable Energy target of 10%. To make the Energy SPD consistent with energy advice in the recently adopted Area Strategy Guidance documents for the Office Core and St. Georges North and South, mention is also made of raising this base target by 1% increments per year to take us towards the longer term, higher targets for 2020. These Area Strategy Guidance documents have been formally adopted by the City Council and supported by the Government Office for the East Midlands. A summary of the responses is attached as Annex A.
- 2.8 Concern was raised at Corporate Directors Board about the cost of making a target percent for renewable energy a requirement for all major development projects. Although costs will vary between schemes, figures from a London Borough suggest that something in the region of a 3% increase on a development's capital cost is required to achieve 10% on site renewables. This will vary between projects and the method of generation preferred. However, a longer-term perspective on the life-time energy needs and costs of a development mean that additional capital costs can be more than recouped in cheaper running costs. There appear to be two options here, in terms of the day-to-day operation of the policy and this newly drafted supporting guidance. These are, to seek the renewable energy target as set out above as mandatory or to negotiate on a case by case basis.

### **3. Recommendations**

That Members of Cabinet agree that the Energy Efficiency and Renewable Energy Supplementary Planning Document, attached as Annex B, is adopted as City Council policy and seen as supplementary to the City of Leicester Local Plan and the replacement Local Plan.

### **4 Financial & Legal Implications** ***Financial Implications***

- 4.1 At this stage we cannot quantify the financial costs. These will be developed as more information becomes available i.e. at the project planning stage.
- 4.2 The Energy Efficiency and Renewable Energy Supplementary Planning Document is a non-statutory part of the Local Development Framework. It is required to set out practical advice on how developments can be more energy

efficient and help meet regional renewable energy targets in line with Replacement Local Plan policies.

- 4.3 The incorporation of energy efficiency measures and renewable energy technologies is likely to incur an initial additional capital cost in new City Council and private sector developments alike. However, when successfully incorporated there is also great potential for reduced building running costs and lower energy payments for these developments.  
(Graham Aitkin, Head of Finance x 6614)

***Legal Implications***

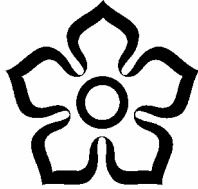
- 4.4 The report indicates a hierarchy within the new statutory procedure governing development plans arising from the Planning and Compulsory Purchase Act 2004. Under this Act there is still role to play for Supplementary Planning Guidance now termed Individual Supplementary Planning Documents.  
(Anthony Cross, Head of Legal Services x6362)

**5 Report Author**

Name: Sam Peppin-Vaughan and Diana Chapman  
Job Title: Team Leader Development Plans  
Extension number: 7229  
Email address: Diana.chapman@leicester.gov.uk

**DECISION STATUS**

<b>Key Decision</b>	No
<b>Reason</b>	N/A
<b>Appeared in Forward Plan</b>	N/A
<b>Executive or Council Decision</b>	Executive (Cabinet):



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### Report of the Corporate Director, Regeneration and Culture

#### SUPPORTING INFORMATION

##### 1 Background

- 1.1 As part of the new planning system brought in under the Planning and Compulsory Purchase Act 2004 the City Council may produce Supplementary Planning Documents (SPDs) to give practical advice on how to achieve development plan policies.
- 1.2 These SPDs are set to replace existing Supplementary Planning Guidance (SPG), in this case the Energy Efficiency & Renewable Energy in New Developments SPG, which was adopted in August 2002.
- 1.3 The timetable for the production of the SPD and other planning documents is set out in the Council's Local Development Scheme, which was approved by Cabinet on 13<sup>th</sup> June 2005. This establishes the key stages in the production of the SPD.

##### 2 Representations Received

- 2.1 The representations received fall into several distinct categories.
- 2.2 Firstly there are several that update contact details and technological progress since the earlier Guidance was published.
- 2.3 Secondly there were several responses that asked for the 10% renewable energy target to be more clearly stated. The revised version of the SPD attached as Annex B makes this current 10% target more prominent and refers to a minimum increase to 20% over the next few years, by means of an incremental increase of 1% per annum. This approach has already been agreed as part of

Area Strategy Guidance documents for the Office Core (20 December 2004) and St Georges North and South (27 June 2005). This approach has been endorsed by the Government Office for the East Midlands and reflects targets the Regional Spatial Strategy (March 2005).

- 2.4 Most welcome amongst the support for the document came from the East Midlands Regional Assembly who commented that the SPD will assist fulfilment of regional core objectives in relation to CO2 emissions and energy targets.
- 2.5 Development Control Committee noted that whilst energy efficiency could be improved by the use of upvc windows (now a requirement through Building regulations), this needed careful consideration in Conservation Areas and in the case of Listed Buildings where other criteria such as design and historic integrity may be more important.
- 2.6 Strategic Planning and Scrutiny Committee raised issues around considering building materials and techniques against the full range of sustainability criteria and not just energy efficiency. They were concerned about embodied energy and CO2 used in the production of insulation etc as well as local sourcing and favouring refurbishment against new build. The promotion of walking, cycling and enabling the use of public transport was mentioned. These concerns are all referred to in the SPD and cross references are made to the Leicester Better Buildings Website that offers a simple guide for developers and applicants on the whole range of sustainable building best practice.

### **3 FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

#### **3.1 *Financial Implications***

At this stage we cannot quantify the financial costs. These will be developed as more information becomes available i.e. at the project planning stage. (Graham Aitkin, Head of Finance x 6614)

#### **3.2 *Legal Implications***

The report indicates a hierarchy within the new statutory procedure governing development plans arising from the Planning and Compulsory Purchase Act 2004. Under this Act there is still a role to play for Supplementary Planning Guidance now termed Individual Supplementary Planning Documents. (Anthony Cross, Head of Legal Services x 6362)

#### **3.3 *Other Implications***

OTHER IMPLICATIONS	YES/NO	PARAGRAPH REFERENCES WITHIN SUPPORTING PAPERS
Equal Opportunities	-	
Policy	Yes	Throughout
Sustainable and Environmental	Yes	Throughout
Crime and Disorder	-	
Human Rights Act	-	
Older People on Low Income	Yes	In addressing fuel poverty

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## Risk Assessment Matrix

<b>Risk</b>	<b>Likelihood L/M/H</b>	<b>Severity Impact L/M/H</b>	<b>Control Actions (if necessary/or appropriate)</b>
1 Not keeping to timetable in Local Development Scheme	L	M May affect Planning Delivery Grant	Ensure adequate resources are assigned to preparation of the SPD  Ensure SPD is realistic and workable
	L - Low M - Medium H - High	L - Low M - Medium H - High	

### 4 Background Papers – Local Government Act 1972

- Energy White Paper (2003)
- Regional Spatial Strategy for the East Midlands – RSS 8 (2005)
- Planning Policy Statement 1: Delivering Sustainable Development (2005)
- Planning Policy Statement 22 Renewable Energy (2004) and Companion Guide (2004)
- Adopted City of Leicester Local Plan (1994)
- Replacement City of Leicester Local Plan (2005)

### 5 Consultations

More than two hundred interested parties/ agencies were notified as part of the six week public consultation and fifteen responses have been received as well as discussion at two Council Committees.

#### Officer Consultees:

Adrian Russell  
 Alan Gledhill  
 Don Lack  
 Gary Scott  
 Ian Tomie  
 Jeff Miller  
 Kathy Lakeman  
 Mike Forrester  
 Mile Richardson  
 Richard Holmes  
 Richard Watson  
 Adrian Paterson  
 Geoff Mee  
 John Bogumsky  
 John Garratt  
 Lynn Cave  
 Maurice Brice  
 Alan Tomlins  
 Anthony Cross

#### Date Consulted:

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