

PART 1 - PUBLIC

Decision Maker: Development Control Committee

Date: 25th May 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **CONSULTATION ON DRAFT PPS - PLANNING FOR A LOW CARBON FUTURE**

Contact Officer: Katie Ryde, Planning Policy Officer
Tel: 020 8313 4520 E-mail: katie.ryde@bromley.gov.uk

Chief Officer: Bob McQuillan - Chief Planner

Ward: All

1. Reason for report

The Government have published a draft Planning Policy Statement (PPS) "Planning for a Low Carbon Future" for consultation. This new PPS proposes to combine elements of, and replace, two existing PPS's - the supplement to PPS1 on climate change, and PPS22 on renewable energy. Local Planning Authorities are asked for their comments on the draft document, guided by a list of questions. The consultation period ends 1 June 2010. The draft PPS can be found on the CLG website using the following link [Low Carbon PPS](#) and a copy has been placed in the Members' room.

2. **RECOMMENDATION(S)**

Members are asked to consider the draft PPS and approve the suggested response (Appendix 1, attached.)

Corporate Policy

1. Policy Status: New policy.
 2. BBB Priority: Quality Environment.
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning Division Budget
 4. Total current budget for this head: £3.2m
 5. Source of funding: Existing revenue budgets
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Staff

1. Number of staff (current and additional): 98
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents of the Borough, applicants for planning permission and the wider population affected by climate change.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 Since the publication of PPS22 Renewable Energy in 2004 and the supplement to PPS1 on Climate Change in 2007, there has been considerable change and development in the strategy for responding to the challenges of climate change. In order to reflect these changes and streamline planning policy (by separating policy from guidance) the Government have combined national policy on mitigation and adaptation to climate change in general with the planning aspects of renewable energy in so far as they contribute to the former.
- 3.2 The draft PPS sets out how planning, in providing new homes, jobs and infrastructure needed by communities, should help shape places to achieve lower carbon emissions and greater resilience to the impacts of climate change. Local Development Frameworks should support the move towards a low carbon economy and enable low carbon living. This concept should be reflected in the vision for how the area should develop and respond to local challenges and opportunities.
- 3.3 As well as demonstrating how regional and local planning authorities should use sound evidence to create place-specific policy, the PPS strongly advises against repetition of higher level policy where this is adequate and discourages the use of local area-wide targets. This move is to pave the way for forthcoming, more stringent, building regulations (in 2013) which are intended to drive the move towards lower carbon technology countrywide. Where opportunities for particular low carbon technologies are identified in an area through a development plan, local planning authorities will need to show how these have been derived and how they can be successfully delivered. A key aspect of setting any targets – for renewable energy or sustainable building standards – is that they do not make development unviable nor do they inhibit the provision of affordable housing.
- 3.4 In addition to advising on local policy development, the PPS is itself a material consideration in planning applications and it contains a number of policies that can be applied directly. As is currently the case, proposals for major developments will be expected to include information about how they have been designed to reduce carbon emissions and include decentralised low carbon and or renewable energy. In addition, the new PPS proposes that developments should be expected to demonstrate how they have considered a list of criteria designed to reduce the carbon emissions and improve the resilience of the development. This list includes aspects of design, energy provision, waste management, water management and transport. The proposed policy advises that where these criteria are not met, permission should be refused unless the applicant can demonstrate that meeting a criterion is not feasible.
- 3.5 A new area of emphasis in the draft PPS surrounds the weight given to mitigation and adaptation to climate change when considering other, possibly contradictory, policies. For example, Policy LCF13.4 states that:
- ‘... Some features which are essential for securing a low or zero carbon building, or adapting to impacts arising from changes in the climate, may give rise to concerns about incompatibility with an existing townscape. Such concerns by themselves should not normally warrant planning applications being refused planning permission. Planning permission should only be refused where the concern relates to a heritage asset protected by an international or national designation and the impact would cause material harm....’*
- 3.6 Such an approach would give weight to any considerations of harm to the Darwin’s Landscape Laboratory World Heritage Site (if inscribed), Conservation Areas and statutorily listed buildings in the Borough. It seems however that less weight, if any, would be given to

considerations of harm to assets of a local designation, eg, locally listed buildings, Areas of Special Residential Character or indeed the character of ordinary suburban roads where proposals encouraged by Policy LCF13 were considered to be out of character with their surroundings.

- 3.6 As the PPS is a policy document, there is little by way of guidance or example to show how this aspect of incompatibility – which relates largely to (elements of) a design which succeeds in terms of meeting the criteria, but may be visually incongruous - might be managed. In reality, good design can overcome the majority of the challenges of low carbon construction whilst minimising any adverse impact on local townscape and landscape and may be that few proposals come forward which cause concern. Clearly, where an “innovative” proposal is intended, negotiation with developers needs to occur at an early stage to ensure a positive outcome. The recently published PPS5 on planning for historic environments states that in cases where potential negative effects on a heritage asset are identified, local planning authorities should work with applicants to identify feasible solutions that deliver similar results in mitigating the effects of climate change with less or no impact on the historic environment and its setting. Where there is conflict, the public benefit of mitigating climate change should be weighed against any harm to heritage assets. In this particular policy, PPS5 does not distinguish between national and local historic assets.
- 3.7 Where low carbon or renewable energy technologies are proposed in the Green Belt (i.e. stand alone installations rather than development with associated technology), there may be elements which compromise the openness of the Green Belt and are therefore contrary to policy. In these cases, developers will need to demonstrate very special circumstances such as wider environmental considerations that outweigh any harm to the designation.
- 3.8 Overall, the new PPS reiterates the important role of planning in meeting the challenge of climate change but raises the bar in terms of the weight these considerations should be given when making planning decisions. This approach is welcomed where it ensures high quality development but care must be taken to ensure appropriate weight is also given to significant heritage and landscape assets. To secure the best outcomes locally, as well as producing robust policy, it will be vital that there is early engagement with developers to produce appropriate developments for particular sites. The suggested response (Appendix 1) urges the need for additional guidance, training and resources to ensure the local planning authority can respond to these challenges.

4. POLICY IMPLICATIONS

The PPS is a material consideration in planning decisions and will guide local policy formation through the Local Development Framework.

5. FINANCIAL IMPLICATIONS

Some funding is available through the Area Based Grant to reflect the new burdens on local planning authorities arising from the expectations in the new PPS. In addition, Local Development Frameworks are required to assess their area for local opportunities for decentralised energy. This may require technical input that is beyond the expertise of officers. There may be further opportunities for developers (including the Council) to acquire additional funding for certain decentralised technologies direct from other sources such as the energy companies.

Non-Applicable Sections:	Legal implications Personnel Implications
Background Documents: (Access via Contact Officer)	Supplement to PPS1- Planning for Climate Change PPS22 – Renewable Energy Draft PPS – Planning for a Low Carbon Future