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Title	Sustainability in Planning		
Wards affected	All		

1. Executive Summary

- 1.1 The purpose of the planning system is to contribute to the achievement of sustainable development. Development, both in terms of fabric and spatial distribution, directly affects the carbon balance, biodiversity and future patterns of energy consumption. The planning system is driven by a presumption in favour of sustainable development and a plan-led system underpinned by national and local policies intended to secure optimal environmental outcomes from growth. The statutory process that leads to plan adoption is subject to rigorous Sustainability Appraisal. The Local Plan reinforces the commitment to sustainable development in the National Planning Policy Framework (NPPF) and provides a specific strategy for delivery at a Borough level.
- 1.2 Planning applications are supported by a suite of reports to inform decision making. These include reports covering the potential environmental impacts of specific proposals and enable any adverse impacts to be effectively mitigated by the use of bespoke conditions, legal obligations and associated strategies. Officer reports on individual applications seek to evaluate proposals against the suite of relevant policies and reports. It is proposed to boost the focus on environmental impact within major planning applications by importing a new Planning Sustainability Checklist into the Local Validation list for planning applications in Colchester. This will require applicants to set out how the proposal responds to a range of relevant issues and will require them to consider a suite of sustainability measures. These credentials can then be set out in the officer's report to inform the council's consideration of proposals.

2. Recommended Decision

- 2.1 That the statutory framework underpinning planning decisions is noted as a key pillar promoting sustainable development through a mosaic of individual decisions and that the use of the innovative Planning Sustainability Check list is welcomed as an explicit tool to identify the key sustainability credentials of proposed development. The checklist will be subject to public consultation prior to adding to the validation requirements and its impact will be reviewed after 6 and 12 months of adoption as part of the local validation scheme.

3. Reason for Recommended Decision

- 3.1 The statutory planning framework is underpinned by the key objective for planning being the promotion of sustainable development through positive environmental outcomes from the development process. Measures to reinforce this objective at a local level through adopted policies, guidance and process innovations will help to promote and sustain this objective.

4. Alternative Options

- 4.1 Not to adopt the Planning Sustainability Checklist or to make changes to it prior to consultation.

5. Background Information

- 5.1 The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 5.2 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 5.3 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 5.4 The planning process is often described as 'plan-led'. This is because a statutory duty exists to determine applications in accordance with the development plan unless material considerations indicate otherwise (s.38(6) of the Planning & Compulsory Purchase Act 2004).
- 5.5 In essence, sustainable development is achieved via the plan-led system. Local plans should be informed throughout their preparation by a sustainability appraisal. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains).
- 5.6 The NPPF also identifies that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It

should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Plans and policies should take a proactive approach to mitigating and adapting to climate change,

5.7 In determining planning applications, local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

5.8 However, despite these strong words there is little else in the NPPF to support the climate emergency. The section on Achieving Well Designed Places states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience does not mention sustainable construction.

The section does go on to say that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, **so long as** they fit in with the overall form and layout of their surroundings.

5.9 The NPPF sends conflicting messages about transportation. Although priority is to be given to pedestrian and cycle movements, development should only be refused or prevented on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. This does not assist in prioritising sustainable modes of travel in decision making.

- 5.10 The national Planning Policy Guidance (PPG) provides further guidance on whether a local planning authority set higher energy performance standards than the building regulations in their local plan. It states that;

“Different rules apply to residential and non-residential premises. In their development plan policies, local planning authorities:

- Can set energy performance standards for new housing or the adaptation of buildings to provide dwellings, that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes.
- Are not restricted or limited in setting energy performance standards above the building regulations for non-housing developments.

The Planning and Energy Act 2008 allows local planning authorities to set energy efficiency standards in their development plan policies that exceed the energy efficiency requirements of the building regulations. Such policies must not be inconsistent with relevant national policies for England.

The Written Ministerial Statement on Plan Making dated 25 March 2015 clarified the use of plan policies and conditions on energy performance standards for new housing developments. The statement sets out the government’s expectation that such policies should **not be used** to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes (this is approximately 20% above current Building Regulations across the build mix).

- 5.11 The PPG also states that the NPPF expects local planning authorities when setting any local requirement for a building’s sustainability to do so in a way consistent with the government’s zero carbon buildings policy and adopt nationally described standards. Local requirements should form part of a Local Plan following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability. In this respect, planning authorities will need to take account of government decisions on the Housing Standards Review when considering a local requirement relating to new homes.

If considering policies on local requirements for the sustainability of other buildings, local planning authorities will wish to consider if there are nationally described standards and the impact on viability of development.

- 5.12 The Written Ministerial Statement accompanying the Housing Standards Review states that from the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.

- 5.13 Confusion also exists between the interplay of the planning system with Building Regulations. In terms of the sustainability credentials of the fabric employed in development, this is primarily a matter for consideration under the Building Regulations and not a planning matter per se. However, sustainable design is a material planning consideration and can be given weight in decisions.

- 5.14 Members will appreciate that the national policy framework set out above restricts what can be achieved at a local level. However, sustainable development is at the heart of the emerging Local Plan. Through the Local Plan the Council is seeking to create communities that secure reductions in greenhouse gas emissions through the location, mix and design

of development, provide resilience to the impacts of a changing climate, support the delivery of renewable energy technologies and district heating systems, and minimise waste. The Local Plan as a whole sets out a strategy for climate change mitigation and adaptation. Examples of climate change mitigation are:

- Reducing the need to travel and providing for sustainable transport;
- Providing opportunities for renewable and low carbon energy technologies;
- Providing opportunities for decentralised energy and heating;
- Promoting low carbon design approaches to reduce energy consumption in buildings, such as passive solar design.

5.15 Examples of climate change adaptation are:

- Considering future climate risks when allocating development sites to ensure risks are understood over the development's lifetime;
- Avoiding areas that are most vulnerable to future flood risk;
- Considering the impact of and promoting design responses to flood risk and coastal change for the lifetime of the development;
- Considering availability of water and water infrastructure for the lifetime of the development and design responses to promote water efficiency and protect water quality;
- Promoting adaptation approaches in design policies for developments and the public realm.

15.16 New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. Developers will be expected to demonstrate how the scheme mitigates and adapts to climate change. Policy ENV3 includes detailed criteria relating to green infrastructure. Landscaping and tree planting are important climate change adaptation measures and new development should take every opportunity to enhance the Borough's green infrastructure network.

15.17 As well as new development, existing buildings can also play an important role in reducing greenhouse gas emissions through improved energy efficiency measures. Householders and businesses will be encouraged to make energy efficiency improvements to existing buildings as part of proposals for extensions/ alterations.

15.18 Emerging Policy CC1: Climate Change states;

Colchester Borough Council will continue to adopt strategies to mitigate and adapt to climate change. In addressing the move to a low carbon future for Colchester, the Local Planning Authority will plan for new development in locations and ways that reduce greenhouse gas emissions, adopt the principles set out in the energy hierarchy and provide resilience to the impacts of a changing climate.

A low carbon future for Colchester will be achieved by:

- (i) Encouraging and supporting the provision of renewable and low carbon technologies.
- (ii) Encouraging new development to provide a proportion of the energy demand through renewable or low carbon sources.
- (iii) Encouraging design and construction techniques which contribute to climate change mitigation and adaptation by using landform, layout, building orientation, massing, tree planting and landscaping to minimise energy consumption and provide resilience to a changing climate.
- (iv) Requiring both innovative design and technologies that reduce the impacts of climate change within the garden communities.

(v) Supporting opportunities to deliver decentralised energy systems, particularly those which are powered by a renewable or low carbon source. Supporting connection to an existing decentralised energy supply system where there is capacity to supply the proposed development, or design for future connection where there are proposals for such a system.

(vi) Requiring development in the Northern Gateway and East Colchester to connect to, or be capable of connecting to the district heating scheme where there is capacity to supply the proposed development and where it is appropriate and viable to do so.

(vii) Supporting energy efficiency improvements to existing buildings in the Borough where appropriate.

(viii) Minimising waste and improving reuse and recycling rates.

(ix) Development will be directed to locations with the least impact on flooding or water resources. All development should consider the impact of and promotion of design responses to flood risk for the lifetime of the development and the availability of water and water infrastructure for the lifetime of the development.

(x) Green infrastructure should be used to manage and enhance existing habitats.

Opportunities should be taken to create new habitats and assist with species migration.

Consideration should be given to the use of green infrastructure to provide shade during higher temperatures and for flood mitigation. The potential role of green infrastructure as 'productive landscapes' should also be considered.

15.20 Against this background officers think the best way forward is to introduce a new Planning Sustainability Checklist as a requirement for the validation of planning applications. A draft is attached as an appendix to this report. This will require applicants and their agents to think about the sustainability credentials of their scheme and allow officers and members to see what is being proposed. The introduction of the Checklist will reinforce focus on this key issue and provide a summary of the environmental credentials of new development. This check list will require developers to consider how their scheme addresses a series of key facets of sustainable development and will promote positive change. The check list will form an important means of adding value to officer reports and will help inform the council concerning the key sustainability attributes embedded in each scheme.

5.4 All officer planning reports, regardless of whether these are committee reports on major development or minor delegated decisions, consider the degree of compliance with the national and local plan policy framework. By allocating major development sites through the local plan process this ensures that development is sustainably located and well-connected in terms of access to sustainable modes of transport so trip generation is minimised and positive behaviour change promoted. Developer contributions are also used to ensure investment can be made where required to improve the connectivity of sites. The wider framework of policies in the adopted plan provides a sound foundation to ensure that proposals are inherently sustainable securing and avoiding irreversible adverse environmental impacts whilst providing effective mitigation for any harm identified.

6. Equality, Diversity and Human Rights implications

6.1 The achievement of sustainable development, as defined in the NPPF, will deliver improved outcomes for the natural environment but also wider social and economic benefits for the whole community. Improved environmental outcomes deliver positive outcomes for biodiversity and improve the long-term well-being of the community. These positive outcomes improve equality of life chances for disadvantaged and vulnerable groups.

6.2 The delivery of sustainable development does not impact adversely upon Human Rights.

7. Strategic Plan References

- 7.1 A key objective of the [Strategic Plan 2020-23](#). Is 'Tackling the climate challenge and leading sustainability'. Under the heading titled Respond to the Climate Emergency, the Council commits to:
- Reduce carbon emissions to help achieve a net zero Carbon footprint for Council Services by 2030.
 - Environment and sustainability embedded within all Council decision making and the adaptation and recovery from Covid-19.
 - Air quality across Colchester is improved.
 - Continue to support residents to reduce, reuse and recycle their waste.

8. Consultation

- 8.1 The plan-led planning system is underpinned by multiple cycles of community engagement as part of the statutory plan making process. The proposed addition of the new Planning Sustainability Checklist to the local validation check list will be subject to a further period of consultation prior to adoption as a core document for major development.

9. Publicity Considerations

- 9.1 The adoption of the new Planning Sustainability Checklist into the scheme of local validation is likely to generate publicity and views are expected to be mixed. Some people will see the Checklist positively whilst others may see it as adding to the bureaucracy and costs.

10. Financial implications

- 10.1 None explicitly although enhanced sustainability credentials may add to development costs whilst delivering unquantifiable dividends for the future communities of the Borough.

11. Health, Wellbeing and Community Safety Implications

- 11.1 Health and wellbeing is positively enhanced through delivery of sustainable development including factors such as access to green infrastructure, improved air quality. Sustainable development promotes community cohesion and safety. Improved equality of access to life chances and lessening of inequalities in communities tends to be reflected in improved community safety and lesser crime or fear of crime.

12. Health and Safety Implications

- 12.1 None

13. Risk Management Implications

- 13.1 Delivery of enhanced sustainability and mitigation of climate change will help to reduce risk of extreme weather events and promote more predictable outcomes for communities through climate stability.

14. Environmental and Sustainability Implications

- 14.1 The delivery of sustainable development via application of national and local planning policies strictly aligned to the objectives of sustainable development through the plan-led development process will ensure that even small scale development is inherently sustainable; whilst major development is able to maximise opportunities for positive responses to the climate emergency and arresting the allied decline in biodiversity and environmental quality. The renewed focus of the objectives of Borough planning to the delivery of positive environmental outcomes will make a significant contribution towards arresting climate change through local action.
- 14.2 The National Planning Policy Framework can be found [here](#). The definition for 'sustainable development' can be found in Section 2 of the Framework.

Appendices

Appendix A – [Planning Sustainability Checklist](#) 

Background Papers

National Planning Policy Framework (NPPF) and allied National Planning Practice Guidance (NPPG) [LINK](#)

Adopted Colchester LDF and allied DPD's [LINK](#)

Emerging Colchester Local Plan 2017-2033 Submission Draft [LINK](#)

Colchester Local Validation List Feb 2017 – [LINK](#)

Planning Sustainability Checklist for Planning Applications

This checklist should be completed and submitted with all planning applications. It is designed to assist Development Management Officers and Planning Committee in assessing the sustainability of planning applications.

Paragraph 13.48 of the emerging Local Plan states:

“New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. Developers will be expected to demonstrate how the scheme mitigates and adapts to climate change. In particular proposals will be expected to demonstrate how they have taken account of flood risk, water efficiency, biodiversity, landform, layout, building orientation, massing, tree planting and landscaping to minimise energy consumption and provide resilience to a changing climate.”

All Council reports require the author to set out the environmental and sustainability implications of the decision and this checklist will help with this by highlighting positive environmental and sustainability implications. It may also identify simple measures that could be incorporated into the development to result in environmental improvements, which could be a condition of planning consent.

Environmental and Sustainability Issues to Consider	Further Information	Yes/ No / N/A and Comments
1. Does the scheme include a Travel Plan?	Travel Plans are required for residential schemes over 250 units or where there are concerns around pollution, congestion and pressures on the existing road network and commercial schemes of 50 or more employees or the development will have a significant impact on the local road network or there are existing transport, infrastructure, congestion or pollution problems. Further details available from Essex County Council: Sustainable travel - Essex County Council	
1.a. If yes, will a dedicated Travel Plan Co-ordinator be funded?	Funding a Travel Plan Co-ordinator will ensure the Travel Plan is monitored. This is only appropriate for large sites.	
1.b. Does the Travel Plan include a car club?	The Sustainability & Transport team are considering further locations for car clubs.	
2. Will cycle parking be provided?	If so, how many spaces, what type and where are they located?	

3. Does the scheme include green infrastructure?	Please include details of this. Examples include open space, cycle and pedestrian links, wildlife areas, green roofs/ walls.	
3.a. Does the scheme include links to the Colchester Orbital?	The Colchester Orbital is a 14 mile walk around the edge of Colchester. Sites on the edge of Colchester have the potential to link to the Orbital providing improved sustainable travel and wellbeing benefits.	
4. Does the scheme include electric vehicle charging points? If so, how many and where are these located?	For larger developments details of how electric vehicle charging will be allocated, located, and managed should be included within the TA.	
5. Does the application include a canopy cover assessment?	It is widely acknowledged that properly managed trees and woodlands in urban and semi urban areas make a significant contribution to planning, design and management of sustainable, resilient landscapes. Increasing tree cover is one of the quickest and cheapest ways of combating climate change globally. Canopy Cover Assessments should be submitted for all major applications, with an expectation that tree cover is increased by a minimum of 10%.	
5.a. If yes, what is the existing canopy cover, proposed canopy cover & percentage increase.	Canopy cover should increase by a minimum of 10%.	
6. Will the scheme result in biodiversity net gain?	The Environment Bill requires a minimum of 10% measurable biodiversity net-gain.	
7. Will any of the buildings in the scheme exceed Building Regulations in terms of energy efficiency requirements?	If yes, please provide details about how increased energy efficiency will be achieved. For example, what types of insulation and glazing will be used?	
7.a. Are any dwellings certified under the Home Quality Mark?	The Home Quality Mark is a national scheme developed by BRE which demonstrates a home's environmental footprint. Home Quality Mark	
7.b. Has the development considered passive solar design principles?		

8. Does the scheme include Sustainable urban Drainage Systems (SuDS)?	All development should incorporate SuDS appropriate to the nature of the site. The Sustainable Drainage Systems Design Guide prepared by ECC in April 2016 is a Supplementary Planning Guidance Document and is a material consideration in determining planning applications. suds-guide april-2016.pdf (essex.gov.uk)	
8.a. If yes, does the SuDS feature(s) provide multiple functions, e.g. open space, biodiversity?	Opportunities should be taken to integrate sustainable drainage within the design of the development to create amenity space, enhance biodiversity and manage pollution.	
9. Does the scheme meet the optional tighter water standard in Building Regulations of 110litres per person, per day?	Policy DM25 of the ELP requires residential development to incorporate water saving measures in line with the tighter optional requirement of Part G2 of the Building Regulations of 110l/p/d.	
9.a. What water saving measures have been introduced?	Please include details. For example, rainwater collection, water saving showers, provision of water butts.	
10. Does the scheme include green roofs and/or green walls?	These have benefits for biodiversity, sustainable drainage and reducing the urban heat island effect.	
11. Does the scheme include renewable, low carbon or decentralised energy technologies?	Please include details. For example, solar PV/thermal, heat pump technologies.	
11.a. If yes, what percentage of total energy requirements is expected to be provided?		
11.b. Will energy efficient appliances and fittings be installed?		
12. How will construction waste be reduced and/or recycled?	It may be appropriate to prepare a waste management plan.	
12.a. Will there be provision of composting facilities?		

13. Will locally sourced and/ or sustainable materials be used?		
Are there any further comments you would like to make about the environmental and sustainability benefits of the scheme?		

It may be that following this checklist has highlighted environmental and sustainability improvements that could be incorporated into the scheme or attached as a condition of planning consent. Some simple measures can have a big impact, e.g. biodiversity net gain measures, and the checklist helps to shows the linkages between measures.