



Report of the Director of City Development

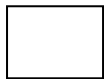
Scrutiny Board: City Development

Date: 8th December 2009

Subject: Climate change planning for renewables

Electoral Wards Affected:

All



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Background

- 1.1 On the 1st September 2009, City Development Scrutiny Board received and discussed a background report outlining the importance of renewable energy in tackling climate change. Scrutiny Board agreed to concentrate on three key issues, namely:
- a. Evaluating options for installing LZC (Low and Zero Carbon) energy as part of the corporate estate, with a focus on small, medium and large scale projects;
 - b. Development control processes to ensure that developments of over 10 dwellings or 1000 m² have at least 10% on-site LZC technologies;
 - c. The appropriate delivery structure to ensure that LZC energy, particularly large grid connected or on-site in major regeneration areas, was delivered.
- 1.2 The Board also agreed to discuss progress in planning policy to strategically plan for large-scale grid-connected renewable.
- 1.3 To allow for meaningful discussion, this has been split into two sessions. The first will cover planning issues (1.1.b. and 1.2) and the second will focus on corporate issues (1.1.a. and 1.1.c.).
- 1.4 This report therefore provides brief background for the first session. It is structured so that sections 2 and 3 focus on 1.1.b and sections 4 and 5 focus on 1.2.

2.0 Current planning policies for building integrated renewable energy

- 2.1 The current adopted planning policies regarding renewable energy can be found in the Leeds Unitary Development Plan (UDP) and in the Regional Spatial Strategy (RSS).
- 2.2 The UDP seeks to encourage renewable energy but does not do much more than that. The development of a Local Development Framework (LDF) for Leeds provides the opportunity to address this (see Appendix 1).
- 2.3 The RSS policy ENV5 for plans, strategies, investment decisions and programmes seeks to maximise improvements to energy efficiency and increases in renewable energy capacity. It also seeks to promote and secure greater use of decentralised and renewable or low-carbon energy in new development, including through Development Plan Documents setting ambitious, but viable, proportions of the energy supply for new development to be required from such sources. In advance of local targets, it states that new major developments¹ should provide for at least 10% of the energy needs of the building to come from renewable or low carbon sources, unless this is not feasible or viable. The full text of the policy is set out in Appendix 2.
- 2.4 Our development control approach is covered in section 3 below. Additional details regarding developing planning policies for development integrated renewables are contained in Appendix 1.

3.0 Current development control processes for building integrated renewables

- 3.1 There has been substantial progress in seeking sustainability reports and negotiating agreed BREEAM or Code of Sustainable Homes ratings for major schemes since the Regional Spatial Strategy was adopted in May 2008 and controlling these through planning conditions. In some cases, the proposed sustainability measures have specified uses of renewable energy sources, but a high rating for environmental assessment methodologies such as BREEAM and the Code for Sustainable Homes can be achieved by adopting a range of different sustainability measures.
- 3.2 So far this approach has been particularly focussed around public sector funded schemes (e.g. The Arena, Beeston Hill and Little London PFIs, and Tower Works in Holbeck Urban Village (where the applicants are Yorkshire Forward)), in areas where Supplementary Planning Guidance has a 10% renewables energy target (e.g. Holbeck Urban Village) and where landowners and developers are also seeking to achieve high sustainability measures in their schemes. The University of Leeds, Leeds Metropolitan University and some of the large retail operators (Tesco and Asda) fall within this latter category.
- 3.3 Examples of major developments that will achieve the 10% renewable energy target include the following:
- Gateway Phase 3 East Street – student residential scheme
 - Innovation and business centre – University of Leeds
 - School of Law – Western Campus

¹ Defined as being developments of 10 dwellings or more or over 1,000 square metres of floorspace

- Earth and Environment building – University of Leeds
- Round Foundry, Green building – offices – HUV
- Replacement Tesco retail store at Oakwood

3.4 In addition there are a number of major schemes where a relevant sustainability condition has been imposed on the approval and which could potentially deliver 10% renewable energy. These include:

- Quarry Hill – offices and hotel scheme
- Trinity Quarter retail scheme
- Clarence Road – mixed use scheme

3.5 In moving this agenda forward, officers have been mindful of a number of factors. The high level policy in the RSS is a useful starting point, but needs to be augmented by relevant policies in the UDP / LDF to carry more significant weight. Those policies are now coming forward in the Core Strategy Preferred Approach. The RSS was adopted in May 2008, shortly before the recession and the substantial economic downturn which has occurred. This has resulted in a significant reduction in major development proposals and the putting back of significant projects because of concerns about the market and viability. Against this backdrop, and the substantial list of current Section 106 contributions requested on major schemes, it was not felt that the timing was right to apply the 10% renewable energy requirement to all major schemes, but instead to encourage developers to consider sustainability measures more widely at scheme inception. Also of importance was the need to bring forward relevant guidance to assist developers to include sustainability measures in their schemes – this will be provided in the Sustainable Construction Guide which is now well advanced. Finally two other issues need to be satisfactorily addressed in moving forward. First the need for a sustainability statement for all major applications as a local validation criteria and second to provide the necessary officer training and resources to provide expertise and support when dealing with this technical subject.

3.6 A consultation draft combining the climate change supplement to PPS1 and PPS22 on renewable energy is to be issued by Communities and Local Government at national level by the end of the year and this will further move the agenda forward.

4.0 Current planning policies for large-scale renewables

4.1 The current adopted planning policies regarding large-scale grid-connected renewable energy can be found in the Leeds Unitary Development Plan (UDP) and in the Regional Spatial Strategy (RSS).

4.2 As noted above, the current UDP supports renewable energy but is not specific.

4.3 The RSS sets a grid-connected renewable energy target for each Authority, for Leeds this is 11MW by 2010 and 75MW by 2021. This is not applied on a site by site basis; instead the Authority is expected to work with developers across the district to ensure that sufficient proposals are brought forwards to meet the target.

4.4 Currently, the Minerals and Contaminated land team deal with planning applications for large-scale renewables (typically, any wind turbines over 15m tall and most other non-development integrated renewables). The limited extant planning policy

guidance in Leeds means that each application requires significant officer time to determine.

- 4.5 The most up to date figures we have show that there are just under 10 MW of grid connected capacity installed in Leeds (primarily landfill gas), but very little in the development pipeline. This means that we may just meet the RSS target for 2010 but could miss the 2021 target by quite a margin unless we can encourage the development of appropriate large-scale renewables.

5.0 Proposed planning policies for large-scale renewables – wind

- 5.1 Research by AEA technology for the Regional Planning Authority indicated that within Leeds, the technology with the greatest potential to meet the large-scale grid-connected capacity target was wind. Therefore we have focussed efforts on developing wind related policies.

- 5.2 Some authorities have identified 'Areas of Search' for wind farms to give a stronger indication as to locations where wind farms might be suitable. We have not done this because it was considered that as technologies change very quickly, areas which were previously considered unsuitable could quickly become out-of-date. We would not want to rule out areas which could become viable during the plan period. This means that the approach that has been taken is to provide a map of wind speeds across the District which indicates those areas with the greatest potential for wind energy generation. Alongside that we have provided a criteria based policy which indicates the criteria that developers would have to satisfy in order to secure a consent. The form of words for this Policy is still developing but will be along the lines of the wording below:

5.3 PREFERRED POLICY POSITION – ENERGY 2: WIND ENERGY

- 5.4 **Wind energy development proposals will be encouraged provided that they have no unacceptable impact on:**

- a. **the historic and natural landscape, landscape character, townscape, conservation areas, listed buildings or significant archaeological and cultural heritage sites;**
- b. **ecology or nature conservation;**
- c. **the amenity of the area in respect of noise, shadow flicker, dust or visual impact;**
- d. **highway safety in respect of vehicular movements, access during construction and decommissioning and a safe set-back from roads, railways and public rights of way;**
- e. **civilian and military aeronautical radar or the operation of airports, airfields, airstrips or aerodromes; and**
- f. **telecommunications and television reception.**

- **In addition proposals shall provide for reinstatement of the site through the removal of the facilities should it cease to be operational or upon decommissioning.**

6.0 Future developments to build capacity

- 6.1 Future Energy Yorkshire (part of CO₂ Sense, a wholly-owned subsidiary of Yorkshire Forward) proposes to develop a package of support for leading authorities to help them to encourage appropriate scale renewables. This package of support would encompass both training for development control officers and support for planning policy officers, in the form of research to help provide evidence on the suitability of different forms of renewables to areas of the city. Critically, this would not just focus on grid-connected renewables to meet RSS targets. Taking a broader approach begins to develop a new renewable energy infrastructure for Leeds, to reduce CO₂ emissions in line with our Climate Change Strategy and to build resilience to future energy shocks and rising energy prices.
- 6.2 We have expressed interest in participating in this support programme, with particular interest in:
- a. Combined heat and power and district heating;
 - b. Renewable heat (such as biomass);
 - c. Dispersed smaller-scale renewables in existing buildings;
 - d. Technical limitations and technical improvements for wind energy.
- 6.3 Additionally, the council is currently researching a business case to establish a separate Energy Services Company (ESCO) in Leeds, specifically to support developers to meet future planning policy requirements for renewables. We expect to make a decision on this within the next two years.

7.0 Recommendations

- 7.1 That Scrutiny Board note the content of the report.
- 7.2 That Scrutiny Board raise any concerns and identify areas where progress updates are required.

Background Papers

- Leeds Unitary Development Plan (UDP)
- Regional Spatial Strategy (RSS)
- Local Development Framework (LDF)
- Sustainable Construction Guide.

Appendix 1 - EMERGING RENEWABLE ENERGY POLICY IN THE LDF

1.0 CORE STRATEGY

- 1.1 As part of the development of the Local Development Framework, we are required by Government to consider renewable energy provision. We have therefore developed policies for both the Core Strategy and the Natural Resources and Waste Development Plan Document.
- 1.2 The Core Strategy provides the broad strategic approach and overarching policy framework. All our other Development Plan Documents, Area Action Plans and Supplementary Planning Documents must be in conformity with it. The Government has made clear in its supplement to Planning Policy Statement 1, Planning and Climate Change, that LDFs have a major role in delivering the Government's Climate Change Programme. It also states that the Core Strategy should set out a framework that promotes and encourages renewable and low-carbon energy.
- 1.3 The Leeds Core Strategy is currently at Preferred Options stage which is the subject of a six week consultation period. The results of the consultation will be used to help us firm up our policies into a final document. The final document will be examined by an independent Inspector and tested for 'soundness' before it can be adopted. The Preferred Options (known as the Preferred Approach) include the following key policies regarding renewable energy:

2.0 POLICY CC1 : CLIMATE CHANGE - CO₂ REDUCTION

- 2.1 **All developments of 10 dwellings or more or over 1,000 square metres of floorspace, whether new-build or conversion, will be required to:**
- a. reduce total predicted carbon dioxide emissions to 20% less than the Building Regulations Target Emission Rate until 2016 when all development will be expected to be zero carbon; and**
 - b. provide a minimum of 10% of the predicted energy needs of the development from decentralised, renewable or low carbon energy.**
- **Carbon dioxide reductions achieved in meeting policy b) will contribute to meeting policy a).**
- 2.2 **The required percentage reductions may increase as advances in technology enable higher levels of carbon reduction. Details of this will be provided in the Sustainable Design and Construction Supplementary Planning Document.**
- 2.3 **If it can be demonstrated that decentralised renewable or low carbon energy generation is not practical on or near the proposed development, it may be acceptable to provide a contribution equivalent to the cost of providing the 10%, which the Council will use towards an off-site renewable energy scheme.**
- 2.4 **The renewable or low carbon energy technologies must be operational before any new or converted buildings are occupied.**

3.0 POLICY RE1: RENEWABLE ENERGY

- 3.1 **The City Council, will in principle, support opportunities to improve energy efficiency and the increase in renewable energy capacity, as a basis to reduce**

greenhouse gas emissions. This includes wind energy, hydro power, biomass treatment, solar energy, landfill gas and electricity, heat from waste, combined heat and power and securing the greater use of decentralised and low carbon energy in new development. Further detailed policy guidance on these matters, is provided as part of the emerging Natural Resources and Waste Development Plan Document.

4.0 POLICY SC7 : SUSTAINABLE DESIGN AND CONSTRUCTION

4.1 To require developments of 1000 or more square metres or 10 or more dwellings (either new build or conversion if feasible) to meet at least the standard set by BREEAM or Code for Sustainable Homes as shown in the table below. A post construction review certificate will also be required prior to occupation.

	2009	2010	2013	2016
Leeds Code for Sustainable Homes requirement	N/a	Code level 3	Code level 4	Code level 6
Leeds BREEAM standard for non-residential buildings requirement	N/a	Very Good	Excellent	Excellent

5.0 NATURAL RESOURCES AND WASTE DEVELOPMENT PLAN DOCUMENT

5.1 More detailed technical planning policy is being developed in the emerging Natural Resources and Waste Development Plan Document. This is also at Preferred Options stage and due to go out for public consultation in December. The policies in it are intended to further encourage renewable energy provision, particularly wind energy, micro-generation, Energy from Waste and Combined Heat and Power (CHP). The DPD also introduces the Council's commitment to delivering an Energy Service Company (ESCo) – which will be essential if we are to insist on developers meeting Code Level 6 of the Code for Sustainable Homes or BREEAM excellent (as required by the Core Strategy Policy SC7 above).

6.0 SUSTAINABLE CONSTRUCTION SUPPLEMENTARY PLANNING DOCUMENT

6.1 Further detailed guidance giving suggestions to developers on how to incorporate renewable energy is contained within the Sustainable Construction Supplementary Planning Document which will hopefully be adopted early in 2010. The policies in the SPD can only be applied voluntarily until the parent policies in the Core Strategy are adopted and then the SPD can be applied as a requirement.

APPENDIX 2 – FULL TEXT OF REGIONAL SPATIAL STRATEGY POLICY ENV5

The Region will maximise improvements to energy efficiency and increases in renewable energy capacity. Plans, strategies, investment decisions and programmes should:

- A. Reduce greenhouse gas emissions, improve energy efficiency and maximise the efficient use of power sources by:
 1. Requiring the orientation and layout of development to maximise passive solar heating
 2. Ensuring that publicly funded housing, and Yorkshire Forward supported development, meet high energy efficiency standards
 3. Maximising the use of combined heat and power, particularly for developments with energy demands over 2MW, and incorporating renewable sources of energy where possible
 4. Ensuring that development takes advantage of community heating opportunities wherever they arise in the region, including at Immingham and near Selby
 5. Providing for new efficient energy generation and transmission infrastructure in keeping with local amenity and areas of demand
 6. Supporting the use of clean coal technologies and abatement measures

- B. Reduce greenhouse gas emissions, improve energy efficiency and maximise the efficient use of power Maximise renewable energy capacity by:
 1. Delivering at least the following Regional and Sub-Regional targets for installed grid-connected renewable energy capacity:

	2010	2021
Humber	124MW	350MW
North Yorkshire	209MW	428MW
South Yorkshire	47MW	160MW
West Yorkshire	88MW	295MW
Offshore	240MW	630MW
Total	708MW	1862MW

2. Monitoring annually planning permissions and developments against the indicative local authority targets for 2010 and 2021 set out in Table 10.2 and taking action accordingly in order to ensure the regional and subregional targets are exceeded

3. Promoting and securing greater use of decentralised and renewable or low-carbon energy in new development, including through Development Plan Documents setting ambitious but viable proportions of the energy supply for new development to be required to come from such sources. In advance of local targets being set in DPDs, new developments of more than 10 dwellings or 1000m² of non-residential floorspace should secure at least 10% of their energy from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable.

TABLE 10.2: Indicative local targets for installed grid-connected renewable energy in 2010 and 2021 (MW)

	2010	2021
Leeds	11	75
Wakefield	11	41
Calderdale	19	53
Kirklees	11	48
Bradford	11	56
Co-firing	25	23
West Yorkshire	88	295