

TOWN AND COUNTRY PLANING ACT 1990

Local Energy Networks Local Development Order; Statement of Reasons

Objective of the Local Development Order The principle aim of the order is to support the roll-out of decentralised energy networks in Exeter in the interests of decarbonising energy supply in the city.

The Local Development Order would extend permitted development rights for the laying of underground pipes and cables, and some above ground equipment
Decentralised Energy networks are required by Core Strategy Policy CP13 where viable and feasible.

Heat networks form an important part of the government's plan to reduce carbon and cut heating bills for customers. Currently, unlike gas and electricity networks, they do not benefit from permitted development rights and as such planning consent is required for the installation of such networks.

This Local Development Order would not avoid the need for other consents such as Highways Licences or landowner's consent.

Reasons/ Principles used to prepare the contents of the draft order

The principle reason to implement the Local Development Order is to reduce the regulatory burden on those wishing to develop decentralised energy networks in the city and in this way encourage such networks to be developed. The Local Development Order is proposed to be city wide.

The limitations of the order:

Development is not permitted by the Order where—

-) any ancillary buildings or enclosures would be greater than 1.5 metres in height or greater than 2.5 cubic metres in volume; or
-) it consists of any above ground level installation within a Conservation Area; or
-) the installation is of thermal or electrical generating plant; or
-) any individual sign would exceed 0.3 square metres in area; or
-) the installation would be installed on a site designated as a scheduled monument; or
-) the installation would be on a Listed Building or a Locally Listed Building or within the curtilage thereof; or
-) the installation constitutes EIA development as defined by Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or as subsequently redefined; or

-) the installation is of a type described in a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 in force on the land; or
-) the installation is development that is restricted by a condition of a planning permission implemented on the land; or
-) the installation would be within 8 metres of any flood defence assets or of the top of a bank of a main river; or
-) the installation would be outside the area identified on the LDO map.

Any development that is permitted would be subject to the following conditions—

-) the installations should be, so far as practicable, sited and designed so as to minimise their effect on the amenity of the area; and
-) areas of trees or landscaping affected by the installation shall be reinstated in to their condition prior to commencement of the works or to a specification agreed in writing by the LPA.
-) any above ground infrastructure should be flood resistant and resilient where located within an area subject of flood risk from fluvial or surface water flooding.
-) any above ground apparatus or enclosures are removed as soon as reasonably practicable after they are no longer required for the purpose of a Local Energy Network and the land restored to its condition before the development took place.

Justification for the creation of a LDO

Without the LDO being put in place planning permission would be required for the laying of underground pipes and cables and minor above ground works. These are considered to be uncontroversial developments. The costs of processing such applications is not fully covered by the fees and hence there would be a financial saving to the council. The applications have to be registered, advertised, processed and determined and it is considered that officer time is best directed to other objectives.

Statement of Policies that the LDO would implement

The LDO would implement the Council's Core Strategy Policy CP13 which is supported by paragraph 151 of the National Planning Policy Framework.

Lifetime of the LDO

It is intended that the LDO remaining in place until the Council acts to revoke or amend it.

Monitoring the LDO

It is intended that the LDO will be subject to ongoing monitoring to assess its effectiveness and identify issues arising that may require the Order to be amended or revoked.