

Testing Policies

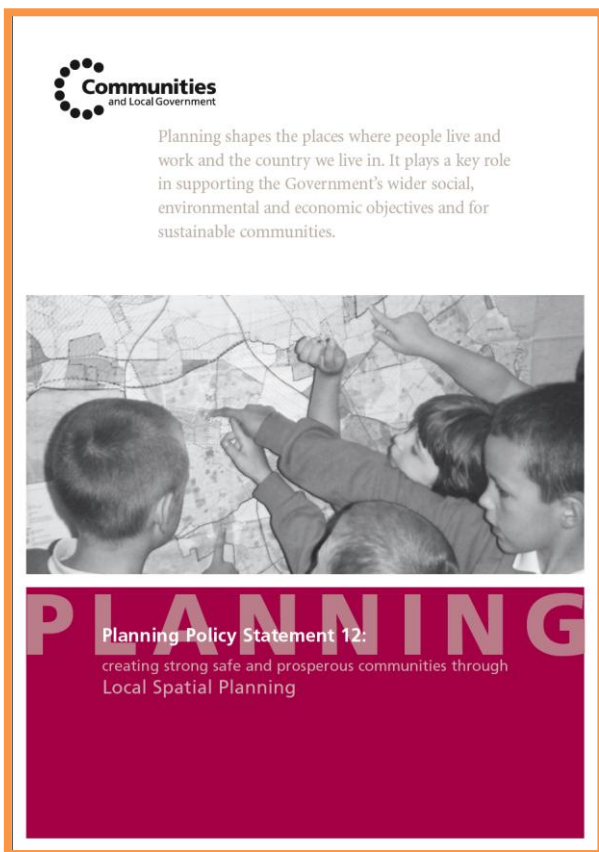
A local authority (including departments other than planning) has a key role in ensuring that there is infrastructure in place to prepare for the future low carbon economy. Policies should therefore be worded so that there is a clear commitment by a Local Authority to create modern energy infrastructure that will support future development as Building Regulations change.

This handout provides basic information on the “tests of soundness” as defined in Planning Policy Statement 12 – Local Spatial Planning, with further signposting to the Adaptation Sub Committee (ASC) Adaptation Ladder.

Planning Policy Statement 12 - Test of Soundness

PPS12 provides the starting point for all LDF policy development. It presents “tests of soundness” to reflect the differences between the legal requirements (former ‘procedural’ and ‘conformity’ tests) and the determination of soundness (former ‘consistency, coherence and effectiveness’ tests) as set out in the Planning and Compulsory Purchase Act 2004.

The examination process remains rigorous with inspectors looking for quality evidence and content. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan.



Communities
and Local Government

Planning shapes the places where people live and work and the country we live in. It plays a key role in supporting the Government’s wider social, environmental and economic objectives and for sustainable communities.

PLANNING
Planning Policy Statement 12:
creating strong safe and prosperous communities through
Local Spatial Planning

To be “sound” a core strategy should be **JUSTIFIED, EFFECTIVE** and consistent with **NATIONAL POLICY**.

“Justified” means that the document must be:

- founded on a robust and credible evidence base
- the most appropriate strategy when considered against the reasonable alternatives

“Effective” means that the document must be:

- deliverable
- flexible
- able to be monitored

Key Questions for Testing Energy Policy

What?

- Does the policy require development to demonstrate how it can improve upon building regulation standards for carbon emissions?
- Is the applicant (subject to exclusions) required to provide an energy statement / energy strategy setting out what is proposed?
- Where building regulation standards cannot be exceeded, does the policy require developers to provide evidence that options have been investigated in terms of feasibility and viability and to provide key data to the planning authority to enable a further / independent feasibility assessment to be carried out?
- Does the policy mandate developers, where relevant, to connect a decentralised and / or renewable energy scheme and / or contribute to its delivery?
- Does the policy encourage the delivery of energy applications subject to the normal tests of suitability and viability; and does it include a prompt to ensure that all developers are aware of the need to screen and scope the potential for environmental impacts?

Why?

- Has the policy been informed by national planning policy, UK and EU legislation and relevant plans, policies and programmes delivered at local levels (eg, Carbon management Plans, Greenhouse Gas Reports, Sustainable Energy Action plans, Climate Change Actions Plans)?

Where?

- Does the policy avoid prescribing on site energy solutions but instead encourages various solutions including those that seek to connect to DH networks?
- Is the policy linked, where appropriate, to the identified priority zones / areas of opportunity?
- Does the policy provide indication of areas of deployment for Allowable Solutions?

When?

- Does the policy promote pre-application consultation to encourage developers to explore options for energy?
- At the application stage, is it clear that developers must provide clear evidence to the authority supporting the energy solutions that will be integrated into the development;
- Are the timescales for policy implementation achieving any target dependant on a specific type of technology (eg, the effective promotion of DH networks)?

How?

- Is there a strong focus, supported with clear guidance and support on how applicants will be required to achieve low and zero carbon development?
- Does the policy benefit planning authorities in creating a supportive environment that facilitates low and zero carbon development?
- Does the policy ensure that the responsibility for creating low carbon infrastructure is not left entirely with developers?

The ASC's Adaptation Ladder

ASC have identified five priority areas for the Government to focus on in preparing a National Adaptation Programme, each priority provides a useful guide for testing policies in LDFs, ensuring that energy policies have stronger links to climate change.

Priorities include Land use planning, National infrastructure, Designing and renovating buildings, Managing natural resources and Effective emergency planning.

