

# APPENDIX 3

## Statement of Reasons



East Devon District Council

# LOCAL DEVELOPMENT ORDER

District Heat Networks

## Statement of Reasons

## **District Heating LDO**

### **Statement of Reasons**

#### **1. Legislation**

1.1. This document satisfies the requirements of Article 38(1) and (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (DMPO).

Article 38(1) states that where a Local Planning Authority proposes to make a Local Development Order (LDO) they shall first prepare:

- a) a draft order; and
- b) a statement for their reasons for making the order.

Article 38(2) states that the 'statement of reasons' shall contain:

- a) a description of the development which the order would permit; and
- b) a plan or statement identifying the land to which the order would relate.

#### **2. Background**

2.1. The district heating network is a distribution system of insulated underground pipes carrying hot water that takes heat from an energy centre and delivers it to individual properties and non-domestic buildings to provide heating and hot water. The district heating network removes the need for individual boilers or electric heaters in each building or dwelling.

2.2. East Devon's West End has district heating networks which are to be served by Skypark Energy Centre and Monkerton Energy Centre.

2.3. The Order sets out a range of limitations to which the LDO applies and identifies the timeframe of the LDO. The development which is permitted under the Order is subject to a list of planning conditions identified in the Order.

#### **3. Description of Development Permitted by this Local Development Order**

3.1. The Local Development Order grants planning permission for the development of a District Heating Network (DHN) comprising of pipes, cables and wires, heat exchange equipment, street furniture, informational signage and ancillary engineering works within defined areas of land in East Devon and shown on the attached map 1, subject to the conditions set out.

#### **4. Justification for creating this Local Development Order**

4.1. The principal aim for creating the LDO is to encourage and facilitate the implementation of district heating network by providing a simplified approach to

planning which reduces the regulatory processes and delays associated with the submission of planning applications.

- 4.2. The LDO will assist the delivery of a key aim of East Devon Council Plan 2020 – 2040 to achieve carbon neutrality by 2040. Addressing climate change is a key priority for the Council.
- 4.3. East Devon District Council aims to reduce carbon emissions as part of tackling climate change. In accordance with the Council's Vision as set out in the Local Plan the LDO will help to facilitate the change to a low carbon economy and support the Council's desire to become zero carbon.
- 4.4. Technology permitting, it is hoped that the DHN will also provide an opportunity to explore renewable and recovered heat sources in the future.
- 4.5. 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.

## 5. **Statement of policies that the LDO would implement**

- 1.1. The LDO is consistent with the aims and objectives of local and national planning policy.
- 1.2. Mitigating and adapting to climate change, including moving to a low carbon economy, forms part of one of the three core objectives of the National Planning Policy Framework (NPPF) in achieving sustainable development. At paragraph 148, the NPPF establishes that the planning system should support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure. Paragraph 151 of the NPPF goes on to encourage the identification of opportunities for developments to draw their energy supply from decentralised, renewable or low carbon energy supply systems to help increase the use and supply of renewable and low carbon energy and heat.
- 1.3. The LDO accords with and assists the implementation of East Devon District Council Local Plan 2013-2031 as follows:

### Strategy 3 - Sustainable Development

The objective of ensuring sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following

issues and their inter-relationships are taken fully into account when considering development: .....

b) Prudent natural resource use - which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. It also includes minimising resource consumption, reusing materials and recycling. Renewable energy development will be encouraged... .

#### Strategy 11 - Integrated Transport and Infrastructure Provision at East Devon's West End

Coordinated infrastructure provision will be required to cover Low carbon heat and power supply.

#### Strategy 12 - Development at Cranbrook

The town will be built to distinctive high quality design standards incorporating the best in environmentally friendly technology. The existing district heating system will provide for the combined heat and power needs of the town (part 6).

#### Strategy 13 - Development North of Blackhorse/Redhayes

The mixed use development will be low or carbon zero development with onsite and/or community power generation. The energy infrastructure will include a heat and energy network to achieve low and zero carbon development (part 4a).

#### Strategy 14 - Development of an Urban Extension at Pinhoe

The proposals will be built to distinctive high quality design standards incorporating the best in environmentally friendly technology including the reduction of carbon emissions through measures such as micro-generated technology and decentralised energy systems.

#### Strategy 39 – Renewable and low carbon energy projects

Renewable or low-carbon energy projects in either domestic or commercial development will in principle be supported and encouraged subject to them following current best practice guidance and the adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape and visual impacts, being satisfactorily addressed. Applicants will need to demonstrate that they have;

1. taken appropriate steps in considering the options in relation to location, scale and design, for firstly avoiding harm;
2. and then reducing and mitigating any unavoidable harm, to ensure an acceptable balance between harm and benefit.

Where schemes are in open countryside there will be a requirement to remove all equipment from the site and restore land to its former, or better, condition if the project ceases in the future.

#### Strategy 40 – Decentralised energy networks

Decentralised Energy Networks will be developed and brought forward. New development (either new build or conversion) with a floor space of at least

1,000m<sup>2</sup> or comprising ten or more dwellings should, where viable, connect to any existing, or proposed, Decentralised Energy Network in the locality to bring forward low and zero carbon energy supply and distribution.

## 6. Lifetime

6.1. This LDO takes effect on the date it is adopted by the Council.

6.2. Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, this Order shall expire after 15 years of the date of its adoption.

6.3. Once the LDO expires the local planning authority will have three options available;

- extend the LDO under the same limitations and conditions;
- provide the LDO and modified the limitations and conditions; or
- revoke the LDO and return to the established planning system.

6.4. Any development which has commenced (as defined by Section 56 of the Town and Country Planning Act 1990) under the provision of the LDO will be allowed to be completed within a reasonable time period, in accordance with the terms and conditions of the LDO.

## 7. Monitoring

7.1. The implementation and uptake LDO will be monitored through the data gathered under condition (e) which requires the date of commencement and the geographical position of the development to be submitted to the local planning authority.

## District Heating LDO

### Statement of Reasons Addendum – May 2023

#### 8. Extension to area covered by LDO

- 8.1. It is proposed to extend the boundary of the adopted Local Development Order (LDO) for District Heat Networks.
- 8.2. East Devon District Council (EDDC) has two district heating networks. The development of the district heating networks is part of EDDC's strategy to deliver large scale zero carbon development. The system is operated by the energy centre which is currently connected to the national gas main. It was always expected that the system would support decarbonisation. Initially the system was anticipated to be served by a biomass boiler, however it became evident that technology had not matured sufficiently to provide a reliable and commercially deliverable solution. A project is now being undertaken to heat the networks using heat recovery from a forthcoming Energy from Waste plant, situated in the Hill Barton Industrial estate. The connection of the district heat networks to the Energy from Waste plant will result in decarbonisation of the networks.
- 8.3. The LDO boundary is to be extended across an area reaching from the Hill Barton Industrial Estate to the A30. It will enable permitted development rights for the high pressure hot water pipes to be installed from the Energy from Waste plant to the energy substations at Skypark and Science Park subject to the limitations and conditions set out in the order.

#### 9. Justification for the extension to the Local Development Order area

- 9.1. The justification for the original area applies to the proposed extended area:
- 9.1.1. The principal aim for creating the LDO is to encourage and facilitate the implementation of district heating network by providing a simplified approach to planning which reduces the regulatory processes and delays associated with the submission of planning applications.
- 9.1.2. The LDO will assist the delivery of a key aim of East Devon Council Plan 2020 – 2040 to achieve carbon neutrality by 2040. Addressing climate change is a key priority for the Council.
- 9.1.3. East Devon District Council aims to reduce carbon emissions as part of tackling climate change. In accordance with the Council's Vision as set out in the Local Plan the LDO will help to facilitate the change to a low carbon economy and support the Council's desire to become zero carbon.

## 10. Lifetime

10.1. The amendment of the LDO takes effect on the date it is adopted by the Council.

10.2. Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, the LDO shall expire after 15 years of the date of its adoption, 15<sup>th</sup> July 2020.