

**Cabinet**

**14 February 2024**

**Solar Energy and Housing Needs  
Supplementary Planning Documents**

**Ordinary Decision**



---

## **Report of Corporate Management Team**

**Amy Harhoff, Corporate Director of Regeneration, Economy, and Growth**

**Councillor Elizabeth Scott, Cabinet Portfolio Holder for Economy, and Partnerships**

### **Electoral divisions affected:**

Countywide.

### **Purpose of the Report**

- 1 The purpose of this report is to seek Cabinet's approval to commence consultation on the second drafts of the Solar Energy and Housing Needs Supplementary Planning Documents (SPDs). Both documents support the County Durham Plan (CDP) that was adopted in October 2020.

### **Executive summary**

- 2 The CDP seeks to ensure that County Durham is a successful place to live, work, invest and visit by focussing on supporting and creating vibrant communities. The CDP is a comprehensive document covering all aspects of planning however to provide more detailed advice or guidance on the policies in the plan, Government guidance allows the preparation of SPDs. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.
- 3 The Solar Energy SPD will play a role in County Durham achieving net zero carbon emissions by 2045 and contributing to energy security. The SPD does:

- (a) provide guidance on key planning issues associated with solar development including landscape character, biodiversity, heritage assets and agricultural land; and
  - (b) seeks to ensure panels are appropriately sited and designed and that, where possible, wider social, economic, and environmental benefits are achieved.
- 4 The Housing Needs SPD supplements a range of policies in the CDP which seek to meet the different housing needs of our residents. The SPD does:
  - (a) Provide further guidance on the implementation of M4(2) accessible and adaptable housing and what constitutes a Multi-Generational Home (MGH), both of these measures are part of the CDP approach to meeting the needs of older people.
  - (b) Introduce guidance as to what should be considered as part of assessments for determining local area housing needs and the need for purpose-built student accommodation.
  - (c) Provide additional guidance on the application of the Nationally Described Space Standard (NDSS) in different forms of C Class development including hotels, dwellings, and houses in multiple occupation (HMOs).
  - (d) Contain a First Homes interim policy statement including local eligibility criteria consisting of a lower price cap to ensure that a first home is genuinely affordable.
- 5 If agreed, consultation will be undertaken on both SPDs from 26 February 2024 to 7 April 2024. All consultation will be undertaken in accordance with the council's statement of community involvement.

## **Recommendations**

- 6 Cabinet is recommended to:
  - (a) approve the second drafts of the Solar Energy SPD as detailed in Appendix 2 and the Housing Needs SPD as detailed in Appendix 3 for public consultation from 26 February 2024 to 7 April 2024; and
  - (b) delegate authority to the Corporate Director of Regeneration, Economy, and Growth, in consultation with the Cabinet Portfolio Holder for Economy and Partnerships, to make minor modifications and adopt the documents following consultation (if

significant changes are required then the SPD will need to return to Cabinet for adoption).

## **Background**

- 7 At a meeting of Full Council on 21 October 2020 the council adopted the CDP. The CDP seeks to ensure that County Durham is a successful place to live, work, invest and visit by focussing on supporting and creating vibrant communities. It is a comprehensive document covering all aspects of planning however to provide more detailed advice or guidance on the policies in the CDP, Government guidance allows the preparation of SPDs. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.

## **Solar Energy Supplementary Planning Document**

- 8 The Solar Energy SPD sets out guidance for solar development serving residential, business, leisure and community uses and commercial scale solar farms. The SPD recognises that solar development has a role in the county achieving net zero carbon by 2045 and contributing to energy security. It provides detailed guidance to ensure panels and associated infrastructure are appropriately designed and located to:
  - (a) protect Durham's Green Belt, unique landscape, biodiversity, and cultural heritage;
  - (b) protect soil resources and the best and most versatile agricultural land, and where applicable, ensure solar developments allow for continued agricultural use;
  - (c) protect amenity including from glint and glare from reflective materials;
  - (d) ensure no net increase in surface water runoff;
  - (e) protect public rights of way and ensure any impacts on the highway network are mitigated; and
  - (f) ensure, as soon as practicably possible after solar farms cease to operate, land is as a minimum restored to the condition it was in before the development and any landscape or biodiversity enhancements are retained.
- 9 In addition, the SPD promotes best practice in public engagement and provides guidance on the approach to community benefit.
- 10 There is no legal obligation for developers to propose or indeed provide community benefits as part of any planning application for solar farm developments however the council's recent experience has been that developers are willing to discuss the provision of community benefits as

part of proposals for solar farm developments and this is encouraged in the SPD.

- 11 The first draft of the Solar Energy SPD was consulted on from 30 May 2023 to 9 July 2023. There were 26 consultees who made representations to the SPD. There was general support for the principle of the SPD from all parties and acknowledgement of the role of solar energy in responding to the climate emergency. The industry felt aspects of the SPD were too onerous in relation to commercial solar farms. A statement of consultation is detailed in Appendix 4 and the key changes made following the consultation are:
- (a) additional text has been added to further highlight the importance of neighbourhood plans;
  - (b) additional text has been added on permitted development rights;
  - (c) further emphasis has been added that in accordance with CDP Policy 29 (Sustainable Design) all new developments should minimise greenhouse gas emissions and seek to provide renewable and low carbon energy generation;
  - (d) guidance on land use has been relocated from the medium scale to large scale chapter of the SPD, clarification has been added that additional evidence requirements apply where there would be a loss of best and most versatile agricultural land and how these requirements reflect planning practice guidance and text also now states the council will monitor the cumulative impact of large scale solar developments on the supply of agricultural land across the county;
  - (e) clarification has been added that criteria on landscape and townscape is to be read as key considerations to reduce visual impacts rather than a prescriptive list and the SPD also highlights the council is progressing further work on landscape sensitivity;
  - (f) guidance on cultural heritage has been amended to no longer state solar development in the setting of the World Heritage Site is likely to be resisted but that solar development that would harms its Outstanding Universal Value will not be permitted other than in wholly exceptional circumstances;
  - (g) guidance on the green belt has been amended so as not to prejudge that very special circumstances are unlikely to exist and instead set out what will be considered in assessing if very special circumstances exist;

- (h) additional text has been added on the process for a temporary diversion to a public right of way; and
- (i) good practice guidance on community engagement is highlighted.

## **Housing Needs Supplementary Planning Document**

- 12 The Housing Needs SPD sets out guidance relating to a number of housing related policies in the CDP that seek to meet the different housing needs of our residents and includes the following sections:
- (a) implementation of the M4(2) accessible and adaptable housing standard: the SPD provides additional guidance and a checklist to support the implementation of the Policy 15 Addressing Housing Needs requirement for 66% of homes on sites of five units or more to be to M4(2) standard;
  - (b) guidance on multi-generational homes - Policy 15: addressing housing needs requires that, on all sites of 10 or more units, 10% of these homes need to be of a design and type to increase housing options for older people including bungalows, level access flats and MGHs and the SPD provides further guidance on what does and what does not constitute an MGH;
  - (c) local area housing needs assessments template - Policy 11: rural housing and employment exception sites requires consideration of 'an identified local need for affordable or specialist housing sufficient to justify the scale and nature of the development', the SPD provides an overview of the factors and evidence that would be expected to be considered as part of a local area housing need assessment and this will provide guidance to applicants, agents and other community groups in preparing such assessments;
  - (d) purpose built student accommodation (PBSA) needs assessment template - Policy 16.2: requires applicants to demonstrate that there is a need for PBSA in support of a planning application and the SPD provides further guidance, setting out what a PBSA needs assessment should include, in order to ensure sufficient consideration is given to the need for PBSA from quantitative and qualities perspective;
  - (e) application of the NDSS in C Class Uses<sup>1</sup> - Policy 29 Sustainable Design introduced the NDSS and the SPD: provides guidance as

---

<sup>1</sup> Town and Country Planning (Use Classes) Order 1987 (as amended): Class C: C1 Hotels; C2 Residential Institutions; C2A Secure Residential Institutions; C3 Dwellinghouses; C4 Houses in Multiple Occupation.

to whether NDSS applies to differing forms of accommodation within the Class C use classes; and

- (f) First Homes interim policy statement and local eligibility criteria: First Homes are a new form of affordable housing tenure representing one of a range of intermediate housing products to meet the needs of households unable to afford outright home ownership and the SPD introduces local eligibility criteria, in addition to the national criteria, consisting of a lower price cap that will ensure that a first home is genuinely affordable in a County Durham housing market context.

13 The first draft of the Housing Needs SPD was consulted on from 24 February 2023 to 11 April 2023. There were 18 consultees who made representations to the SPD. There was general support for the principle of the SPD from all parties and further detail and clarity was welcomed on the policies. The development industry felt that the First Homes cap was too low and would affect viability, while Parish Councils that responded felt that it was too high and still unaffordable to many first-time buyers. Broadly, the guidance in the SPD was supported, with some areas including MGHs suggested to include more clarity and guidance. A full statement of consultation is detailed in Appendix 5a and the responses are detailed in Appendix 5b. The key changes made following the consultation are:

- (a) addition to state that housing need assessments should include a consultation/sign off from the council's housing development team to avoid abortive works and to provide support to ensure the appropriate data is being used;
- (b) text added that housing need assessments will now require consultation with Parish and Town Councils as standard and that reference should be made to how the requirements of any relevant neighbourhood plans are being met;
- (c) the First Homes cap has been considered as part of an updated assessment of plan wide viability and has been increased in line with viability considerations;
- (d) a section of SPD has been included on how the council determines the discount required to discount market sale affordable homes, which reflects an update to the plan wide viability assessment;
- (e) clarification of that detailed drawings may be requested as part of the planning application at the council's discretion if required to verify that dwellings are M4(2) compliant;

- (f) additional text has been added to provide some examples of appropriate locations within a site for older persons housing including the suggestion for the applicant to consider whether it would be more appropriate to cluster together these house types;
- (g) clarification has been included that for a MGH to be acceptable, a bespoke house type should be developed specially to meet the needs of older people living with their family;
- (h) in relation to NDSS in HMOs, additional text was added to set out that planning conditions can be added to prevent increases in the number of tenants within HMOs, to help to prevent subdivision and reductions in internal space standards;
- (i) an addition was made to the requirements demonstrating quantitative need to include that the applicant should attach original correspondence from the education provider;
- (j) the text 'appropriate exterior space' was added to the PBSA amenities list; and
- (k) an addition was made to the requirements regarding consultation with relevant education providers and that the developer should have received a response from the relevant education body before an application is submitted.

## Next Steps

- 14 If agreed, consultation will be undertaken on both SPDs from 26 February 2024 to 7 April 2024. All consultations will be undertaken in accordance with the council's statement of community involvement. Subject to the scale of the changes required following the consultation the Solar Energy and Housing Needs SPDs can be adopted using delegated powers.

## Supplementary Planning Document Progress

- 15 These latest SPDs join a growing list that are being prepared to support the policies of the CDP. The table detailed below shows the progress and status of each.

	First consultation	Second consultation	Adoption
Building for Life SPD			Sept 2019



Residential Amenity SPD			Dec 2022
Parking and Accessibility SPD			Oct 2023
Developer Contributions SPD	Apr/May 2022	Jan/Feb 2023	Jan 2024
County Durham Design Code SPD	Jan/Feb 2023	Oct/Dec 2023	Mar 2024 (Est.)
Trees, Woodland, and Hedges SPD	Jan/Feb 2023	Oct/Dec 2023	Mar 2024 (Est.)
Housing Needs SPD	Jan/Feb 2023	Feb/Apr 2024	July 2024 (Est.)
Solar Energy SPD	May/Jun 2023	Feb/Apr 2024	July 2024 (Est.)
Energy Efficiency, Renewables, and the Historic Environment SPD	Oct/Dec 2023	May/Jun 2024	Sept 2024 (Est.)
Shop Fronts SPD	Oct/Dec 2023	May/Jun 2024	Sept 2024 (Est.)
Biodiversity SPD	May/Jun 2024	Nov/Dec 2024	April 2025 (Est.)
Non-Designated Heritage Assets SPD	May/Jun 2024	Nov/Dec 2024	April 2025 (Est.)

### **Background papers**

County Durham Plan – Adopted 2020

### **Other useful documents**

None

**Author**

Mike Allum

Tel: 03000 261906

---

## **Appendix 1: Implications**

---

### **Legal Implications**

The Town and Country Planning (Local Planning) (England) Regulations 2012 set out how to prepare development plan documents and SPDs. Before the SPDs can be adopted, it is necessary to undertake two rounds of public consultation.

### **Finance**

As the SPDs progress there will be some costs for appropriate evidence gathering, consultation and printing which will be met from the spatial policy budget.

### **Consultation and Engagement**

The programme of consultation has been agreed with the council's corporate communications team and the council's consultation officers group and will be undertaken in accordance with the statement of community involvement and the 2012 Local Plan Regulations.

### **Equality and Diversity / Public Sector Equality Duty**

The council acknowledges that, in exercising its functions, it has a legal duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. This duty applies to all people defined as having protected characteristics under that legislation. An equality impact assessment was prepared for the CDP which considered the impact of all of the plan's objectives and policies including those that relate to each of the SPDs for consideration.

### **Climate Change**

Climate change is a thread running through the CDP. The importance of tackling and adapting to climate change is recognised in the plan's vision, objectives, sustainable development statement, spatial strategy, and a number of policies. As the SPDs sit below and reflect the policies and strategies of the CDP they similarly reflect this approach.

### **Human Rights**

Human rights issues were considered as part of the preparation of the CDP and, in particular Article 8 which protects people's right to respect their private life, family life and home and Protocol 1, Article 1, which protects a person's

right to enjoy their property peacefully. As the SPDs sit below and reflect the policies and strategies of the CDP they similarly reflect its approach.

### **Crime and Disorder**

None.

### **Staffing**

None.

### **Accommodation**

None.

### **Risk**

None.

### **Procurement**

If required, consultants may need to be commissioned to deliver evidence studies.

---

## **Appendix 2: Solar Energy SPD**

---

Please refer to the attached Solar Energy SPD.

---

## **Appendix 3: Housing Needs SPD**

---

Please refer to the attached Housing Needs SPD.

---

## **Appendix 4: Solar Energy SPD Statement of Consultation**

---

Please refer to the attached Solar Energy SPD Statement of Consultation.

---

## **Appendix 5a: Housing Needs SPD Statement of Consultation**

---

Please refer to the attached Housing Needs SPD Statement of Consultation.



---

## **Appendix 5b: Housing Needs SPD Statement of Consultation Responses**

---

Please refer to the attached Housing Needs SPD Statement of Consultation Responses.

