



# Planning and Energy Act 2008

## 2008 CHAPTER 21

An Act to enable local planning authorities to set requirements for energy use and energy efficiency in local plans. [13th November 2008]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

C1 Act: power to amend conferred (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), ss. 132, 255(3)(a) (with s. 247)

## 1 Energy policies

(1) A local planning authority in England may in their development plan documents, [<sup>F1</sup>a [<sup>F2</sup>corporate joint committee] may in their strategic development plan,] and a local planning authority in Wales may in their local development plan, include policies imposing reasonable requirements for—

- (a) a proportion of energy used in development in their area to be energy from renewable sources in the locality of the development;
- (b) a proportion of energy used in development in their area to be low carbon energy from sources in the locality of the development;
- (c) development in their area to comply with energy efficiency standards that exceed the energy requirements of building regulations.

(2) In subsection (1)(c)—

“energy efficiency standards” means standards for the purpose of furthering energy efficiency that are—

- (a) set out or referred to in regulations made by the appropriate national authority under or by virtue of any other enactment (including an enactment passed after the day on which this Act is passed), or

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- (b) set out or endorsed in national policies or guidance issued by the appropriate national authority;
- “energy requirements”, in relation to building regulations, means requirements of building regulations in respect of energy performance or conservation of fuel and power.
- (3) In subsection (2) “appropriate national authority” means—
- (a) the Secretary of State, in the case of a local planning authority in England;
  - (b) the Welsh Ministers, in the case of [<sup>F3</sup>a corporate joint committee or] a local planning authority in Wales.
- (4) The power conferred by subsection (1) has effect subject to subsections (5) to (7) and to—
- (a) section 19 of the Planning and Compulsory Purchase Act 2004 (c. 5), in the case of a local planning authority in England;
  - [<sup>F4</sup>(aa) section 60M of that Act, in the case of a corporate joint committee;]
  - (b) section 62 of that Act, in the case of a local planning authority in Wales.
- (5) Policies included in development plan documents by virtue of subsection (1) must not be inconsistent with relevant national policies for England.
- (6) Policies included in [<sup>F5</sup>a strategic development plan or] a local development plan by virtue of subsection (1) must not be inconsistent with relevant national policies for Wales.
- (7) Relevant national policies are—
- (a) national policies relating to energy from renewable sources, in the case of policies included by virtue of subsection (1)(a);
  - (b) national policies relating to low carbon energy, in the case of policies included by virtue of subsection (1)(b);
  - (c) national policies relating to furthering energy efficiency, in the case of policies included by virtue of subsection (1)(c).

#### Textual Amendments

- F1** Words in s. 1(1) inserted (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 2 para. 31\(2\)](#); S.I. 2021/7, reg. 2(c)
- F2** Words in s. 1(1) substituted (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), [Sch. 9 para. 40\(2\)](#)
- F3** Words in s. 1(3)(b) substituted (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), [Sch. 9 para. 40\(3\)](#)
- F4** S. 1(4)(aa) substituted (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), [Sch. 9 para. 40\(4\)](#)
- F5** Words in s. 1(6) inserted (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 2 para. 31\(5\)](#); S.I. 2021/7, reg. 2(c)

## 2 Interpretation

In this Act—

[<sup>F6</sup>“corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of

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regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;]

“development plan document” has the same meaning as in Part 2 of the Planning and Compulsory Purchase Act 2004;

“local planning authority” has the same meaning as in the Town and Country Planning Act 1990 (c. 8).

F7 ...

#### Textual Amendments

- F6** Words in s. 2 inserted (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), [Sch. 9 para. 41\(a\)](#)
- F7** Words in s. 2 omitted (21.1.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), [Sch. 9 para. 41\(b\)](#)

### 3 Short title and extent

- (1) This Act may be cited as the Planning and Energy Act 2008.
- (2) This Act extends to England and Wales.

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**Changes and effects yet to be applied to :**

- s. 1(1) words substituted by [2023 c. 55 Sch. 8 para. 29\(2\)](#)
- s. 1(4)(a) words substituted by [2023 c. 55 Sch. 8 para. 29\(4\)\(a\)](#)
- s. 1(5) words substituted by [2023 c. 55 Sch. 8 para. 29\(5\)](#)
- s. 2 words substituted by [2023 c. 55 Sch. 8 para. 30](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1A) inserted by [2015 c. 20 s. 43](#)
- s. 1(1ZA) inserted by [2023 c. 55 Sch. 8 para. 29\(3\)](#)
- s. 1(4)(aza) inserted by [2023 c. 55 Sch. 8 para. 29\(4\)\(b\)](#)