

WAVERLEY BOROUGH COUNCIL

EXECUTIVE

5TH APRIL 2022

Title:

Climate Change and Sustainability Supplementary Planning Document (SPD) - consultation

Portfolio Holder: Cllr L Townsend, Portfolio Holder for Planning and Economic Development & Cllr S Williams, Portfolio Holder for Environment and Sustainability

Head of Service: Zac Ellwood, Head of Planning and Economic Development

Key decision: Yes

Access: Public

1. Purpose and summary

- 1.1 The purpose of this report is to present the draft Climate Change and Sustainability Supplementary Planning Document (SPD) to the Executive and obtain authorisation to allow the SPD to be subject to public consultation.

2. Recommendation

It is recommended that the Executive, after considering comments from the Services Overview & Scrutiny Committee:

1. Agree that the SPD be subject to a minimum four-week public consultation under Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the Regulations”).
2. Delegates authority to the Head of Planning and Economic Development after consultation with the PFHs for Planning and Economic Development and Environment and Sustainability to make minor editorial changes prior to consultation as a result of any changes made by the Executive.

3. Reason for the recommendation

To comply with Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the Regulations”), the SPD must be subject to a public consultation.

4. Background

- 4.1 Local Plan Part 1 (LPP1) was adopted in February 2018 and contains the strategic planning policies on climate change and sustainability. Since the adoption of LPP1, the council voted to adopt the Climate Emergency motion,

which sets out the council's aim to become carbon-neutral by 2030. The Carbon Neutrality Action Plan (CNAP) was prepared to provide a statement of the councils' areas of focus to achieve a carbon neutral borough and includes an action to prepare an SPD on climate change and sustainability.

- 4.2 Land Use Consultants (LUC), who are experts in the fields of both sustainability and planning, were appointed to prepare the SPD. SPDs should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. Additionally, they should not add unnecessarily to the financial burdens on development. The SPD therefore covers LPP1 policies CC1: Climate Change, CC2: Sustainable Construction and Design, CC3: Renewable Energy Development and ST1: Sustainable Transport.

SPD content

- 4.3 The purpose of the SPD is to provide further detail and guidance on existing LPP1 policies, as SPDs do not form part of the development plan and therefore cannot introduce new planning policies. The SPD covers how to apply policies and what the requirements is for compliance, requests for information to be provided with applications, what is possible and appropriate for development in Waverley, best practice and exemplar developments, and links to the latest guidance and codes of practice.

- 4.4 The structure of the SPD is as follows:

- Part 1: Guidance on specific topic areas
 - Minimising energy use in new developments
 - Sustainable site layout, landscaping, and orientation of buildings
 - Climate change resilience and adaptation
 - Use of sustainable resources and minerals and sustainable management of waste
 - Water efficiency
 - Design to encourage use of sustainable forms of transport
- Part 2: Examples of exemplar development
- Part 3: An appendix which contains a climate change and sustainability checklist
 - This will be a validation requirement and developers will be required to demonstrate that development options have been sought that will result in the biggest carbon reductions, and if the measures described by the guidance have not been met, they will be required to provide technical or financial reasons.

Public consultation

- 4.5 Under the Regulations, there is a requirements for the Council to undertake a minimum of four week public consultation on all SPDs. Consutation methods will include:

- Letter to all members of the local plan/planning policy consultation database which includes statutory consultees, adjoining local authorities, parish and town councils, residents and other interested parties
- Public notice in the local papers (Surrey Advertiser, Farnham Herald and Haslemere Herald)
- Press release and updates on the Council's social media channels
- Meeting with all parish and town councils
- Electronic copies of SPD and supporting documents made available on the Council's website and hard copies of documents made available in libraries across the Borough.

5. Relationship to the Corporate Strategy and Service Plan

- 5.1 The SPD will support the strategic priorities of taking action on Climate Emergency and protecting the environment, and effective strategic and development management to meet the needs of our community in the Corporate Strategy. Producing the SPD is an action Waverley's Carbon Neutrality Action Plan and is action SP22/25 P12.3 in the Planning and Economic Development Service Plan for 2022-25.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

No substantive resource implications have been identified. A budget of £40,000 has been provided to produce the SPD - £10,000 from the Climate Emergency Fund and £30,000 from the General Fund Working Balance agreed as a supplementary estimate by the Executive in September 2021. The costs of the consultation will be covered from within this budget.

6.2 Risk management

No issues identified.

6.3 Legal

This supplementary planning document should build upon and provide advice and guidance on policies in an adopted local plan. As it will not form part of the development plan, it cannot introduce new planning policies into the development plan. It will however be a material consideration in decision-making.

6.4 Equality, diversity and inclusion

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

The SPD does not introduce new policy but provides guidance on the implementation of existing policy in LPP1. An equalities impact assessment was undertaken for LPP1 prior to its submission for examination in 2016. LPP1 was found to have neutral or positive impacts on all protected characteristic groups.

6.5 Climate emergency declaration

As set out above, there is a target in the Carbon Neutrality Action Plan to produce an SPD focussing on climate change and sustainability. The SPD, once adopted, will be a material consideration in determining planning applications of all types and scales and will enable the Council to influence new development across the Borough so that it is sustainable and responds to the challenges of, and mitigates against, climate change. There are currently a number of planning policies contained within Local Plan Part 1 which focus on climate change and sustainability and the SPD will set out how the Council expects these policy requirements to be met, and will therefore support applicants, officers and Councillors to ensure that these policies are used to their maximum potential.

7. Consultation and engagement

- 7.1 Three initial engagement sessions were undertaken and helped to determine the scope and content of the draft SPD. The first was with Development Management officers as they use the policies in LPP1 on a day-to-day basis and will use the SPD as a material consideration for determining planning applications once it is adopted. The second was with local stakeholders and the invite to the session was extended to a number of relevant organisations which operate within the Borough. The meeting was attended by representatives from Waverley Friends of the Earth. The third session was with a select group of Councillors: Cllr L Townsend, Cllr A MacLeod, Cllr S Williams and Cllr M D'Arcy. This is further detailed in Annex 4 – Consultation Statement.
- 7.2 The Services Overview and Scrutiny Committee considered the Climate Change and Sustainability SPD on 21 March 2022. The committee made six recommendations on the SPD:

S22-0321-9.1	That a clearer demarcation is made within the document between requirements and guidance. Potentially through the use of verbs such as “shall, must and will!” as opposed to “should, could, might”
S22-0321-9.2	Highlight the source for requirements (e.g. a particular provision in another planning document or in legislation)
S22-0321-9.3	Consideration should be given to how utilities can be incorporated into designs such that they can be easily accessed in a manner which does not create disruption
S22-0321-9.4	Introduce a consistent format for SPDs to cover both documents produced in-house and by consultants
S22-0321-9.5	Include a glossary of terms
S22-0321-9.6	Wherever possible, quantify terms such “minimise” or “reduce”

8. Other options considered

- 8.1 The other option is not to consult on the draft SPD, however as the regulations require that a consultation is undertaken before an SPD can be adopted, the preparation of the SPD would not be able to progress without the Council undertaking the consultation. This option has therefore not been taken forward.

9. Governance journey

- 9.1 The decision to approve the SPD for consultation will be made by the Executive. Following the consultation, the document will be presented to Executive and Full Council for adoption.

Annexes:

Annexe 1 – Draft Climate Change and Sustainability Supplementary Planning Document
Annexe 2 – Strategic Environmental Assessment Screening
Annexe 3 – Habitats Regulation Assessment Screening
Annexe 4 – Consultation Statement

Background Papers

There are / are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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Agreed and signed off by:

Legal Services: O&S Report: 03/03/2022; Executive Report: 17/03/2022
Head of Finance: O&S Report: ; Executive Report:
Strategic Director: O&S Report: 01/03/2022; Executive Report:
Portfolio Holder: Cllr L Townsend – O&S Report: ; Executive Report: 22/03/2022
Cllr S Williams – O&S Report: 03/03/2022; Executive Report: