

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 4 OCTOBER 2022

COUNCIL – 18 OCTOBER 2022

Title:

**Climate Change and Sustainability Supplementary Planning Document
(SPD) - Adoption**

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

Head of Service: Dawn Hudd, Joint Strategic Director (Place)

Key decision: Yes

Access: Public

1. Purpose and summary

- 1.1 The purpose of this report is to seek the Executive's approval of the Climate Change and Sustainability Supplementary Planning Document (SPD), and that it is recommended to Full Council for formal adoption as a material planning consideration.

2. Recommendation

- 2.1 It is recommended that the Executive recommends to the Council that the Climate Change and Sustainability Supplementary Planning Document (SPD) be adopted, and that the Council subsequently adopts the SPD.

3. Reason for the recommendation

- 3.1 The SPD provides further guidance on the implementation of Local Plan Part 1 (LPP1) policies relevant to climate change and sustainability and will form part of the Council's response to the climate emergency and will become a material planning consideration. It 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.
- 3.1 This recommendation follows a statutory public consultation on the SPD undertaken in accordance with Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ("the Regulations"). The final SPD attached as Annexe 1 has been amended in response to comments raised through the public consultation.

4. Background

- 4.1 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 but are 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. Part 1 of the SPD provides guidance on specific topic areas, Part 2 sets out examples of exemplar development and Part 3 is an appendix which contains a climate change and sustainability checklist which will become a validation requirement.

Consultation on the preparation of the SPD

- 4.4 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 Annexe 2 – Consultation Statement.

Public consultation on the draft SPD

- 4.5 In accordance with the requirement in the Regulations to undertake a four-week public consultation, a consultation was held between 28 June and 29 July 2022. In total 42 responses were received from a range of stakeholders including: statutory consultees, Parish Councils, local residents, developers and other interested parties.

Summary of responses:

- Generally, responses expressed overall support for the SPD
- Suggestions of changes to what 'must,' 'should' and 'could' be achieved – generally suggested that there should be more 'must's
- Some suggestions that the SPD is not clear enough about what is required but also some suggestions that it is
- Certain elements of the SPD need further clarification e.g., solar gain, 2022 Building Regulations update
- The SPD should have a greater focus on sustainability of existing buildings and re-use of existing buildings
- The SPD include other areas of sustainability in the SPD/additional requirements e.g., maintenance of footpaths, maintaining mature trees, groundwater/bore water
- The SPD should cover other topics such as planning of utilities and services, infrastructure and broadband
- The SPD should be more restrictive on development in flood zones
- The SPD has too much of an urban focus and should focus more on the environment
- Detailed comments on specific measures covered by the SPD

4.6 The Consultation Statement attached at Annexe 2 details the comments received and the response to these. Where appropriate and deemed necessary, changes have been made to the SPD to address the comments received.

Key changes to SPD

4.7 In considering the comments received and whether changes are required to the SPD, regard was had to the scope of SPDs as set out in paragraph 4.2 of this report. Following a review of the comments received during the consultation, the following key changes have been made to the draft SPD:

- General:
 - Update links to latest SCC Highways Guidance.
 - Cross-reference to WBC Affordable Homes Strategy 2022-2025.
- Throughout document:
 - Review all 'could,' 'should' and 'must' measures to ensure 'must' is used only where it is a policy requirement and that where possible 'should' is being used rather than 'could'.
 - Ensure a clearer split between requirements and guidance by highlighting measures that are required ('must' measures).
 - Correct paragraph numbering and typos.
- Glossary:
 - Review Glossary to ensure compliance with NPPF definitions.
- Introduction:
 - Add clarification that the remit of an SPD is not to introduce policy.
 - Change the text box to clarify that submission of the Checklist is not a requirement for pre-app, but pre-app submissions should demonstrate how the SPD has been considered within the evolution the design.
 - Update text to reflect adoption of LTP4 in July 2022.
 - Update Building Regulations references to reflect adoption of June 2022 interim uplifts.

- Clarify that the SPD also applies to allocated sites within LPP2 and non-allocated sites.
- Replace references to north / south road connectivity with more accurate terminology.
- Chapter 2:
 - Encourage developers to ensure dwellings are future proofed so that development can be adapted to be carbon neutral without significant retrofit.
 - Update text to clarify that district heating infrastructure to provide heat energy for developments will not be necessary if the fabric first approach results in a minimal space heating requirement.
 - Add reference to Passivhaus certification can achieve improved efficiency of around 65-85% compared to a building with a standard construction.
 - Make it clear that if a DHN is specified it should not justify reduced thermal performance of new dwellings.
 - Embodied carbon - Add that retrofit of existing buildings at least needs to be considered.
 - Make reference to the benefits of community energy.
- Chapter 3:
 - Clarify that SUDS is an NPPF requirement within major development proposals.
 - Include consideration of drought-tolerant species.
- Chapter 4:
 - Clarify that all sources of flooding need to be considered, including sewer flooding.
 - Clarify that it may be necessary for more stringent measures which go above and beyond what is outlined in this SPD to be required to ensure proposed developments are for example safe from the risk of flooding over the lifetime of the development.
- Climate Change Checklist:
 - Include additional energy efficiency measures from the main body of the SPD, and to require optimisation rather than maximisation of solar gain.

Environmental Assessment

- 4.8 LUC were also commissioned to prepare a report on the determination of the need for Environmental Assessment under Regulation 9 of the Environmental Assessment of Plans & Programmes Regulations 2004 (Statutory Instrument 2004 No. 1633) and a report on the determination of the need for assessment under the Conservation of Habitats & Species Regulations 2017 (as amended). The Strategic Environment Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Statement (Annexe 3) concludes that the SPD is unlikely to have significant environmental effects and that full SEA is therefore not required and concludes that the SPD will not result in likely significant effects on any European site, either alone or in combination with any other plans or programmes.
- 4.9 The statutory consultation bodies (Natural England, Environment Agency and Historic England) were consulted on the SEA and HRA Screening Opinion Reports as part of the consultation on the draft SPD. No comments were received from the Environment Agency or Historic England raising any objections the

conclusions of the Screening Opinion Reports. No response was received from Natural England.

5. Relationship to the Corporate Strategy and Service Plan

- 5.1 The SPD will support the strategic priorities of acting 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 adopting the SPD 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. If formally promulgated for adoption in due course, this will be done in accordance with and to satisfy Regulations 14 and 35 of the TCP (Local Planning) (England) Regulations 2012, in terms of notification to specific interested persons, general publicity and inspection by the public at the Council's offices and on the Council's website.

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: one with Development Management officers, one with local stakeholders and one with a select group of Councillors.
- 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”

- 7.3 In accordance with the Regulations, a public consultation was undertaken between 28 June and 29 July 2022. A summary of the consultation is set out in paragraph 4.5 and the full details are set out in the Consultation Statement attached as Annex 2.

8. Other options considered

- 8.1 The other option is not to adopt the SPD. However, the SPD is considered an important part of the Council’s response to the climate emergency 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. This option has therefore not been taken forward.

9. Governance journey

- 9.1 The draft SPD was presented to Overview and Scrutiny on 21 March 2022, followed by Executive on 5 April 2022, where it was agreed to publish the

document for public consultation. If agreed by the Executive, the SPD will be recommended to Full Council for formal adoption at the meeting to be held on 18 October 2022.

Annexes:

Annexe 1 – Climate Change and Sustainability Supplementary Planning Document (SPD)

Annexe 2 – Consultation Statement

Annexe 3 – Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Statement

Background Papers

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

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