

Executive Report

Ward(s) affected: N/A

Report of Director of Strategic Services

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Climate Change, Sustainable Design, Construction and Energy SPD

Executive Summary

This report recommends the adoption of the Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document ('the SPD') and the revocation of the Sustainable Design and Construction SPD (2011).

The SPD does not provide new policy; it provides guidance for existing policy in the Local Plan: strategy and sites 2015-2034 that relates to climate change adaptation and mitigation, low and zero carbon energy and sustainable development. If adopted, the SPD will be a material consideration in planning decisions and will help improve compliance with Local Plan policy. As a result of improved compliance, new development will be more sustainable.

The SPD provides guidance on the information that should be included in planning applications and how it should be presented so that decision makers are able to judge the extent to which the proposals comply with Local Plan policy. It also provides guidance on sustainable design and construction practice.

Recommendation to Executive

- (1) That the Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document, as set out in Appendix 3 to this report, be adopted.
- (2) That the Sustainable Design and Construction Supplementary Planning Document (2011) be revoked.
- (3) That the Policy Lead – Planning Policy, in consultation with the Lead Councillor for Climate Change, be authorised to make such minor alterations to improve the clarity of the Supplementary Planning Document as they may deem necessary prior to adoption.

Reasons for Recommendation:

- (1) Adopting the new SPD will provide detailed guidance for adopted Local Plan policy that addresses climate change and sustainability. This will help to deliver sustainable development.

- (2) The new SPD replaces the 2011 SPD, which is no longer required. Keeping it in place would complicate the planning process unnecessarily.
- (3) To allow for minor modifications to the SPD should they be necessary prior to publication.

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 To recommend to the Executive that it should resolve to adopt the Guildford Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document ('the SPD') (see Appendix 3) and to set out the reasons for making that decision.
- 1.2 To recommend that the extant Guildford Sustainable Design and Construction Supplementary Planning Document (2011) is revoked.
- 1.3 To recommend that the Policy Lead – Planning Policy is authorised to make such minor modifications to the SPD, as may be deemed necessary prior to adoption, in consultation with the Lead Councillor for Climate Change.

2. Strategic Priorities

- 2.1 The Council has declared a climate emergency, which includes a commitment to working towards a carbon-free borough, with the goal of achieving net zero carbon emissions by 2030. The SPD will support this aim by reinforcing and providing clarity for adopted Local Plan policy that reduces the carbon emission rates of new developments.
- 2.2 The Council's Strategic Framework includes the following strategic priorities:
- delivering the Guildford Borough Local Plan
 - supporting older, more vulnerable and less advantaged people in our community
 - protecting our environment, and
 - encouraging sustainable and proportionate economic growth
- 2.3 The Corporate Plan includes reducing energy, fuel and water use from the Council's own operations and delivering renewable energy projects as key projects within the theme "protecting our environment".
- 2.4 The SPD includes guidance that will provide clarity for Local Plan policies which will help to deliver the Local Plan.
- 2.5 The SPD includes guidance on climate change adaptation. Climate Change is likely to have the greatest impact on the most physically vulnerable members of the community so by providing guidance on climate change adaptation, the SPD will support vulnerable groups and reduce the inequality of the impact. Additionally, the guidance

will help to promote energy efficiency in new buildings which will help to tackle fuel poverty and improve the situation for the economically vulnerable.

- 2.6 The SPD as a whole promotes greater sustainability in new development so supports the priority of protecting the environment at the global and local scale. At the same time, this will encourage sustainable growth.
- 2.7 The SPD includes specific guidance on low and zero carbon energy technology, fuel efficiency and water efficiency which will help to deliver Corporate Plan key projects.

3. Background

The Local Plan: Strategy and Sites 2015-2034

- 3.1 The Council adopted the Local Plan: Strategy and Sites 2015-2034 (the 'LPSS') in April 2019. The LPSS includes policy 'D2: Climate Change, Sustainable Design, Construction and Energy' which sets out sustainability requirements for new development:
 - efficient use of natural resources and waste reduction,
 - low energy design and construction,
 - design for sustainable lifestyles,
 - climate change adaptation,
 - low and zero carbon energy,
 - new buildings to achieve a carbon emissions rate at least 20 per cent lower than Building Regulations standards.
- 3.2 The LPSS also includes policies 'D1: Place Shaping' and 'P4 Flooding, Flood Risk' and 'Groundwater Protection Zones' which require developments to perform positively against Building for Life principles and use natural resources efficiently, and to prioritise Sustainable Drainage Systems (SuDS), respectively.
- 3.3 Policy D2 requires applicants for planning permission to demonstrate compliance with policy by submitting the following information:
 - For major developments (10 or more homes, or 1000 sqm or more of commercial floorspace),
 - an energy statement, and
 - a sustainability statement.
 - For non-major developments (development lower than the thresholds above),
 - adequate information regarding energy and carbon, and
 - sustainability information proportionate to the size of the development
- 3.4 Information submitted to support planning applications has not always been of a consistent standard and in some cases has lacked the necessary content to demonstrate that policy has been complied with. As a result, planning decision makers have had to ask for further information, leading to delays in the planning process. In addition, applicants and decision makers may not have a clear picture of the standard that is expected of new development by LPSS policy.
- 3.5 The Council currently has the Sustainable Design and Construction Supplementary Planning Document (2011) which was produced to provide guidance for policies in the Local Plan 2003. The new SPD is intended to supersede this document.

The SPD

- 3.6 The SPD addresses the issues identified above by providing guidance that:
- makes the intention of the relevant Local Plan policies clear,
 - provides practical guidance on sustainable design and construction,
 - sets out detailed guidance on the information that different types of development should submit in order to demonstrate compliance with relevant local plan policies, and
 - sets out how the information should be presented so that the key points are clear for decision makers.
- 3.7 The Local Plan examination established that it was not appropriate to ask for the same level of information from non-major development as from major development. As a result, the level of information required by LPSS policy D2 is different for the two types of development. This is reflected in the SPD where non-major developments have the option of completing a questionnaire instead of drafting documents. This option helps reduce the burden on some smaller developments.
- 3.8 Adopting the SPD will mean that developers will have clarity over what is expected of their developments and how to provide information to clearly demonstrate to decision makers that the required standard has been met. The result will be a smoother and more efficient planning process with fewer instances where further information is needed from applicants and fewer refusals that could have been avoided.
- 3.9 There may be a need to correct typographical and other errors and to improve the clarity and presentation of the SPD prior to publication. Therefore, the Executive is asked to authorise the Policy Lead - Planning Policy to make such modifications in consultation with the Lead Councillor for Climate Change.

4. Consultations

Initial consultation

- 4.1 Prior to formal public consultation, the draft document was shared with departments and officers within the Council who are involved in the delivery of new development, the delivery of energy projects and/or the planning process. As a result of this initial consultation, minor amendments were made, as set out in the Consultation Statement in Appendix 4.

Formal public consultation

- 4.2 The SPD was subject to a formal public consultation between 28 February and 30 March 2020. Representations were received from 31 respondents and a number of changes were made to the SPD in response. The main issues raised and the responses or actions that resulted from the representations can be seen in the Consultation Statement at Appendix 4.

Climate Change and Innovation Board

- 4.3 The SPD was reviewed by the Climate Change and Innovation Board (CCIB) and detailed discussions were held in the CCIB meeting on 23 January 2020. A number of issues were raised resulting in changes to the SPD, as set out in Appendix 1.

Other feedback

- 4.4 The draft SPD guidance was trialled with a number of live planning applications after it was made available for public consultation. As a result, opportunities to make the guidance more practical and robust were identified. The following changes were made:
- clarification that appraisals of heat pumps should take the efficiency of the pump into account,
 - additional commentary on the discrepancy between SAP 2012 emission factors¹ and real-world emissions,
 - clarification that low or zero carbon energy technologies that are not mounted on a new building will count towards the carbon reduction for a building where they supply energy directly to it, and
 - amendments to the guidance on the submission of SAP assessments for schemes that use standard building types to allow for variations in carbon performance within a standard type.
- 4.5 The SPD was considered by the Place-making and Innovation Advisory Board. This is covered below in section 11.
- 4.6 The SPD, as amended following the consultations set out above, was circulated to all councillors along with the draft Consultation Statement, and the draft of this report including Appendices 1 and 2. Several comments were received, and further minor amendments were made as a result.

5. Key Risks

- 5.1 The SPD is likely to improve the planning process by bringing clarity to Local Plan policy where it relates to climate change and sustainable design, construction and energy. This will reduce delays in the planning process and, as a result, adopting the SPD is not considered to present any risks. Adopting the SPD presents an opportunity to improve the planning process and steer development towards greater sustainability by improving compliance with Local Plan policy.

6. Financial Implications

- 6.1 No financial implications will occur as a result of adopting this SPD.

7. Legal Implications

- 7.1 In order to fulfil the statutory criteria for a Local Development Document (LDD), an SPD has to be prepared in line with the requirements of section 19 of the Planning and

¹ The amount of carbon released when specific fuel or power source is used per kWh. The SAP 2012 emission factors are the values currently used in the Building Control process. They do not reflect real-world emissions, particularly for grid electricity which has been decarbonised.

Compulsory Purchase Act 2004 and Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

- 7.2 SPDs should build upon and provide more detailed advice or guidance on policies in an adopted local plan. They do not form part of the development plan and therefore they cannot introduce new planning policies into the development plan. As detailed in the report above, the SPD is closely aligned with adopted policy and provides guidance for its provisions.
- 7.3 Once adopted as an LDD, the SPD will be a material consideration in the determination of relevant planning applications.
- 7.4 The SPD has been subject to due process under The Town and Country Planning (Local Planning) (England) Regulations 2012.
- 7.5 Pursuant to section 9D of the Local Government Act 2000, the Executive has the power to adopt the SPD as a LDD.

8. Human Resource Implications

- 8.1 There are no Human Resource implications associated with adopting the SPD. The SPD provides guidance for adopted Local Plan policy and will assist in the assessment of applications, and additional staff resources will not be necessary as a result.

9. Equality and Diversity Implications

- 9.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies. The SPD is not policy but provides guidance to existing adopted policies within a local plan. As such it cannot impact on equality issues in any material way beyond the impact of the policies it supplements. Those policies have been subject to an EqIA screening and therefore it is not necessary to test the implications of this guidance.
- 9.2 The document has been formatted in compliance with the Council's rules on accessibility.

10. Climate Change/Sustainability Implications

- 10.1 The SPD will help to explain and support the policies within the Local Plan. In doing so it will improve the quality of planning applications and decision making. The policies in the Local Plan have undergone a Sustainability Appraisal which includes consideration of their impact on environmental objectives.
- 10.2 The SPD guides development towards sustainable outcomes in accordance with adopted Local Plan policies that cover sustainable development and climate change. As a result, the SPD is expected to have a positive impact on sustainability and climate change.
- 10.3 A Strategic Environmental Assessment (SEA) Screening and Habitat Regulations Assessment (HRA) Screening has been undertaken for the SPD. The SEA Screening concluded that the SPD does not require a full SEA to be undertaken whilst the HRA screening concludes that the SPD will not lead to likely significant effects on European

sites and does not require an Appropriate Assessment. The statutory consultees for SEA and HRA (Natural England, Historic England and the Environment Agency) agreed with the conclusions. As a result, the Council has produced an SEA and HRA determination statement in line with the processes set out in the relevant regulations.

11. Executive Advisory Board comments

- 11.1 The SPD was considered by the Place-making and Innovation Executive Advisory Board on 1 June 2020. A number of issues were raised and suggestions were made resulting in changes to the SPD, as set out in Appendix 2.

12. Summary of Options

- 12.1 The Executive may resolve to adopt the SPD, reject the SPD, or instruct officers to make amendments before returning the document to the Executive for subsequent approval.
- 12.2 The third option (amendments) would result in a delay in adoption of the guidance and the benefits associated with it as outlined in this report.

13. Conclusion

- 13.1 Officers consider there are sound reasons to adopt the SPD and revoke the Sustainable Design and Construction SPD 2011. Adopting the new SPD will ensure it carries material weight in planning decisions. This will help applicants and decision makers in the submission and determination of planning applications. The guidance will influence new developments to improve compliance with Local Plan policy, resulting in development that is more sustainable.

14. Background Papers

Strategic Environmental Assessment (SEA) / Habitats Regulations Assessment (HRA) Determination Statement, available at <https://www.guildford.gov.uk/climatechangespd>.

LPSS Equality Impact Assessment screening, available at <https://www.guildford.gov.uk/localplan/examination>.

15. Appendices

Appendix 1: Climate Change and Innovation Board comments and responses
Appendix 2: Place-making and Innovation EAB comments and responses
Appendix 3: Climate Change, Sustainable Design, Construction and Energy SPD 2020
Appendix 4: Consultation Statement