

Guildford Borough Council

Report to: Executive

Date: 3 October 2024

Ward(s) affected: All

Report of Director: Place

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Report Status: Open

Adoption of the Climate Change, Sustainable Design, Construction and Energy SPD

1. Executive Summary

This report recommends the adoption of the Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document (SPD). The purpose of the document is to supersede the Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document that was adopted in 2020. The SPD does not create new policy, rather it provides guidance for existing policies in the Local Plan: Strategy and Sites (adopted 2019) and Local Plan: Development Management Policies (adopted 2023) that relate 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. Adoption of the

SPD will help applicants and decision makers in the submission and determination of planning applications by providing additional clarity and ensuring better consistency.

2. Recommendation to Executive

That the Executive resolves to:

- 2.1 adopt the Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document (SPD) as shown in Appendix 1 of this report, and
- 2.2 withdraw the Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document (2020).

3. Reason(s) for Recommendation:

- 3.1 Adopting the new SPD will provide detailed guidance for adopted Local Plan policy that addresses climate change and sustainability. This will help ensure clarity and consistency in decision making and help to deliver sustainable development.
- 3.2 The new SPD replaces the 2020 SPD, which is no longer required. Keeping it in place would complicate the planning process unnecessarily.

4. Exemption from publication

No part of this report is exempt from publication.

5. Purpose of Report

- 5.1 Formal adoption by the Executive is the final stage in the process of producing a new SPD. This will enable it to become a material consideration when determining planning applications. The draft SPD was consulted upon for five weeks during July and August 2024 (the statutory minimum of four weeks plus an additional week due to school summer holidays). The Consultation Statement sets out how

this was undertaken, the comments that were received and the Council's response to these - see Appendix 2 of this report.

6. Strategic Priorities

6.1 The Council's Corporate Strategy 2024-34 includes the following strategic priorities that this SPD will help deliver:

- Become a more sustainable borough
- Ensure people have access to decent and affordable homes

7. Background

7.1 Since the Climate Change, Sustainable Design, Construction and Energy SPD was adopted in 2020, there have been significant changes in the national and local policy context, alongside an increasing emphasis nationally on the Climate Change agenda. The key changes in circumstances are listed below:

- The adoption of the Local Plan: Development Management Policies in March 2023, which contained several planning policies relevant for climate change and sustainability, notably D14-D17. These superseded aspects of Policy D2 in the Local Plan: Strategy and Sites 2019, the main strategic policy that deals with climate change and sustainable development.
- Changes to Building Regulations, particularly improvements to the standards for the energy performance of new and existing buildings in Part L, and the introduction of Part O, which sets the standards for overheating in new residential buildings.
- Updates to the National Planning Policy Framework, the latest of which took place in December 2023. Further changes to the NPPF are currently being consulted on.
- Changes to the fuel emission factors used in Part L, which has reduced the carbon emission rate for grid electricity to reflect the continuing decarbonisation of the national grid.

- Changes to construction practices, likely driven by the aforementioned policy and regulatory changes as well as evolving public perception and national priority afforded to addressing climate change.

7.2 The SPD responds to these changes in circumstances and draws together and provides greater clarity about the information the Council expects and requires to be submitted with planning applications.

7.3 The SPD also complements the Local Plan by providing detailed guidance on its policies and by setting out the information that must be provided in order to demonstrate that the energy and sustainability requirements have been met. It also provides new guidance on applications for renewable and low carbon energy generation and storage developments. The key changes from the 2020 SPD to the new SPD are as follows:

- The addition of further guidance to support the relevant policies in the Local Plan: Development Management Policies. This includes guidance on our fabric first approach, and the Council's approach to demolition, waste, embodied carbon, and water efficiency.
- To improve the clarity and usability of the document much of the existing guidance has been condensed and information checklists and content summary boxes have been added throughout.
- Section 5 has been added to support policy D17 by providing guidance on applications for renewable and low carbon energy generation and storage developments.
- SPD Appendix 2 which contains the climate change questionnaire for minor developments has been updated to reflect the new policy requirements and to improve the quality of information received through it.

7.4 Adopting the SPD will mean that developers will have greater 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 needs to be requested from applicants and fewer avoidable refusals.

8. Consultations

- 8.1 The draft SPD has a technical nature so it was prepared by Planning Policy officers in consultation with colleagues in Development Management. The iterative process allowed the SPD to respond to specific issues arising from planning applications coming forward within the borough.
- 8.2 Prior to formal consultation, direct engagement was made with councillors through both the cross-party Local Plan Panel and Climate Change Board. Councillors on the Local Plan Panel were invited to comment on a draft SPD at a meeting on 07 May 2024. Panel members are expected to share and feedback the views from their respective parties. Members of the Climate Change Board also received, and were invited to comment, on the draft SPD at a meeting on 22 May 2024. The draft SPD was amended as appropriate and finalised for formal consultation. Comments received together with the subsequent changes made are set out in the Consultation Statement at Appendix 2.
- 8.3 The draft SPD was subject to a five-week public consultation from 5 July to 9 August 2024. During this time a total of 21 respondents submitted comments. The Comments together with the Council's response to these is contained in Appendix 1 of the Consultation Statement at Appendix 2 of this report. Some comments were supportive or related to matters outside the scope of the SPD. For the remaining comments, a number of changes were made to the SPD in response.
- 8.4 The SPD is now finalised and officers recommend that it is adopted by the Council's Executive.

9. Key Risks

- 9.1 There are considered to be no risks with adopting this SPD as it will provide increased clarity for applicants, which should reduce unnecessary delays or refusals.

10. Financial Implications

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

11. Legal Implications

- 11.1 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 Compulsory Purchase Act 2004 and Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012. An SPD must also comply with the requirements of Regulation 8 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The SPD has been subject to due process under this legislation.
- 11.2 The SPD will comply with the requirements of Regulation 8 of the Town and Country Planning (Local Planning) (England) Regulations 2012, on the basis that once it is adopted, the adoption date will be stated in the SPD.
- 11.3 A Strategic Environmental Assessment (SEA) 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 a HRA Appropriate Assessment. The statutory consultees for SEA and HRA (Natural England, Historic England and the Environment Agency) did not raise any objections 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 (see Background Papers).

- 11.4 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.
- 11.5 Once adopted as an LDD, the SPD will be a material consideration in the determination of relevant planning applications. Pursuant to section 9D of the Local Government Act 2000, the Executive of the Council has the power to adopt the SPD as an LDD.

12. Human Resource Implications

- 12.1 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.

13. Equality and Diversity Implications

- 13.1 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 Equalities Impact Assessment screening and therefore it is not necessary to test the implications of this guidance.
- 13.2 The SPD has been formatted in compliance with the Council's rules on accessibility.

14. Climate Change/Sustainability Implications

- 14.1 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.

- 14.2 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 by improving the performance of new developments with regard to sustainability and climate change.

15. Summary of Options

- 15.1 The Executive may resolve to adopt the SPD, reject the SPD, or instruct officers to make amendments before returning the document to executive.
- 15.2 The third option (amendments) would result in a considerable delay in the adoption of the guidance and the benefits associated with it due to the need to reconsult on the amended document and take it back through the committee process.

16. Conclusion

- 16.1 Officers consider there are sound reasons to adopt the SPD. Adopting the 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.

17. Background Papers

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

18. Appendices

Appendix 1: Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document

Appendix 2: Consultation Statement