



Reigate & Banstead
BOROUGH COUNCIL
Banstead | Horley | Redhill | Reigate

SIGNED OFF BY	Head of Planning
AUTHOR	Ian Dunsford, Planning Policy Manager
TELEPHONE	01737 276889
EMAIL	ian.Dunsford@reigate-banstead.gov.uk
TO	Executive
DATE	Thursday, 25 March 2021
EXECUTIVE MEMBER	Portfolio Holder for Planning Policy and Place Delivery

KEY DECISION REQUIRED	N
WARDS AFFECTED	(All Wards);

SUBJECT	Climate Change and Sustainable Construction Supplementary Planning Document for Consultation
----------------	--

RECOMMENDATIONS
<p>(i) The Executive approve the draft Climate Change and Sustainable Construction Supplementary Planning Document for public consultation.</p> <p>(ii) The Head of Planning in consultation with the Executive Member for Planning Policy, be authorised to make any necessary minor amendments to the draft Climate Change and Sustainable Construction Supplementary Planning Document prior to consultation.</p>
REASONS FOR RECOMMENDATIONS
<p>The draft SPD will provide developers and decision makers the tools to improve the sustainability of new developments and reduce climate change emissions in accordance with the Local Plan and to support RBBC's Environmental Sustainability Action Plan. The council is required to consult on planning documents before they can be adopted.</p>
EXECUTIVE SUMMARY
<p>This report provides the background to the preparation of the draft Climate Change and Sustainable Construction Supplementary Planning Document, explains why the document has been prepared, outlines the proposals for consultation and how it will be used in the determination of planning applications.</p>

Consultation on the draft supplementary planning document is planned to be undertaken for 4 weeks starting in March 2021 with adoption anticipated in September 2021.

Executive has authority to approve the above recommendations.

STATUTORY POWERS

1. The Council has no statutory obligation to produce supplementary planning documents (SPDs) but has powers under planning legislation to consult on and adopt SPDs as appropriate. The Planning Act 2008, Planning and Compulsory Purchase Act 2004 (as amended) and the associated Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), set out the requirements for the preparation of SPDs.
2. The relevant Regulations require a Consultation Statement to be prepared to summarise who has been informed in the preparation of SPD, and to be made available during the public consultation. This is provided as a supporting document.
3. A screening process has been undertaken to assess whether or not the SPD requires a Strategic Environmental Assessment. The screening opinions are annexed to this report and conclude that the SPD does not require SEA, a view that was confirmed by the three statutory consultation bodies.
4. The draft SPD is compliant with the Human Rights Act 1998.

BACKGROUND

5. Supplementary Planning Documents (SPDs) are documents which provide guidance to assist in implementing development plan policies. They may be used to provide further guidance for development on specific sites, or on particular issues such as sustainable construction. They are material considerations in planning decisions. Due to the complexities and subtleties of implementing sustainable development and carbon reduction, a draft Climate Change and Sustainable Construction Supplementary Planning Document has been prepared in accordance with the Planning Act 2008 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

KEY INFORMATION

Reason for the Draft SPD

6. The draft SPD has been prepared to support the implementation primarily of Core Strategy Policies CS10 Sustainable Development and CS11 Sustainable Construction and Development Management Plan Policy CCF1 Climate Change Mitigation. The policies provide overarching objectives, but the proposed SPD provides key details on how RBBC's Local Plan policies and related climate change corporate objectives can be delivered.

7. Sustainable construction and adaption to a low carbon economy is a complex and evolving field. There are limitations in what RBBC can require developers to do as carbon emissions from new development is partly covered in Part L of the building regulations. Local Plan policies can only relate to new development which requires a planning application. The DMP policies went through a viability assessment and as a result the SPD cannot require radical measures which will add significant cost to a new development thereby making the development unviable and the local plan undeliverable. However, government has and is likely to continue to increase carbon reduction measures and financial support packages so that it can meet its net zero carbon emissions by 2050. Banning the installation of gas boilers in new development from 2025 and the Green Homes Grant are some recent national initiatives to reduce climate change emissions.
8. The draft SPD has been developed to primarily assist developers seeking to invest in Reigate and Banstead and decision makers. Whilst there are many sources of information on sustainable development and reducing development climate change emissions, these tend to look at the national and international scales and overlook local considerations. This draft SPD focuses on the uniqueness of the borough, current suitable technologies and preferred approaches. It acts as a conduit of existing national guidance and has developed from other tried and tested approaches.
9. Whilst the draft SPD is guidance associated with existing policies, it has been designed to facilitate change to more sustainable forms of development and will further aid the Council's environmental objectives and help the Borough move to net zero carbon.

Document Structure

10. Each of the main chapters is focused on a key theme, the policy context and objectives, how this can be achieved including the multiple considerations, what to include in a planning application and where to find more information. Each of the main chapters is linked to the iterative Sustainability Checklist. The Sustainability Checklist provides a route map for developers to integrate sustainable measures into new developments. This would evolve through the pre-application process, provide clarity to both parties, de-risk the project and achieve the most sustainable outcomes in a cost effective, collaborative and effective way.

Benefits

11. Other authorities have used such documents to considerable success including the Greater London Authority, Greater Cambridge and Woking Borough Council. These efforts have not only helped to reduce emissions and supported more sustainable forms of development but have resulted in more energy efficient homes which helps to reduce fuel poverty.
12. The draft SPD seeks to address some recognised shortfalls of current standard approaches including the use of a post occupancy condition to ensure that pre-development carbon emission modelling is actually delivered on site. It also requires clearly defined outputs on a Carbon Reduction Statement to be completed by the applicant. This is not considered onerous as applicants will need to undertake a similar analysis to comply with Building Regulations.

13. The draft SPD outlines the Council's preferred approach to emission reductions associated with historic assets so as to minimise harm to the asset or its setting.
14. The document provides more clarity on demolition and construction approaches, including demolition, recycling materials, sustainable sourcing and support for Considerate Constructors schemes.
15. The draft SPD will enable the Council to have the tools to meet some of its plan related and Environmental Sustainability Action Plan (2020) objectives. It should be noted however that it has been designed to be flexible enough to take account of unnamed and yet un-marketed technologies.

OPTIONS

16. Recommendation 1: That the Executive approve the updated draft Climate Change and Sustainable Construction Supplementary Planning Document for public consultation.
 - a. Option 1: Approve the draft SPD for consultation. This option is recommended as it would enable the Council to move towards the adoption of up-to-date guidance to provide clarity and certainty for developers, development management and others.
 - b. Option 2: Do not approve the draft Climate Change and Sustainable Construction SPD for public consultation. This option is not recommended as it would undermine corporate commitments to reducing Climate Change Emissions.
17. Recommendation 2: That the Executive authorise the Head of Planning in consultation with the Executive Member for Planning Policy to make any necessary minor amendments to the draft Supplementary Planning document prior to consultation.
 - a. Option 1: Agree to the suggested authorisation for making any minor amendments prior to consultation. This option is recommended.
 - b. Option 2: Do not agree to necessary minor amendments being made prior to consultation. This option is not recommended.

LEGAL IMPLICATIONS

18. The SPD will come into effect on adoption and will become a material consideration in planning determinations where relevant. The SPD will comply with the adopted development plan and latest national planning policy.

FINANCIAL IMPLICATIONS

19. The consultation and work towards adoption of the SPD will mainly come from the Planning Policy Team. As no Examination is required for SPDs, costs will therefore

be limited to officer time, consultation and production costs, all within existing budgets.

EQUALITIES IMPLICATIONS

20. As required by the Environmental Assessment of Plans and Programmes Regulations 2004 and the Conservation of Habitats and Species Regulations 2017, the Council undertook Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening to determine whether the proposed SPD should be subject to SEA and HRA Appropriate Assessment. This assessment is appended to this report, it concluded that there is not a need for SEA or a full Appropriate Assessment under the HRA.

COMMUNICATION IMPLICATIONS

21. As detailed in the body of the report above, following Executive approval in accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the draft SPDs will be subject to a statutory minimum four week public consultation before being recommended to the Executive for adoption. During the consultation, the Council will invite comments by emailing and writing to interested parties (Specific and general consultees, prescribed bodies for the Duty to Co-Operate and other individuals and organisations registered on the Planning Policy database for such purpose) and we will make the documents available on the Council website and in paper format at the Town Hall and the six libraries in the borough subject to the covid restrictions. This consultation is currently timetabled for May/June 2021.

RISK MANAGEMENT CONSIDERATIONS

22. No risk management considerations have been identified for this emerging Supplementary Planning Document.

OTHER IMPLICATIONS

23. Considered in the body of the report.

CONSULTATION

24. The preparation of the draft updated SPD has been informed by discussions with the Council's Development Management Team, Senior Conservation Officer, the Member Development Management Advisory Group, Cross Member Sustainability Group, the Council's Sustainability Project Officer and Surrey County Council's Climate Change Officer. Details of people and organisations involved and their input into the draft SPD is set out in the Initial Consultation Statement annexed to this report.
25. In accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the draft SPD will be subject to a statutory minimum four week public consultation before being recommended to the Executive

for adoption. During the consultation, the Council will invite comments by emailing and writing to interested parties and we will make the documents available on the Council website and in paper format at the Town Hall and six libraries in the borough subject to Covid restrictions. This consultation is currently timetabled for May/June 2021.

26. Following the formal consultation stage, the draft SPD will be amended to take account of consultation responses received and any further relevant information. The Initial Consultation Statement prepared to accompany the draft SPD for the consultation will be updated with a list of who we have consulted, a summary of the comments received and how those comments have been addressed in finalising the SPD.

POLICY FRAMEWORK

27. Contained in the body of the report.

BACKGROUND PAPERS

1. Corporate Plan 2015-20 - http://www.reigate-banstead.gov.uk/council_and_democracy/about_the_council/plans_and_policies/corporate_plan/index.asp
2. Local Plan Core Strategy (2014 reviewed 2019) - https://www.reigate-banstead.gov.uk/downloads/download/1380/reigate_and_banstead_local_plan_-_core_strategy
3. Development Management Plan (2019) - https://www.reigate-banstead.gov.uk/downloads/file/5767/development_management_plan
4. Environmental Sustainability Action Plan (2020) - https://www.reigate-banstead.gov.uk/downloads/download/2064/environmental_sustainability_strategy_2020