

SIGNED OFF BY	Head of Planning
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TO	Executive
DATE	Thursday, 16 September 2021
EXECUTIVE MEMBER	Portfolio Holder for Planning Policy and Place Delivery

KEY DECISION REQUIRED	N
WARDS AFFECTED	(All Wards);

SUBJECT	Adoption of the Climate Change and Sustainable Construction Supplementary Planning Document
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RECOMMENDATIONS	
(i)	The Executive adopt the draft Climate Change and Sustainable Construction Supplementary Planning Document (SPD).
(ii)	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 implementation.

REASONS FOR RECOMMENDATIONS
<p>The 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.</p> <p>In accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012, public consultation on the draft SPD was undertaken 24 May – 23 June 2021.</p>

EXECUTIVE SUMMARY
<p>This report requests that the Executive adopt the Climate Change and Sustainable Construction Supplementary Planning Document (SPD) following formal public consultation and subsequent amendments to the draft SPD. The public consultation undertaken from 24 May to 23 June 2021 resulted in 27 sets of responses from a range of</p>

organisations and individuals. Overall there was much support for the SPD. A number of representations wanted more demanding standards, but this would require a change to policy or government intervention which is beyond the scope of this SPD. Key areas raised by the consultation included the proposed changes to Building Regulations Part L Energy Efficiency and Part F Ventilation which would introduce a higher standard, other alternative technologies, the strengthening of the biodiversity elements within the document and the impact of different technologies on air traffic safety. All issues raised have been addressed in the Consultation Statement and where considered appropriate the SPD has been amended. Biodiversity has been largely omitted as a separate SPD is being prepared which is also taking account of new legislation which is expected to be enacted in autumn 2021. No further comments were received relating to the Strategic Environmental Assessment and Habitats Regulations Assessment Screening. The responses and how they have been treated have been subject to review by the LDF Scrutiny Panel and endorsed by the Overview and Scrutiny Committee on the 25 August and 9 September respectively. Once adopted the SPD will become a material consideration in planning applications.

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 SPD

6. The SPD (Annex 1) 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 and related climate change corporate objectives can be delivered. It also helps deliver the carbon reduction aims of Reigate and Banstead 2025 and the Council's Environmental Sustainability Strategy 2020.
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, the Green Homes Grant and a consultation on proposed changes to Part L of the Building Regulations and Future Building Standards in the 2021 are some recent national initiatives to reduce climate change emissions.
8. The 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.

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. Once adopted the 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.

Consultation

16. Following Executive approval on 25 March 2021, a public consultation was undertaken between 24 May 2021 and 23 June 2021 in accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012.
17. Details of the consultation, including how it was undertaken, with whom, summaries of the comments received and the Council's response and how the matters raised have been addressed in finalising the SPD are contained in Annex 2 of this report – the Consultation Statement.
18. The consultation resulted in 27 sets of responses from national bodies, Horley Town Council, residents' groups, development professionals and individuals.
19. Overall there was much support for the SPD. A number of representations wanted more demanding standards, but this would require a change to policy or government intervention which is beyond the scope of this SPD. Key areas raised by the consultation included the proposed changes to Building Regulations Part L Energy Efficiency and Part F Ventilation, other alternative technologies, the strengthening of the biodiversity elements within the document and the impact of different technologies on air traffic safety, assessing embodied carbon in developments and the introduction of more challenging standards. Each of these matters has been addressed in the Consultation Statement and where appropriate the SPD has been amended. Biodiversity has been largely omitted as a separate SPD is being prepared which is also taking account of new legislation which is expected to be enacted in autumn 2021.

20. In July the Government published further amendments to the National Planning Policy Framework and these too have been taken into account in the SPD including reference to the United Nations Sustainable Goals.
21. The responses and how they have been treated have been subject to review by the LDF Scrutiny Panel and endorsed by the Overview and Scrutiny Committee on the 25 August and 9 September 2021.

Next Steps

22. Should the Executive be mindful to adopt the SPD, the new SPD, Consultation Statement and Adoption Statement will be made public on the Council's webpages subject to any final changes.
23. Members and Development Management will be notified. Training will be offered to officers and members.
24. The Council's Planning Application Validation list will be amended to include the new guidance and new style Climate Reduction Statement and Sustainable Development forms.

OPTIONS

25. Recommendation 1: That the Executive adopt the Climate Change and Sustainable Construction Supplementary Planning Document.
 - a. Option 1: Approve the SPD. This option is recommended as it would provide up-to-date guidance to provide clarity and certainty for developers, development management and others.
 - b. Option 2: Do not approve the Climate Change and Sustainable Construction SPD. This option is not recommended as it would undermine corporate commitments to reducing Climate Change Emissions.
26. 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 Supplementary Planning document prior to publication.
 - 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

27. 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

28. Preparation of the SPD and its consultation have been funded in the main from the approved Planning Policy Team revenue budget. This budget has also funded the notifications of adoption, final production and training costs.

EQUALITIES IMPLICATIONS

29. 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

30. Following Executive approval to consult in March 2021, in accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the draft SPD underwent a statutory minimum four week public consultation between 24 May and 23 June 2021 before being recommended to the Executive for adoption. During the consultation, the Council invited 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). The documents were made available on the Council website and in paper format at the six libraries in the borough. Due to the Town Hall closure to visitors as a result of covid restrictions, a paper copy was not made available here. However, the consultation included extensive social media coverage and an online Smart Survey was developed to facilitate ease of responding. Once adopted a press release will be prepared and shared with media outlets.

RISK MANAGEMENT CONSIDERATIONS

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

OTHER IMPLICATIONS

32. Considered in the body of the report

POLICY FRAMEWORK

33. Supplementary Planning Documents (SPDs) are optional for the Council to produce. This new SPD will provide supplementary guidance to assist in the implementation of Core Strategy and DMP policies. It is however not part of the Council's Policy Framework under the existing Constitution.

BACKGROUND PAPERS

1. Planning and Compulsory Purchase Act 2004 (as amended)
2. Planning Act 2008 (as amended)

3. Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
4. Local Plan Core Strategy (2014 reviewed 2019) - https://www.reigate-banstead.gov.uk/downloads/download/1380/reigate_and_banstead_local_plan_-_core_strategy
5. Development Management Plan (2019) - https://www.reigate-banstead.gov.uk/downloads/file/5767/development_management_plan
6. Environmental Sustainability Action Plan (2020) - https://www.reigate-banstead.gov.uk/downloads/download/2064/environmental_sustainability_strategy_2020

Appendices

Appendix 1: Draft Climate Change and Sustainable Construction Supplementary Planning Document

Appendix 2: Draft Consultation Statement

Appendix 3: Strategic Environmental Assessment and Habitats Regulation Assessment Screening

Appendix 4: Draft Adoption Statement