

INFRASTRUCTURE OVERVIEW & SCRUTINY PANEL

THURSDAY, 18 MARCH 2021

PRESENT: Councillors Sayonara Luxton (Chairman), Jon Davey (Vice-Chairman), Christine Bateson, Phil Haseler and John Baldwin

Also in attendance: Councillor John Bowden, Councillor Shamsul Shelim, Councillor Gurpreet Bhangra, Councillor Gurch Singh, Councillor David Hilton, Councillor Andrew Johnson, Councillor Gerry Clark, Councillor David Cannon, Councillor David Coppinger, Councillor Samantha Rayner, Councillor Mandy Brar, Councillor Carole Da Costa, Councillor Wisdom Da Costa, Councillor Karen Davies, Councillor Maureen Hunt, Councillor Donna Stimson, Councillor Amy Tisi and Councillor Lynne Jones

Officers: Fatima Rehman, Shilpa Manek, Emma Duncan, Chris Joyce and Adrien Waite

APOLOGIES FOR ABSENCE

None.

DECLARATIONS OF INTEREST

None.

CALL IN - INTERIM SUSTAINABILITY POSITION STATEMENT

The Chairman invited Members who asked for the decision to be called to explain their reasons for the request and what they feel should be reviewed.

Councillor Da Costa said his concern was regarding the planning documents and ISPS, which would allow developments that would adversely contribute to climate change. If the ISPS was not improved, there would be sizeable retrofit costs to install energy saving measures and green transport solutions into substandard developments. Other councils had stipulated standards that would allow developers and residents to achieve Passivhaus standards, net-zero developments, zero-carbon transportation, mobility solutions and significant restoration of biodiversity by creation of new habitats. Councillor Da Costa proposed the Panel to refer the decision back to the decision-maker for reconsideration, with the following concerns:

1. There were concerns about the lack of collaboration, consultation and scrutiny for a document that was critical in achieving the borough's environmental commitments.
2. That the Council commit to producing a revised ISPS within 6 months, which would include the best aspects suggested by RBWM Climate Emergency Coalition (CEC), East Berkshire Green Party and other councils, and involve members and stakeholders in the process.
3. That the Council commit to updating the ISPS every 6 months until a quality Supplementary Planning Document (SPD) or Development Planning Document (DPD) was produced, the updated ISPS to incorporate the best practices then in force with other municipalities, and consult with stakeholders and members.

The Vice Chairman said the call-in was not in relation to the content of the ISPS but the process. He received emails from RBWM CEC - which was created by the council for consulting on matters such as the ISPS - and the Green party, expressing their dissatisfaction with the document. He said the borough failed to ask for feedback on the ISPS and felt responses from consultations did not lead to action. There was a need to define the process, and for it to be stipulated in the Constitution if it was not already.

Dr Graham Owens, public speaker representing the Borough's Climate Emergency Coalition, said the ISPS should be published and be superseded by a full RWBM Sustainability Position Statement within three months. This needed to be complemented by a revised Sustainable Design and Construction SPD as soon as possible. Dr Owens stated the six gaps in the ISPS:

1. For new build, Embodied Carbon was at least as important as Operational Carbon and must be included.
2. Effective means of incentivising developers and professional advisors was needed and must try harder on environmental sustainability. A comprehensive Carbon Tax was necessary for both Embodied and Operational Carbon.
3. Energy Use Intensity targets for Operational Carbon should be set, which was an effective way of maximising on-site renewables with additional renewable energy off-site.
4. Peer-reviewed and independent guidance on carbon reduction and sustainability should be used.
5. 87% of existing building stock would still be in use in 2050; it should be encouraged to reuse, regenerate, and upgrade these resources.
6. The top priority had to be reducing carbon emissions now.

Dr Owens said The CEC would like to help in important and urgent tasks and asked to endorse their offer to be part of a 'Sustainability Focus Group' to help Areli and its professional advisors on The Nicholson Quarter. Dr Owens asked:

- What were the reasons why the above gaps could not be implemented?
- Did the revised SPD have to follow on after the adoption of Borough Local Plan (BLP)?
- How soon could the SPD be revised?
- How would it be ensured that the emerging guidance would be applied to developments that were in pre-planning consultation now?

The Chairman invited Lead Members to make comments on the call-in. Councillor Coppinger, Lead Member for Planning, Environmental Services and Maidenhead, said there was a misunderstanding about the purpose of the ISPS. The ISPS was an interim step before the full SPD. The National Planning Policy Framework (NPPF) stipulated the measures the borough wanted to start with that would help in becoming carbon neutral. The SPD would take time and would require the involvement of councillors, groups and go to public consultation, but a statement that could be used by residents and agents was missing. The ISPS did not introduce a new policy but stated how the borough that would interpret the existing policy and material considerations. The SPD would be alongside the new BLP, and he did not want to delay the ISPS.

Councillor Stimson, Lead Member for Climate Change, Sustainability, Parks and Countryside, said officers worked on ensuring the ISPS was as sustainable as possible at this stage and the ISPS needed to be put into place without delay.

Adrien Waite, Head of Planning, advised the Panel on the background and context of the decision and its importance to achieving Service priorities. Adrien Waite said the council adopted its Environment and Climate Strategy, with a focus on mitigation. The strategy used a standard methodology from the Department of Business, to calculate the trajectory for climate change and by the end of 2021, and SPD was due to be prepared to incentivise development to build zero carbon buildings and reduce water demand. Preparing an SPD took time and needed to be underpinned by adopted planning policies, which would come through the BLP.

The SPD would be a document with greater weight than the ISPS, but in recognition of the urgency of the situation and the declaration of a climate emergency, and with no up-to-date guidance for developers and the public, it was deemed appropriate to introduce an updated guidance note. The ISPS did not introduce new policies but attempted to provide guidance on how the borough hoped to see existing policies and strategies applied. The ISPS sought to get a minimum of 20% uplift in reductions in carbon dioxide on developments, with an objective of having buildings being zero carbon. Due to the importance of the issues, the document was sent to Cabinet for approval, and guidance interpretation documents were often drafted by officers and published without consultation.

The Chairman gave Non-Panel Members an opportunity to ask questions. Councillor Davies said the ISPS was an important document and should be adopted as soon as possible. Councillor Davies was keen on having developers work with the borough to improve sustainability, even if applications were submitted before the ISPS was adopted. She asked if officers would work with Areli to set up a sustainability focus group for The Nicholson's Quarter development, involving members of RBWM CEC and other interested parties.

Councillor Da Costa said the ISPS was weak, it failed in climate change, climate resilience and biodiversity restoration and it was inconsequential compared to the policies of other councils. He did not want to reject the ISPS but sought a commitment to address the weaknesses in the document within the next three to six months and raise concerns to Cabinet. Councillor Da Costa said the position of no action for up to three years to produce an SPD was weak. Councillor Da Costa asked:

- Why was the ISPS not produced in collaboration with other groups such as RBWM CEC, the Green Party, or Climate Action Groups?
- Why did Members not have an opportunity to scrutinise the ISPS, when it was not included in the Forward Plan?
- Why had the borough not copied examples of best practice from other councils? He said it was legal, if not required, by the NPPF, otherwise other councils would not have done so.

Adrien Waite said officers were working at pace to have the Statement adopted and have developers use it, therefore groups were not involved in the process. The current BLP was out of date and did not have policies on climate change, therefore the document stated the maximum efforts that could be legally taken under the current framework. As new policies were not being implemented, a consultation was not undertaken. The SPD would involve consultation. Each council had their own BLP and

therefore the report could not be compared to other councils. Whilst good practices would be looked at from other borough's, they could not be copied, as the right approach for the borough was needed.

(Councillor Carole Da Costa joined the meeting.)

Councillor Haseler was in support of the ISPS to be adopted and said his concern was that if the requirements of the ISPS were set too high and planning applications were refused and would be appealed and overturned, the council would incur costs.

Councillor Baldwin asked if there was a reluctance to challenge in case of losing a planning appeal. Councillor Haseler said if the local planning authority was unreasonable in its planning decision-making, the authority would incur costs, and if done repeatedly, would lose credibility as a local planning authority. Adrien Waite said it was important the council followed the legal framework of planning legislation and planning policy.

Councillor Baldwin asked what the difference would be pre- and post- adoption of the BLP, and if the BLP was not adopted. Adrien Waite said additional policies were adopted through development plan documents. The current BLP was out of date and did not mention climate change or policies relating to it. Therefore, having a policy in an adopted development plan would increase the weight on things at appeals after the BLP was adopted. If the BLP was not adopted, there would be delays in preparing a new BLP. The legal method of introducing a new policy requirement was through a BLP. The ISPS was sought to clarify the borough's interpretation of other material considerations in the form of national planning policy changes to climate legislation and the borough's climate emergency.

Councillor Bateson was supportive of the ISPS and asked how residents would be informed about the ISPS, and the Panel was informed that a webpage would be created on the public website with the document, as well as working with the Communications team.

The Vice Chairman asked when the SPD would be created, and the Panel was informed that it would be prepared within 2021. The Vice Chairman said there would not be enough cobalt for a high electric vehicle demand and asked if the council had a contract with telecommunication companies to secure high-speed internet connection for residents. Adrien Waite said there was likely to be a large uptake in electric vehicles therefore adequate infrastructure development. High-speed internet infrastructure was needed to facilitate home working and was recommended by many national organisations, and the council did not have any affiliations with companies.

A motion was put forward by Councillor Haseler to take no further action and was seconded by Councillor Bateson. A named vote was taken. The motion was carried.

RESOLVED: That no further action to be taken on the call-in report on the Interim Sustainability Position Statement.

The meeting, which began at 7.05 pm, finished at 8.32 pm

CHAIRMAN.....

DATE.....