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| Report Title: | Interim Sustainability Position Statement |
| Contains Confidential or Exempt Information? | NO – Part I |
| Member reporting: | Councillor Stimson, Lead Member for Climate Change, Sustainability, Parks and Countryside Councillor Coppinger, Lead Member for Planning |
| Meeting and Date: | Cabinet - 25 th Feb 2021 |
| Responsible Officer(s): | Adrien Waite, Head of Planning |
| Ward affected: | All |

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REPORT SUMMARY

1. The Royal Borough of Windsor and Maidenheads declared a climate emergency in June 2020 setting out the Council's intention to implement national policy and ensure net-zero carbon emissions are achieved by no later than 2050.
2. In December 2020 the Environment and Climate Strategy was adopted which sets out how the Borough will address the Climate Emergency across four key themes (Circular Economy, Energy, Natural Environment and Transport). The Strategy sets a trajectory which seeks to a 50% reduction in emissions by 2025.
3. A Sustainability Supplementary Planning Document will be produced in due course, however, the changes to national and local climate policy are material considerations which should be considered in the handling of planning applications and achievement of the trajectory in the Environment and Climate Strategy will require a swift response. It is therefore considered prudent and necessary to adopt an interim position statement which would clarify the Council's approach to these matters.
4. This report seeks that cabinet adopt the Interim Position Statement to be published as guidance and afforded weight as a material consideration in the planning process.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

Adopt the Interim Position Statement to be published as guidance and afforded weight as a material consideration in the planning process.

REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 1.1 The National Planning Policy Framework was updated in February 2019. Paragraphs 7 and 8 set out that sustainability and measures to address climate change through mitigation, adaption and moving to a low carbon economy are at the heart of the planning system.
- 1.2 Paragraphs 148, 149, 150, 151 and 153 of the NPPF also provide further direction and guidance. Overall, the NPPF not only confirms that achieving sustainable development, including the necessary environmental objectives, is a key purpose of the system, but it makes clear that developments should take the opportunity to seek net gains in these areas.
- 1.3 The Climate Change Section of the NPPG was also updated in March 2019 and provides clarity on certain matters. Of particular note, the section confirms that Local Authorities can set their own energy performance requirements for buildings, can require a proportion of energy to be generated by renewable and sets out types of projects and opportunities which can be perused to mitigate climate change.
- 1.4 The UK Government has also enshrined in law a commitment that will require the UK to bring all greenhouse gas emissions to net zero by 2050. The Royal Borough of Windsor and Maidenheads declaration of a climate emergency in June 2020 sets out the Council's intention to implement national policy and ensure net-zero carbon emissions are achieved by no later than 2050.
- 1.5 In line with these commitments the Royal Borough of Windsor and Maidenhead has adopted an Environment and Climate Strategy in December 2020 which sets out how the Borough will address the Climate Emergency across four key themes (Circular Economy, Energy, Natural Environment and Transport). The Strategy sets a trajectory which seeks a 50% reduction in emissions by 2025.
- 1.6 Each of the aforementioned documents and commitments represent material planning considerations which the Borough must have regard to in the determination of planning applications, but the Borough does not currently have any guidance which sets out how these matters will be considered in planning applications. Such guidance will assist applicants to prepare applications which align with the Council's aspiration and assist officers and Councillors in determining such applications consistently.
- 1.7 The intention of the statement is not to introduce new policy but to clarify how the Borough will interpret existing policy and material considerations, as such it's weight would be limited to that of a material consideration.
- 1.8 In due course there is an intention to prepare, consult on and adopt a detailed sustainability SPD which would sit alongside the emerging Borough Local

Plan. However, the preparation of such a document will take time. Considering the need to have regard to existing material considerations and seek to achieve the Council's adopted climate targets it is considered that the publication of interim guidance is prudent and necessary.

- 1.9 Implementation and compliance with the proposed guidance will result in some financial implication for potential applicants. However, these costs must be balanced against the key objective of addressing climate change and there are appropriate caveats to ensure that the guidance would not prejudice the viability or delivery of development. Given planning permissions are valid for 3 years the adoption of such guidance will also reduce the potential compliance gap new permissions and the uplifted building regulation which will come into force in June 2022.

Table 1: Options considered

| Option | Comments |
|---|---|
| Not adopt the Interim Sustainability Position Statement | Officers do not consider this would be the right approach. It would leave the Council without the detailed guidance on the interpretation of material planning considerations, this will make it more difficult for applicants to prepare applications, lead to potential inconsistency in decision making and undermine the Council's ability to achieve the trajectory set out within the adopted Environment and Climate Strategy. |
| Delay adoption of the Interim Sustainability Position Statement This is not the recommended option. | Officers do not consider this would be the right approach to this important matter. This option would leave the Council with no detailed guidance to inform the development industry and residents on how material planning considerations should be address. This would make it more difficult for applicants to prepare applications, lead to potential inconsistency in decision making and undermine the Council's ability to achieve the trajectory set out within the adopted Environment and Climate Strategy. |
| Adopt the Interim Sustainability Position Statement with recommended changes. This is the recommended option. | National planning policy requires, and other material consideration require the Council to give due consideration to climate change in decision making and it is good practice to provide clarity to developers and residents about the |

| Option | Comments |
|--------|--|
| | Council's expectations. Adoption of the Interim Sustainability Position Statement as a material consideration will assist in providing such clarity. |

2. KEY IMPLICATIONS

Table 2: Key implications

| Outcome | Unmet | Met | Exceeded | Significantly Exceeded | Date of delivery |
|---|-------------------|----------------|--------------------|------------------------|------------------|
| Adoption of the Interim Sustainability Position Statement | After 25 Feb 2021 | By 25 Feb 2021 | Before 25 Feb 2021 | Before 25 Feb 2021 | Feb 2021 |

3. FINANCIAL DETAILS / VALUE FOR MONEY

- 3.1 There are financial implications to this paper. The proposed approach would seek to ensure developments maximise on site efforts to mitigate their impacts on climate change and in certain circumstance would lead to the provision of an offset contribution which would assist the borough in mitigating the impacts of development on climate change. This would reduce potential costs associated with achieving the trajectory set out within the Council's Environment and Climate Strategy.

4. LEGAL IMPLICATIONS

- 4.1 There are no legal implications to this paper. The guidance is intended to provide advice on how the Council will seek to address existing material considerations within the planning process and would have the weight of a material consideration. The document would not be an adopted Supplementary Planning Document, which would require additional consultation and procedural steps.

5. RISK MANAGEMENT

Table 3: Impact of risk and mitigation

| Risks | Uncontrolled Risk | Controls | Controlled Risk |
|--|-------------------|--|-----------------|
| New development does not achieve appropriate | HIGH | Adopt the Interim Sustainability Position Statement. | MEDIUM |

| Risks | Uncontrolled Risk | Controls | Controlled Risk |
|--|--------------------------|--|------------------------|
| efficiency standards or mitigate its greenhouse gas emissions to the standards necessary to achieve the aspirations of the adopted Environment and Climate Strategy. | | | |
| Increased environmental standards reduce the viability and delivery of new development. | MEDIUM | The Interim Sustainability Position Statement includes appropriate caveats to ensure that viability can be taken into account where necessary. | LOW |

6. POTENTIAL IMPACTS

- 6.1 Adoption of the Interim Sustainability Position Statement will improve the ability of the Planning Department to secure enhanced sustainability within the borough and provide greater clarity and consistency for applicants and residents.
- 6.2 The adoption of the statement may increase pressures on development viability, but there are appropriate mechanisms outlined to ensure viability issues did not hinder development.
- 6.3 As the Statement is intended to provide further detail and guidance on the interpretation of, rather than create new policy, it is not considered necessary to undertake an Equalities Impact Assessment (EQIA) specifically for the Statement.

7. CONSULTATION

- 7.1 The Interim Sustainability Statement has been drafted collaboratively by relevant internal teams. As the document does not intend to introduce new policy and would not form a Supplementary Planning Document it is not considered that consultation is required.

- 7.2 It is acknowledged that consultation would have been preferable, but there pressing need to provide clarity on how the Council will consider existing material considerations in the planning process. In these circumstances it is considered appropriate to adopt the guidance without further delay.

8. TIMETABLE FOR IMPLEMENTATION

- 8.1 Implementation date, if not called in, is contained in Table 4.

Table 4: Implementation timetable

| Date | Details |
|----------|---|
| Feb 2021 | Adoption of the Interim Sustainability Position Statement publication on the website. |

9. APPENDICES

- 9.1 The Interim Sustainability Position Statement is included at Appendix A.

10. BACKGROUND DOCUMENTS

- 10.1 This report is supported by the following background documents:

- The National Planning Policy Framework 2019, available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- The Council's adopted and 'Made' Development Plan Documents, available at: <https://www.rbwm.gov.uk/home/planning/planning-policy/development-plan>
- The Council's emerging Borough Local Plan, available at: <https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies/draft-borough-local-plan>
- The Council's Environment and Climate Strategy, available at: [Environment and climate strategy | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](https://www.rbwm.gov.uk/environment-and-climate-strategy)

11. CONSULTATION (MANDATORY)

| Name of consultee | Post held | Date sent | Date returned |
|--------------------------|---|--------------------------|---------------------------|
| Cllr Coppinger | Lead Member for Planning | 3 rd Feb 2021 | 4 th Feb 2021 |
| Cllr Stimson | Lead Member - Climate Change, Sustainability, Parks and Countryside | 3 rd Feb 2021 | 4 th Feb 2021 |
| Duncan Sharkey | Managing Director | 3 rd Feb 2021 | - |
| Adele Taylor | Director of Resources/ S151 Officer | 3 rd Feb 2021 | 17 th Feb 2021 |
| Elaine Browne | Interim Head of Law | 3 rd Feb 2021 | 17 th Feb 2021 |

REPORT HISTORY

| Decision type: | Urgency item? | To Follow item? |
|---|----------------------|------------------------|
| Key decision | No. | |
| Report Author: Adrien Waite, Head of Planning | | |

Position Statement on Sustainability and Energy Efficient Design – November 2020

Policy Background

The National Planning Policy Framework was updated in February 2019. Paragraphs 7 and 8 set out that sustainability and measures to address climate change through mitigation, adaptation and moving to a low carbon economy are at the heart of the planning system.

Paragraphs 148, 149, 150, 151 and 153 of the NPPF also provide further direction and guidance.

The NPPF not only confirms that achieving sustainable development, including the necessary environmental objectives, is a key purpose of the system, but it makes clear that developments should take the opportunity to seek net gains in these areas.

The Climate Change Section of the NPPG was also updated in March 2019 and provides clarity on certain matters. Of particular note, the section confirms that Local Authorities can set their own energy performance requirements for buildings, can require a proportion of energy to be generated by renewable and sets out types of projects and opportunities which can be pursued to mitigate climate change.

The government's expectation is that energy performance requirements are not set which would exceed 20% of the current building regulations, but this does not prevent Local Planning Authorities from seeking adequate mitigation through alternative measures such as through planning obligations.

The UK Government has also enshrined in law a commitment that will require the UK to bring all greenhouse gas emissions to net zero by 2050 following the recommendations Committee on Climate Change in 'Net Zero: The UK's contribution to stopping global warming' published May 2019.

Chapter 6 of this report identifies key near term actions to deliver this commitment including major improvements to the energy efficiency of buildings, a switch to low-carbon heating and improved infrastructure and uptake of electric vehicles.

Figure 6.2 of this report clarifies that to meet the commitment Low-regret actions including substantial energy efficiency improvements must commence immediately within 2020 to deliver this commitment.

The Royal Borough of Windsor and Maidenhead's declaration of a climate emergency in June 2020 sets out the Council's intention to implement national policy and ensure net-zero carbon emissions are achieved by no later than 2050.

The submission version of the Borough Local Plan 2013-2033 (Incorporating proposed changes October 2019) is currently under examination. Section 5.4 addresses climate change and Policy SP2 sets out the current response to this, chapter 12 (Natural Resources) and chapter 13 (Environmental Protection) are relevant to the environmental objectives.

The Borough adopted an Environment and Climate Strategy in December 2020. The Strategy sets out how the Borough will address the Climate Emergency across four key themes (Circular Economy, Energy, Natural Environment and Transport). The declaration of

a Climate Emergency and the Environment and Climate Strategy are both significant material considerations for planning purposes.

In January 2021 the Ministry of Housing and Local Government published its response following its 2019 consultation on the Future Homes standard. The document clarifies that Part L of the building regulations will not be subject to an uplift until July 2022 and that local planning authorities will retain powers to set local energy efficiency standards for new homes.

Purpose of this Document

This document is a position statement setting out the requirements which will be sought on new developments in order to deliver on the requirements set out in the NPPF (2019), national and local commitments towards climate change and the Council's Environment and Climate Strategy.

An uplift in national standards is now not due until July 2022 and it is considered necessary to introduce to higher local standards in advance of this to achieve the trajectory set out in the Environment and Climate Strategy. This will also help to minimise transitional issues which may arise from schemes which are granted planning permission but are not commenced until after July 2022.

Given the urgent need to ensure the introduction of measures to meet these national and local commitments it is considered both prudent and necessary to publish this position statement which clarifies how the Local Planning Authority will interpret policies in the handling of planning applications in the context of updated material considerations and circumstances.

This document is a material planning consideration setting out how the Council will ensure compliance with adopted planning policy, the national planning policy framework and national commitments relating to climate change. As such, it will be given weight as a material consideration in reaching planning decisions.

Guidance and Requirements

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| <p>1.</p>  | <p>A. All Development proposals (except householder residential extensions and non-residential development with a floorspace of below 100sq.m) should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:</p> <ol style="list-style-type: none">1. Be lean: use less energy2. Be clean: supply energy efficiently3. Be green: use renewable energy <p>B All developments (except householder residential extensions and non-residential development with a floorspace of below 100sq.m)) should be net zero carbon, unless it is demonstrated this would not be feasible.</p> <p>C All development proposals except householder residential extensions and non-residential development with a floorspace of below 100sq.m) should include a detailed energy assessment and a completed Carbon Reporting Spreadsheet to demonstrate how the net zero target will be met.</p> <p>D As a minimum, energy assessments should include the following details:</p> <ol style="list-style-type: none">a calculation of the energy demand and carbon dioxide emissions covered by Building Regulations and, separately, the energy demand and carbon dioxide emissions from any other part of the development, including plant or equipment, that are not covered by the Building Regulations (see paragraph 5.22) at each stage of the energy hierarchyb calculation of the estimated annual energy costs to the occupants of the developmentc proposals to reduce carbon dioxide emissions through the energy efficient design of the site, buildings and services (including heat recovery solutions)d proposals to further reduce carbon dioxide emissions through the use of on-site renewable energy technologies. There is an expectation that developments maximise renewable energy generation regardless of whether minimum standards are met through other measures, as such there is an expectation 12% of the total energy demand will be met by on-site renewables, unless this is demonstrated to be unfeasible.e proposals for the storage and use or export of excess energy arising from renewable energy technologies. <p>E it The net zero carbon outcome should be achieved on-site where feasible. Where it is demonstrated that the this outcome cannot be fully achieved on-site, any shortfall may be provided through a cash in lieu contribution to the Boroughs</p> |
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| | <p>Carbon Offset Fund which will be ring fenced to secure delivery of greenhouse gas reductions elsewhere in the borough. An offset contribution will be required unless it is demonstrated this would undermine the viability of the development.</p> <p>F It will be required that all developments will be subject to compliance testing in order to ensure that the buildings meet the design performance, when there is a shortfall in performance additional contributions towards the Borough Carbon Offset fund will be sought.</p> <p>(Note - Buildings which do not achieve at least a 20% reduction of the Dwelling Emission Rate (DER)/Building Emission Rate (BER) against the Target Emission Rate (TER) based on the Building Regulations Part L 2013 and defined within the Standard Assessment Procedure (SAP) calculation model will not be acceptable.)</p> |
| <p>2.</p>  | <p>Major development proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this in accordance with the following cooling hierarchy:</p> <ol style="list-style-type: none"> a. minimise internal heat generation through energy efficient design b. reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, and insulation c. manage the heat within the building through exposed internal thermal mass and high ceilings d. passive ventilation e. mechanical ventilation f. active cooling systems (ensuring they are the lowest carbon options). |
| <p>3.</p>  | <p>Planning Applications which propose to implement a recognised quality regime such as Passivhaus or Home Quality Mark that ensures the 'as built' performance (energy use, carbon emissions, indoor air quality, and overheating risk) matches the calculated design performance of dwellings will be looked on favourably. Where such measures are proposed compliance will be secured by the Local Planning Authority.</p> |
| <p>4.</p>  | <p>New build homes will be supplied via a three-phase power supply, unless this is not viable.</p> |
| <p>5.</p>   | <p>20% of new car parking spaces will be provided with active EV charging facilities – and passive provision (the ducting, cabling, and capacity within the Mechanical and Engineering Services) for the remaining 80% of spaces will be provided.</p> |
| <p>6.</p>  | <p>New build homes will be supplied with high speed internet connection to facilitate home working.</p> |
| <p>7.</p> | <p>Development should minimise the use of mains water by:</p> |



a incorporating water saving measures and equipment

b designing residential development so that mains water consumption would meet a target of 105 litres or less per head per day (excluding an allowance of 5 litres or less per head per day for external water consumption.)

Carbon Offset Fund

The Council will establish a Carbon Offset Fund which will be ring-fenced for the sole purpose of delivering carbon reduction projects.

The Council will adopt a price for the offsetting of carbon of £69 per tonne of CO₂e which is the 2020 carbon price set out within table 3 of the Department for Business, Energy & Industrial Strategy Green Book supplementary guidance: valuation of energy use and greenhouse gas emissions for appraisal.

The overall contribution should be calculated over 30 years (the assumed lifetime of the development's services). The total cost equates to £69 x 30 years = £2,070 per tonne of CO₂e to be offset.

The carbon offset contribution will be collected and administered through the Section 106 process with the funds ring fenced to be spend on carbon reduction projects.

The level of contribution will be calculated differently for residential and non-residential properties.

For residential properties:

The contribution will be calculated as follows:

Total Contribution = Building Emissions Contribution + Lifestyle Contribution

The Building Emissions Contribution seeks to offset both the regulated and unregulated emissions which arise from the use of the building.

The calculation will be based on SAP 10.0 performance figures and to ensure consistency in calculation the authority will adopt the Greater London Authority Carbon Reporting Spreadsheet in order to calculate the contribution. It is expected that applications be accompanied by a completed version of this spreadsheet. The spreadsheet may be updated from time to time and it is expected that applications be accompanied by the most recent version. The spreadsheet can be found at: <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/pre-planning-application-meeting-service-0>

The Building Emissions Contribution will equal the CO₂ savings offset identified on the summary page of the spreadsheet x £69 x 30.

The Lifestyle Contribution recognises that the activities of residents within the borough generate additional emissions over and above those associated with heating and electricity use. These emissions are generally related to Aviation, Agriculture, Transport and Waste.

While aviation and agriculture are national issues which will require a national response the majority of transport and waste emissions arising from new development will be generated in the local area and it is appropriate that this impact is mitigated locally. Based on the Committee on Climate Change (Living Carbon Free: Exploring what a net-zero target means for households) and adjusting in accordance with the trajectory adopted within the Council's Environment and Climate Change Strategy the average dwelling will give rise to 16.58 tonnes of carbon dioxide emissions associated with transport and waste over a 30 year period.

Lifestyle Contribution = £ 1,144 per residential unit.

While all residential development will give rise to Lifestyle Emissions the Council wishes to incentivise sustainable building design and as such this contribution will only be sought if a Building Emissions Contribution is required (e.g. the design of the building does not achieve net zero emissions).

For non-residential properties

The calculation will be based on SAP 10.0 performance figures and to ensure consistency in calculation the authority will adopt the Greater London Authority Carbon Reporting Spreadsheet to calculate the contribution. It is expected that applications be accompanied by a completed version of this spreadsheet. The spreadsheet may be updated from time to time and it is expected that applications be accompanied by the most recent version. The spreadsheet can be found at: <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/pre-planning-application-meeting-service-0>

The Building Emissions Contribution will equal the CO2 savings offset identified on the summary page of the spreadsheet x £69 x 30.

Shortfall Contribution

The Shortfall Contribution seeks to address the performance gap that can arise between the modelled and actual performance of a building and ensure due diligence is taken to minimise that gap during the construction.

The legal agreement will require post construction testing and modelling.

The Shortfall contribution will equate to the difference in annual tonnage of carbon dioxide arising from regulated emissions set out in the baseline and post construction reports.

It will be calculated as follows:

(Annual Carbon Dioxide Tonnage as set out in the Completion Report – Annual Carbon Dioxide Tonnage of Baseline Report) x £69 x 30.

Reference Documents

Net Zero The UK's contribution to stopping global warming - Committee on Climate Change - May 2019

Living Carbon Free: Exploring what a net-zero target means for households

National Planning Policy Framework February 2019

Greater London Authority Energy Assessment Guidance 2018

Greater London Authority Carbon Offset Funds Guidance

Green Book supplementary guidance: valuation of energy use and greenhouse gas emissions for appraisal - 19 March 2020

Greater South East Energy Hub Guide 3 – Planning Jan 2020

Royal Borough of Windsor and Maidenhead Environment and Climate Strategy – December 2020