

Report Title:	Draft Sustainability Supplementary Planning Document – Regulation 13 Consultation
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Bermange, Cabinet Member for Planning, Legal and Asset Management
Meeting and Date:	Cabinet 27 th September 2023
Responsible Officer(s):	Andrew Durrant – Executive Director of Place
Wards affected:	All



REPORT SUMMARY

The report recommends that the Cabinet approves the publication of the draft Sustainability SPD for public consultation in Autumn 2023.

The draft SPD provides more detailed advice and guidance on the implementation of Local Plan policies by providing technical guidance on energy and carbon, climate adaptation, sustainable materials and construction, biodiversity and sustainable transport.

The SPD will help the Council to meet one of the main objectives of the Corporate Plan 2023-26 by taking action to tackle climate change and its consequences and improve our natural environment. The Corporate Plan specifically identifies the requirement for the Council to adopt a new, best practice SPD to drive forward our climate and environmental goals in all new developments.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Approves the publication of the draft Sustainability SPD for public consultation; and**
- ii) Delegates authority to the Assistant Director of Planning in consultation with the Cabinet Member for Planning, Legal and Asset Management, to approve and publish any minor changes to the draft Sustainability SPD, prior to its publication.**

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

Options

Table 1: Options arising from this report.

Option	Comments
Approve the publication of the draft Sustainability SPD for public consultation.	The SPD provides the opportunity to providing technical guidance on energy and carbon, climate adaptation, sustainable materials
This is the recommended option	

Option	Comments
	<p>and construction, biodiversity and sustainable transport public consultation is an important, required stage in the development of SPDs.</p> <p>Choosing not to approve the public consultation would delay the adoption of the SPD. By delaying the SPD there is a risk that the Council is not able to resist some forms of less sustainable new development because it does not have relevant detailed, locally specific guidance.</p>
Not publish the draft Sustainability SPD for public consultation.	There is a risk that this would leave the Council without the detailed guidance that is considered to be appropriate across the Royal Borough which could result in less sustainable development coming forward and being permitted.
Do Nothing	<p>This would cause delays to the adoption of a Sustainability SPD.</p> <p>There is a risk that this would leave the Council without the detailed guidance needed to determine any planning applications that were submitted before the SPD was adopted.</p>

2.1 The National Planning Policy Framework (2021) defines Supplementary Planning Documents (SPDs) as, *Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.*

They are important documents in helping to deliver the policies and proposals set out in the BLP. However, it should be emphasised that SPDs do not create new policy, and do not replace or amend, existing policy in the BLP.

2.2 A key commitment of the Council's Environment and Climate Strategy (2020) is the preparation of a new Supplementary Planning Document to help reduce building carbon emissions and improve the energy efficiency of new builds.

2.3 A key aim of BLP Policy SP2 is for all development proposals to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. This includes factors such as building orientation, solar shading, thermal mass, heating and ventilation, green and blue infrastructure, and sustainable drainage.

- 2.4 Policy SP2 states that applicants should refer to the adopted Sustainable Design and Construction Supplementary Planning Document (SPD), the Borough Wide Design Guide SPD and the Environment and Climate Strategy 2020-2025, or successor documents for further guidance. The draft Sustainability SPD is the successor document to the Sustainable Design and Construction SPD, which was adopted in 2009, which was adopted in 2009, and will also replace the Interim Sustainability Position Statement from March 2021.
- 2.5 Supporting information is also provided in the draft Sustainability SPD to further assist the implementation of the following BLP policies:
- QP1 – Sustainability and Placemaking
 - QP2 – Green and Blue Infrastructure
 - QP3 – Character and Design of New Development
 - NR1 – Managing Flood Risk and Waterways
 - NR2 – Nature Conservation and Biodiversity
 - NR5 – Renewable Energy
 - IF1 – Infrastructure and Developer Contributions
 - IF2 – Sustainable Transport
 - IF4 – Open Space
- 2.6 The draft SPD provides detailed guidance on energy and carbon, climate adaptation, sustainable materials and construction, biodiversity and sustainable transport and is set out at Appendix B. It provides transparent guidance for applicants with more detail about policy requirements and expectations, ensures that applicants consistently submit information to demonstrate compliance with policy, helps officers and councillors assess the environmental credentials of developments in their decision making and encourages developers to go further than current policy. The SPD primarily relates to new residential and non-residential buildings but also sets standards for existing buildings. However, it cannot introduce new policy requirements that are not already part of a local plan policy.
- 2.7 The draft SPD has been prepared in collaboration with industry experts, Councillors, and the local community and draws on industry expertise, examples of best practice. A process of early scoping engagement took place through sessions with Council Officers, Councillors, developers, and the wider local climate community in late 2022 and early 2023. Three additional presentations were also given to the same stakeholders in August 2023, which gave attendees the opportunity to review the progress that has been made on the draft SPD, and to take part in a question-and-answer session.
- 2.8 The next statutory stage in the preparation of an SPD is to publish it for public consultation - it is recommended that the draft SPD is published for consultation in Autumn 2023. If the recommendation is agreed, there will be

updates to the formatting and presentation of the draft SPD for the start of the consultation. The minimum period for consultation on a draft SPD is 4 weeks. It is anticipated that there would be “in person” consultation events during the consultation period.

- 2.9 Supporting documents that would be published to accompany the consultation draft of the SPD including the Strategic Environmental Assessment Scoping Report and a draft Consultation Statement summarising the early engagement undertaken in the preparation of the SPD.

3. KEY IMPLICATIONS

- 3.1 Whilst SPDs are not part of the statutory development plan (such as the Borough Local Plan) with its associated planning status and weight in decision making, they are an important material consideration when determining planning applications. As noted above the preparation of this SPD is specifically referred to in BLP Policy SP2.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Publication of the draft Sustainability SPD and supporting documents	SPD published for consultation in late 2023/early 2024 or not at all	SPD published for consultation in Autumn 2023	n/a	n/a	SPD anticipated to be adopted early 2024

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The cost of producing the SPD has, to date, been around £45,000. This has funded:
- Early engagement events
 - Specialist sustainability, climate change and planning advice and input.
 - The drafting of the SPD
 - Hosting of presentations on the draft SPD by consultants
- 4.2 The preparation of the SPD to date has been undertaken within existing budgets. The public consultation would also be undertaken within existing budgets.
- 4.3 The SPD requires planning applications to include detailed energy and carbon life cycle assessments which Development Management officers are not able to assess accurately. Undertaking these assessments would require specialist expertise and add to the work required to process a planning application. Officers estimate that an additional 1 FTE post would be required (at grade 7) to effectively implement the SPD, which would cost approximately £45,000 per annum (including on-costs).

- 4.4 The Council plans to meet this funding requirement by re-prioritising its Sustainability & Climate team's current delivery plan to ensure its resources are focused on the areas that can deliver the greatest positive impact on the environment and climate crisis. Work already being undertaken to improve energy management processes will support this change and subject to proposals that will be taken forward through the council's normal budget processes additional resource will be focussed on energy and carbon reduction that would have the right expertise to assess the material required for the SPD.
- 4.5 These changes are not expected to impact the delivery of the Council's Environment & Climate Strategy or Biodiversity Action Plan. In addition, a bid has recently been made to the Government's Planning Skills Delivery Fund, and if this is successful, it will enable additional staffing resources to be put in place for the short term, pending the reprioritisation exercise set out above.
- 4.6 The successful delivery and full adoption of this SPD is therefore subject to successfully securing an alternative funding source and/or reprioritisation to delivery within an existing staffing model. These new arrangements would need to be in place before the SPD could be adopted by the Council.

5. LEGAL IMPLICATIONS

- 5.1 The SPD will not form part of the statutory development plan but will be an important material consideration.
- 5.2 There is a statutory process for preparing an SPD. [Regulations 11 to 16 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) set out these requirements.
- 5.3 The Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) also require the Council to consider whether or not Strategic Environmental Assessment (SEA) of the SPD should be undertaken. The Environment Agency, Historic England and Natural England were consulted, and no objection was raised to the Council's decision that an SEA is not required for this SPD.

6. RISK MANAGEMENT

Table 3: Impact of risk and mitigation

Threat or risk	Impact with no mitigations in place or if all mitigations fail	Likelihood of risk occurring with no mitigations in place.	Mitigations currently in place	Mitigations proposed.	Impact of risk once all mitigations in place and working	Likelihood of risk occurring with all mitigations in place.
There is a risk that the Council is not able to resist some forms of less sustainable	Major 3	High	The Council currently has the Policies in the adopted BLP and the Interim Sustainability	Actions set out in recommendation	Minor 1	Low

new development because it does not have detailed, locally specific guidance relating to sustainable design and construction, biodiversity enhancement and sustainable transport in the Royal Borough.			y Position Statement.			
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7. POTENTIAL IMPACTS

- 7.1 Equalities. An Equality Impact Assessment is available as Appendix A.
- 7.2 Climate change/sustainability. The adoption of the Sustainability SPD will have a positive impact in relation to climate change / sustainability.
- 7.3 Data Protection/GDPR. The consultation on the draft Sustainability SPD will be undertaken by the council in accordance with the Data Protection Act 2018 and the General Data Protection Regulation. There are not anticipated to be any impacts.

8. CONSULTATION

- 8.1 The draft Sustainability SPD will, if agreed by Cabinet, be published for at least 4 weeks public consultation in Autumn 2023 under Regulation 13 of The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended. The Council's Statement of Community Involvement includes a minimum requirement of 4 weeks for public consultation on draft Supplementary Planning Documents.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in: Autumn 2023. The full implementation stages are set out in table 4.

Table 4: Implementation timetable

Date	Details
October 2023	Commence public consultation on draft SPD
November 2023	Close public consultation on the draft SPD

10. APPENDICES

10.1 This report is supported by 2 appendices:

- Appendix A – Equality Impact Assessment
- Appendix B – Draft Sustainability SPD.

11. BACKGROUND DOCUMENTS

11.1 This report is supported by 3 background documents:

- Royal Borough Windsor and Maidenhead Borough Local Plan 2013-2033
[Adopted local plan | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](https://www.rbwm.gov.uk/adopted-local-plan)
- National Planning Policy Framework (NPPF)
[National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/national-planning-policy-framework)
- Royal Borough of Windsor and Maidenhead Environment and Climate Strategy
[Environment and climate strategy | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](https://www.rbwm.gov.uk/environment-and-climate-strategy)
- Royal Borough of Windsor and Maidenhead Interim Sustainability Position Statement
[Interim Sustainability Position Statement | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](https://www.rbwm.gov.uk/interim-sustainability-position-statement)

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>			
<i>Statutory Officer (or deputy)</i>			
Andrew Vallance	Head of Finance/ interim S151 Officer	15/08	
Elizabeth Griffiths	Executive Director of resources and S151 Officer	14/09	15/09/23
Elaine Browne	Deputy Director of Law & Governance and Monitoring Officer	15/08	29/08/23
<i>Deputies:</i>			

Julian McGowan	Senior Business Partner Finance	15/08	18/08
Ellen McManus-Fry	Equalities & Engagement Officer	15/08	17/08
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Stephen Evans	Chief Executive	15/08	
Andrew Durrant	Executive Director of Place	15/08	15/09/2023
<i>Heads of Service (where relevant)</i>			
Adrien Waite	Assistant Director of Planning	15/08	29/08/23
Chris Joyce	Assistant Director of Infrastructure, Sustainability and Economic Growth	15/08	
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Planning, Legal and Asset Management And Cabinet Member for Climate Change, Biodiversity and Windsor Town Council	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Cabinet report: Key decision First entered into the Cabinet Forward Plan: 31/07/2023	No	No

Report Author: Garry Thornton, Principal Planning Policy Officer
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Equality Impact Assessment

For support in completing this EQIA, please consult the EQIA Guidance Document or contact equality@rbwm.gov.uk

www.rbwm.gov.uk



1. Background Information

Title of policy/strategy/plan:	<u>Draft Sustainability Supplementary Planning Document – Regulation 13 Consultation</u>
Service area:	<u>Planning</u>
Directorate:	<u>Place</u>

Provide a brief explanation of the proposal:

- What are its intended outcomes?
- Who will deliver it?
- Is it a new proposal or a change to an existing one?

The report recommends that the Cabinet approves the publication of the draft Sustainability SPD for public consultation in Autumn 2023.

The Consultation will be delivered by Planning Policy Officers and ISEG Officers.

This is a new proposal.

2. Relevance Check

Is this proposal likely to directly impact people, communities or RBWM employees?

- If No, please explain why not, including how you've considered equality issues.
- Will this proposal need a EQIA at a later stage? (for example, for a forthcoming action plan)

Yes, the public consultation will directly impact people and the local community throughout the Borough as they will all have the opportunity to provide comment on the draft SPD.

The SPD itself will also directly impact people and the local community throughout the Borough. The principal purpose of the SPD is to provide details and guidance on the application of various policies within the Borough Local Plan.

If 'No', proceed to 'Sign off'. If unsure, please contact equality@rbwm.gov.uk

3. Evidence Gathering and Stakeholder Engagement

Who will be affected by this proposal?

For example, users of a particular service, residents of a geographical area, staff

The SPD is borough wide, therefore, all residents of the borough could be affected.

Council Planning Officers will also be affected as they would have to take the Document into account during their decision-making process in relation to any planning applications received.

Among those affected by the proposal, are protected characteristics (age, sex, disability, race, religion, sexual orientation, gender reassignment, pregnancy/maternity, marriage/civil partnership) **disproportionately represented?**

For example, compared to the general population do a higher proportion have disabilities?

The adopted Borough Local Plan was subject to Equality Impact Assessments in 2017 and 2019, which did not identify any negative impacts for any group with protected characteristics.

The SPD provides further details and guidance on the application of policies in the Borough Local Plan. It does not create new policy.

Future planning applications will need to comply with Borough Local Plan policy. There is nothing in the SPD which is considered to disproportionately impact on any particular individual or group.

What engagement/consultation has been undertaken or planned?

- How has/will equality considerations be taken into account?
- Where known, what were the outcomes of this engagement?

Early engagement sessions were held in late 2022 and early 2023. In addition, 3 presentations and feedback sessions were held with key stakeholders in early August 2023. This Report recommends holding a 4-week public consultation. The results of this consultation and engagement will be incorporated into the final version of the SPD where appropriate.

What sources of data and evidence have been used in this assessment?

Please consult the Equalities Evidence Grid for relevant data. Examples of other possible sources of information are in the Guidance document.

The Council’s parish profiles and the Council’s Equalities Evidence Grid.

4. Equality Analysis

Please detail, **using supporting evidence**:

- How the protected characteristics below might influence the needs and experiences of individuals, in relation to this proposal.
- How these characteristics might affect the impact of this proposal.

Tick positive/negative impact as appropriate. If there is no impact, or a neutral impact, state ‘Not Applicable’

More information on each protected characteristic is provided in the Guidance document.

	Details and supporting evidence	Potential positive impact	Potential negative impact
Age	<p>The SPD develops the policies and requirements set out in the Borough Local Plan. It does not create new policy.</p> <p>There is nothing in the SPD which is considered to disproportionately impact</p>	Not applicable.	

	on any particular individual or group in terms of age.		
Disability	There is nothing within the SPD which is considered to disproportionately impact or discriminate against a person with a disability.	Not applicable.	
Sex	There is nothing within the SPD which is considered to disproportionately impact or discriminate against a person on the basis of their sex.	Not applicable.	
Race, ethnicity and religion	There is nothing within the SPD which is considered to disproportionately impact or discriminate against a person on the basis of their race, ethnicity or religion.	Not applicable.	
Sexual orientation and gender reassignment	There is nothing within the SPD which is considered to disproportionately impact or discriminate against a person on the basis of their sexual orientation or gender.	Not applicable.	
Pregnancy and maternity	There is nothing within the SPD which is considered to disproportionately impact or discriminate against a person who is pregnant or a mother.	Not applicable.	
Marriage and civil partnership	There is nothing within the SPD which is considered to disproportionately impact or discriminate against a person on the basis of their marital status.	Not applicable.	
Armed forces community	There is nothing within the SPD which is considered to disproportionately impact or discriminate against a person who is in the armed forces community.	Not applicable.	
Socio-economic considerations e.g. low income, poverty	There is nothing within the SPD which is considered to disproportionately impact or discriminate against a person on the basis of their socio-economic situation.	Not applicable.	
Children in care/Care leavers	There is nothing within the SPD which is considered to disproportionately impact or discriminate against a person who is in care or a care leaver.	Not applicable.	

5. Impact Assessment and Monitoring

If you have not identified any disproportionate impacts and the questions below are not applicable, leave them blank and proceed to Sign Off.

What measures have been taken to ensure that groups with protected characteristics are able to benefit from this change, or are not disadvantaged by it?

For example, adjustments needed to accommodate the needs of a particular group

This Report recommends a 4-week public consultation including engagement events with Local Stakeholders and the members of the community. The results of this consultation and engagement will be incorporated into the final version of the SPD where appropriate.

Where a potential negative impact cannot be avoided, what measures have been put in place to mitigate or minimise this?

- For planned future actions, provide the name of the responsible individual and the target date for implementation.

Where persons with protected characteristics are adversely affected, this would increase the likelihood of the consultation not picking up all issues within the local area. However, several engagement events will be held on various platforms, so it is considered that this potential problem will be mitigated.

How will the equality impacts identified here be monitored and reviewed in the future?
See guidance document for examples of appropriate stages to review an EQIA.

If the SPD is adopted, residents will have further opportunity to comment on future planning applications as part of the normal planning application determination process.

6. Sign Off

Completed by: Garry Thornton	Date: 31/07/2023
Approved by:	Date:

If this version of the EQIA has been reviewed and/or updated:

Reviewed by: Ellen McManus-Fry	Date: 17/08/2023
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