

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF PLANNING POLICY SUB-COMMITTEE ON 15 OCTOBER 2019

PART A : REPORT

SUBJECT: PLANNING POLICY AND CLIMATE CHANGE EMERGENCY

REPORT AUTHOR: Kevin Owen, Planning Policy Team Leader

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EXTN: x 37853

PORTFOLIO AREA: Planning

EXECUTIVE SUMMARY:

This report provides members with the number of options to developing planning policy guidance and Supplementary Planning Documents (SPD) aimed at improving the sustainability of developments compared to the current position. This follows from the Motion agreed at Full Council on 20 July 2019.

RECOMMENDATIONS:

That Planning Policy Sub-Committee recommend to Full Council that: -

1. The Sub-Committee agrees there is a 'climate emergency' and recommends that this is agreed by the Environment and Leisure Working Group and declared by Full Council;
2. Should a Climate Emergency be declared, officers to investigate the scope of evidence necessary to test the feasibility and viability of achieving higher standards of sustainable design and adopting a zero-carbon target by 2030 where achievable;
3. Following consideration of this evidence and testing, officers to prepare a review of the development management policies in the Local Plan or a Supplementary Planning Document.

1. BACKGROUND:

1. On 20 July 2019 Full Council agreed a Motion which asked Planning Policy Sub-committee (PPSC) to make recommendations on the feasibility of developing planning policy guidance (e.g. SPD) to improve the sustainability of developments in Arun compared to the current position. There are 6 specific areas of sustainable design to be considered (see Appendix 1 to this report).

2. The Motion included a further paragraph asking PPSC to make recommendations on the scope for the Council to; declare a climate change emergency; develop a framework and consultancy resources to achieve a carbon neutral district. This could consider providing advice to the community on retrofitting sustainable energy technologies (including scope for retrofitting passive solar energy technology on Council property).
3. A separate complementary report is also to be prepared by the Director of Services via the Environment and Leisure Working Group on 7 November 2019. This will: -
 - scope out the feasibility of, and make recommendations on, setting an appropriate zero-carbon target for Arun District by 2030;
 - identify the corporate service and other joint stakeholder initiatives and actions needed outside of but complementary to the planning system supported by a consultancy budget;

The Role of the Planning System

4. Planning has a positive role to play in helping to address climate change. There is an existing legal duty under various Acts which require planning authorities to address climate change and greenhouse gas reduction through development plan policies. The most significant legislation includes: -
 - Planning & Compulsory Purchase Act 2004 – section 19 (1A) requires local planning authorities to include in their Local Plans “policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change”. This will be a consideration when a Local Plan is examined
 - Planning & Energy Act 2008 – permits Local Authorities to impose reasonable requirements on developments to use a proportion of renewable energy, low carbon and decentralised sources of energy, application of energy efficiency standards.
 - Climate Change Act 2008 introduced the Governments stepped 5-year carbon budget targets to achieve 80% on 1990 levels by 2050 and established the Committee on Climate Change to advise on delivery, monitor the targets and also advise the Government on building a low carbon economy and preparing for climate change.

Arun Local Plan 2018 – what we are doing already

5. The Arun Local Plan (2011-2031) was adopted in July 2018 (ALP 2018). This sets out policies which aim to address greenhouse gas emissions, mitigation and adaptation to climate change. In particular,

Policy D SP1 Design covers efficient use of land, sustainable design, adaptability, climate change mitigation.

Policy D DM1 Aspects of Form and Design Quality covers design, construction technologies new and existing tree planting as integral to development.

Policy E CC SP1 Adapting to Climate Change covers location, layout, design to adapt to climate change, increased flooding, extreme temperatures, biodiversity, water stress/efficiency, shading/cooling, solar gain, Green Infrastructure, resilience to extreme weather, capacity of drainage systems and SUDS.

Policy E CC SP2 Energy and Climate Change Mitigation covers energy efficiency standards (i.e. those applicable at time of permission), decentralised, renewable and low carbon energy supply and 10% of total predicted energy requirement from low carbon or renewable sources– or allowable solutions where on site not viable/feasible.

Policy ECC DM1 Renewable Energy covers economic/social/regen objectives, integration with existing development; appropriate connectivity to distribution system or storage subject to landscape/amenity and heritage impact.

Policy W DM1 Water Supply and Quality covers water supply efficiency measure of 110 litre per person per day (optional technical standard (i.e. above Building Regulations standard of 125 l/p/d).

Policy W DM2 Flood Risk covers criteria for locating development in areas at risk of flooding defined in the Environment Agencies flood maps and the Arun Strategic Flood Risk Assessment, by applying the sequential and exceptions test (compliant with the NPPF 2012) taking into account climate change, site specific flood risk assessment, Surface Water Management Plans and Catchment Flood Management Plans.

Policy W DM3 Sustainable Urban Drainage Systems covers opportunities for SUDS for all sized developments, including private areas source control features, Green roofs, permeability, soakaways, water harvesting (e.g. water butts), achieving same or lesser surface water run off (as before development) and relevant standards (Building Regulations, SUDs manual (CIRIA), BRE etc).

Policy WM DM1 Waste Management covers identifying waste arisings from development and opportunities for onsite recovery and reuse and minimising off-site disposal and residential provision for kerb side collection and communal recycling and bin storage and protection of water recycling infrastructure.

6. There are many other interrelated policies within the ALP 2018 which together help to address climate change including the spatial development strategy, sustainable transport and environment and bio-diversity policies etc.
7. Local Plan policies have been evidenced based (including looking at viability impact on development), subject to sustainability appraisal, public examination and found to be sound with Main Modifications. In addition, the policies were found to be consistent with national policy and guidance (e.g. the then National Planning Policy Framework 2012 – NPPF and Planning Policy Guidance - PPG).
8. Further – in order to provide more detailed guidance to developers and householders on the principles of applying these policies and standards, officers recently commissioned the production of a Design Guide Supplementary Planning

Document (SPD) using existing budget provision. The SPD will set out in more detail the principles of applying the sustainable design, energy and climate change policy requirements and best practice. It will outline possible sustainability measures to assist in achieving carbon reduction but it will not set minimum standards above those already contained in the Local Plan.

National Planning Policy & Guidance – recent changes

9. Since the ALP 2018 was adopted, the updated NPPF 2019 has been published alongside several PPG updates. The NPPF 2019 changes have significantly strengthened the requirements for the development plan to tackle emissions, energy and climate change - although viability and feasibility through the plan lead process are still key requirements: -

- Para 148 “...*The planning system should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience....and support renewable and low carbon energy and associated infrastructure.*”
- Para 149 “...*Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.*”
- Para 151 “*To help increase the use and supply of renewable and low carbon energy and heat, plans should: provide a positive strategy for energy from these sources, that maximises the potential for suitable development....and identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*”
- Para 153 in relation to determining applications states “...*a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption*”

The Current Challenge

10. Recently at the national level, in May 2019, MP's endorsed the need to declare a formal climate and environment emergency (without a vote). Other devolved parliaments (e.g. Wales and Scotland) and more than half of local authorities (e.g. Greater London Authority, Manchester, Leeds, Stroud, and more locally - Adur & Worthing, Chichester, Portsmouth, and Brighton and Hove) including the Local Government Association, have declared a climate change emergency. In some instances, outlining an intention to achieve a carbon neutral position within their authority areas by 2030.

11. In June 2019 the Government announced that it will introduce into law a net zero greenhouse gases target to be achieved by 2050 (amending the Climate Change Act 2008) in order to meet obligations, set out in the UN Paris Climate agreement 2016. This means: that emissions from homes, transport, farming and industry will have to be avoided completely or – where particularly difficult, offset by planting trees or removing CO2 out of the atmosphere.

12. Other Government recent initiatives include: -

- ‘The Road to Zero’ (setting out measures to reduce the climate impact of transport through zero emission road vehicles - achieving zero emissions by 2040)
- Industrial Strategy Grand Challenge (to halve energy use in new buildings by 2030)
- Future Homes Standard 2025 (make all new build homes energy efficient with low carbon heating and requiring new build beyond 2025 without fossil fuel powered heating)
- UK Clean Growth Strategy (setting out an intention to deliver growth using clean energy that is low carbon, resilient and smart - reducing emissions from homes and business and reaping benefits in terms of air quality, reduced energy bills, productivity and innovation generating investment, green business and jobs)

13. A Design Guide SPD itself cannot set new policy and standards beyond the scope of the adopted Local Plan policies which are supported by evidence on viability (para 34 and 57, NPPF 2019). However, new policies and standards can be introduced following testing through the plan making process and based on viability evidence (see also PPG Paragraph: 009 Reference ID: 6-009-20150327 2015).

14. Therefore, in order to move beyond the currently adopted Local Plan 2018 policies and standards, the following measures will need to be put in place: -

- a) Government to revise the Building Regulations, for energy efficiency and water efficiency standards to achieve the zero carbon reduction targets and introduction of other associated regulatory and statutory measures;
- b) Arun will need to prepare a Local Plan Review (and associated SPD) to implement these new sustainable design standards when they are established as evidenced by viability and feasibility studies;
- c) Arun District Council should commission a study to scope the feasibility and viability of setting a zero-carbon target by 2030 for all new development in Arun District looking at decentralised energy and zero carbon energy opportunities.

15. The approach in 14 c) would require significant additional budget provision. Scoping this may need supplementary work and be procured separately as a development typology study – circa £100k and follow procurement cycles of circa 12-18 months. It is important to note that this work will provide the evidence for a change in policy but cannot change the policy itself. The policies will emanate from this evidence. This work would commence in 2020/21 as there is currently no budget agreed to do this.

16. Whilst the process of commissioning evidence for the purpose of developing planning policy within an SPD or an update to the Development Management policies in the Local Plan. is a stand-alone piece of work, this would sit alongside the proposed work that is set out in the report to the Environment and Leisure Working Group on 7 November 2019, which seeks to create a 'Climate Change Manager' post.

17. Implementing section 14 c) above would therefore, seem prudent in the interim to allow Arun to respond readily and quickly when the legislation and regulation is introduced. It would allow Arun to champion and advocate action by all stakeholders, including through engagement on the evidence preparation in order to encourage early implementation of sustainable design best practice.

18. Examples of the approaches of other authorities reviewing and scoping targets and delivery: -

- Chichester are commissioning work to scope the feasibility of delivering zero carbon targets which could then be applied as evidence though future development plan review and associated SPD.
- Adur and Worthing have adopted a Design Guide SPD which seeks to deliver standards set within the currently adopted Local Plan and the Harbour Management Plan. The authorities are similarly, commissioning work to scope the feasibility of delivering zero carbon targets to achieve zero carbon by 2030.
- Brighton & Hove: declared a motion in December 2018 on a Climate Emergency and the need for resources to scope corporate policy and governance delivering a city carbon neutral 2030 target, including measure to enhance biodiversity and seeking Government funding.
- Portsmouth City Council: considered a motion to declare a climate emergency in March 2019 and seeking to reduce the city's carbon footprint by to zero by 2030 reviewing existing progress, initiatives and the role of Council and other stakeholders (business and community) through setting up a city wide strategy, and a Portsmouth Climate Change Board' and to write to the Government seeking powers and resources.
- Merton: declared a climate emergency in July 2019 and set an ambitious target to make Merton Carbon Neutral by 2050 with a corporate target of decarbonising Council buildings by 2030. These measures are to be set out in a 'Climate Change Action Plan' on how the targets are to be achieved;
- The Greater London Authority - Mayor of London: declared a climate change emergency in December 2018 to look at moving beyond the City target of being carbon zero by 2050 (based on a published Environment Strategy), and how this should be delivered by 2030.
- Manchester City Council: declared a climate change emergency – an existing city climate change action plan ('A Certain Future') with a 10 year target reduction of emissions 41% by 2020 is being overseen by an independent

steering group and is aimed at all stakeholders (existing communities, agencies and public bodies).

Options to deliver higher standards

19. Having regard to the above, the section below outlines the potential options for this committee for each of the points 1-6 in the Motion agreed by Full Council:-

1. Guidance on renewable energy (both passive & active) for individual homes.

- Passive heating/cooling measures are supported by adopted ALP 2018 policies DM1; ECC SP1 and ECC SP2. However, compliance with standards is determined in relation to the current Building Regulations (policy ECC SP2);
- Active heating/cooling measures (i.e. solar conversion to heat or electrical energy, fans or pumped mechanical heat distribution) are supported by adopted policy ECC SP2 and ECC DM1. A 10% renewable energy target is specified for major development (i.e. residential development of 10 or more dwellings or 0.5 ha and other development of 1,000 sqm or 1 ha).

Options to delivery higher standards

- i. Under section 14 c) above, commissioning a development typology feasibility and viability study, based on major developments set out within the Local Plan but testing delivery of zero carbon by 2030.

2. Improved standards for insulation, heat recovery and water usage.

- This consideration is addressed through passive measures and policy/standards - the higher optional technical standard for water efficiency is currently applied - compliance is determined in relation to the current building regulations (policy ECC SP2).

Options to delivery higher standards

- ii. Under section 14 c) above, scope the feasibility and viability to achieve greater water efficiency through best practice looking at zero carbon by 2030.

3. Guidance for community renewable energy schemes

- The ALP 2018 already states (supporting text 13.5.2) that the Council will support community and businesses to respond to climate change via 'Climate-Local' – a local commitment to action looking at carbon reduction/energy efficiency measures.
- The commissioned Design Guide will be able to encourage best practice aimed at all stakeholders.

Options to delivery higher standards

- iii. The report to be prepared by the Director of Services via the Environment and Leisure Working Group seeks to obtain agreement for a Climate Change Manager post to be created. This post will look at preparing an Action Plan for Council activities in order for them to be carbon neutral by 2030.

4. Guidance on designs for waste/recycling storage facilities

- Policy WM DM1 Waste Management makes provision for waste/recycling arising from development, domestic storage facilities and protection of

waste/recycling infrastructure.

- There are no external space standards in the ALP 2018 – but guidance is to be provided within the commissioned Design Guide SPD on the location and early integration within development.
- Waste planning is undertaken by West Sussex County Council (WSSCC) – the West Sussex Waste Local Plan was adopted April 2014 and includes an aspiration to achieve zero waste to landfill by 2031.

Options to delivery higher standards

- iv. Under section 14 c) above, commissioning a development typology feasibility and viability study, based on major developments set out within the Local Plan but testing delivery of zero carbon by 2030.

5. Guidance on the planting of woodland which can be both a mitigating and resilience action in terms of carbon sequestration and reducing the rate of surface water run - off and thereby reducing the flooding impact of severe rainfall.

- The ALP 2018 policies D SP1, D DM1 and ECC SP1 support tree planting as integral to development and the requirement to consider flooding, drainage and SUDS, biodiversity, including extreme temperatures and shading for example, as part of climate change mitigation and sustainable design.
- The commissioned Design Guide will provide guidance on principles of using existing natural resources and features, landscape structure and trees and how these become integral parts of schemes and guidance on how they can protect and enhance biodiversity within developments. There are no standards for tree planting – as each development will need to be considered according to circumstances, feasibility and viability.

Options to delivery higher standards

- v. If one of the Council's initiatives through the Action Plan being proposed by the report to the Environment and Leisure Working Group would be the creation of woodland areas, the Climate Change Manager would consider this through their work for the Council as a whole as it is very unlikely that such a measure would be required through the planning process. There could be net biodiversity gain secured through tree planting in accordance with policy ENV DM5.

6. Improved and more rigorous standards for the prevention of flooding

- The ALP 2018 policies W DM2 and W DM3 address flooding, sequential and exceptions tests, Strategic Flood Risk Assessment, SUDs design and mitigation of climate change.

Options to delivery higher standards

- vi. Sequential, and exceptions test are set via national policy. However, under 14 c) above - it is open for the authority to commission further research on the risks of climate change in terms of fluvial and coastal flooding with which to inform future spatial planning policy.
- vii. Currently, the Council has evidence of the 100-year climate change model for flood risk plus and allowance of 40%. This is exceptionally robust, and this evidence has supported the preparation of the current Local Plan. The Motion agreed at Full Council in September 2019 refers to this issue. However, it is not

yet clear what is considered to be inadequate about the current evidence. This work will be updated through any Local Plan review in the next few years and the Council can consider standards as a result of this evidence.

Risks, Costs, Preferred Approach and Timescales

20. The preferred approach is set out in section 14 a) to c) above. This work could then build the evidence base for a Local Plan review. Evidencing the viability and feasibility of development delivery will be key.

21. In the interim, Arun should set and enforce the necessary current standards set out in the development plan via the Design Guide SPD as a minimum.

22. This work could be done as part of a collaborative exercise with neighbouring authorities and the County to refresh existing strategic studies for decentralised energy and for waste reduction and recycling and so costs could be reduced – but similar procurement cycles would be needed.

23. National policy (and guidance) is in some instances stronger than Local Plan (which remains the starting point for decision making) and is a material consideration in so far as determining how much weight local planning policies may be given in determining applications. Further changes to Building Regulations may also set higher standards at a national level.

2. PROPOSAL(S):

To agree that the Council should declare a climate change emergency as the basis for commissioning studies and evidence to deliver zero carbon targets to 2030 via sustainable design best practice and as evidence for a Local Plan review pending introduction of government regulations.

3. OPTIONS:

To maintain the current approach to development standards within Supplementary Planning Document or seek to adopt higher standards.

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)

	YES	NO
Financial	x	
Legal	x	
Human Rights/Equality Impact Assessment		x

Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability	x	
Asset Management/Property/Land		x
Technology	x	
Other (please explain)		
6. IMPLICATIONS:		
Financial in the short term to commission evidence that may support future planning policies.		

7. REASON FOR THE DECISION:

In order to ensure that Arun has a strong evidence base in order to encourage best practice by all stakeholders in development and energy use and to prepare a Local Plan review and future SPD, which will help to achieve zero carbon targets consistent with declaring a climate change emergency.

8. BACKGROUND PAPERS:

None

Appendix 1: Motion to Full Council July 2019

That this Council supports the principle of developing supplementary planning guidance to improve the level of sustainability of all developments in comparison to the current position.

Officers are asked to prepare a report for the consideration of the Planning Policy Sub Committee on how this might be achieved including reference to the following, and the likely costs and benefits thereof.

- 1) Guidance on renewable energy (both passive & active) for individual homes.
- 2) Improved standards for insulation, heat recovery and water usage.
- 3) Guidance for community renewable energy schemes
- 4) Guidance on designs for waste/recycling storage facilities
- 5) Guidance on the planting of woodland which can be both a mitigating and resilience action in terms of carbon sequestration and reducing the rate of surface water run - off and thereby reducing the flooding impact of severe rainfall.
- 6) Improved and more rigorous standards for the prevention of flooding

The Sub Committee is also asked to make recommendations as to whether Arun DC should declare a Climate Change Emergency and the implications of creating a framework for moving towards a Carbon Neutral District and whether the Council should consider engaging the services of an energy agency to provide community retrofit advice and support, and explore the potential retro-fitting of solar panels on all appropriate Council asset.

