

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Cabinet

Date: 16/10/2023

Subject: Climate Change Supplementary Planning Document

Report of: Councillor Andrew Jones, Cabinet Member for the Economy

Report author: David Gawthorpe, Team Leader, Policy and Spatial Planning

Responsible Director: Jonathan Pickstone, Strategic Director for the Economy

SUMMARY

This report seeks approval from Cabinet to adopt the Climate Change Supplementary Planning Document (SPD). The purpose of the SPD is to provide supplementary guidance to the planning policies contained in the council's Local Plan that relate to climate change and to help implement the actions contained in the council's climate change strategy. This includes topics encompassing (but not limited to) sustainable design and construction, air quality, flooding, energy, ecology, waste, and transport and travel. It will be the first dedicated Climate Change SPD produced by a Local Planning Authority in London.

The guidance in the SPD applies to new build homes, extensions and retrofitting of homes, non-domestic and mixed-use developments. The SPD is intended for use by developers, landowners, homeowners, planning officers, and other interested parties when preparing and assessing planning applications. The SPD should improve implementation and delivery of policy objectives which reflect the Council's ambitions for climate mitigation and adaptation. The SPD does not conflict with the adopted Local Plan and is also in conformity with London Plan policy objectives.

RECOMMENDATIONS

1. That Cabinet approval be given for the SPD to be adopted incorporating amendments following the public consultation. The amendments are outlined in a schedule of representations at appendix 3.
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Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The SPD seeks to promote good practice and guide development on Climate change matters.

Creating a compassionate Council	The Council will be providing guiding principles for development associated with Climate Change
Doing things with local residents, not to them	Planning together for growth and well-being.
Being ruthlessly financially efficient	The costs associated with this consultation will be funded from existing approved budgets
Taking pride in H&F	Giving residents an opportunity to contribute towards the growth and greening of the borough.
Rising to the challenge of the climate and ecological emergency	The Council helping support local residents plan their neighbourhoods and adapt to and mitigate the impacts of Climate Change.

Financial Impact

The costs of adopting the SPD will be charged against existing revenue budgets, mainly those relating to staffing and minor printing costs within the Policy and Spatial Planning budget.

Comments and verification by Danny Rochford, Head of Finance (The Economy & Housing Revenue Account) – 21 August 2023

Legal Implications

The preparation and adoption of the SPD is governed primarily by the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (“the 2012 Regulations”). They require that the SPD be in conformity with the London Plan and not conflict with the adopted development plan. This report confirms that the proposed SPD is not in conflict with the Council’s adopted development plan and conforms with the London Plan 2021. The 2012 Regulations state at regulation 12 that a local planning authority must undertake a process of public participation before it can adopt a SPD. Part of that process involves consulting with relevant persons, setting out the main issues raised by those persons and then explaining how those issues have been addressed in the SPD. This process has been complied with.

SPDs are not subject to independent examination in the same way that other planning documents are, however, there is still a process of consultation that must be undertaken in respect of such documents. Section 19(3) of the Planning and Compulsory Purchase Act 2004 specifically requires local planning authorities to comply with their adopted Statement of Community Involvement (“SCI”). The Council’s SCI provides for a minimum period of 4 weeks consultation. The SPD has been on the Council’s website since April 2023.

Regulation 14 of the 2012 Regulations provides that the SPD can be adopted by resolution of the Council as a local development document. There is a requirement to publish the SPD and the adoption statement, soon after the resolution is passed, for a period of 3 months. The SPD can be judicially reviewed within a period of 3 months from when it is adopted.

Once adopted, the SPD will supplement other planning documents such as the Local Plan 2018 and the London Plan 2021. It does not provide new policy but provides more detailed guidance to the adopted Local Plan policies. It will be a material consideration to which regard will have to be had when considering any planning application but it will not form part of the development plan.

Mrinalini Rajaratnam, Chief Solicitor Planning and Property, 9 August 2023

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Proposals and Analysis of Options

1. The purpose of the SPD is to provide supplementary guidance to the planning policies contained in the council's Local Plan that relate to climate change and to help implement the actions contained in the council's climate change strategy.
2. The SPD has been drafted in consultation with the Climate Change Strategy Team and multiple departments across the council who have specialist knowledge on these topic areas. The drafting of the SPD has been overseen by Cllr Harcourt and Helen Dell who have provided input and advice on the content of the SPD.
3. The SPD is necessary to ensure that up-to-date guidance on climate change is in place to help implement the council's Climate change strategy, to support the adopted Local Plan and to comply with regulatory requirements.
4. The adoption of the SPD will provide more detail on the application of the climate change related policies in the Local Plan. Once adopted, the SPD will be a material consideration in planning decisions although it will not be part of the development plan.
5. The production and adoption of this Supplementary Planning document provides additional guidance for LBHF in positively influencing pre-application discussions and determining planning applications relating to climate change.
6. The Options available to the Council are as follows:

- 6.1 To adopt the SPD, as a local development document, incorporating amendments, as appropriate, following public consultation
- 6.2 To withdraw the proposed SPD.

- 7. The recommendation is option one above, that the Council adopt the SPD incorporating the amendments following the public consultation. Option two would leave a gap in planning guidance for the borough which may preclude deliverability of local plan policy objectives and the key aims of the Industrial Strategy.

Post adoption requirements

- 8. After adoption, it will be necessary under the Town and Country Planning (Local Planning) (England) Regulations 2012 to make the SPD available for inspection and to publish on the Council's website. The Council must also make an adoption statement available and notify any person who requested to be notified of the publication of the SPD. The Equalities Impact Assessment report (EqIA), and summary of any comments made as are result of public consultation, will also be published on the website (see appendix 2 and 3). The adoption statement must be sent to the Secretary of State.
- 9. The Council are not required to carry out a sustainability appraisal for the SPD (this now only applies to development plan documents) pursuant to the Planning and Compulsory Purchase Act 2004. However, the SPD must be considered against the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 and a draft screening statement made available.
- 10. There were no objections to the council's view that the SPD was not likely to have significant environmental effects. Consequently, the decision was taken that a Strategic Environmental Assessment (SEA) was not required because, amongst other things, the SPD is a lower tier planning policy document among the suite of council planning policy documents; it supplements existing adopted policy and does not introduce new policy; and it supplements adopted planning policies that have been subjected to Sustainability Appraisals.

Reasons for Decision

- 11. To progress the SPD to adoption to ensure that up-to-date guidance is in place to support the adopted Local Plan and to comply with regulatory requirements.
- 12. The adoption of the SPD will provide more detail on the application of the strategic and boroughwide policies in the Local Plan. The SPD will be a material consideration in planning decisions although it will not be part of the development plan.

Equality Implications

- 13. An Equalities Impact Assessment (EQIA) has been carried out, in relation to the SPD (see appendix 2), and it shows only neutral or positive impacts of the planning guidance on protected groups.

14. The EQIA assists the Council in demonstrating compliance with its public sector equality duty under Section 149 of the Equality Act 2010.

Risk Management Implications

15. The report sets out a clear rationale for the SPD. The SPD is intended to support, through information, evidence and guidance on local plan policies, climate change adaptation and mitigation measures for the built environment. This is in line with the council priority of tackling climate change. The report also demonstrates how the council priority of doing things with and not to residents through the consultation process has been addressed.

Implications completed by: David Hughes, Director of Audit, Fraud, Risk and Insurance, 27 July 2023

Climate and Ecological Emergency Implications

16. The built environment accounts for 79% of the borough's direct emissions, with significant emissions arising from both the construction and operation of new development. Effective planning policy and guidance is therefore essential to ensure new development adheres to the highest possible low-carbon and biodiversity standards.

17. The public consultation and adoption of an SPD for Climate change enables the Council to better assess planning applications for new development and this will help the built environment contribute to achieving net zero greenhouse gas emissions. The positive impacts of this SPD on climate change are numerous and a driver for change and investment in green infrastructure. Progressing this SPD helps deliver action P1.4 in the council's Climate and Ecology Strategy, which includes 'Update the Planning Guidance SPD to ensure new development proposals comply with the higher building design standards in the new draft London Plan', and 'Develop specific guidance for listed buildings and conservation areas.'

Implications verified by: Jim Cunningham, Climate Policy & Strategy Lead, 31st July 2023

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17. The SPD will ensure the Council secures appropriate conditions or obligations to mitigate any effects on the climate arising from development,

Implications verified/completed by: Matthew Paterson, Head of Spatial Planning tel: 07776672447 – 31st July 2023

Consultation

18. Public consultation on the draft SPD ran for 7 weeks until 8th June 2023. The document was made available on our website and on our 'Have your say' consultation portal. In addition, we promoted participation in the consultation on our digital channels, the weekly e-newsletter as well as on the 'Nextdoor' engagement platform emphasising this is part of H&F's net zero carbon ambition. The SPD was made available at the borough reference libraries and on the Council's website, as set out in the Council's Statement of Community Involvement. Additional targeted consultation was carried out, including publicity via the Council's Twitter account. The Council wrote to specific consultation bodies outlined in the Regulations and to general consultation bodies, such as amenity groups, resident associations, businesses and others. Cllr Harcourt and Helen Dell have both been heavily involved in the preparation of the SPD, including a comprehensive page turning review of the document in November 2022 prior to the public consultation exercise.
19. The Council received representations from 20 organisations and individuals during the consultation which amounted to 93 individual comments. A summary of the consultation responses is set out below. Full details of the representations and how these have been addressed have been appended to this report (see appendix 3).
20. There was a broad range of consultees who responded to the consultation including borough residents, Historic England, the Greater London Authority (GLA) and Campaign for Rural England.
22. Overall, comments were positive and welcomed the ambition to mitigate impacts on climate change and achieve net zero carbon emissions by 2030. However, each representation made suggestions of how the document could go further.
23. One of the main issues raised by residents is the conflict which exists between conservation and climate change. Comments were received from residents who suggested that the new guidelines remain very limiting for houses in conservation areas with the emphasis on preservation of character in the face of the climate crisis. For example, one resident called for more guidance on how to select new replacement windows to encourage people to buy the ones with higher energy efficiency ratings. To address this issue the council have made the process for retrofitting properties in conservation areas as clear as possible in the SPD, but limitations associated with development in conservation areas remain where national policy and permitted development restrictions exist.
24. Several major landowners/developers made representations. The Earls Court Development Corporation (ECDC) made detailed representations seeking clarification on a number of matters. They sought amendments to the language and wording of key principles to help make it clear what the SPD requirements are for developers and applicants when planning for climate change. Appendix 3 outlines how the SPD will be changed in response to these comments. The council agree that the key principles need to be clear for residents and developers to interpret when preparing planning applications. Planning

regulations are clear that SPDs are guidance documents only, are a material consideration in planning decisions, but do not set policy.

25. Transport for London's property arm (TTLP) broadly supported the SPD principles. However, they suggested that the proposed approach to whole life carbon is very ambitious and may not be realistic and achievable for all development proposals. The Mayor has published guidance on Whole Life Carbon Assessments and TTLP suggested the council follow this and TTLP's Sustainable Development Framework which has a section on High Performance Buildings.
26. A small number of comments were received on matters not covered by the SPD. Representors suggested that in the absence of such matters, better signposting of other guides would be beneficial within the document. The council agree that good practice guides elsewhere would complement the SPD principles and therefore we will add signposting to good practise within the SPD, where relevant. The council will also provide signposting to good practice on the council website as new information and advice comes out beyond the adoption date of the SPD.
27. Local residents raised some useful comments on pertinent issues relating to retrofitting their homes such as the restrictions and barriers for installing solar panels and heat pumps and how the SPD could go further to help remove these barriers. The council have provided a flow chart and table to help applicants understand which retrofit measures require planning permission and which can be done through permitted development rights. The council also intend to provide further signposting of good practice guides.

Summary of Post Consultation Changes

28. As a result of the consultation, only minor changes are considered necessary to the SPD prior to adoption.
29. Full details of the representations and how these have been addressed are appended to this report (Appendix 3). The minor text changes have been inserted into the SPD (Appendix 1).

LIST OF APPENDICES

- Appendix 1 - Climate Change SPD (incorporating amendments)
- Appendix 2 – Equalities Impact Assessment
- Appendix 3 – Climate Change SPD Representations Schedule