

REPORT TO: Environment and Urban Renewal Policy and Performance Board

DATE: 21st February 2024

REPORTING OFFICER: Executive Director, Environment & Regeneration

PORTFOLIO: Environment and Urban Renewal

SUBJECT: Climate Change SPD – Supplementary Planning Document

WARDS: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To present the Board with a draft Supplementary Planning Document (SPD) (Appendix 1) on Climate Change.
- 1.2 Supplementary planning documents (SPDs) build upon and provide more detailed advice or guidance on policies in an adopted local plan. (The Delivery and Allocations Local Plan -DALP -Adopted March 2022) As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. Any policies contained in a supplementary planning document must not conflict with the adopted development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.
- 1.3 This Supplementary Planning Document (SPD) will provide additional planning policy inputs on any planning applications submitted that could have an impact on climate change. The SPD will introduce guidance that applicants should consider when submitting any planning application that could have an impact on climate change. The SPD also introduces a Climate Change Checklist that should be submitted alongside relevant planning applications and other supporting documents.
- 1.4 Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents.
- 1.5 It has not been necessary to prepare a sustainability appraisal for the SPD as there is no requirement to do so under the Planning and Compulsory Purchase Act 2004 (Section 19(5) of the planning Act 2008 removed the requirement for a sustainability appraisal report to be prepared for all Supplementary Planning Documents (SPDs).

- 1.6 However, local planning authorities are still required to screen their SPDs to ensure that legal requirements for Sustainability Appraisal (SA) are met if impacts from their implementation are likely and have not been addressed in the appraisal of the parent Development Plan Document (DPD); or an assessment is required by the SEA Directive and associated UK regulations. Under Regulation 5 of the Environmental Assessment of Plans and Programmes Regulations 2004 (the regulations), councils must assess the effects on the environment, of plans and programmes prepared for planning or land use, that set the framework for future development consent for projects, including urban development projects.
- 1.7 Regulation 9 of the regulations requires councils to take into account certain criteria listed in Schedule 1 of the regulations; and consult with specific agencies, in making a determination whether or not a plan or programme is likely to have significant environmental effects.
- 1.8 Therefore prior to public consultation of the Climate Change SPD, in accordance with Regulations 9 and 11 the council will consult with the specified environmental organisations (Natural England, Historic England and the Environment Agency) before deciding as to whether an SEA or SA will be needed for the SPD). If the screening statement concludes that the implementation of the SPD will be unlikely to have significant environmental effects and therefore not require a SEA, a statement setting out the reasons for such a determination will be published and consulted on along side the SPD.
- 1.9 In accordance with the Council's Statement of Community Involvement and the regulations set out in the Town and Country Planning Act, the Council are required to consult on the Draft Climate Change SPD for a minimum of 28 days. Any organisation or person requesting to be kept informed of the production of SPDs will be contacted and informed that the SPD is available at deposit locations. The SPD consultation will be advertised and made available on the Council's website.
- 1.10 Once all representations have been received and any amendments to the SPD made, a 'Statement of Consultation' will be produced. This will list all representations received as a result of the consultation and will explain how they have been taken into consideration and, where appropriate, the SPD altered.
- 1.11 Following an internal approval process (Executive Board), prior to adoption the Council are required to produce an adoption statement. This is to include the following information:
 - a) the date on which a supplementary planning document was adopted;
 - b) if applicable, any modifications made pursuant to section 23(1) of the Act;

- c) notice that any person with sufficient interest in the decision to adopt the supplementary planning document may apply to the High Court for permission to apply for judicial review of that decision; and
- d) that any such application must be made promptly and, in any event, not later than 3 months after the date on which the supplementary planning document was adopted.

1.12 Once adopted the Supplementary Planning Document will form a material consideration in decision-making process.

2.0 RECOMMENDATION: That the Board endorse the draft SPD for public consultation.

3.0 SUPPORTING INFORMATION

3.1 In April 2022, the Council adopted a revised Climate Change Strategy. The Action Plan covers the period 2022-2027 and provides a clear direction for the Council over the coming years. It sets a target to be net zero by 2040 and includes both short-term and longer-term actions. It provides an initial focus on decarbonising energy use by buildings, transport, waste and enhancing the Borough's blue/green infrastructure. It also seeks to embed climate change in council decision-making and seeks in the long term to develop partnership working as a lead into a borough-wide approach to tackling climate change. Whilst the Council has successfully implemented a range of actions aimed at reducing its carbon footprint capacity and the financial resources to implement projects remains a key challenge. The Climate Change SPD will provide a useful tool in assisting the Council meet the targets set out in the Action Plan.

4.0 POLICY IMPLICATIONS

4.1 Members wish to ensure that the potential impacts of climate change are considered as part of proposed development in the Borough.

4.2 This new supplementary planning document has been drafted to introduce further guidance on measures to mitigate the negative impacts of climate change that may otherwise result from new development proposals.

5.0 OTHER IMPLICATIONS

5.1 The formal adoption and implementation of the recommended policies will require additional staff resources.

- 5.2 Formal policy adoption is undertaken by Executive Board. The PPB Board's recommendations will need to be presented to Executive Board in due course.
- 5.3 There is a formal process for the creation and adoption of supplementary planning document, and this includes a period of public consultation (28 days).

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children & Young People in Halton

The objective of the Climate Change SPD is to provide guidance to developers when submitting applications for new development proposals. Mitigating the potential impacts of climate change will provide a safer and healthier environment for all Halton's residents including children and young people.

6.2 Employment, Learning & Skills in Halton

None

6.3 A Healthy Halton

The objective of the Climate Change SPD is to ensure a healthy environment for all residents to live.

6.4 A Safer Halton

None

6.5 Halton's Urban Renewal

None

7.0 RISK ANALYSIS

- 7.1 There are no legal or financial risks arising from this report.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 There are no equality and diversity implications arising from this report.

9.0 CLIMATE CHANGE IMPLICATIONS

- 9.1 Adoption of the Climate Change SPD will help Halton in its corporate aim of achieving carbon net zero status by 2040.

**10.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF
THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.