

Cheltenham Borough Council
Council – 20 June 2022
Climate Change Supplementary Planning Document Adoption

Accountable member	Cllr Alisha Lewis, Cabinet Member for Climate Emergency
Accountable officer	Liam Jones, Head of Planning
Ward(s) affected	All
Key Decision	Yes
Executive summary	<p>In 2019, CBC declared a Climate Emergency and set out to become a carbon neutral council and borough by 2030. To achieve this, a level of leadership from the Council will be essential in guiding businesses and communities towards the 2030 target.</p> <p>Buildings are responsible for almost half of the UK’s carbon emissions and collective action is needed to reduce the negative environmental impacts from building developments. The existing planning regulations are not yet aligned with the Council’s ambitions, nor do they provide the much needed hooks for local policy to underpin mandatory change.</p> <p>The purpose of this report is for the Council to adopt the Climate Change Supplementary Planning Document (SPD), having reviewed the analysis of the public consultation.</p> <p>The development of this SPD will help drive a proactive agenda for sustainable design and construction and pave the way for future policy changes as our development plans are reviewed.</p>
Recommendations	<p>It is recommended that Council:</p> <ol style="list-style-type: none"> 1. Adopts the proposed Climate Change SPD attached as Appendix 2. 2. Delegates authority to the Head of Planning, in consultation with the Cabinet Member for Climate Emergency, to make any necessary further minor changes to the document; 3. Commits to a programme of on-going training for Members and Officers about how to optimise use the SPD to help support the authority’s 2030 net zero objectives; 4. Commits to ensuring that emerging Development Plan Policy has appropriate policy hooks to better integrate the objectives of the SPD into the planning process, thereby giving the document greater weight in decision-making; 5. Commits to using the SPD to lobby the Chief Planner and government through the Department for Levelling Up, Housing and Communities (DLUHC) and others, to urgently improve national policy and provide more effective measures to help combat climate change through the planning system.

Financial implications	<p>None arising directly from this report</p> <p>Contact officer: Gemma.Bell@cheltenham.gov.uk</p>
Legal implications	<p>The public consultation, and subsequent adoption of the Climate Change Supplementary Planning Document should be undertaken in accordance with the requirements set out within The Town and Country Planning (Local Planning) (England) Regulations 2012.</p> <p>Contact officer: Nick Jonathan nick.jonathan@tewkesbury.gov.uk</p>
HR implications (including learning and organisational development)	<p>None arising directly from this report</p> <p>Contact officer: Georgie Tweddell, HR Business Partner, Publica georgie.tweddell@publicagroup.uk</p>
Key risks	As outlined in Appendix 1.
Corporate and community plan Implications	The SPD will directly contribute to the following key priority in the 2019-2023 Corporate Plan: “Achieving a cleaner and greener sustainable environment for residents and visitors”.
Environmental and climate change implications	<p>The SPD will provide a tool to enable planning policy to drive the change we want to see from developers, in helping to tackle the impact of planned development on carbon emissions and the climate emergency.</p> <p>It will incorporate guidance on different aspects of sustainable design and construction, including energy and carbon, climate change adaption, water efficiency, flood prevention, pollution, sustainable transport, ecology, biodiversity net gain and waste reduction.</p> <p>The SPD will drive positive change and contribute to mitigating the negative environmental impacts of the property development industry.</p>
Property/Asset Implications	<p>None arising from this report</p> <p>Contact officer: Gemma.Bell@cheltenham.gov.uk</p>

1. Background

Climate Change Context

- 1.1 The Intergovernmental Panel on Climate Change's (IPCC's) special report on Global Warming, published in August 2021¹, describes the enormous harm that a 2°C rise is likely to cause compared to a 1.5°C rise. The report went on to say that limiting Global Warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities. Additionally, the recent Intergovernmental Panel on Biodiversity and Ecosystem Services (IPBES) report stated that around 25% of the world's species are now at threat of extinction due to habitat loss and the effects of climate change². Humanity is facing an unprecedented combination of crises in the natural systems we rely on.
- 1.2 The motion to declare a climate emergency was unanimously supported by full Council in February 2019 and subsequently endorsed by Cabinet in July 2019. The motion called on the Council to:
- Declare a 'Climate Emergency';
 - Pledge to make Cheltenham carbon neutral by 2030, taking into account both production and consumption emissions;
 - Call on Westminster to provide the powers and resources to make the 2030 target possible;
 - Work with other governments (both within the UK and internationally) to determine and implement best practice methods to limit Global Warming to less than 1.5°C;
 - Continue to work with partners across the town, county and region to deliver this new goal through all relevant strategies and plans;
 - Report to Full Council within six months with the actions the Council will take to address this emergency.
- 1.3 The Climate Emergency Action Plan (CEAP) (Appendix 4) was presented to full Council on 21st February 2022. The CEAP sets out a number of tangible actions required for CBC to reach the goal of becoming a net zero carbon council and borough by 2030. It is explicit in stating that CBC must take on a leading role in multiple scenarios, including the reduction of fossil fuel consumption and waste production within the borough. The production of a Climate Change SPD will support the requirements of the CEAP.
- 1.4 Buildings are responsible for almost half of the UK's carbon emissions, half of water consumption and about a quarter of all raw materials used in the economy. By encouraging new development in Cheltenham to reduce its environmental impact, planning can contribute significantly towards addressing the commitments in the Council's climate change emergency declaration. It can also be a vehicle for conveying the significance of the issue and the urgent need for action to reduce

¹ <https://www.ipcc.ch/assessment-report/ar6/>

²

https://ipbes.net/sites/default/files/inline/files/ipbes_global_assessment_report_summary_for_policymakers.pdf

the current rate of increase of global heating.

The SPD Background

- 1.5** CBC, like many local authorities, is frustrated that the planning regulations are not yet fit for purpose, nor do they provide the teeth needed to require mandatory change. The development of this Supplementary Planning Document (SPD) (Appendix 2) will help drive a proactive agenda for sustainable design and construction and help pave the way for future policy changes as our development plans are reviewed. Once adopted, we will also use this as a positive case study for further lobbying of government to drive change in policy at a national level. This is key given the recent publication of the Levelling Up and Regeneration Bill that indicates strengthening of national planning policies and reinforcing the role of development plans at the heart of local decision making.
- 1.6** It is important to understand that SPDs cannot introduce new targets that exceed current planning policy, but they can provide practical guidance and direction on how prospective applicants can comply with policy requirements and seek to proactively exceed these. The SPD will not form part of the development plan, but will be an important material consideration in decision-making. Our expectation is that this SPD elevates the issue of climate change and provides an active lever for developers and place makers to drive active change.
- 1.7** The SPD brings together local, national and international best practice, together with case studies. It incorporates guidance on different aspects of sustainable design and construction, including sections on energy and carbon, climate change adaption, water efficiency, prevention of flooding, pollution, sustainable transport, ecology, biodiversity including achieving net gain and waste. It also includes a checklist to prompt applicants to demonstrate how they are responding to climate change and related issues.
- 1.8** The SPD is intentionally ambitious. It builds on currently adopted policies, but it does so with necessity and purpose. Necessity, because we are all in the middle of a climate emergency that needs to be responded to as we plan for our existing communities and the future generations. Purpose, because we want to communicate the direction of our future policy and use the planning system positively as an enabler for change, which urgently needs to be consistent with a zero carbon future, helping to limit global temperature rises and to mitigate the impacts of climate change, including biodiversity loss.

SPD Procedure

- 1.9** The procedure for preparing SPDs is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 12 requires that before a local planning authority can adopt an SPD, it has to prepare a statement setting out the persons it consulted when preparing the guidance, a summary of the main issues raised and how those issues have been dealt with in the SPD. There must then be a period of consultation (of no less than four weeks) on the draft SPD and the statement about its preparation.
- 1.10** It should be noted that, prior to public consultation, internal stakeholders and subject matter experts were consulted to help improve the accuracy of guidance and background information on each topic. Taking a multi-disciplinary and collaborative approach to address such a complex environmental problem has we believe, resulted in a holistic and well-informed document.
- 1.11** Public consultation ran for just over 4 weeks between 7 March 2022 and 4 April 2022. There were around 40 individual respondents and 133 separate comments. The consultation report in

Appendix 3 summarises the responses and shows how they have been taken into account.

- 1.12** The overall response was very positive and generally supportive of the document and its aims. The majority of the responses made suggestions for clarification of terminology, guidance for document utilisation and improved accuracy of content. This has resulted in a number of minor changes that have strengthened the document and will lead to better implementation of its guidance. Some clarity has been added as to what level of requirements are applicable to different scales of development.
- 1.13** A small number of responses were concerned that the SPD goes further than existing policy should allow and that it risks placing an unreasonable burden on developers. However, the objective of the SPD has not been diluted in response. As stated above, it is an ambitious document that sets out what this Council wants to see from new development in its administrative area. It is also clear that the national planning policy framework is not currently consistent with the scale of change required and we believe that urgently required changes will bring policy into closer alignment with the SPD over time.
- 1.14** Multiple responses stated the need to replace the national case studies with local examples from the region. This is seen as an important alteration to the document, to convey clearly to local developers and homeowner-developers that change is not only possible, but is already being achieved and that the ambitions set out in the SPD are therefore already within reach.
- 1.15** Ensuring solid application of the SPD by the Planning team will require investment in our teams through the provision of suitable and sufficient training together with ongoing training for elected members, in particular Planning Committee as decision makers.
- 1.16** The SPD will be supported by a public communications campaign and the leveraging of construction industry networks to disseminate the document, helping to embed the thinking within our local and development communities.

2. Reasons for recommendations

- 2.1** The requirements of reaching net zero carbon by 2030 present a highly complex challenge and will not be achieved through Council action alone. Reducing greenhouse gas emissions will require 'systemic leadership' across multiple sectors, strong communications and behavioural change that will necessarily result in adapted lifestyles. As a Council, we have a responsibility to lead in this area, to ensure that Cheltenham plays a pivotal role in meeting this challenge to reduce our local impact on global warming, whilst also being aware of the major changes in weather-vulnerability and climate-sensitivity that will affect the services we deliver and the people we deliver them to. We also need to acknowledge our role in adapting to an already changed and changing climate and the fundamental leadership role the council has in ensuring Cheltenham is fit for the future. This SPD is tangible evidence of that leadership.
- 2.2** Cheltenham Borough Council declared the climate emergency in 2019 and set an ambitious target to become a net zero Council and Borough by 2030. A number of key work streams are underway and form part of the ambition outlined in our approved Climate Emergency Action Plan (CEAP); one of these is to approve a Climate Change Supplementary Planning Document.
- 2.3** The SPD will be a key document in support of the implementation of a number of the actions identified in the CEAP, including:
- Action 8 under the theme of Buildings & Energy: "...encourage developers to commit to

renewable energy by stipulating requirements in a new Supplementary Planning Document (SPD)” (p.18).

- Action 8 under the theme of Water & Waste: “Leverage the new climate-focussed Supplementary Planning Document to encourage the provision of better waste and recycling facilities in developments.” (p.22).

- 2.4** Addressing climate change through planning is a relatively recent phenomenon that is evolving and developing at a rapid pace. In order to ensure that we can get the most out of the SPD both Members and planning officers will require adequate training.
- 2.5** The Head of Planning is already reviewing the development management service. This will include updating the pre-application process, as well as looking at the validation of planning applications. Improvements to these processes will ensure that applicants are fully aware of the Climate Change SPD and what it requires of them, including the stipulation that they must submit a completed Climate Change Checklist.
- 2.6** The adoption of the SPD will provide a strong, proactive and positive message to developers that the Council expects the highest standards. It has had to go beyond national guidance, as this has not moved as quickly as needed. The SPD can therefore act as a key part of the Council’s lobbying of the Department for Levelling Up, Housing and Communities.

3. Alternative options considered

- 3.1 Delay implementation** - the option of not producing an SPD and waiting for national planning policy to catch up with CBC’s ambition was considered. However, it was determined that any short term gain in officer time would not outweigh the benefits of producing the SPD, both in terms of improving outcomes in the planning process and demonstrating the council’s commitment to net zero. Delay is also not palatable to the public or consistent with the climate emergency declaration and the scale of system change required within the next ten years to make meaningful progress on carbon reduction and support for biodiversity.

4. How this initiative contributes to the corporate plan

- 4.1** The SPD will support CBC in demonstrating strategic co-ordination across its networks to help drive the delivery of the Place Vision at the pace which is clearly warranted.
- 4.2** Setting out the Council’s ambitions and expectations for developments in the borough will lead developers, including homeowners, to design buildings that use low carbon construction techniques. It will also optimise support for nature recovery and increased biodiversity and help to mitigate potential flood impacts. This will improve green spaces and enhance the look and feel of the town, encouraging further investment in the area, aligning with Key Priority 2. The SPD’s guidance on improving access to developments for active transport options, such as bikes and e-scooters, will impact the demand for improvements to infrastructure used by cyclists and pedestrians, which is consistent with air quality and health improvement objectives.
- 4.3** By virtue of the topics covered in the SPD, developers will be directed to improve on-site recycling facilities and support more efficient and environmentally friendly waste management practices. This will help to achieve a greener environment for residents and businesses in Cheltenham, directly contributing to Key Priority 3.

5. Consultation and feedback

- 5.1** The development of the SPD has been informed by informal consultation with several specialist officers, including those from Climate Emergency, Planning, Townscape, Environmental Services and Public Protection teams. Input from appropriate Cabinet Members was garnered early on in the project alongside testing the principles of the SPD with wider specialists across Gloucestershire authorities
- 5.2** Informal consultation has taken place with external partners such as the Gloucestershire Local Nature Partnership (GLNP) and their input sought as local experts in the field of nature and biodiversity.
- 5.3** The formal 4 week public consultation is mentioned above and a report of the responses and how they have been addressed is available in Appendix 3.

6. Performance management – monitoring and review

- 6.1** It is noted that the intention is for the SPD to be an interim document to drive a proactive agenda for sustainable design and construction and help pave the way for future policy changes as our development plans are reviewed. As policy and legislation from both central Government and the Gloucester, Cheltenham and Tewkesbury Joint Strategic Plan, currently in preparation, the SPD will be reviewed and updated as applicable to reflect such changes.

Report author	Contact officer: John Rowley, Planning Policy Team Leader john.rowley@cheltenham.gov.uk, 01242 264180
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Climate Change Supplementary Planning Document 3. Consultation Statement 4. Climate Emergency Action Plan
Background information	N/A

Risk Assessment

Appendix 1

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1.4	If global heating continues unchecked, there will be significant financial implications, including the revenue and capital costs associated with delivering more frequent emergency responses, repairs and mitigation actions to respond to the consequences of failing to address carbon emissions.	Mike Redman	01/02/22	5	5	25	Reduce	Progress identified leadership and mitigation actions within the climate pathway to move the council and the borough towards a net zero carbon emission future by 2030.			
1.5	If we fail to address our local contribution to global heating, there will be an on-going negative impact on weather patterns which will affect the whole environment, including food and water supply, building and cultural assets, landscape, trees and biodiversity.	Mike Redman	01/02/22	4	2	8	Reduce	Progress identified leadership and mitigation actions within the climate pathway to move the council and the borough towards a net zero carbon emission future by 2030.			
1.6	If we fail to address our local contribution to global heating, there will be an on-going negative contributory impact affecting human health and wellbeing, as temperatures and other climate-related impacts continue to rise at an unsustainable level. This has the potential to	Mike Redman	01/02/22	5	6	30	Reduce	Progress identified leadership and mitigation actions within the climate pathway to move the council and the borough towards a net zero carbon emission future by 2030.			Mike Redman

	seriously disrupt the availability of health and social care services.										
1.7	If we fail to address our local contribution to global heating, there will be a disproportionate impact on those vulnerable groups least able to adapt to the impacts of climate change.	Mike Redman	01/02/22	3	4	12	Reduce	Progress identified leadership and mitigation actions within the climate pathway to move the council and the borough towards a net zero carbon emission future by 2030.			

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6
(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close