

Report title	Draft Energy Supplementary Planning Document
Report author	Stephanie Broadley
Department	Planning Policy
Exempt?	No
Exemption type	Not applicable
Reasons for exemption	Not applicable

Purpose of report:

- **To resolve**

Synopsis of report:

This report seeks Planning Committee approval to carry out statutory public consultation on the draft Energy Supplementary Planning Document (SPD), in accordance with the Town and Country Planning (Local Planning) Regulations 2012 and the Council's Statement of Community Involvement for a 6-week period from Wednesday 5 June to Wednesday 17 July 2024.

The purpose of the SPD is to provide supplementary guidance to support and improve the implementation of planning policies contained in the Council's adopted Runnymede 2030 Local Plan that relate to energy use and carbon emissions, to improve the delivery of new development that is 'lean, clean and green'. Once adopted, the SPD will help achieve both Local Plan and Climate Change Strategy policy objectives that seek to mitigate the impacts of climate change and reduce carbon emissions generated by the Borough's built environment.

Recommendation(s):

That the Planning Committee approves the draft Energy Supplementary Planning Document (SPD) for public consultation for a period of six weeks from Wednesday 5 June to Wednesday 17 July 2024.

1. Context and background of report

- 1.1 A Climate Change Action Plan was approved at Full Council on 29 February 2024. The Action Plan provides a framework for everyone to take action to reduce emissions and adapt climate change, driven by the vision, objectives and targets set out in the Council's Climate Change Strategy. The Council's Corporate Business Plan also describes how the Council will play a key role in creating a greener environment and an effective response to climate change.

- 1.2 In recognition that 21% of total borough-wide carbon emissions are generated by the heating of its building stock, several actions under ‘Greener Homes & Buildings’ aim to reduce emissions from the heating of both existing and new development. Feedback from community engagement activities throughout the course of developing the Climate Change Action Plan also identified the planning system as a potential barrier to taking action, identifying a need for planning guidance to provide greater clarity to both homeowners and built environment professionals on how to deliver energy efficient, low carbon buildings. The Consultation Statement attached at Appendix 2 of this report describes the main issues raised during this early engagement, and how those issues have been addressed in the draft SPD.
- 1.3 Action 1.1.3 of the Action Plan commits the Council to developing planning guidance to ensure existing 2030 Local Plan sustainable design and renewable and low carbon energy policies are implemented effectively, and which encourages developers to exceed minimum standards wherever possible. This action is intended as an interim measure ahead of introducing stronger climate change policy requirements as part of the Local Plan Review, which is currently paused¹.
- 1.4 Officers have now drafted the Energy SPD attached at Appendix 1 of this report, which seeks Planning Committee approval to commence a period of statutory public consultation in accordance with Regulation 12 of the Town and Country (Local Planning) Regulations 2012 (as amended), and with the Council’s 2021 Statement of Community Involvement (SCI) (as amended).

2. Report and, where applicable, options considered and recommended

- 1.5 This report presents a draft Energy SPD for the Borough, and requests approval by the Planning Committee to consult the public on the new guidance for a period of 6 weeks, from Wednesday 5 June to Wednesday 17 July 2024. A copy of the recommended draft Energy SPD is attached at Appendix 1.
- 1.6 The National Planning Policy Framework (NPPF) defines 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....Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the development plan’*. In this case, the Energy SPD has been drafted to provide more detailed advice and guidance on two policies of the Runnymede 2030 Local Plan: Policy SD7 on Sustainable Design; and Policy SD8 on Renewable and Low Carbon Energy.
- 1.7 The SPD identifies the energy and carbon emissions reduction requirements in these policies and provides clarity for both applicants and decision-makers on how the requirements can be achieved and evidenced. The key requirement in Policy SD8 is that major development proposals apply the energy hierarchy i.e. that proposals are designed to use less energy (be lean); supply energy efficiently (be clean) and use renewable energy (be green). The SPD provides detailed guidance on key principles and measures which should be considered at each of these stages, to ensure that energy and carbon emissions reduction remain an integral part of a development’s design and evolution.
- 1.8 Feedback from the Climate Change Action Plan consultation identified a clear desire for stronger local planning policy and guidance to achieve net zero carbon standards.

¹ The Local Plan Update Report considered by the Planning Committee on 25 October 2023 is available at: [DRAFT AGENDA REPORT COVER SHEET \(runnymede.gov.uk\)](https://www.runnymede.gov.uk)

However, the National Planning Policy Guidance confirms² that as SPDs do not form part of the development plan, they cannot introduce new planning policies into it. They should also not add unnecessarily to the financial burdens on development. The Town and Country Planning (Local Planning) (England) Regulations 2012 are more nuanced: SPDs can contain policy, but it must be fully justified and must not conflict with the adopted development plan (Regulation 8(3)). SPD policy cannot supersede development plan policy and is merely a material consideration.

- 1.9 Taking these limitations into account, the SPD aims to:
- summarise the policy requirements within the Local Plan that are relevant, along with key aspects of national policy;
 - set out the information that should be included within energy statements for major developments, and for different application types;
 - set out the information that should be included within energy information for non-major development;
 - provide a questionnaire that non-major developments can use instead of drafting energy information;
 - describe in detail how developments are expected to achieve energy efficient, low carbon design by following the energy hierarchy; and
 - describe measures that should be considered when a programme for increasing energy efficiency is being designed for an existing building, including sensitive retrofitting of historic buildings, where planning permission is required.
- 1.10 In recognition that it will take time, through a Local Plan Review, to revise and strengthen the Council's climate change planning policies to meet net zero carbon objectives, the SPD also identifies 'best practice' approaches which go beyond the minimum requirements set by the existing Local Plan. It signposts further guidance in the Council's recently adopted Net Zero Carbon Toolkit where relevant, but makes a clear distinction between Local Plan policy requirements and best practice aspirations of the Council to avoid confusion amongst applicants and decision-makers as to what a policy compliant scheme would be.
- 1.11 In recognition that existing buildings generate a significant proportion of emissions emitted by the Borough's built environment, the SPD contains a section describing how energy matters should be considered in retrofitting projects where planning permission is required, including how to approach improvements to buildings with heritage value. The difficulty of balancing heritage objectives with climate change objectives was another issue raised in pre-production consultation, and this section of the SPD aims to provide guidance on this.
- 1.12 The draft Energy SPD focuses on climate change mitigation measures. The Council's adopted Green and Blue Infrastructure SPD guides developers and decision-makers on how green and blue infrastructure is considered, designed and delivered through new development to build resilience to the impacts of climate change. The Parking Guidance SPD also sets out the Council's electric vehicle parking standards. The draft Energy SPD should therefore be read alongside these other SPDs to ensure that designs are optimised to address the impacts of climate change in a holistic way before planning applications are submitted.
- 1.13 The Council's adopted SCI describes how legislation currently requires the Council to consult on planning policy documents for certain minimum statutory periods. For

² At paragraph 008 Reference ID: 61-008-20190315

SPDs, the minimum period for public consultation is 4 weeks. However, the duration of public consultation may also be extended at the discretion of the Council. As recent engagement on climate change issues has generated such a large volume of interest, it is proposed that the consultation period be extended to 6 weeks. Extending the consultation period will result in a slight delay to the adoption of the SPD, however, and the Committee has the option to revert to the 4-week minimum period if this is a concern. However, officers believe a 6-week period will allow the local community more time to prepare their responses and result in a higher response rate.

- 1.14 In accordance with the Regulations, hard copy consultation documents will be made available for the public to view in public libraries and at the Civic Centre during normal opening hours. Consultation material will also be published on the Council's website. A bespoke consultation webpage will be created on the Planning Policy pages, and a hyperlink to this page will be provided on the Council's 'Consultations and surveys' webpage.
- 1.15 Promotion of the consultation will take the following forms, with clear guidance on how to submit comments:
- promotion on the Council's homepage news banner and climate change homepage news banner;
 - promotion on the Council's social media channels;
 - email to Councillors, local Residents Associations/community groups and neighbouring authorities;
 - email or letter to those registered on the Planning Policy and Strategy Database;
 - promotion in the Council's residents and climate change e-newsletter.
- 1.16 The consultation material will include a Statement of Consultation, in accordance with Regulations, detailing the people and groups the Council consulted when preparing the SPD, a summary of the main issues raised, and how those issues have been addressed in the SPD. Details must also be provided setting out the date by which representations must be made, and the address to which they must be sent. The Statement of Consultation is attached to this report at Appendix 2.
- 1.17 An alternative option would be for the Council to rely upon the current Local Plan policies along with the National Planning Policy Framework, without any supplementary guidance. However, this would not honour the commitment of the adopted Climate Change Action Plan to produce planning guidance to improve the implementation of Local Plan climate change policies. Pursuing this option would mean the Council is primarily reliant upon Local Plan and national policy without any further clarification which also reflects the local context. Therefore, this option is not recommended.

3. Policy framework implications

- 1.18 Supplementary Planning Documents (SPDs) do not form part of the development plan for Runnymede, but once adopted, are a material consideration in decision-making. Once adopted, the Energy SPD will support the Council's Corporate Business Plan (2022-2026) themes of Climate Change (in bringing about 'lean, clean and green' development in the Borough); and Economic Development (in supporting sustainable growth in the local economy through the delivery of energy efficient, sustainable commercial and industrial development, and also through the delivery of stand-alone renewable energy development where appropriate).

- 1.19 The SPD will also support the delivery of Climate Change Strategy objectives by providing clarity about how development proposals can meet, and where possible exceed, energy performance standards to drive down emissions generated by Runnymede's built environment.
- 1.20 Although the SPD will not form part of the development plan for the area, it will support Runnymede 2030 Local Plan objectives by reducing greenhouse gas emissions and promoting the use of renewable and low carbon energy. In this regard, the SPD also accords with the National Planning Policy Framework which sets out how the planning system should support the transition to a low carbon future in a changing climate, help shape places in ways that contribute to radical reductions in greenhouse gas emissions, and support renewable and low carbon energy and associated infrastructure (paragraph 157, NPPF 2023).

4. Resource implications/Value for Money

- 1.21 The costs associated with this work are contained within the Council's approved 2024/25 budget for the Planning Policy Team.
- 1.22 The SPD has been written by the Planning Policy Team, drawing on in-house expertise and feedback from relevant stakeholders (including the local community) at pre-production stage. This represents value for money in that external consultancy fees for SPD preparation have been avoided.

5. Legal implications

- 1.23 The draft Energy SPD has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ('the Regulations'). Regulation 12 states that ahead of adopting an SPD, a period of public consultation must be carried out for a minimum of 4 weeks. The Regulations also specify various requirements around the content of the consultation material, and how the material is made available for the public to comment on. If approved by the Committee, public consultation will be carried out in accordance with the Regulations and SCI principles.
- 1.24 The SPD has been drafted paying close regard to national planning policy and guidance, and the Regulations, which clearly describe the function and role of SPDs. The draft Energy SPD does not introduce new policy requirements and instead focuses on providing detailed guidance to aid implementation of existing 2030 Local Plan policy requirements. This is considered to reduce the risk of legal challenge once adopted.
- 1.25 Sections 6 and 7 below also describe the legal requirements associated with equality, and with protecting the Borough's natural environment. Having fully considered all the necessary legal requirements associated with SPD production outlined above and in the following sections, there are no legal implications arising from this report.

6. Equality implications

- 6.1 There are no known adverse equality implications as a result of the draft Energy SPD. The Council has a legal duty to comply with equalities legislation and to assess the likely impact (positive or negative) that a plan, strategy, policy, project or service may have upon protected groups. An Equality Impact Assessment has been undertaken for the Local Plan as a whole and given that this SPD stems from Local

Plan Policy (SD8: Low Carbon and Renewable Energy in particular), it is considered that this provides appropriate Equalities reassurance.

- 6.2 Nevertheless, an Equality Impact Assessment screening has been undertaken to support the production of this SPD which concludes that the SPD will not affect any employees or service users on the basis of a protected characteristic(s) they have. Any effects the SPD has on the wider Borough community, including those groups with protected characteristics is likely to be beneficial through the delivery of more energy efficient, comfortable homes, which use less energy and therefore cost less to run. Overall, it has been concluded that a full Equality Impact Assessment is not required. The draft screening assessment can be viewed at Appendix 3 and will be made publicly available for comment at the same time the SPD is consulted on.

7. Environmental/Sustainability/Biodiversity implications

- 1.26 Heating the borough's homes and buildings accounts for 21% of the Borough's 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 energy efficiency standards, and that energy needs are met through the use of low carbon and renewable energy technologies. Once adopted, the Energy SPD will ensure the energy and carbon emission requirements of the Local Plan are implemented more effectively.
- 1.27 A detailed Sustainability Appraisal (SA) was carried out for the Runnymede 2030 Local Plan. The draft Energy SPD is supplementary to the Local Plan and therefore does not require a separate SA. The SPD has however undergone Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening, in accordance with the requirements of Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 and Regulation 105 of the Conservation of Habitats & Species Regulations 2017 respectively.
- 1.28 The SEA/HRA screening statement and determination is attached at Appendix 4 of this report. This concludes, in consultation with the three statutory bodies (Historic England, Natural England and the Environment Agency) that no SEA or full Appropriate Assessment is needed as the SPD elaborates on existing policy. The screening report and determination statement will be made publicly available for inspection (as required by the Regulations) at the same time the SPD is consulted on.

8. Risk Implications

- 1.29 There is a risk of legal challenge associated with the production and adoption of SPDs. This is considered under Section 5 of this report – 'Legal implications'. For the reasons set out in paragraph 5.2 in particular, the risk of a successful legal challenge on adoption of the Energy SPD is considered to be low.
- 1.30 The Levelling-up and Regeneration Act 2023 (LURA) received Royal Assent on the 26 October 2023. The Act introduces changes to the plan-making system, including that local planning authorities will no longer be able to produce SPDs. The LURA also introduces the concept of 'National Development Management Policies', which will be a new category of planning policy that could address climate change issues. However, secondary legislation will need to be issued in order for these and many other measures in the Act to come into effect. Whilst there is a risk that the SPD

replacement measure could be enacted before the Energy SPD is adopted, officers consider the risk of this happening to be low.

- 1.31 It is the Government's intention that any adopted SPDs will then remain in force until planning authorities adopt a new-style Local Plan, at which point SPDs will automatically cease to have effect. The Energy SPD will therefore provide useful guidance until such a time that the Council adopts a new-style Local Plan.

9. Other implications

- 9.1 The Planning Policy Team recognises that care must be taken when handling personal data when representations are received during consultation processes. Responses received during the period of public consultation will not be published in full. Instead, summaries will be produced for the Planning Committee setting out key points raised alongside officer responses. Personal information which could identify individuals will not be included. Where representations are received on behalf of consultees/other organisations, the consultee/organisation name will be set out in the summary document produced, but personal information will not be included.

10. Timetable for Implementation

- 1.32 Once the public consultation period closes on 17 July 2024, representations will be analysed and any necessary amendments will be made to the draft SPD. The outcomes of the consultation will be described in an updated Statement of Consultation, and presented alongside a final version of the Energy SPD which will be brought back to this Committee to consider for adoption. Depending on the volume of responses received and extent of amendments necessary, it is anticipated that a report will be presented to Committee in early Autumn.

11. Conclusions

- 1.33 The draft Energy SPD has been prepared to support the implementation of energy-related policies in the Runnymede 2030 Local Plan which seek to reduce greenhouse gas emissions and support the delivery of low carbon and renewable energy. The SPD drafted for consultation seeks to provide greater certainty and clarity for both applicants and decision-makers about the energy performance standards that will be required in association with new development, and the information that will be required to demonstrate energy issues have been considered in the design of proposals.
- 1.34 Subject to Planning Committee approval, a 6-week period of public consultation will take place to seek the views of local communities and other interested parties on the draft guidance.
- 1.35 Once public consultation feedback has been considered, the SPD will be reported back to the Planning Committee for final consideration, and potential adoption.
- 1.36 Once adopted, the new guidance will become an important material consideration for planning decisions and will be published on the Council's website. Where in due course the energy guidance is a relevant consideration to new development being proposed, applicants and promoters will be advised of the guidance through pre-application and planning application processes.

12. Background papers

- Runnymede Borough Council Climate Change Action Plan (2024): [Climate Change Action Plan – Runnymede Borough Council](#)
- Runnymede Climate Change Study: Council Estate and Area GHG Baseline Report (October 2023): [Appendix 1 Aether Baseline Report \(runnymede.gov.uk\)](#)
- Local Plan Update Report considered by the Planning Committee on 25 October 2023: [DRAFT AGENDA REPORT COVER SHEET \(runnymede.gov.uk\)](#)

13. Appendices

- Appendix 1 - Draft Energy Supplementary Planning Document (SPD) (April 2024)
- Appendix 2 – Statement of Consultation (May 2024)
- Appendix 3 – Equality Impact Assessment Screening (April 2024)
- Appendix 4 – SEA/HRA Screening Report & Determination (May 2024)