



**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**REPORT COVER SHEET**

<b>Title of Report:</b>	CMT20.7.22 Climate Change and Sustainable Development Supplementary Planning Document	To be marked with an 'X' by Democratic Services after report has been presented
<b>Meeting of:</b>	Corporate Management Team - 20 <sup>th</sup> July '22	
	Leader and Deputy Leaders – 25 <sup>th</sup> July '22	
	Leader's / Leader of the Opposition's Advisory Group / Independent Alliance Advisory Group 3/4 <sup>th</sup> August '22	
	Cabinet 16 <sup>th</sup> August '22	
	Scrutiny Audit and Value for Money Council Services Committee [DATE] / Scrutiny Community Regeneration, Environment and Health and Well Being Committee [DATE]	



<b>Is this an Executive Decision:</b>	[YES]	<b>Is this a Key Decision:</b>	[NO]
<b>Is this in the Forward Plan:</b>	[YES]	<b>Is the Report Confidential:</b>  <b>If so, please state relevant paragraph from Schedule 12A LGA 1972:</b>	[NO]  [ ]

**Essential Signatories:**

**ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE**

Monitoring Officer: **John Teasdale**

Date ..... Signature .....

Chief Finance Officer: **Sal Khan**

Date ..... Signature .....

**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**Report to Cabinet**

**Date: 6/7/22**

**REPORT TITLE:** Climate Change and Sustainable Development SPD for Adoption

**PORTFOLIO:** Planning

**HEAD OF SERVICE:** Sal Khan

**CONTACT OFFICER:** Philip Stephenson. No. x1613

**WARD(S) AFFECTED:** All

**1. Purpose of the Report**

- 1.1. To recommend adoption of the Supplementary Planning Document as revised in light of consultation responses received.

**2. Executive Summary**

- 2.1. East Staffordshire Borough Council declared a climate emergency in August 2020 with a pledge to make the Council's actions, operations and activities carbon neutral by 2040, and aspire to a carbon neutral Borough in the same timeframe.
- 2.2. Alongside this the Council has also voted unanimously to pass a Motion for Nature's Recovery (7<sup>th</sup> March 2022). The Climate Change SPD will assist with the aims of the nature recovery declaration, alongside the recently published planning [Biodiversity Guidance](#).
- 2.3. The Climate Change Action Plan identifies the development of a Climate Change SPD which will, once adopted be a material consideration in the determination of planning applications to provide high quality sustainable

development that protects the climate and minimises the adverse impacts of climate change.

- 2.4. A draft Climate Change and Sustainable Development SPD was drafted in early 2022 in line with the most recent revisions to the NPPF and national guidance.
- 2.5. The SPD was consulted on for six weeks, between Wednesday 4th of May and the 17th of June 2022. During this time we asked all those on the Planning Policy database, statutory consultees, Parish Councils and others for comment, and put up public notices and information in local libraries. The consultation was undertaken in line with the ESBC Statement of Community Involvement.
- 2.6. During the consultation we received approximately 30 detailed responses including from; Parishes, individuals and specialist consultees such as the Environment Agency, Natural England, and the National Forest Company.
- 2.7. The revised SPD based on these comments can be found in **Appendix 1. (The revisions to the SPD are highlighted in yellow)** Details of these responses and officer comments in relation to them can be found in **Appendix 2**

### **3. Contribution to Corporate Priorities**

- 3.1 Corporate Plan target CR28 requires the preparation of the Draft SPD, along with action 11.1 of the current ESBC Climate Change Action Plan.

### **4. Main Body of Report**

- 4.1. The Climate Change Act 2008 set a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels. In 2019 this was amended (by The Climate Change Act 2008 (2050 Target Amendment) Order 2019) to a 100% reduction from 1990 levels by 2050- in other words, to net zero carbon.
- 4.2. Specific to planning, Section 19 of the Planning and Compulsory Purchase Act 2004 states that: "Development plan documents must (taken as a whole) include 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."
- 4.3. The NPPF 2021 in paragraphs 154 – 158 sets out how policies and decision making should consider climate change.
- 4.4. An SPD is a document which adds further detail to the policies in a Local Plan. SPDs can amount to a material consideration in planning decisions. In this case, an SPD can be developed to provide further guidance on particular issues such as climate change.

- 4.5. **There are significant legal and national policy limits on what an SPD can do.** For example, legislation does not permit an SPD to allocate land for any purpose, nor should it introduce a new 'burden' (for example, a financial burden) on development which is not already covered in a Local Plan.
- 4.6. **SPDs aren't subject to viability testing because they can't introduce new rules which would cost developers more money** – they can only give more detail on policies which have already been adopted.
- 4.7. If an SPD includes requirements that go beyond guidance and amount to new policy then the document can be challenged, usually by developers. This was the case in *R (Skipton Properties Ltd) v Craven District Council [2017] EWHC 534 (Admin)* and led to elements of the SPD being quashed.
- 4.8. In the case of ESBC, there would need to be a local plan review to introduce new planning policies.
- 4.9. **Because of this, the Climate Change SPD cannot introduce any specific new targets or additional requirements for developments to meet a particular efficiency standard in East Staffordshire.** However, where national standards are in place, developments are expected to meet these.
- 4.10. The SPD provides detailed guidance on ways that developers can meet national and local standards for climate change, and has been enhanced and added to through the responses received during the consultation.
- 4.11. It is therefore recommended that the SPD is approved for adoption, and becomes part of the Council's suite of Local Development Documents.

## 5. **Financial Considerations**

*This section has been approved by the following member of the Financial Management Unit: Anya Murray*

- 5.1. There are no financial issues arising from this Report

## 6. **Risk Assessment and Management**

- 6.1. The main risks to this Report and the Council achieving its objectives are as follows:
- 6.2. **Positive** (Opportunities/Benefits):
  - 6.2.1. Preparing the SPD responds positively to the Climate Change Action Plan and will encourage high standards of sustainability across the Borough
- 6.3. **Negative** (Threats):

6.3.1. The SPD cannot introduce new policy standards and can only amount to advice

6.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

## 7. **Legal Considerations**

*This section has been approved by the following member of the Legal Team:  
Sherrie Grant*

7.1. There are no significant legal issues arising from this report.

## 8. **Equalities and Health**

8.1. **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

8.2. **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed. An equality and health impact assessment is not required.

## 9. **Data Protection Implications – Data Protection Impact Assessment (DPIA)**

10.1. A DPIA must be completed where there are plans to:

- use systematic and extensive profiling with significant effects;
- process special category or criminal offence data on a large scale; or
- systematically monitor publicly accessible places on a large scale
- use new technologies;
- use profiling or special category data to decide on access to services;
- profile individuals on a large scale;
- process biometric data;
- process genetic data;
- match data or combine datasets from different sources;
- collect personal data from a source other than the individual without providing them with a privacy notice ('invisible processing');
- track individuals' location or behaviour;
- profile children or target marketing or online services at them; or
- process data that might endanger the individual's physical health or safety in the event of a security breach

10.2 Following consideration of the above, there are no Data Protection implications arising from this report which would require a DPIA

## 10. **Human Rights**

10.1. There are no Human Rights issues arising from this Report

**11. Sustainability** (including climate change and change adaptation measures)

11.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) Yes

11.2. Please detail any positive/negative aspects:

11.2.1. Positive (Opportunities/Benefits)

Through the reading and application of the SPD, developers may improve the sustainability of subsequent developments.

11.2.2. Negative (threats)

Because the SPD is only guidance it cannot introduce new sustainability standards for new development over and above those in the adopted Local Plan and national legislation.

**12. Recommendation(s)**

12.1. To approve the draft SPD for adoption, with any minor amendments to be agreed by the Deputy Leader and Planning Manager

**13. Background Papers**

13.1. East Staffordshire Local Plan [Local plan \(2012-2031\) | ESBC \(eaststaffsbc.gov.uk\)](http://eaststaffsbc.gov.uk)

13.2. NPPF 2021 [National Planning Policy Framework \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

13.3. The Government Climate Change Strategy 2021 [Net Zero Strategy: Build Back Greener - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

13.4. ESBC Climate Change Action Plan [Climate change | ESBC \(eaststaffsbc.gov.uk\)](http://eaststaffsbc.gov.uk)

**14. Appendices**

14.1. Appendix 1: Climate Change and Sustainable Development Draft SPD for adoption

14.2. Appendix 2: Schedule of Responses and Officer Comments