

<b>Meeting Name:</b>	Cabinet
<b>Date:</b>	22 July 2024
<b>Report title:</b>	Climate and Environment Supplementary Planning Document
<b>Cabinet Member:</b>	Councillor Helen Dennis, New Homes and Sustainable Development
<b>Ward(s) or groups affected:</b>	All
<b>Classification:</b>	Open
<b>Reason for lateness (if applicable):</b>	N/a

## **FOREWORD - COUNCILLOR HELEN DENNIS, CABINET MEMBER FOR NEW HOMES AND SUSTAINABLE DEVELOPMENT**

Having declared a Climate Emergency in Southwark, we have focused across departments on delivering our Climate Action Plan, ensuring that we are using every tool to reduce carbon emissions and ensure that we are a borough delivering on net zero and climate resilience.

Our Southwark Plan, which was agreed in 2022, includes very stretching targets on the Climate & Environment, including through our Energy Policy P60 which requires a significant reduction of operational carbon emissions through development, exceeding the requirements of the London Plan, and proposals to date around the Future Homes Standard.

This SPD provides additional guidance and best practice around implementation of our environmental sustainability policies and precedes a wider policy review of our Plan to ensure that we are in line with the highest level of ambition around carbon reduction, both in operational use and through the construction process itself.

## **RECOMMENDATIONS**

### **Recommendations for the Cabinet**

1. To agree the Climate and Environment Supplementary Planning Document (SPD) for public consultation.
2. To note the consultation plan and supporting documentation.

### **Recommendation(s) for the Leader of the Council**

3. Not applicable

## REASONS FOR RECOMMENDATIONS

4. Regulation 12 (1) of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires a Local Authority to publicly consult on an SPD before it can be adopted.

## ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

5. No alternative option has been considered as the proposed recommendation is a statutory requirement.

## POST DECISION IMPLEMENTATION

6. Public consultation on the Climate and Environment SPD.
7. In accordance with Southwark's statement of community involvement (SCI), the draft SPD will be available for comment for a minimum of twelve weeks. Additional time will also be added to the consultation to account for the summer period. Full details of the public consultation can be found in Appendix 2: Consultation plan.
8. The consultation will run from 7 August 2024 until 27 November 2024.
9. Once the public consultation is complete, the SPD will then be prepared for adoption. Officers will review the public consultation responses and make any amendments to the SPD where necessary.
10. The recommendation to adopt the SPD will be brought before Cabinet in May 2025.

Key Activity	Target completion date
Public consultation of the Affordable Housing SPD begins	7 August 2024
Public consultation of the Affordable Housing SPD concludes	27 <sup>th</sup> November 2024
Amendments to Climate and Environment SPD (where necessary) following public consultation responses	December 2024
Adoption of Climate and Environment SPD by Cabinet	May 2025

## BACKGROUND INFORMATION

11. The Climate and Environment SPD will in part replace the previously rescinded SPDs: Sustainability Assessments SPD (2009), Sustainable Design and Construction SPD (2009) and the Sustainable Transport SPD (2010).

12. The SPD will also incorporate content from various technical guidance notes (e.g. Noise technical guidance 2019). This will formalise the guidance and make it a material consideration.
13. Publishing the SPD is an important step ahead of the Early Review of the Southwark Plan. The Council is committed to furthering the ambition of existing climate and environment policies through the Early Review. This will ensure development in Southwark minimises carbon emissions and helps to meet the Council's net zero carbon target for 2030.

## **KEY ISSUES FOR CONSIDERATION**

### General

14. Southwark declared a climate emergency in 2019. To help deliver this, the Southwark Plan 2022 sets ambitious climate and environmental policies which aim to reach net zero carbon by 2050.
15. The Climate and Environment SPD will encourage applicants to be more ambitious in their planning applications to address climate change by including best practice actions to help deliver net zero development in Southwark.
16. The guidance in this SPD is relevant to all development that requires a planning application above 1 unit (including refurbishment to existing buildings, extensions to existing buildings and landscaping work)
17. It is designed for a wide readership, including applicants, owners, residents, planners, community groups and developers.
18. This SPD has the following objectives:
  - To help people better understand climate mitigation and adaptation actions
  - To provides advice on how to make successful planning applications that are in line with the council's climate and environment policies.
  - To set out best practice for sustainable development in Southwark.
19. This SPD covers a broad range of technical guidance, grouped into thematic chapters.

### Energy and sustainability standards

20. This chapter provides further guidance on the energy and sustainability standards expected from new development. This includes targets such as BREEAM certification which measures environmental performance in buildings.
21. Guidance is also provided on implementing the cooling hierarchy and the energy hierarchy (as required by P69 Sustainability standards of the Southwark Plan 2022) and for achieving carbon reductions in development. This includes guidance on monitoring carbon emissions, Whole Life-Cycle Carbon (WLC) assessments, Circular Economy (CE) statements and retrofitting.

### Minimising flood risk

22. This chapter provides further guidance on the methods used to measure and mitigate flood risk for new development. This includes the sequential and exception test, site-specific flood risk assessments, and Basement Impact Assessments.
23. Guidance is also provided on Sustainable Drainage Systems (SuDS).

### Air quality and environmental protection

24. This chapter provides further guidance on air quality considerations and requirements for new development. This includes guidance on Air Quality Management Areas (AQMA), air quality neutral, air quality positive and air quality assessments.
25. Guidance is also provided on other environmental considerations such as light pollution, odour, noise pollution, land contamination and demolition and construction management.

### Green infrastructure, biodiversity and trees

26. This chapter provides guidance on the urban greening, biodiversity and ecology requirements for new development. This includes guidance on Sites of Importance for Nature Conservation (SINCs), Urban Greening Factor (UGF) and new requirements for Biodiversity Net Gain (BNG).
27. Guidance is also provided on tree valuation, tree planting and diverse planting for wildlife habitats.

### Movement and Transport

28. This chapter provides guidance on achieving more sustainable transport outcomes in new development. This includes guidance on designing streets, encouraging cycling, providing cycle parking, linking developments to public transport, reducing reliance on private cars.
29. Guidance is also provided on Electric Vehicle Charging Points (EVCPs).

### Waste management and recycling

30. This chapter provides guidance on waste management and recycling considerations for new developments. This includes guidance on communal refuse facilities for residential and commercial development and clinical or hazardous waste.

### **Policy framework implications**

31. The Climate and Environment SPD provides guidance on how to apply the relevant policies of the Southwark Plan 2022. It gives guidance on how to

conform to the additional national and local legislature and policies within which the council must operate.

32. The SPD will be a material consideration in the determination of a planning application.
33. The SPD principally provides further information on the following Southwark Plan policies:
  - P49 Public transport
  - P50 Highways impacts
  - P52 Low line routes
  - P53 Cycling
  - P54 Car parking
  - P55 Parking standards for disabled people and the physically impaired
  - P59 Green infrastructure
  - P60 Biodiversity
  - P61 Trees
  - P62 Reducing waste
  - P65 Improving air quality
  - P66 Noise pollution and soundscapes
  - P64 Contaminated land and hazardous substances
  - P65 Protection of amenity
  - P68 Reducing flood risk
  - P69 Sustainability standards
  - P70 Energy.

### **Community, equalities (including socio-economic) and health impacts**

34. Section 149 of the Equality Act 2010 sets out the Public Sector Equality Duty (PSED). This requires public bodies to consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees.
35. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.
36. The council's [Approach to Equality](#) commits the council to ensuring that equality is an integral part of our day-to-day business. The [Equality Framework](#)

[for Local Government](#) exists to help organisations, review and improve their performance for people with characteristics protected by the Equality Act 2010.

37. The Equalities Impacts and Needs Analysis (EINA) concluded that the Climate and Environment SPD would have no negative impacts on equalities in Southwark. The SPD does not create new policies but provides guidance on how existing policies should be implemented.
38. The EINA found that the SPD would have a broad range of positive impacts that will benefit all borough residents. These include climate change mitigation, minimising flood risk, environmental protection, improvement of air quality, protection of green infrastructure and biodiversity and effective waste management.
39. There are no mitigating or improvement actions to be taken as a result of the EINA.
40. The full analysis can be found in Appendix 3: Equalities Impact and Needs Analysis.

### **Climate change implications**

41. The Council has declared a Climate Emergency with the ambition to reach carbon neutrality by 2030.
42. Plan-making will contribute to this ambition through the preparation and implementation of planning policies, specifically in the development management process. Planning applications will be required to meet the policy requirements set out in the Southwark Plan 2022 and any supplementary planning documents.
43. This is supported by Southwark's Climate Change Strategy and Climate Change Resilience and Adaptation Strategy which sets out Action Points to meet this target.
44. The Climate and Environment SPD encourages climate change mitigation, sustainability standards and environmental protection.

### **Resource implications**

45. There are no additional resource implications arising from the Climate and Environment SPD.
46. Staffing and any other resources connected to the SPD are to be contained within existing departmental capacity.

### **Legal implications**

47. This report is being brought before the Cabinet under Part 3C of the Constitution. Paragraph 21 of the constitution states that the Cabinet has the power to adopt supplementary planning documents.

48. The Cabinet therefore has the power to agree the draft of the Climate and Environment SPD, which would include sending it out for consultation.
49. The Town and Country Planning (Local Planning) England Regulations 2012 states at regulation 12 that a local planning authority must undertake a process of public participation before it can adopt an 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 report is the first step towards beginning the public participation process and will help to inform the final draft of the SPD.
50. SPDs are not subject to independent examination in the same way that other planning documents are. However, as stated above 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”).

### **Financial implications**

51. There are no immediate financial implications arising from the Climate and Environment SPD.
52. Staffing and any other costs connected to the SPD are to be contained within existing departmental revenue budgets

### **Consultation**

53. Public consultation would commence if the recommendation proposed in this report is agreed.
54. In accordance with Soutwark’s statement of community involvement (SCI), the draft SPD will be available for comment for a minimum of twelve weeks. Additional time will also be added to the consultation to account for the summer period.
55. The consultation will run from 7th August 2024 until 27th November 2024.
56. The consultation will be run on the consultation platform, Citizen Lab. Comments will also be accepted by email or post.
57. The full details of the public consultation are set out in Appendix 2: Consultation plan.

### **Strategic Environmental Assessment (SEA)**

48. A Strategic Environmental Assessment (SEA) is a way of ensuring the environmental implications of a plan or programme for ‘town or country planning or ‘land use’ are taken into account. The need for environmental assessments is set out in the EU Directive 2001/42/EC. This has subsequently been transposed into English law by the Environmental Assessment of Plans and

Programmes Regulations 2004.

49. A screening assessment has been undertaken to determine whether the Climate and Environment SPD requires an SEA. This is in accordance with Government's Planning Practice Guidance (PPG) published in September 2023.
50. The screening assessment concluded that the Climate and Environment SPD is not likely to have significant environmental effects and as such, does not require an SEA.
51. The Climate and Environment SPD conforms with the adopted Southwark Plan 2022 and corresponding Site-Specific Allocations. The SPD provides guidance on these policies but does not create new policies. The policies and allocations therein have been subject to an SEA through the Southwark Plan 2022 Integrated Impact Assessment.
52. The full assessment can be found in Appendix 4: Strategic Environmental Assessment Screening (SEA).

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Assistant Chief Executive, Governance and Assurance – NST050724**

53. Under paragraph 7 of Part 3D Individual Cabinet Members have the power to agree significant policy issues in relation to their area of responsibility. The Cabinet Member for New Homes and Sustainable Development therefore has the power to agree the draft Climate and Environment SPD which would include approving a draft for consultation. However, given the significance of the Climate and Environment SPD, the draft is brought to Cabinet for approval.
54. Final approval of the SPD resides with full Cabinet under Part 3C of the Constitution paragraph 21 which states that only full Cabinet has the power to adopt supplementary planning documents taking account of comments from the planning committee.
55. Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in the adopted Southwark Plan 2022. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making.
56. The National Planning Policy Framework states that SPDs 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 and are capable of being a material consideration in planning decisions but are not part of the development plan.
57. Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents. The Climate and Environment SPD will

not form part of the statutory development plan but will be an important material consideration in determining planning applications.

58. The Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) also require the Council to consider whether or not Strategic Environmental Assessment (SEA) of the SPD should be undertaken. A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects.
59. Before deciding whether significant environment effects are likely, the criteria specified in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 need to be taken into account. Officers have considered this at paragraphs 48-52 and prepared a screening report (Appendix 4). They consider that it is unlikely that there are significant environmental effects.
60. Council Assembly on 14 July 2021 approved a change to the council's Constitution to confirm that all decisions made by the council will consider the climate and equality (including socio-economic disadvantage and health inequality) consequences of taking that decision. This has been considered at paragraphs 33-39 above.
61. The Public Sector Equality Duty ("PSED") is set out at section 149 of Equality Act 2010 and requires the council to have due regard in the exercise of its functions (including decision making), to the need to:
62.
  - a. Eliminate discrimination, harassment, victimisation or other prohibited conduct;
  - b. Advance of equality of opportunity between persons who share a relevant protected characteristics and those who do not share it;
  - c. Foster good relations between those who share a relevant characteristic and those that do not share it.
63. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
64. Officers have considered the council's PSED under section 149 of the 2010 Act at paragraphs 33-39 of this report and the Equalities and Impact Needs Analysis (EINA) at Appendix 3. Officers have concluded that, at this stage, the draft Climate and Environment SPD is not considered to have any adverse impacts on persons with protected characteristics.
65. The report recommends that the draft Climate and Environment SPD is published for public consultation. Comments relating to equalities considerations will be considered following the consultation and Climate and Environment SPD updated as appropriate.

66. Section 19(3) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to comply with their adopted Statement of Community Involvement (SCI). The Council's SCI provides for a period of 6 weeks informal consultation followed by 6 weeks formal consultation.

**Strategic Director, Finance (FC24/003)**

58. The report requests approval from Cabinet to agree the Climate and Environment Supplementary Planning Document (SPD) for public consultation and to note the consultation plan and supporting documentation.
59. The strategic director of finance notes that there will be no immediate financial implications associated with the implementation of this SPD and notes other comments in the financial implications.
60. Staffing and any other costs associated with this recommendation are to be contained within existing departmental revenue budgets.

**REASONS FOR URGENCY**

61. Not applicable.

**REASONS FOR LATENESS**

62. Not applicable.

**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
The Southwark Plan 2022	Planning Policy 160 Tooley Street London SE1P 5LX  Online <a href="#">here</a>	Planning Policy team <a href="mailto:planningpolicy@southwark.gov.uk">planningpolicy@southwark.gov.uk</a>

**APPENDICES**

No.	Title
Appendix 1	Climate and Environment Supplementary Planning Document
Appendix 2	Consultation Plan
Appendix 3	Equalities Impacts and Needs Analysis (EINA)
Appendix 4	Strategic Environmental Assessment Screening (SEA)

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Helen Dennis, New Homes and Sustainable Development	
<b>Lead Officer</b>	Gemma Williams, Team leader	
<b>Report Author</b>	Rebecca Lambert, Graduate planner	
<b>Version</b>	Final	
<b>Dated</b>	10 July 2024	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Assistant Chief Executive, Governance and Assurance	Yes	Yes
Strategic Director, Finance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		9 July 2024