

**Royal Borough of  
Windsor and Maidenhead**

**Sustainable Design and Construction  
Supplementary Planning Document**

**Adoption Statement  
(Incorporating SA Adoption Statement)**

**June 2009**

Planning and Development Unit  
Royal Borough of Windsor and Maidenhead  
Town Hall  
St Ives Road  
Maidenhead  
SL6 1RF

## **1.0 Purpose of this Document**

1.1 This adoption statement relates to the Royal Borough of Windsor and Maidenhead publication Sustainable Design and Construction Supplementary Planning Document (SPD) (June 2009) and associated Sustainability Appraisal.

1.2 The statement is split into two sections:

- A statement of adoption for the Sustainable Design and Construction SPD.
- An adoption statement for the related Sustainability Appraisal.

1.3 For further information, please contact:

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Royal Borough of Windsor and Maidenhead,  
Town Hall,  
St Ives Road,  
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## **2.0 Adoption Statement: Sustainable Design and Construction SPD**

- 2.1 In accordance with Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2004, notice is given that the Royal Borough of Windsor and Maidenhead formally adopted the Sustainable Design and Construction Supplementary Planning Document (SPD) on 25<sup>th</sup> June 2009 as a non-statutory planning brief. It now forms part of the council's Local Development Framework.
- 2.2 The SPD is now a material consideration in the assessment and determination of planning applications across the Royal Borough, including both residential and commercial. The SPD provides detailed advice on improving the sustainability performance of buildings and spaces. It covers a range of areas including energy efficiency, renewable energy, water and waste management, materials, biodiversity and pollution, and be applicable to the full range of building types (e.g. residential, office, etc.) across the Royal Borough. The SPD indicates the requirements expected of development, providing guidance on how this should be demonstrated in any planning application.
- 2.3 Accompanying the SPD is a Consultation Report and Final Sustainability Appraisal Report. The Consultation Report summarises the main issues raised during the consultation processes and how these were addressed in the adopted planning brief. A list of consultees is also provided.
- 2.4 Any person aggrieved by the SPD may apply to the High Court for permission to apply for judicial review of the decision to adopt the SPD. Any such application for leave must be made promptly and in any event not later than three months after the date on which the SPD was adopted.
- 2.5 The adopted SPD, this adoption statement, the Consultation Report and the Final Sustainability Appraisal Report can all be viewed on the council's website at [http://www.rbwm.gov.uk/web/pp\\_sustainable\\_design\\_and\\_construction\\_spd.htm](http://www.rbwm.gov.uk/web/pp_sustainable_design_and_construction_spd.htm)
- 2.6 The documents may also be viewed at the usual hours of opening at the following locations:
- Town Hall, St Ives Road, Maidenhead.
  - York House, Sheet Street, Windsor.
  - At all borough libraries.
- 2.7 The documents can also be purchased from the council.
- 2.8 For further information please contact the Planning Policy at Royal Borough of Windsor and Maidenhead, Town Hall, St Ives Road, Maidenhead, SL6 1RF; by telephone on 01628 796115; by email on [Planning.Policy@rbwm.gov.uk](mailto:Planning.Policy@rbwm.gov.uk)

## **3.0 Adoption Statement Final Sustainability Appraisal Report**

### **Sustainability Appraisal and Strategic Environmental Assessment**

- 3.1 The Strategic Environmental Assessment (SEA) Directive<sup>1</sup> requires local planning authorities to carry out formal SEA of certain plans and programmes which are likely to have significant effects on the environment. The SEA process ensures that opportunities for public involvement are provided and the significant environmental effects arising from policies, plans and programmes are predicted, evaluated, mitigated and monitored.
- 3.2 Sustainability Appraisal (SA) incorporates the requirements of the SEA Directive but broadens this to include both social and economic considerations<sup>2</sup>. The purpose of SA is to systematically appraise the social, environmental and economic effects of the strategies and policies in a local development document from the outset of the preparation process. This will ensure that decisions are made that accord with sustainable development.

### **How does this relate to the Sustainable Design and Construction SPD?**

- 3.3 The purpose of the Sustainable Design and Construction SPD is to provide detailed advice on improving the sustainability performance of buildings and spaces. It covers a range of areas including energy efficiency, renewable energy, water and waste management, materials, biodiversity and pollution, and be applicable to the full range of building types (e.g. residential, office, etc.) across the Royal Borough. The SPD indicates the requirements expected of development, providing guidance on how this should be demonstrated in any planning application.
- 3.4 In 2008, the legal requirement<sup>3</sup> to undertake a Sustainability Appraisal of all Supplementary Planning Documents was removed. However, this SPD has been prepared partly on the basis of the RBWM Local Plan which has not been subject to SA. The council has therefore carried out an SA of the relevant Local Plan policies as well as the SPD, which is deemed to be more than a minor modification to current policy.
- 3.5 The SPD was prepared by the Principal Planning Officer in the council's Planning Policy Unit in consultation with officers throughout the council in services such as Development Control, Building Control and Sustainability. The SA was carried out by the Senior Projects Officer in the Planning Policy Unit. This meant that although both reports were produced simultaneously, the assessment maintained a degree of independence from the policy formation. This integrated process also allowed for the recommendations from the SA process to feed into and inform the SPD from the initial to final stages of its production.

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<sup>1</sup> European Directive EC/2001/42. Transposed into UK law by the Environmental Assessment Regulations for Plans and Programmes (July 2004).

<sup>2</sup> Central government guidance (ODPM, 2005) has merged these processes to allow for a single joint appraisal (Sustainability Appraisal or SA) to be carried out.

<sup>3</sup> Planning and Compulsory Purchase Act (2008)

## **Purpose of this SA Adoption Statement**

3.6 This SA Adoption Statement is required to show:

- How sustainability issues have been integrated into the SPD;
- How the SA and consultation has been taken into account; and
- The reasons for choosing the document as adopted in light of other reasonable alternatives.

## **The SA Process**

3.7 Full details of the SA process are set out in the SA Report<sup>4</sup> and are summarised here. The SA was a two-stage process:

*a) Sustainable Design and Construction SPD Scoping Report (May 2008)*

3.8 Prior to the production of the SPD, a scoping stage was necessary to propose and agree the appraisal methodology and collate the information needed to carry this out. The appraisal needed to be set within the context of existing plans and policies and an understanding of the current baseline situation was essential to predict effects and identify key sustainability issues and problems. Sustainability is a complex issue, so 17 of the 23 RBWM SA objectives were used to consider relevant local issues. These objectives cover a range of social, environmental and economic impacts, for example: improving the health and well-being of the population, conserving and enhancing biodiversity and sustaining economic growth. Following consultation a *Revised Scoping Report (September 2008)* was published.

*b) Sustainability Appraisal: Sustainable Design and Construction SPD (November 2008)*

3.9 The SA Report records the work undertaken throughout the whole SA process right up to the final stages of development of the SPD. It also reports on the significant sustainability effects of the relevant saved Local Plan Policies and the draft SPD, puts forward mitigation measures and suggested proposals for monitoring. Following consultation, the *Sustainability Appraisal: Sustainable Design and Construction SPD (June 2009)* was published.

## **Public involvement**

3.10 A key component of the SA process is consultation with stakeholders<sup>5</sup>. In total there have been two stages of consultation, although comments and input have been accepted throughout the appraisal due to the iterative nature of the process. The Regulations<sup>6</sup> require the responsible authority to give the consultees five weeks to respond from the date the appraisal is received. Three key bodies are required to be consulted – the Environment Agency, English Heritage and Natural England. Other

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<sup>4</sup> Sustainability Appraisal: Sustainable Design and Construction SPD (June 2009).

<sup>5</sup> In accordance with Article 6 of the EU Directive 2001/42/, regulations set out in the Environmental Assessments of Plans and Programmes Regulations 2004 and the RBWM Statement of Community Involvement (June 2006).

<sup>6</sup> The Environmental Assessment of Plans and Programmes Regulations 2008.

appropriate social and economic consultees were also contacted.<sup>7</sup> The following provides a summary of the consultation process at each stage of the SA process:

*a) Scoping Report Consultation*

3.11 This first stage of consultation was carried out between 23<sup>rd</sup> May – 27<sup>th</sup> June 2008. The consultation sought to:

- Ensure the SA methodology is comprehensive and robust enough to support the SPD during the later stages of public consultation.
- Advise on the comprehensiveness of the baseline data.
- Advise on the appropriateness of the key sustainability issues.
- Advise on the appropriateness of the sustainability objectives.

3.12 Fifteen responses were received in response to the Scoping Report (including two responses from statutory consultees). The main concerns that were raised during the consultation were requirements for more information on biodiversity, Building Regulations and transport issues. In the light of these responses the Scoping Report was revised and published in September 2008.<sup>8</sup>

*b) The SA Report*

3.13 The Draft SA Report was produced in November 2008. This is a key output in the appraisal process as it presents information and changes made during the whole of the appraisal. The SA Report was published for consultation in support of the public consultation on the SPD from 7<sup>th</sup> November – 19<sup>th</sup> December 2008.

3.14 There were four responses to the consultation on the SA Report.<sup>9</sup> No changes were made to the SA Report in the light of these responses.

**What difference has the process made?**

3.15 The SA has provided a means of assessing the positive and negative effects of the SPD in the light of the key issues and problems for sustainable design and construction within the borough and against baseline data.

3.16 Local Plan Policies are likely to be superseded by new policies in the Delivery and Development Principles Development Plan Document (DPD) by the end of 2012<sup>10</sup>. The findings in this SA Report will need to be considered when reviewing these policies in the new DPD and have been taken into account in writing the SPD.

3.17 The SA explored two different options for providing supplementary information on sustainable design and construction. These were:

- a) Business as Usual (continued use of saved Local Plan policies; and

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<sup>7</sup> In accordance with the Sustainability Appraisal Guidance (ODPM 2005) and as outlined in Planning Policy Statement 12.

<sup>8</sup> Revised Scoping Report: Sustainable Design and Construction SPD (June 2008).

<sup>9</sup> Sustainable Design and Construction Consultation Statement (June 2009).

<sup>10</sup> Local Development Scheme (May 2009).

b) The development of a new SPD.

3.18 It was clear from this process that the development of a new SPD would bring the most benefits for sustainable design and construction in the Royal Borough.

3.19 The findings of the SA Report are:

- The SPD is able to provide up to date guidance on Sustainable Design and Construction which would have been lacking if the 'business as usual' option had been selected.
- The SPD is able to 'plug the gap' in local guidance on the use of local, ethical or low impact products and addressing the causes and adaptation to climate change.
- The SPD is likely to have very positive effects on most of the SA objectives.
- If the SPD requirements are found to be too stringent, causing developments to become uneconomic, this could potentially have a negative effect on local economic growth and the number of development completions. The SPD has considered this by expecting different levels of sustainability performance according to the scale of the development. The SPD also recognises that not all developments may be able to meet all best practice requirements.
- The SPD could adversely affect the character of towns, the countryside and historic environment if technology is not used / sited appropriately. The SPD, however, recognises the advantages and disadvantages of various technologies and does not seek to prescribe any particular approach. Additionally, the SPD expects applicants to consider technologies in light of individual impacts. Requirement 6 expects that biodiversity will be maintained or enhanced.
- The SPD will need to be carefully monitored to ensure that its requirements are not so onerous so as to cause a reduction in the number of development completions.

### **Future Stages and Monitoring**

3.20 This Adoption Statement reflects the adoption of the SPD. However, the SA process is iterative, meaning that its success and effectiveness will be monitored by the continued collection of baseline data according to the identified indicators. The SA report sets out relevant indicators to monitor the significant effects of the plan and identifies any remedial action required if the trends or targets detailed in the SA Framework table are not met. The indicators is:

- Housing, retail and employment development completions.

3.21 This information will be included within the Annual Monitoring Report, which can be downloaded from the council's website at [http://www.rbwm.gov.uk/web/pp\\_annual\\_monitoring\\_report.htm](http://www.rbwm.gov.uk/web/pp_annual_monitoring_report.htm)

### **Further information**

3.22 The Final Sustainability Appraisal Report can all be viewed on the council's website at [http://www.rbwm.gov.uk/web/pp\\_sustainable\\_design\\_and\\_construction\\_spd.htm](http://www.rbwm.gov.uk/web/pp_sustainable_design_and_construction_spd.htm)

3.23 The document may also be viewed at the usual hours of opening at the following locations:

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