

Cabinet

Excerpt of the minutes of the meeting held on Wednesday 10 August 2022 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillors Day (Leader), Bartlett, Cooke, Falp, Grainger, Hales, Rhead and Tracey.

Also Present: Councillors: Boad (Liberal Democrat Group Observer), Davison (Green Group Observer), Mangat (Labour Group Observer), and Milton (Chair of Overview & Scrutiny Committee).

157. **Apologies for Absence**

Apologies were received from Councillor Matecki.

158. **Declarations of Interest**

There were no declarations of interest made.

The Leader of the Council expressed gratitude to officers and volunteers for their help with the Commonwealth Games. He also introduced a special guest observer, Yurii Odarchenko, the former Member of Ukrainian Parliament and Governor of the Kherson region.

159. **Minutes**

The minutes of the meeting held on 6 July 2022 were taken as read and signed by the Chairman as a correct record.

Part 1

(Items upon which a decision by the Council was required)

160. **Net Zero Carbon Development Plan Document - Submission**

The Cabinet considered a report from Policy and Projects which presented the feedback and responses from the Regulation 19 consultation on the Net Zero Carbon Development Plan Document (the DPD) and which asked the Cabinet to recommend to Council that the DPD be submitted to the Planning Inspectorate for Examination under regulation 22 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, and that authority be delegated to the Head of Development, in consultation with the Portfolio Holders for Planning & Place, and Climate Change to recommend any further changes to the DPD and the supporting evidence.

The report presented the feedback and responses from the Regulation 19 consultation on the Net Zero Carbon Development Plan Document and asked the Cabinet to recommend to Council that the DPD be submitted to the Planning Inspectorate for Examination under Regulation 22 of the Town and Country Planning Act (Local Planning) (England) Regulations

2012. This was an essential step in the process to enable significant weight to be given to the policies of the DPD in determining planning applications. Without an examination, the policies could not be adopted as formal planning policies and could not be given significant weight in planning decisions.

For the reasons set out in Section 1 in the report, it was also recommended that delegated authority be given to the Head of Development and the Portfolio Holders to assemble a schedule of revisions and the final evidence base ahead of consideration by Council. Further, an additional budget was required for the Examination process, for the reasons set out on Section 1 in the report.

In terms of alternative options, the Cabinet could choose not to recommend to Council that the DPD was submitted for Examination. This would be the right course to take if it were considered that the DPD was fundamentally flawed as set out. However, this course of action was not recommended as officers considered that, subject to the revisions arising from Appendix 1 to the report, the DPD was sound. Further, this course of action would lead to a delay in the adoption of the DPD as amendments to the DPD would need to be made and possibly further consultation undertaken, and it would hamper the Council's ability to apply the carbon reduction standards the DPD requires to future development proposals.

The Cabinet could also choose not to recommend to Council that the DPD be submitted for Examination if it no longer wished to adopt additional planning policy on this topic. However, this would not be in harmony with the Council's Climate Emergency Action Programme and previous decisions taken to enable the DPD to progress. It would also prevent the Council from applying carbon reduction standards to future development proposals, until further policy was developed through the South Warwickshire Local Plan.

The Council could choose not to set aside the additional budget for consultants as set out in recommendation 4. However, this would require Council officers to lead the Examination work at a time where planning policy resources were over stretched. Further, the DPD was reliant in some highly technical and specialist expertise. It was unlikely that the Council's planning team would be able to cover all bases without drawing on further expertise. This would put the adoption of the plan at risk.

This report was not called in for scrutiny by Overview & Scrutiny Committee because the Committee had reviewed the draft Net Zero Carbon Development Plan Document at previous meetings; the Committee had also previously reviewed the Climate Change Action Programme. Minutes of a meeting when it was last reviewed had been circulated to Members ahead of the call-in deadline.

The Committee, in recognition of the importance of the work to the community and Council, expressed its thanks to officers for the work being done and supported the DPD.

The Group Observers thanked officers and PABs for this “fantastic piece of work”. The Green Group Observer noted that this was “unchartered territory” and raised concerns about potential viability assessment “loopholes” that need to be addressed.

Councillor Rhead credited the Leader’s “vision that the environment and Climate Change be at the very heart of this administration” for enabling him to pursue this DPD as a priority. He also thanked officers for their work on the report. He stated that the DPD met all four criteria to be considered sound: it was positively prepared, justified, effective, and consistent with national policy. It was highlighted that, after the consultation, only 12 minor amendments would form part of the submission for public examination, and that none of those revisions were of sufficient significance to warrant further consultation.

Councillor Rhead then proposed the report as laid out.

Recommended to Council that

- (1) the Net Zero Carbon Development Plan Document (as set out in Appendix 2 to the report) be submitted to the Secretary of State for Examination alongside a schedule of proposed revisions arising from the public consultation (as set out in Appendix 1 to the report).

Resolved that

- (1) the draft report of public consultation set out in Appendix 1 to the report, including the recommended revisions to the Net Zero Carbon Development Plan Document, be noted;
- (2) authority be delegated to the Head of Development, in consultation with the Portfolio Holders for Planning & Place and Climate Change to recommend any further changes to the DPD report of public consultation set out in Appendix 1 to the report and the supporting evidence, prior to submission to Council, and that any changes be detailed in the Council agenda; and
- (3) £95,000 be set aside from the Planning Appeals Reserve to cover the costs of extending the consultancy contract and the Examination (including the Programme Officer and Inspector’s Costs).

(The Portfolio Holders for this item were Councillors Cooke and Rhead)
Forward Plan Reference 1,295