Climate Change Signposting for Development Plan Documents

Sustainable Places Team

Devon, Cornwall and Isles of Scilly Area

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Introduction

The Environment Agency (EA) has, since 2022, exercised our existing functions in Land-use planning in a way that takes climate change into account wherever relevant, especially on cross-cutting issues and this is reflected in our individual comment on DP consultations to you. We would advise that Development Plans (DPs) should more closely align with national Net Zero targets.

In addition to any bespoke EA comments provided to you on your DP, the following provides signposting on mitigation advice/evidence for matters beyond our technical expertise but which are highly relevant to your plan making and should be incorporated where possible to ensure the resultant plan/document is necessarily ambitious regarding climate change and thus robust to challenge.

1. The need for alignment with national Net Zero (NZ) targets and mitigation planning policy

The UK has set out in law the target of achieving NZ by 2050. The Climate Change Act (2008) states that 'it is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline.' To achieve this, the annual rate of GHG (greenhouse gas) emissions will need to be cut by over 260 million tonnes (Mt) CO2e (carbon dioxide equivalent) from 2019 levels to less than 90 Mt CO2e in 2050 (CCC, 2019a).

There is a statutory duty on LPAs to include policies in their Local Plans designed to tackle climate change and its impacts. In particular, Section 19 of the Planning and Compulsory Purchase Act 2004 states that 'Local development plans must include policies designed to secure that the development of and use of land contribute to mitigation of and adaptation to climate change'.

Revisions to the NPPF in 2021 include a requirement to promote a sustainable pattern of development, by mitigating climate change and adapting to its effects (para 11a). The NPPF also states (para 134) that enhanced local policies and government guidance on design should be given 'significant weight'.

The Environmental Assessment of Plans and Programmes Regulations 2004 creates a legal duty and require that a plan's cumulative climate impacts are assessed and taken into account. This includes assessing the consistency of proposed policies with all relevant climate objectives and targets.

The EA is not able to provide advice on setting carbon budgets however we would signpost you to the RTPI/TCPA CC guidance for suggestions on mitigation policies and the Tyndall Carbon Budget Tool for help.

2. Driving up standards for sustainable construction and tackling overheating

LPAs can set higher energy performance standards than Building Regulations in their Local Plans, under specific conditions, see link for further information. This should be seriously considered and the DP used to drive this where possible, such an approach has been adopted successfully in many authorities.

Key areas for this are:

- Rainwater capture and reuse policies, we remain in drought in Devon and Cornwall and are likely to remain so into 2023 and beyond due to changes in climate and rainfall patterns. This is therefore particularly relevant where this will reduce GHG emissions and support water resources and should be set out in a DPD and secured by planning condition.
- Integrating green and blue infrastructure, including SuDS, to address climate impacts. Benefits from this infrastructure include reducing the need for both cooling and heating of buildings, and in turn associated GHG emissions.
- Tree planting, green walls and roofs should be encouraged. These provide multi-functional benefits including carbon sequestration, reducing exposure to poor air quality, wellbeing and biodiversity gains, flood resilience, and shading and cooling of buildings. (Appropriate species, long term maintenance and sustainable watering sources should be considered with these)

Links

- The UK Green Building Council New Homes Policy Playbook (Jan, 2021)
- The LETI Climate Emergency Design Code
- Zero Carbon Hub: Understanding Overheating Where to Start
- BRE Overheating in Dwellings Guidance Document
- The Good Homes Alliance's Overheating in New Homes tool
- LGA's Climate Action: Energy, Planning and Housing page

3. Renewable energy promotion and facilitation

Renewable energy is an important part of the solution to reducing GHG emissions and meeting future energy needs. We would encourage DPs to be supportive of technologies and approaches that:

- consider environmental risks early and comprehensively;
- minimise the impacts and risks to people and our environment – air, land and water; and,
- are fit for the future, including resilience to the impacts of climate change.

The EA favours no renewable energy source over others, but lessons learnt to date include:

- **Britain is an island nation with vast tidal power potential, most of which is found in ecologically sensitive estuarine locations. Tidal range technologies and schemes need be designed and built sustainably, addressing the needs of communities and the environment.** Such schemes should comply with statutory standards for environmental quality, species and habitat protection. They should not present any increase in flood risk and consider the impact on tidal defences and shoreline ecology.
- **Hydroelectric power in England can make a small but important contribution to Government's renewable and NZ targets**. We also recognise the potential benefits of small-scale hydropower to rural communities and in meeting local needs for power. As above, we expect such schemes to comply with all statutory environmental standards. We have produced good practice guidelines for hydropower developers which describe how to design and build sustainable schemes.
- **Biomass offers the prospect of a sustainable, secure, homegrown energy source**. It can, however, impact air quality if incorrect or inappropriate fuels are burned. Treated waste wood should only be burned in boilers that are designed for waste wood, with appropriate abatement systems.
- **Changes to the NPPF and the classification of wind turbines and solar panels as 'essential infrastructure',** allowing their location in high flood risk zones, provided the exception test is met, see NPPF 2021 para 164.

4. The EA's wider signposting role

There are a wide range of organisations offering support to councils seeking to adopt and implement climate change policies. The organisations and resources listed below are trusted sources of advice.

- The TCPA/RTPI: The Climate Crisis: A guide for LAs on planning for Climate Change (Oct 21). This is regarded to be a key resource to shape planning policy and contains good practice examples.
- The Local Government Association's Climate Change Hub contains a wide range of resources designed to support councils tackle climate change, including case studies and planning/housing information.
- LGA/Local Partnerships Climate Adaptation Toolkit (December 21) outlines a 5-step process to help councils prepare for climate impacts.
- The ADEPT Preparing for a Changing Climate: Good Practice Guidance for Local Government is designed to help councils prepare for climate impacts.
- Ashden provides resources to support council action on climate change.
- Carbon Trust Local climate action planning contains information and examples of Local Authorities that have NZ outcomes in their strategies.
- BS 8631: Adaptation to Climate Change – using adaptation pathways for decision making. Adaptive pathways can help to ensure that as a nation we can be more economically resilient to future climate hazards and better manage future flood and coastal risks.
- The Defra Accounting for the Effects of Climate Change provides supplementary guidance to the HMT Green Book. It is designed to support policy makers identify how their proposals can be affected by climate risks and how to design adaptation measures in response. The guidance reflects the EA's Climate Impacts Tool and

some of our place based approaches for tackling climate change, e.g. the Thames Estuary 2100 plan.

5. Policy Wording

It is clear that 'green-tinging' current DP policies going forward is not enough to tackle the current and future crisis. The NPPF requires that '*The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'* (Chapter 14, para152).

Policy wording should therefore be scrutinised and made as strong and unambiguous as possible. Wherever possible we would encourage;

'where appropriate', 'consider or could', 'Usually', 'normally', 'suggest or encourage' 'Where viability constraints allow', 'where possible/practical' or *'if feasible'*

to be replaced by

'require', 'necessary', 'shall', 'should' or *'must'*

Where this is not possible then supporting information should accompany the policy clearly setting out the exceptional circumstances which must be demonstrated in order to negate any policy requirement.

Further information and Contact

Email: [redacted]

Or visit our website www.gov.uk/environment-agency