

**Report to:** **Strategic Planning Committee**

**Date of Meeting:** 22 October 2019

**Public Document:** Yes

**Exemption:** None

**Review date for release** None



**Subject:** **Climate Change Emergency – A Planning Response**

**Purpose of report:** The purpose of this report is to consider the impact of the climate change emergency on the proper planning of the district. The report considers how climate change is addressed in planning policy and practice at the present time and how this would need to change in the future to respond to the climate change emergency. The report also considers the influence of government policy in terms of what the Council can and cannot do to address climate change through planning and how the Council may want to canvass government to bring about changes in national policy and guidance. The relationship between Planning and Building Regulations is also considered to provide a full understanding of the building standards that can be applied by the Council.

**Recommendation:** **That Members:**

- 1. Endorse the approach detailed in this report of addressing climate change through the review of the Local Plan using the standards set in the Cranbrook Plan as a starting point and setting new standards within the framework to be established through the Greater Exeter Strategic Plan (GESP).**
- 2. Support the proposed uplift in energy efficiency standards for new homes in the current government consultation on “The Future Homes Standard”.**
- 3. Consider whether to canvass government to introduce even higher energy efficiency standards for new developments through the building regulations and to provide clearer guidance and reduce the onus on local authorities to evidence a need for climate change policies.**
- 4. Agree that the Council works in partnership with land owners, conservation groups and other public and private sector bodies to deliver more tree planting projects in the district to assist with carbon off-setting and enable bio-diversity enhancements.**

**Reason for recommendation:** To ensure that the Council is doing all it can to progress planning policies to address climate change as quickly as possible.

**Officer:** Ed Freeman – Service Lead – Planning Strategy and Development Management

**Financial implications:** The centre for sustainable energy categorises the financial impacts of climate change for Local Authorities into four distinct areas, each of which has its own funding implications and needs consideration; Human Resource implications (staffing and engagement), Direct Investment Costs, Costs of influencing the carbon emissions of others and the costs

associated with monitoring the impact of each measure delivered. No specific budget requests have been made or budget implications been assessed at this stage.

**Legal implications:** Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Other than as set out in the report there are no other legal implications.

**Equalities impact:** Low Impact

**Climate change:** High Impact  
The report is designed to consider climate change and how it should influence the future planning of the district. It is therefore hoped that this report would have a significant positive impact on climate change.

**Risk:** Low Risk

**Links to background information:**

- Rising to the Climate Crisis – A Guide for Local Authorities on Planning for Climate Change : <https://bit.ly/2EGSkQ3>
- EDDC Report - Climate Change Emergency – Our Response: <https://bit.ly/2IAZNRU>
- NPPF Guidance on Climate Change: <https://www.gov.uk/guidance/climate-change>
- GESP Low Carbon Study: <https://www.gesp.org.uk/evidence/>

**Link to Council Plan:** Delivering and promoting our outstanding environment, Continuously improving to be an outstanding council

## Report in full

### Introduction

It is now recognised as fact that climate change is happening and that it will have severe impacts on a global scale some of which are already being felt. The evidence behind these conclusions are well documented and have been summarised in the report to Cabinet on the 10<sup>th</sup> July 2019 entitled “Climate Change Emergency – Our Response”. Following consideration of this report and the recommendations of Cabinet at Council on the 24<sup>th</sup> July Members resolved to sign up to and endorse the Devon Climate Change Emergency Declaration with a target of carbon neutrality by 2040 with a commitment to bring the target forward whenever new circumstances arise which make this viable and achievable. Members also resolved that tackling the climate change emergency be a key strategic priority of all parts of the Council.

The report to Council drew attention to the top 6 areas of climate change risk identified by the UK’s Committee on Climate Change as:

1. **Flooding and coastal change** risks to communities, business and infrastructure - climate change may lead to increases in heavy rainfall and significantly increased risks from fluvial and surface flooding by mid-century. Rising sea levels may further increase the risk of flooding and erosion along our coastline.

2. **Risks to health, well-being and productivity** from high temperatures - warming UK temperatures, combined with demographic change, may lead to an increased risk of overheating. The number of heat-related deaths in the UK could more than double by the 2050s from a current baseline of around 2,000 per year.

3. **Risk of shortages in the public water supply**, and for agriculture, energy generation and industry - climate change combined with population growth may put greater pressure on water availability. By the 2050s, many catchments across the UK will need to manage water deficits and competing demands for water for public supply.

4. **Risks to natural capital**, including terrestrial, coastal, marine and freshwater ecosystems, soils and biodiversity - there is clear evidence of northwards shifts in species distributions and the timing of seasonal events due to climate change. This poses threats to our natural capital and the goods and services it provides, from timber, food and clean water to pollination, carbon storage and the cultural benefits of landscapes and wildlife.

5. **Risks to domestic and international food production and trade** - extreme weather can affect international food production, trade and supply chains. Longer-term incremental changes in climate will affect agricultural productivity in regions that are important for food production. At the same time, climate change will present risks and opportunities for domestic production.

6. **New and emerging pests and diseases** and invasive non-native species affecting people, plants and animals - there is an urgent need for research in the next five years to improve our understanding of how climate change will affect the threat of pests and diseases and the best approaches to monitor, detect and manage outbreaks and develop resilience to disease.

It is considered that Planning has a key role to play in addressing the first 5 of these risks and so is considered to be a key part of the Council's response to climate change. Planning is also one of the few areas where the Council can set policies that require others to undertake actions to address climate change.

### What can Planning do about climate change?

The main ways planning can address climate change can be summarised in the following low carbon hierarchy. The higher the priority the greater impact it is considered that planning can potential have on climate change:

Priority	Measure	Key aspects
1	Development location	Reduces transport need and gives access to sustainable transport
2	Site master planning	Solar master planning optimises use of natural light and heat
3	Building fabric	High performance fabric gives maximum thermal efficiency
4	Building services	Low carbon building services support fabric measures
5	Clean onsite energy	Low carbon / renewable energy reduces unavoidable emissions
6	Offsite measures	Developer contributions finance offsite carbon reduction where onsite measure are not practical/viable

## **How does national planning policy and guidance respond to climate change?**

The 2008 Climate Change Act commits the government to:

- Reduce emissions by at least 80% of 1990 levels by 2050; and
- Contribute to global emissions reductions, to limit global temperature rise to as little as possible above 2 degrees celsius

Further to this Local Planning Authorities have a legal duty under Section 19 of the 2004 Planning and Compulsory Purchase Act to ensure that planning policy contributes to the mitigation of, and adaptation to, climate change.

Other key pieces of legislation include the Planning and Energy Act 2008 which sets out powers for local authorities to require a proportion of the energy need of a new development to be sourced in the locality through renewable or low carbon energy generation. The Flood and Water Management Act 2010 is also important in promoting the use of sustainable drainage systems which help to address flood risk.

Paragraph 48 of the NPPF sets the basis for tackling climate change through the planning system stating: “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.”

## **How does local level planning policy and guidance respond to climate change?**

The adopted Local Plan was largely prepared in the early 2010’s and had to comply with the governments planning policies at the time. There are however some significant references to and policies relevant to the issues of climate change which are worthy of note. Climate change is identified as one of the key issues and objectives of the plan in section 4:

Subject	Issue	Key Plan Objectives
5. Carbon Emissions & Climate Change	East Devon offers a wide ranging potential, from many sources – including wind, sunlight, ground heat and bio-fuels, for renewable energy generation. There is a flagship combined heat and power plant to serve Cranbrook and other eco-friendly initiatives in the District.	<p>k) Establishment of a specialised heat and power community resource for Cranbrook is one element of the Plan, while housing standards and encouragement of other eco-friendly approaches is more generally applied to both new build and existing homes.</p> <p>l) Rural Policies protect and encourage land use for food, and energy production, which with water management and tourism uses have priority over other forms of development. And - To help reduce carbon emissions and also provide wider benefits encourage sustainable forms of transport and initiatives to reduce the need to travel and reliance on the motor car.</p>

The issue is then taken forward through a number of policies. The following is a list of the main policies that seek to address climate change either directly or indirectly:

- **Strategy 3: Sustainable Development** – seeks the prudent use of natural resources to reduce carbon dioxide emissions, reusing and recycling as well as encouraging renewable energy development
- **Strategy 10: Green Infrastructure in East Devon’s West End** – allocates land for the Clyst Valley Regional Park where new green corridors, recreational and wildlife areas are to be provided
- **Strategy 11: Integrated Transport and Infrastructure Provision at East Devon’s West End** – includes a transport hierarchy which promotes walking, cycling and the use of public transport; co-ordinated delivery of a low carbon heat and power supply
- **Strategy 12: Development at Cranbrook** – includes expansion of the district heat and power network into the expansion areas.
- **Strategy 13: Development North of Blackhorse/Redhayes** – includes requirements for a heat and energy network to achieve low and zero carbon development
- **Strategy 38: Sustainable Design and Construction** – encourages sustainable design and construction methods and requires new developments of 10 or more dwellings to meet at least level 4 of the code for sustainable homes and other uses to achieve at least BREEAM very good.
- **Strategy 39: Renewable and Low Carbon Energy Projects** – lends support to renewable and low carbon energy projects in commercial and domestic developments subject to satisfying a criteria related to environmental and heritage impacts
- **Strategy 40 – Decentralised Energy Networks** – states that new major developments should, where viable, connect to any existing or proposed decentralised energy network to bring forward low and zero carbon energy supply. Where there is no existing network proposals for 200 homes or more should explore the potential for provision.
- **Strategy 41 – Allowable Solutions** – enables developments to make a financial contribution to a community energy fund in-leu of on-site provision

- **Policy D1 – Design and Local Distinctiveness** – Includes requirements to use appropriate materials including those that contribute to low energy useage and CO2 reduction, includes a need to maintain good levels of daylight and sunlight to minimise reliance on powered lighting and the need to incorporate measures to reduce carbon emissions.
- **Policy D2 – Landscape Requirements** – This policy requires retention of existing landscape features and encourages provision of new planting and habitat improvement.
- **Policy D6 – Locations without Access to Natural Gas** – encourages the use of low carbon heat sources where development is not connected to the natural gas network.
- **Policy EN13 – Development on High Quality Agricultural Land** – Seeks to protect high grade agricultural land from development thereby protecting land suitable for local food production.
- **Policy EN21 – River and Coastal Flooding** – This policy seeks discourage development in areas at high risk of flooding and focus development in less vulnerable areas.
- **Policy EN22 – Surface Run-Off Implications of New Development** – Seeks to ensure that developments fully consider the implications of surface water run-off and in the case of major developments that they are managed by sustainable drainage systems wherever possible.
- **Policy EN25 – Development Affected by Coastal Change** – enables the relocation of developments that are in areas affected by coastal erosion.
- **Policy E14 – Change of Use of Village Shops and Services** – This policy seeks to maintain the delivery of basic services in rural areas thereby minimising the need for residents to travel. Other policies also seek to protect sport pitches, community building and allotments from loss.
- **Policy TC1 – Telecommunications** – Enables the delivery of telecommunications systems ensuring that all parts of the district are well connected thereby minimising the need to travel.
- **Policy TC2 – Accessibility of New Development** – Requires new development to be accessible to pedestrians, cyclists and by public transport minimising the need for travel by the private car.
- **Policy TC4 – Footpaths, Bridleways and Cycleways** – Requires developments to makes provision for new and improved pedestrian and cycle routes.
- **Policy TC6 – Park and Ride and Park and Share/Change** – Supports the provision of park and ride/change facilities for a number of reasons including reducing the environmental impact of the private car.
- **Policy TC9 – Parking Provision in New Development** – Requires the provision of cycle parking and establishes the principle of car free development where there is good access to public transport and public car parks.

The above list demonstrates that the adopted Local Plan already does a lot to address climate change but there is more that could be done.

### What is wrong with the current policies?

The current policies go a long way to addressing climate change however there are two key problems with the policies in the adopted Local Plan when it comes to addressing climate change. The first is that some of the policies and measures are now out of date. The second is that the wording of some policies is not sufficiently definitive. Strategy 38 – Sustainable Design and Construction is a prime example of both of these issues. It is a key policy within the plan in setting standards for new developments in terms of sustainable design and construction, however the policy uses wording such as “Encouragement is given for.....” and “.....developments should....” As a result there are no absolute requirements in the policy and so when negotiating

with developers it is difficult to insist that they comply with it. It is understood that the wording of this policy was watered down at the request of the Local Plan Inspector partly because it went beyond government policy at the time.

The standards referred to in the policy are a reflection of government policy at the time as it refers to the Code for Sustainable Homes (CSH) and BREEAM (Building Research Establishment Environmental Assessment Method). Both of these are standards against which the environmental performance of developments can be assessed and so they provide a good benchmark level for developments to meet. The code was mandatory if it was a requirement of a local plan until March 2015 when a change in government policy meant that it became voluntary only. This further influenced the local plan inspector's change in wording given that he was considering the plan around the same time that this change happened. As a result there is reference in the policy to potential future nationally prescribed standards which were envisaged to replace the code, however these have never come forward. It is also worth noting that the levels referred to in the policy (CSH Level 4 and BREEAM Very good) are relatively easy to meet due to advances in technology and so what were considered to be ambitious targets at the time are now not that ambitious.

Similar issues exist with some of the other relevant policies in the plan where wording that makes such standards an absolute requirement such as "developments will be required to" or "developments must" would have been more enforceable. Despite these issues a lot has still been achieved most notably in the growth point area where two district heat and power networks have been developed providing low carbon energy solutions to thousands of homes and business spaces and enabling these to become zero carbon in the future. These have been served by sustainable drainage systems that seek to deal with surface water on site and control any release into water courses to avoid flooding. Many new homes in the district are built to much higher standards of insulation than previously and incorporate solar panels and other local energy generation. We should also not underestimate the significance of other aspects of the local plan which have focused developments in sustainable locations and minimised the need to travel. A lot of work has also been done to promote walking and cycling through the design of new developments and the provision of new routes.

Progress has also been made with delivery of the Clyst Valley Regional Park and alongside that the Great Trees in the Clyst Valley project is engaging the community with the trees in the valley and encouraging them to plant thousands of new trees through various events. Initiatives such as this can lead to a substantial increase in the numbers of new trees being planted that in combination can have a significant impact on carbon levels and helping to address climate change. Further projects like this developed in partnership with local community groups, landowners and public sector organisations could further help to increase tree planting in the future. Future planning policies to facilitate carbon off-setting and secure contributions from developers towards such projects could also help to further progress this important work.

### **What else are we already doing to plan for climate change through planning?**

The Cranbrook Plan as a Development Plan Document for the new town presents an opportunity to address some of the issues with the policies in the Local Plan and require higher standards. The Cranbrook Plan includes a vision to "deliver a truly zero carbon new town" and through Policy CB13 – Delivering Zero Carbon includes measures to minimise the need to travel, Minimise energy demand and carbon emissions, Maximise the proportion of energy from renewable or low carbon sources and ensure in-use performance. The plan also includes numerous other measures to promote walking and cycling, require electric car charging points, improved public transport etc. The Cranbrook Plan is currently being examined with hearing sessions expected to take place

later this year. If found sound and adopted the plan would require these higher standards for the expansion areas at Cranbrook which comprise around 4,170 new homes. This makes up a substantial proportion of the remaining homes to be built up to 2030.

Unfortunately the introduction of new standards such as a zero carbon standard for new homes can only be introduced through a development plan document such as the Cranbrook Plan or a new Local Plan. The evidence gathering and production of such documents is expensive and time consuming involving several rounds of consultation and must then be publically examined so there is no quick fix to improve the standards currently being required.

### **What do we need from government to better respond to climate change through future planning policy and guidance?**

Current government planning policy on energy performance standards puts much of the emphasis on local authorities to set appropriate local standards. The coalition government made a commitment in 2011 to introduce a zero carbon homes policy by 2016, however this never materialised and instead it was understood that building regulations standards would be improved with an expectation that it would require a 19% improvement in energy efficiency over current standards. This has also never been introduced but it is widely considered that this is a reasonable standard for planning policies to require and is indeed one of the standards required in the Cranbrook Plan. Measuring performance against a standard such as this is important particularly given the diminished status of the code for sustainable homes. It is however considered that one key area where government could assist is through the introduction of higher standards of energy performance through building regulations. Aside from providing clarity for all it could be an absolute requirement through building regulations. This route also has the benefit of being easier to enforce since these standards would be fully tested and certified for compliance. This approach makes much more sense than local standards where each local authority has to prepare evidence to support the policy through a local plan examination when the need for improved standards is clear and is not locally specific since this is an international issue.

The government has been reviewing building regulations, however following the Grenfell Tower disaster this has understandably focused on fire and safety issues rather than higher performance standards. The government have however just launched a consultation on “The Future Homes Standard”. The consultation proposes changes to Part L (conservation of fuel and power) and Part F (ventilation) of the building regulations for new dwellings. The main recommendation of the consultation relates to an uplift in energy efficiency standards and requirements and proposes two options for doing this.

These are:

- Option 1: 20% reduction in carbon emissions compared to the current standard for an average home. We anticipate this could be delivered by very high fabric standards (typically with triple glazing and minimal heat loss from walls, ceilings and roofs).
- Option 2: 31% reduction in carbon emissions compared to the current standard. We anticipate this could be delivered based on the installation of carbon-saving technology such as photovoltaic (solar) panels and better fabric standards, though not as high as in option 1 (typically double not triple glazing).

The consultation goes on to state that “Option 2 is our preferred option. It would deliver more carbon savings and result in lower bills for the householder but has higher build costs. We also expect that it would help to prepare supply chains for heat pumps and increase the number of trained installers.”



The details of the consultation require further review and consideration and a full response produced but fundamentally it is considered that the Council should be supportive of the proposed uplift in energy efficiency standards. The consultation can be accessed at:

<https://www.gov.uk/government/consultations/the-future-homes-standard-changes-to-part-l-and-part-f-of-the-building-regulations-for-new-dwellings>

### **How should the climate change emergency impact on future planning policy through the GESF and Local Plan review?**

The Cranbrook Plan provides a sound platform for understanding the measures that could be introduced through planning to address climate change in the future albeit standards should be reviewed to ensure that they are up to date. We should clearly be aiming for new developments to be zero carbon as well as making provision for electric car charging points and other infrastructure. This is however a constantly evolving area with technology changing at a rapid rate and so it is important that future policies are not overly prescriptive about how carbon reduction is achieved but focus on setting appropriate standards.

For the Cranbrook Plan lots of evidence has had to be produced to justify these policy requirements as can be seen from the hundreds of pages of evidence available at: <https://eastdevon.gov.uk/planning/planning-policy/cranbrook-plan/cranbrook-plan-evidence-base/#article-content> . This includes evidence to understand the need for the policy requirements and evidence that they are viable and deliverable.

### **What are the potential implications of setting these policy requirements?**

Obviously the intention would be to reduce the carbon footprint of the district in the future, however it is important to put into context what requirements for zero carbon on new developments would actually achieve. In 2018 there were 68,950 dwellings in East Devon. Each year we should be adding around 950 dwellings thereby increasing the housing stock by 1.37% per year. Therefore the impact of building all new homes as zero carbon would be relatively minor and it would be many years before it represented a significant proportion of the housing stock. There is therefore clearly a need to take action to upgrade the existing housing stock and while planning policies can encourage and enable this it cannot require people to improve their homes and so other measures outside of planning will be needed to achieve this both for the existing housing stock and also for business premises.

It is also important to note that additional policy requirements to address climate change have to be affordable and ensure that developments are viable and deliverable. Large scale developments such as Cranbrook can afford to deliver district heat and power networks, however we know that smaller scale developments simply cannot achieve this and would be reliant on fabric first measures such as improved insulation and renewable energy generation to reduce the carbon emissions from new homes. Achieving zero carbon development through these measures alone remains difficult and expensive to achieve and so homes that have been built to these standards attract a premium. Requiring all new homes to be built to such a standard could have significant implications for the affordability of new homes in the district. There is therefore a significant amount of work to be done to understand the viability of building to these standards given the requirement for sites to be viable and deliverable.

## **What is involved in bringing these policies forward and what is already happening?**

There is already a huge amount of work being undertaken in preparation for the Greater Exeter Strategic Plan (GESP) to address climate change. The intention is that the plan will set a framework for addressing climate change through planning across the area which will then be carried through in more detailed policies in the next Local Plan. The main evidence document has already been produced and published on the GESP web-site at: <https://www.gesp.org.uk/evidence/> . Work is on-going to develop the relevant policies and to test their viability.

The GESP is expected to progress over the coming months with greater clarity over how the plan will address climate change being available next summer. It is envisaged that over the next few months the Cranbrook Plan will be examined and we will receive an Inspectors report to understand if the carbon reduction policies in the plan are considered to be sound. If so then they can form a sound basis for developing policies for the wider district to address climate change sat beneath an overarching policy within the GESP.

## **Conclusions**

This report has discussed the current policy position with regard to addressing climate change through planning and shown that the current Local Plan includes a lot of measures for addressing climate change which is enabling developments coming forward in the district to be lower carbon than ever before. The Cranbrook Plan which is at examination at the moment will set higher standards for the new town which makes up a significant proportion of new housing coming forward in the district up to 2030. It will also provide a sound baseline for setting standards for the rest of the district in a Local Plan Review set within the framework to be set by GESP.