

Report to: **Council**
Date: **22 September 2022**
Title: **Climate Emergency Planning Statement**
Portfolio Area: **Joint Local Plan
Planning / Climate Emergency**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y / N**

Date next steps can be taken: Following the approval of West Devon Borough Council and Plymouth City Council.

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RECOMMENDATIONS:

That, subject to Plymouth City Council and West Devon Borough Council agreeing likewise:

- 1. That the Plymouth and South West Devon Climate Emergency Planning Statement (Appendix 1 refers) is formally adopted as an interim policy statement, pending completion of the next review of the Plymouth and South West Devon Joint Local Plan; and**
- 2. That the Climate Emergency Compliance Forms (Appendix 2 refers) inclusion in the Local Validation Lists is approved.**

1 Executive summary

- 1.1 The report seeks Full Council approval of the Plymouth and South West Devon Climate Emergency Planning Statement.
- 1.2 The Plymouth and South West Devon Climate Emergency Planning Statement has been produced in collaboration with Plymouth City Council and West Devon Borough Council. Since the adoption of the Plymouth and South West Devon Joint Local

Plan in March 2019 each Council has declared a Climate Emergency.

- 1.3 In March 2019 South Hams District Council declared a climate emergency and committed to net zero by at least 2050. Consequently, urgent action is required to make sure new development appropriately mitigates for and adapts to climate change. This will help ensure new buildings that do not need retrofitting as soon as they are built and meets the objectives of the corporate strategy.
- 1.4 The Plymouth and South West Devon Climate Emergency Planning Statement is prepared as a response to the climate emergency. It puts in place interim policy and guidance pending the next review of the Plymouth and South West Devon Joint Local Plan (JLP). This allows us to go further than our adopted policies and guidance because of the urgent need to act now.
- 1.5 Once adopted it will set out seven new mitigation measures and six new adaptation measures applicable to new development. These cover a range of issues that complement the new Building Regulations that come into force on 18 June 2022. The new measures should ensure that new homes and buildings are developed to high environmental standards and do not need retrofitting as soon as they are built. Ensuring thermally efficient buildings and maximising the use of renewable energy is particularly important now given the very high energy prices.

2. Background

- 2.1 The Plymouth and South West Devon Joint Local Plan (JLP) was adopted by Plymouth City Council, South Hams District Council and West Devon Borough Council in March 2019, before the climate emergency declarations. The Plymouth and South West Devon Supplementary Planning Document (SPD) amplifies adopted policy and was adopted in July 2020.
- 2.2 The JLP Partnership Board provides governance of the JLP and is made up of 2 cabinet members from Plymouth City Council, South Hams District Council and West Devon Borough Council. In December 2021 the Board agreed that urgent action was required to address the climate and biodiversity emergencies and that more should be done to go further than our current policies.
- 2.3 The JLP is not due for review until 2024 and must be undertaken according to regulations. This is a lengthy process and there are no options for quick updates and refreshes of local plans. However, use of an interim policy statement enables a local planning authority to proactively address an issue where there is a pressing need to take a different planning policy approach. This does not have the status of a statutory development plan would therefore carries less weight in the decision making process than local plans.

However, it is an important material consideration in planning decision making.

- 2.4 The Board agreed that an interim policy statement should be prepared. A draft, entitled 'Plymouth and South West Devon Climate Emergency Planning Policy and Guidance' was presented to the Annual General Meeting in February 2022 and approved for a minimum 6 week consultation.

Consultation

- 2.5 Public consultation ran from 3 March 2022 to 5pm on 19 April 2022 in line with the agreed principles set out in the Statement of Community Involvement. It sought comments on the draft Plymouth and South West Devon Climate Emergency Planning Policy and Guidance document as well as the detailed mitigation and adaptation measures set out in a series of factsheets. Specific questions were asked seeking views and detailed information on a range of issues. A Sustainability and Equalities Impact Assessment was undertaken as part of the process and was also published.
- 2.6 Over 1,800 comments were received from 128 individuals and organisations and a Consultation Report has been prepared providing more detail and is provided as a background paper. These comments were taken into account in finalising the planning statement.
- 2.7 The JLP Partnership Board has been fully briefed on the measures included within the Plymouth and South West Devon Climate Emergency Planning Statement, together with the Consultation Report and Climate Emergency Compliance Form and on 18 July 2022 agreed it should be progressed to the Full Council meetings of each Authority.

3. Outcomes/outputs

- 3.1 The use of the Plymouth and South West Devon Climate Emergency Planning Statement offers the ability to trial these interim policies in advance of including them within the full Joint Local Plan review. It should be used to deliver more climate resilient development that can mitigate against and adapt to the effects of climate change.
- 3.2 It will apply only to new planning applications submitted after 30 September 2022 and following that date applications should comply with the new requirements. Its use will be monitored through the development management process, in terms of permissions granted or refused on these grounds and any subsequent planning appeals.

4. Options available and consideration of risk

- 4.1 Alternatives considered include waiting for the formal review of the Plymouth and South West Devon Joint Local Plan to introduce new requirements and going much further by introducing full Future

Homes/Building Standard requirements. Both these options were rejected because they either do not recognise the significance of the issue and importance of ensuring new buildings are fit for the future, or they go too far which at this stage cannot be justified (and therefore would fail at any planning appeal).

- 4.2 As part of the preparation of the Plymouth and South West Devon Climate Emergency Planning Statement a Sustainability and Equalities Impact Assessment has been undertaken. This considered the new requirements for new development and recognised that there are variations in how communities respond to the risks of climate change and there are impacts on developers. It concluded that in terms of Equalities Impact Assessment, it does not have any direct negative impacts on different groups, it seeks to ensure that new development delivers positive benefits and responds appropriately to the Climate Emergency we are facing.

5. Structure and content of the Plymouth and South West Devon Climate Emergency Planning Statement

- 5.1 The Plymouth and South West Devon Climate Emergency Planning Statement is attached at Appendix A. It sets out the justification and how it will be used as well as detailing exactly what the new mitigation and adaptation requirements are. It is intended to be used by development management officers in decision making as well as by all members of the community, as well as those directly involved in the development industry.

- 5.2 It has been divided into the following sections:

- Introduction
- Why is this planning statement need and what is its status
- How the planning statement relates to local planning policy and guidance
- What the planning statement does and how it works
- How the planning statement will be delivered
- Appendices

- 5.3 Appendix 2 and 3 set out the new mitigation and adaptation requirements as follows:

Appendix 2 Mitigation Measures:

M1: Onsite renewable energy generation

M2: Energy Storage

M3: Low and zero carbon space and water heating systems M4:

Resilient and low carbon building materials

M5: Demolition and Rebuild

M6: Electric Vehicle Charging points

M7: Active and sustainable travel

Appendix 3 Adaptation Measures

A1: Passive Solar Design

A2: Protecting our soil resource

- A3: Protecting and enhancing tree cover
- A4: Protecting and enhancing gardens, green spaces and greenfield sites
- A5: Delivering sustainable drainage, surface water management and restricting urban creep
- A6: Delivering biodiversity net gain and habitat improvements

- 5.4 For ease of use, it has been primarily designed as an interactive web based tool, which will direct people to the detailed mitigation measures required for residential and commercial development and the adaptation requirements for all development types. The interactive webtool is being developed and will be made live on the website once this Climate Emergency Planning Statement has been adopted.
- 5.5 Once adopted across all three JLP authorities the Plymouth and South West Devon Climate Emergency Planning Statement will come into force and be a material consideration in the determination of all new planning applications submitted after 30 September 2022.
- 5.6 It will apply only to new planning applications submitted after 30 September 2022 and will not be retrospectively applied to any planning applications already in the system at that point. Changes are being made to the Local Validation Lists that will require all applications to complete a Climate Emergency Compliance Form in order to be validated. This will also be agreed by Full Council.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		The proposal to adopt interim planning policy is sound and legal, and the correct governance route has been followed, including the relevant consultation strategy.
Financial implications to include reference to value for money		<p>There are no significant financial implications.</p> <p>The primary resource issue will be for Development Management Team assessing planning applications against the new criteria. This is being mitigated by developing a webtool to help applicants know exactly what is required and signpost good practice.</p> <p>In addition, the JLP team will provide training to upskill officers, and build capacity within the DM teams. Policy officers will be available to assist with climate change planning issues.</p>

		<p>The JLP team can also make a whole carbon life cycle tool available for developers at no cost until March 2023 to encourage the better understanding of embodied carbon within development schemes.</p>
Risk		<p>The main risks relate to the “planning” weight given to these new requirements. This introduces additional requirements into the planning system that do not have the status of the development but are important material considerations.</p> <p>As a result, Development Management Officers will have an additional consideration that they have to apply. This will place an additional burden on both the decision makers, but also applicants, which will require extra skills and resources. There may be a financial cost associated with this.</p> <p>Training is being provided to help upskill development management officers in all areas relating to climate change. In addition the rolling Development Management Committee training programme will also include a session on climate emergency policy and this new planning statement.</p> <p>During the period in advance of the formal Joint Local Plan Review these requirements will be monitored and reviewed and additional evidence will be gathered to ensure robust policies are include within any revised policies.</p>
Supporting Corporate Strategy		<p>Adapting and mitigating; climate change and increasing biodiversity – The Plymouth and South West Devon Climate Emergency Planning Statement will help reduce carbon emissions and achieve 10% biodiversity net gain in new developments.</p> <p>Improving homes - The Plymouth and South West Devon Climate Emergency Planning Statement will improve the quality of housing and mean more new homes exceed the minimum energy efficiency standards.</p>
Climate Change - Carbon / Biodiversity Impact		<p>The Plymouth and South West Devon Climate Emergency Planning Statement introduces measures for new development to reduce the carbon footprint so this should have a positive impact on both carbon emissions and biodiversity.</p> <p>This will achieved be through the requirement for new development to meet the most up to date building regulations and to go further achieving</p>

		20% improvement through onsite renewables, no new gas boilers, space for battery storage, use of resilient and low carbon building materials, priority for reuse and retrofit EV charging, active and sustainable travel, passive solar design protecting the soil resource, enhancing tree cover and green spaces, managing surface water and delivering 10% biodiversity net gain.
Comprehensive Impact Assessment Implications		
Equality and Diversity		A Sustainability and Equalities Impact Assessment has been undertaken to assess equality and diversity implications.
Safeguarding		N/A
Community Safety, Crime and Disorder		N/A
Health, Safety and Wellbeing		Improvements in health and wellbeing arising from these new planning measures
Other implications		None

Supporting Information

Appendices:

- 1 - Climate Emergency Planning Statement
- 2 - Climate Emergency Compliance Form

Background Papers:

Climate Emergency Planning Statement Consultation Report