

Planning and Climate Change

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Introduction

1. There continues to be a debate in the wider community as to whether the changes we have all experienced in weather conditions over the last 20 – 30 years are a consequence of man’s activities or are a naturally occurring phenomenon². Whoever is right or wrong about that debate, and the truth probably lies somewhere in the middle, the impetus lies with those that believe climate change has been induced by the human race and governments across the world have responded to the clarion call to save the planet with legislative and policy initiatives that touch us all; none more so than in the planning and development community where “sustainability” has become the touchstone against which development projects are all measured. Moreover, it is unlikely that there will be any retreat soon from the position that climate change is a man-made problem that needs urgently to be addressed³ and so, whatever our personal beliefs may be about the wider causes of climate change and its effects, we cannot ignore the impact that such change has had on the decisions that are taken every day in the planning arena.
2. With the growing impetus amongst the International community for serious steps to be taken to tackle the acceleration in climate change and its consequences, it was only a matter of time before climate change considerations exerted their influence on our domestic planning system. It goes to far to say that it started with PPS1 but the concept of sustainable development found concrete expression in that policy statement where, under the heading of the Government’s Objectives for the Planning System, it stated that “sustainable development is the core principle underpinning planning”⁴. Shortly before that the Government had published PPS22 which drew on the Energy White Paper (Our Future – creating a low carbon economy). Since then the Government has published the Planning and Climate Change Supplement to PPS1 to reinforce its intent that planning should play a part in the Government’s climate change agenda. This paper examines the interaction between the climate change agenda and planning and considers the effect that climate change considerations play in determining planning applications and development control decisions.

¹ I wish to thank and acknowledge Jacqueline Lean for her assistance in preparing this paper.

² See, for example, the opposing positions adopted by Al Gore in his film “An Inconvenient Truth” and Nigel Lawson’s lecture to the Centre of Policy Studies “The Economics and Politics of Climate Change – An Appeal to Reason”.

³ In his forward to “Securing the Future - The UK Government Sustainable Development Strategy” the then Prime Minister Tony Blair said that “climate change represents a potentially catastrophic threat, but it is within our control to address it – and address it we must”.

⁴ See paragraph 3.

PPS1 – the Climate Change Supplement

3. Published in December 2007, the seriousness of the intent is obvious from its stated aim to set out “*how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences.*” It makes clear that it does not consolidate all existing climate change policies, but rather seeks to supplement the overarching planning policies on the delivery of sustainable development contained in PPS1 itself. It emphasises that climate change considerations are relevant at all stages of the planning process, both in the formulation of spatial strategies (see, for example the Climate Change topics to be covered in the preparation of regional spatial strategies in Annex A to PPS11) and LDDs, and in making decisions on individual applications, and there is a significant change in the importance of such considerations in the planning process. As stated in the Introduction:

“Where there is any difference in emphasis on climate change between the policies in this PPS and others in the national series this is intentional and this PPS takes precedence.”

4. Further guidance on the Supplement policies are contained in the Practice Guide prepared by the Homes and Communities Agency through its Academy (HCA) and the Planning Advisory Service (PAS), different parts of which are available on their respective websites⁵.
5. The PPS is now underpinned by the provisions of the Planning Act 2008, which, when they come into force, will require regional planning bodies and planning authorities to include in their development plans policies designed to secure that development in their area contributes to mitigating and adapting to climate change⁶. That climate change considerations are now regarded as pervading all aspects of development is illustrated by s.10, which, when it comes into force, will require the Secretary of State to have regard, in particular to mitigating and adapting to climate change when formulating and reviewing National Policy Statements⁷.
6. Recognition of the role that planning has to play in delivering a reduction in carbon emissions, which are seen as being crucial to tackling climate change, is reflected in paragraph 8 of the Supplement and is accompanied by a progressive tightening of Building Regulations. The intent is that all new homes will be zero carbon by 2016 with similar ambitions for all non-domestic buildings.

⁵ HCA Academy: <http://www.hcacademy.co.uk/planning-and-clmate-change>, Planning Advisory Service: <http://www.pas.gov.uk/pas/core/page.do?pageId=94314>

⁶ Sections 181 and 182

⁷ The Climate Change and Sustainable Energy Act 2006 also imposes requirements on the Secretary of State and local authorities with respect to climate change causes and consequences.

RSSs and LDDs

7. The pervasive nature of climate change is apparent from paragraph 9 of the Supplement and the requirement for RPBs and planning authorities to prepare and manage the delivery of spatial strategies that include the following “Key Planning Objectives”:-

- *make a full contribution to delivering the Government’s Climate Change Programme and energy policies, and in doing so contribute to global sustainability;*
- *in providing for the homes, jobs, services and infrastructure needed by communities, and in renewing and shaping the places where they live and work, secure the highest viable resource and energy efficiency and reduction in emissions;*
- *deliver patterns of urban growth and sustainable rural developments that help secure the fullest possible forms of sustainable transport for moving freight, public transport, cycling and walking; and, which overall, reduce the need to travel, especially by car;*
- *secure new developments and shape places that minimise vulnerability, and provide resilience to, climate change; and in ways that are consistent with social cohesion and inclusion;*
- *conserve and enhance biodiversity, recognising that the distribution of habitats and species will be affected by climate change;*
- *reflect the development needs and interests of communities and enable them to contribute effectively to tackling climate change; and*
- *respond to the concerns of businesses and encourage competitiveness and technological innovation in mitigating and adapting to climate change.*

8. In addition, paragraph 10 provides that the following decision-making principles should be applied by RPBs and planning authorities in making decisions about spatial strategies:-

- *the proposed provision for new development, its spatial distribution, location and design should be planned to limit carbon dioxide emissions;*
- *new developments should be planned to make good use of opportunities for decentralised and renewable or low carbon energy;*

- *new development should be planned to minimise future vulnerability in a changing climate;*
 - *climate change considerations should be integrated into all spatial planning concerns;*
 - *mitigation and adaptation should not be considered independently of each other, and new development should be planned with both in mind;*
 - *sustainability appraisal (incorporating strategic environmental assessment) should be applied to shape planning strategies and policies that support the Key Planning Objectives; and*
 - *appropriate indicators should be selected for monitoring and reporting on in regional planning bodies' and planning authorities' annual monitoring reports. Such monitoring should be the basis on which regional planning bodies and planning authorities periodically review and roll forward their planning strategies.*
9. Further guidance on the preparation of regional spatial strategies and managing the performance of those strategies is provided at paragraphs 12 – 17. In summary, these provide that:-
- (1) Climate change should be a key and integrating theme of the RSS and be addressed in conjunction with the economic, social and environmental concerns that together inform the overall spatial strategy and its components. Emphasis is put on new development, particularly major generators of travel, being focused on locations with good non-car accessibility and where energy can be provided from decentralised supply systems (current and future).
 - (2) RPBs should work with all stakeholders in the region and alongside their constituent planning authorities to develop a realistic and responsible approach to addressing climate change, considering in particular:
 - how the region's activities contribute to climate change
 - how the spatial strategy will support and regional targets on climate change; and
 - the region's vulnerability to climate change, using, for example, the most recent climate change scenarios available from the UK Climate Change Impacts Programme (UKCIP) and specifically the implications for built development, infrastructure and services and biodiversity;
 - (3) Cross-authority cooperation is positively encouraged.

- (4) Regional bodies should ensure that opportunities for renewable and low-carbon sources of energy supply and supporting infrastructure are maximised, and set regional targets for renewable energy which are consistent with national targets and, where appropriate, periodically revised upwards.
- (5) Regional planning bodies should be able to demonstrate that the spatial strategies, including any targets or trajectories, are properly supported by an evidence base comprising appropriate data and information on climate change with the region.
10. As regards LDDs, the guidance mostly likely to be of interest to developers is in paragraph 24 as it sets out the factors local planning authorities should take into account in selecting land for different types and intensity of development. Paragraph 25 states that in selecting sites, priority should be given to those sites which will perform well against those criteria. The criteria are:-
- *The extent to which existing or planned opportunities for decentralised⁸ and renewable or low-carbon energy⁹ could contribute to the energy supply of development;*
 - *Whether there is, or the potential for, a realistic choice of access by means other than the private car and for opportunities to service the site through sustainable transport;*
 - *The capacity of existing and potential infrastructure (including for water supply, sewage and sewerage, waste management and community infrastructure such as schools and hospitals) to service the site or area in ways consistent with cutting carbon dioxide emissions and successfully adapting to likely changes in the local climate;*

⁸ Defined in the Glossary to the Supplement as “Energy supply from local renewable and local low-carbon sources (i.e. on-site and near-site, but not remote off-site) usually on a relatively small scale. Decentralised energy is a broad term used to denote a diverse range of technologies, including micro-renewables, which can locally serve an individual building, development or wider community and includes heating and cooling energy.”

⁹ Defined in the Glossary to the Supplement as “Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the flow of water, the movement of the oceans, from the sun and also from biomass. Low-carbon technologies are those that can help reduce carbon emissions. Renewable and/or low carbon energy supplies include, but not exclusively, those from biomass and energy crops; CHP/CCHP (and micro-CHP); waste heat that would otherwise be generated directly or indirectly from fossil fuel; energy-from-waste; ground source heating and cooling; hydro; solar thermal and photovoltaic generation; wind generation.”

- *The ability to build and sustain socially cohesive communities with appropriate community infrastructure, having regard to the full range of local impacts that could arise as a result of likely changes to the climate;*
 - *The effect of development on biodiversity and its capacity to adapt to likely changes in the climate;*
 - *The contribution to be made from existing and new opportunities for open space and green infrastructure to urban cooling, sustainable drainage systems, and conserving and enhancing biodiversity; and*
 - *Known physical and environmental constraints on the development of land such as sea-level rises, flood risk and stability, and take a precautionary approach to increases in risk that could arise as a result of likely changes to the climate.*
11. There is some recognition given in relation to rural development such as affordable housing and employment opportunities to meet the needs of local people that sites for such development may not be readily accessible other than by private car, but otherwise the criteria are relevant to the location of all development.
12. Another interesting development is the shift in the relationship between renewable energy developments and townscape/landscape considerations evident from paragraph 20 of the Supplement, which provides guidance to planning authorities preparing core strategies. Planning authorities are required, in particular, to:
- *not require applications for energy development to demonstrate either the overall need for renewable energy and its distribution, nor question the energy justification for why a proposal for such development must be sited in a particular location¹⁰;*
 - *ensure that any local approach to protecting landscape and townscape is consistent with PPS22 and does not preclude the supply of any type of renewable energy other than in the most exceptional circumstances; and*
 - *alongside any criteria-based policy developed in line with PPS22, consider identifying suitable areas for renewable and low-carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources, but in doing so take care to avoid stifling innovation including by*

¹⁰ This has not stopped arguments being raised and challenges being brought to consents granted for renewable energy development on the basis that there is not enough wind in a particular location to support the electricity generation predictions - see *R (oao Finn-Kelcey) v Milton Keynes Council [2008] EWHC 1650* (Collins J) & *EWCA Civ. 1067*.

rejecting proposals solely because they are outside areas identified by energy generation.

13. The PAS Guidance appears to strengthen this objective further. Whilst acknowledging that where European and nationally designated sites are concerned, there are strict tests to be met before inappropriate forms of development will be permitted, which should be incorporated into the studies carried out to inform allocation, there is almost a presumption in favour of small scale renewable development and the onus is on the planning authority to justify any restrictions on such development:-

“Small scale wind energy and other forms of renewable are likely to be acceptable in many, but not all, locations in national parks and Areas of Outstanding Natural Beauty.

Where planning authorities, exceptionally, believe that restrictions on certain forms of renewable energy development can be justified, for example, within Strategic Views, or close to conservation areas or listed buildings, or within particularly valuable locally designated landscapes, this must be fully justified in development plan documents.”

14. The use of Local Development Orders to secure renewable and low-carbon energy supply systems is positively encouraged in the Supplement, and the PAS Guidance suggests such Orders could be used to promote particular climate change or energy initiatives such as:

- *broadening the application of ‘permitted development’ rights in some or all of an area to cover a wide range of householder and micro-renewable installations;*
- *providing an overall framework permission for the installation of district heating networks based on an existing generating station to serve existing housing;*
- *providing a framework permission for a decentralised area network for generating facilities to serve several development sites and/or existing housing.*

15. The Supplement also requires local planning authorities to set targets in relation to the percentage of energy in new development which is to be provided from decentralised and renewable or low-carbon energy sources. Paragraph 26 provides that planning authorities should:

- *set a percentage target of the energy to be used from such sources where it is viable. Such targets should avoid prescription on technologies and be flexible in how carbon savings from the local energy sources are to be secured;*

- *where there are particular and demonstrable opportunities for greater use of decentralised and renewable or low-carbon energy that the target percentage, bring forward development area or site-specific targets to secure this potential;*

and, in bringing forward targets, set out the type and size of development to which the target will be applied and ensure there is a clear rationale for the target and it is properly tested.

- *recognise the potential of, and encourage, those land uses and land management practices that help secure carbon sinks, consider and take account of the availability of water resources, and bring forward adaptation options for existing developments in likely vulnerable areas.*

16. An important aspect in achieving climate change is the encouragement given to local planning authorities for innovation and investment in sustainable buildings. Thus, a local planning authority requires exceptional reasons for deterring novel or cutting-edge developments. This plainly recognises that reducing carbon emissions is not going to be easy and will require a step change in the approach of local planning authorities which tend to err on the side of caution and do not generally encourage the innovative designs for buildings that the climate change agenda is demanding.

17. The policies and targets set for local requirements for decentralised energy supply to new development or for sustainable buildings should be set out in DPDs, not SPDs. In that way, they can be examined and tested an independent Inspector. Thus, policies and targets should:-

- be evidence-based and viable, having regard to the overall costs of bringing sites to the market, is
- be consistent with securing expected supply and place of housing development showing in the PPS3 housing trajectory,
- not inhibit the supply of affordable housing;
- set out how the relevant authority intends to advise potential developers on the implementation of local requirements; and
- clearly define the baseline against which targets will be monitored, the relationship between percentages for renewable and low-carbon energy supply and the carbon emissions limits set out in the Buildings Regulations.

18. The PAS Guidance also identifies 7 situations in which it might be appropriate for a high percentage target to be set for decentralised energy supply:-

- *Where there is an existing or proposed district heating main supplied by a renewable or low-carbon source close to the site*

- *On a large site where a new biomass district heating scheme is appropriate*
- *Where there are existing or potential waste resources available, such as a municipal waste transfer station, industrial waste producers (eg of food or wood) or waste water plant*
- *Mixed-use sites containing buildings with complementary energy demands which make CHP a more cost-effective option*
- *Where free standing wind turbines are feasible*
- *Where tidal or hydro resources are available close by*
- *Substantial growth/regeneration areas where the scale of development may permit district wide strategies using a mix of sources.*

19. It is clear that the Sustainability Appraisal of plans will be central to ensuring that RSSs and LDDs help to deliver the key objectives set out in the Supplement to PPS1.¹¹ The guidance provided by the HCA Academy notes that some assistance can be found in the Government guidance on Sustainability Appraisal of RSSs and LDDs (ODPM 2005), and guidance from the Environmental Agency on potential climate change indicators.

Individual planning applications

20. Paragraph 11 sets out the principles to which planning authorities “should adhere” in determining planning applications:

- *controls under the building control and other regulatory regimes should complement and not duplicate each other;*
- *information sought from applicants should be proportionate to the scale of the proposed development, its likely impact on and vulnerability to climate change, and be consistent with that needed to demonstrate conformity with the development plan and this PPS;*
- *specific and standalone assessments of new development should not be required where the requisite information can be made available to the planning authority through the submitted Design and Access Statement, or forms part of any environmental impact assessment or other regulatory requirements; and*
- *in considering planning applications before Regional Spatial Strategies (RSSs) and Development Plan Documents (DPDs) can be updated to reflect this PPS, planning authorities should have regard to this PPS as a material consideration which may supersede the policies in the development plan. Any refusal of planning permission on grounds of prematurity because a DPD is being prepared or is*

¹¹ HCA Academy Guidance, Section1: Developing and implementing RSS and LDDs.

under review but has not yet been adopted should be consistent with Government Policy.¹²

21. It is clear that developers will be expected to design environmental performance into their proposed developments, and that the Design and Access Statements should demonstrate how the proposed development will contribute to and comply with the Key Planning Objectives set out in the Supplement and the relevant RSS/DPDs. Paragraph 42 sets out a list of criteria which Local planning authorities “should expect” new development to satisfy, including the requirements that it should:-

- comply with adopted DPD policies on local requirements for decentralised / renewable energy supply and for sustainable buildings, unless it can be demonstrated that it is not feasible or viable;
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption, including maximising cooling and avoiding solar gain in the summer; and, overall, be planned so as to minimise carbon dioxide emissions through giving careful consideration to how all aspects of development form, together with the proposed density and mix of development, support opportunities for decentralised and renewable or low-carbon energy supply;
- give priority to use of sustainable drainage systems, paying attention to the potential contribution to be gained to water harvesting from impermeable surfaces and encourage layouts that accommodate waste water recycling;
- create and secure opportunities for sustainable transport in line with PPG13

22. Local planning authorities are also required to consider the likely impact of the proposed development on:-

- existing, or other proposed, development, and its renewable or low-carbon energy supply;
- existing, or proposed, sources of renewable or low-carbon energy supply; and
- the vulnerability to climate change of existing or proposed development.

23. The HCA Academy website contains a suggested checklist for planning applications and decisions, which suggests that, amongst other things, local planning authorities and developers may wish to consider:-

¹² See ODPM (2005) *The Planning System: General Principles* and, in the case of housing, (2006) *PPS3* paragraph 72

- whether the application has explored all reasonable opportunities to reduce carbon emissions and ensure that climate change adaptation and resilience are built into the proposals;
 - whether the technical solutions for energy and climate change are robust
 - whether the proposals address future requirements and opportunities as far as they can, both generally and in relation to energy and climate change requirements.
24. The Supplement also takes the ‘Merton Rule’, which was promoted in PPS22, one step further, in that it extends the obligation to provide on-site or near-site renewable or low-carbon energy generation for all new non-residential developments above 1000 square metres to all new development – although it avoids specifying how much is to be provided, preferring the flexibility of ‘a significant amount’.
25. It is also clear from the PAS Guidance that it will be important for the local planning authority to take account of development viability when setting decentralised energy targets, and suggests that relevant considerations will include:
- the success of existing renewable energy policies;
 - regional and sub-regional renewable studies;
 - independent research into, for example, costs of implementing certain standards or requirements;
 - evidence from strategic housing market assessments on existing and future housing need and demand, price and affordability;
 - illustrative development appraisals;
 - technical literature and published case studies.
26. Paragraph 45 of the Supplement provides that planning conditions or obligations can be used to secure the provision and longer-term management and maintenance of the aspects of a development required to ensure compliance with the Supplement policies. The PAS Guidance also suggests that for larger developments, with a long delivery programme, where scheme feasibility may change over the life of the development, then it may be appropriate to attach a condition to an outline permission which will allow for reconsideration of viability at a later stage.
27. It is stressed in the Supplement that whilst the policies it contains are to be regarded as material considerations prior to the amendment of RSS/LDDs, specific and standalone assessments of climate change should not be demanded from a developer, and that the required information can be made available through the Design and Access Statement or any EIA. What is demanded in any case must be proportionate to the scale of the proposed development, and Local planning authorities should make it clear in DPDs, in SPDs or in application checklists what information and justification they require in order to deal with particular applications.

28. The PAS Guidance also advises that developers, particularly of large schemes:

“should already, in advance of approved development plan policies, be addressing both the immediate standards like those in the 2006 Building Regulations, but also preparing for the ‘staircasing’ of standards that will culminate in the ‘zero carbon’ standard being required for all new housing from 2016 and the similar ambition for all new non-domestic buildings to be zero carbon from 2019.”

29. It is to be hoped that assessment of climate change considerations will not present a new standalone challenge to grants of planning permission, and there is some suggestion that the courts will not be overly sympathetic to such challenges.

30. The failure to assess effect on climate change of a proposed development in an ES was one ground of challenge to a grant of planning permission in **R (on the application of Littlewood) v. Bassetlaw District Council [2008] EWHC 1812 (Admin)** in which the Claimant alleged the ES was deficient insofar as it did not assess climate change *per se* and did not discuss the requirement for an environmental permit. Reliance was placed, *inter alia*, on the Supplement which was published the day before the permission was granted. The Council accepted that the ES had omitted to deal with climate change but noted that it was not an issue that had been raised prior to the proceedings, and that in any event the Planning Statement had a section dealing with sustainability to which the ES had cross-referenced, and which included some measures to deal with the carbon-footprint of the development. Sir Michael Harrison agreed with the Council, stating¹³:-

“I agree with those submissions. Whilst I accept that the effect of the pre-cast concrete production on climate change was not included in the Environmental Statement, it was not a point that had been raised with the Council by anyone, including by the Environment Agency, let alone the Claimant. Even if it were permissible to raise the point at this stage, the fact that it is raised so late in the day, without the point having been taken when it should have been taken, is a matter relevant to the exercise of my discretion.

I bear in mind the approach of Sullivan J to the validity of an Environmental Statement in the Blewett case, which I referred to earlier. I do not consider that the omission of the effect of the production of concrete on climate changes renders the Environmental Statement as a whole so deficient that it could not reasonably be described as an Environmental Statement. Even if I were wrong about that, I would not have granted the relief claimed in view of the fact that this point had not been raised previously and in the view of the effect of granting relief on the proposed development.”

¹³ At paragraphs 66 – 67.

31. Clearly what is required in a given case will depend on the nature of the development, but some comfort can perhaps be drawn from the strong emphasis in the Supplement, and the decision of Sir Michael Harrison, that effects on climate change can be considered as part of the appraisal of the sustainability of the development generally, in the Design and Access Statement, rather than requiring a specific and standalone assessment in every case.

Other Climate Change Policies in National Planning Guidance

32. In addition to the policies in the Supplement there are a range of other climate change policies to be found elsewhere in national guidance. The HCA Academy guidance identifies the following sources:-

- **PPS1: Delivering sustainable development**
 - Requires regional planning bodies and local authorities to ensure that development plans contribute to global sustainability by addressing the causes and potential impacts of climate change, through policies which reduce energy use, reduce emissions, promote the development of renewable energy resources and take climate change impacts into account in the location and design of development.
 - Promotes sustainable and inclusive patterns of urban and rural development

- **PPS 3: Housing**
 - Requires regional bodies and planning authorities, in formulating RSSs and LDDs, to take into account the contribution to be made to cutting carbon emissions from focussing developments in locations with good public transport or by means other than by private car, and where it can readily and viably draw its energy supply from decentralised energy supply systems based on renewable and low carbon forms of energy supply, or where there is clear potential for this to be realised.
 - Promotes efficient use of land, having regard to, *inter alia*, reducing and adapting to the impacts of climate change, and, in identifying sites for development having regard to any physical, environmental or land-use constraints or risks, such as flood risk and the need to protect natural resources.
 - Encourages new building technologies to deliver sustainable development.

- **PPG4: Industrial, Commercial Development and Small Firms¹⁴**
 - Encourages reduction in the need to travel, rural accessibility to economic opportunities and the location of business development.

¹⁴ A new draft PPS4 on Planning for Sustainable Economic Development was published in December 2007, and the Consultation Paper and a Summary of Responses are available on the DCLG website.

- **PPS6: Planning for Town Centres¹⁵**
 - Encourages reduction in the need to travel, use of public transport and facilitating multi-purpose journeys.

- **PPS7: Sustainable Development in Rural Areas**
 - Emphasises the need to protect natural resources, promotes the sensitive exploitation of renewable energy resources, sustainable rural economic growth and inclusive and sustainable rural communities and patterns of development.

- **PPS9: Biodiversity and Geological Conservation**
 - Requires regional bodies and LPAs to take into account effect of climate change on distribution of habitats and species and geomorphic processes and features, and emphasises the need to develop and protect habitat networks.

- **PPS10: Planning for Sustainable Waste Management**
 - Emphasises the need to secure more sustainable waste management in line with the waste hierarchy.

- **PPS11: Regional Spatial Strategies**
 - Addresses the consideration of climate change and energy in RSSs. Annex B provides guidance on Regional Transport Strategy.

- **PPS12: Local Spatial Planning**
 - Provides a positive framework for action on climate change.

- **PPG13: Transport**
 - Emphasises the desirability of reducing the need for travel, especially by car, by influencing the location of development, fostering development which encourages walking, cycling or public transport.

- **PPG20: Coastal Planning**
 - Identifying areas likely to be at risk from sea flooding and coastal erosion through climate change.

- **PPS22: Renewable Energy**
 - Requires RSSs and LDDs to contain policies designed to promote and encourage rather than restrict development of renewable energy resources, set out criteria that will be applied in assessing applications for planning permission for renewable energy projects and provides that the wider

¹⁵ A new PPS6 is to be published in the spring/early summer.

environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.

- Provides that LPAs may include policies in LDDs that require a percentage of the energy to be used in new residential, commercial or industrial developments to come from on-site renewable energy developments.
- Encourages LPAs and developers to consider the opportunity for incorporating renewable energy projects in all new developments.

- **PPS23: Planning and Pollution Control**

- Focuses on the relationship between the planning and pollution regulatory regimes, and requires planning to reduce greenhouse gas emissions and take account of potential effects of climate change where possible.

- **PPS25: Development and Flood Risk**

- Requires planning policies and decisions to have regard to the increased risk of coastal and river flooding resulting from climate change.

33. The PAS Guidance also suggests that Local planning authorities should have regard to:-

- the draft Eco-towns PPS; and
- “Building a Greener Future”.

34. The draft Eco-towns PPS is currently under consultation, and is intended to supplement PPS1. It is clear that the PPS envisages that not only will eco-towns be one option for regional bodies and planning authorities to consider when considering how to meet current or emerging housing requirements, but also that the principles articulated in the PPS may be adopted by other developers *“as a way of meeting the wider objectives of the Climate Change PPS planning policy”*.

Planning for Climate Change in London

35. The Annex of the Supplement makes reference to specific obligations which attach to the Mayor of London and to the GLA.

36. Sections 40-44 of the Greater London Authority Act 2007 impose statutory duties on both the Mayor and the GLA in respect of climate change. In particular:-

- s.42 requires both the Mayor and GLA to have regard to climate change in exercising any of their functions under the 2007 Act or any other Act;
- s.43 requires the Mayor to prepare and publish a London climate change mitigation and energy strategy;

- s.44 requires the Mayor to prepare and publish an adaptation to climate change strategy for London.
37. The Climate Change Adaptation Strategy is currently under preparation, and it is anticipated that it will consider how London can manage flooding, over-heating and limited water resources and subsidence arising from climate change.
38. The Mayor's Energy Strategy was published in February 2007, and the main principles are reflected in Section 4A of the revised London Plan which provides, *inter alia*:
- The Mayor will, and London boroughs should in their DPDs, require developments to make the fullest contribution to the mitigation of and adaptation to climate change and to minimise emissions of carbon dioxide. Applications will be assessed against the following hierarchy¹⁶:
 - Using less energy, in particular by adopting sustainable design and construction measures (Policy 4A.3)
 - Supplying energy efficiently, in particular by prioritising decentralised energy generation (Policy 4A.6) and
 - Using renewable energy (Policy 4A.7)
 - There will be a presumption that targets can be met in full except where developers can demonstrate that in the particular circumstances of a proposal there are compelling reasons for the relaxation of the targets. In all cases, the most important contribution will be to the achievement of reductions in carbon dioxide emissions.¹⁷
 - The Mayor will, and the boroughs should, require an assessment of the energy demand and carbon dioxide emissions from proposed major developments, which should demonstrate the expected energy and carbon dioxide emissions savings from the energy efficiency and renewable energy measures incorporated in the development, including the feasibility of CHP/CCHP and community heating systems. The assessment should include:
 - Calculation of baseline energy demand and carbon dioxide emissions
 - Proposals for the reduction of energy demand and carbon dioxide emissions from heating, cooling and electrical power (Policy 4A.6)
 - Proposals for meeting residual energy demands through sustainable energy measures (Policy 4A.7 and 4A.8)
 - Calculation of the remaining energy demand and carbon dioxide emissions.
 - The Mayor will, and boroughs should, in their DPDs adopt a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from on

¹⁶ Policy 4A.1

¹⁷ Paragraph 4.9

site renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.

Conclusions

39. Planning, whether at the regional or local policy levels and/or in relation to individual applications for development, cannot ignore the Government's climate change agenda. Indeed, that agenda has itself spawned a whole new world of development (e.g. wind farms). There was a time when development was described as sustainable because it had access to a public bus, a shower for the cyclists and a green roof. That will no longer do and planning authorities and applicants for planning permissions will be under increasing pressure to demonstrate that their spatial strategies, policies and individual developments make a positive contribution to reducing carbon emissions. If that is to mean something and the targets are to be achieved then almost certainly it will require innovation by developers and support by planning authorities.

John Litton
Landmark Chambers
6 March 2009