

HIGH PEAK BOROUGH COUNCIL

The Executive

10th October 2024

TITLE:	Climate Change Supplementary Planning Guidance
EXECUTIVE COUNCILLOR:	Councillor Godfrey Claff - Executive Councillor for Community Safety and Planning
CONTACT OFFICER:	Ben Haywood - Head of Development Services
WARDS INVOLVED:	ALL

Appendices Attached –

- 1) **Derbyshire “Climate Change & Planning Guidance”**
- 2) **Derbyshire “Climate Change Readiness Assessment Tool**

1. **Reasons for the Report**

1.1 To:

- advise Members of the publication by Vision Derbyshire working group of a **“Climate Change Planning Guidance”**(CCPG) document and accompanying **“Climate Change Readiness Assessment Tool”**(CCRAT) for Derbyshire which provides guidance as to how development proposals can integrate climate change mitigation measures;
- to seek approval to adopt the CCPG as formal planning guidance (but not as a Supplementary Planning Document (SPD)) by Development Management (DM), for use by developers (and to update DM webpages accordingly)
- to seek approval to formally adopt the CCRAT by Development Management – for use by developers in formulating proposals and DM officers in their assessment (this will involve inclusion in future reviews of the validation checklist, with modifications to DM webpages to reflect this).

2. **Recommendation**

2.1 That the Executive:

- Adopts the CCPG as planning guidance (not SPD) for High Peak; and

- Adopts the CCRAT for future inclusion on the validation checklist and use for the assessment of all proposals by the DM service.

3. **Executive Summary**

- 3.1 Since 2020 Planning Officers from the Council have contributed to the climate change working group of the Vision Derbyshire climate change workstream (a partnership of LPAs in Derbyshire including Derbyshire County Council and HPBC). The group agreed to the production of a “joint” generic planning guidance and readiness assessment tool to assist DM services across Derbyshire in the light of the climate change emergency. In November 2022 this was finalised and published on DCC’s website: <https://www.derbyshire.gov.uk/environment/planning/planning-policy/planning-and-climate-change/planning-and-climate-change-guidance-and-assessment-tool.aspx> . Individual LPAs in Derbyshire were invited to apply/adopt both documents as desired.
- 3.2 Approval is sought so that both documents can be used by the DM service: the CCPG as generic planning guidance; and the CCRAT to be included within future reviews of the validation checklist and utilised by developers and DM officers.

4. **How this report links to Corporate Priorities**

- 4.1 HPBC Borough Plan 2023-27:
 Aim 1: Supporting our communities to create a healthier and safer High Peak
 Aim 2: Future proof housing
 Aim 4: Protect and improve the environment including responding to the climate emergency.

5. **Alternative Options**

- 5.1 **Recommended:** That the Executive approves both the Derbyshire CPPG and CCRAT for use by the DM Service: the CCPG as generic planning guidance; and the CCRAT to be updated to the validation checklist and subsequently required to be utilised by developers and DM officers. This will allow the DM service to respond to the climate emergency (and in light of the 2019 climate change declaration and 2021 Climate Change Plans published by HPBC) by providing guidance to developers as to how schemes can have their climate impacts mitigated at the outset (with an expectation that all schemes must be evaluated by the developer using the CCRAT), in advance of any reviews of the currently adopted Local Plan.
- 5.2 **Not recommended:** To not adopt either document for use by the DM service (business as usual). This would result in there being no climate mitigation-specific guidance or tools available to developers on DM website; meaning (despite the 2019 climate change declaration and 2021 Climate Change Plans published by HPBC) schemes would continue to be assessed against currently adopted 2016 Local Plan Policies, and most recent NPPF/NPPG.

6. Implications

6.1	<p><u>Community safety, including safeguarding and prevention of terrorism</u></p> <p>None identified.</p>
6.2	<p><u>Workforce</u></p> <p>Adoption of CCRAT as part of validation checklist would result in a requirement for customer services and DM officers to ensure that the applicant had completed a self-assessment for their submitted application, and then evaluate individual planning proposals against it in addition to policies of the wider Development Plan/NPPG.</p>
6.3	<p><u>Equality and Diversity/Equality Impact Assessment</u></p> <p>None identified.</p>
6.4	<p><u>Financial Considerations</u></p> <p>None identified.</p>
6.5	<p><u>Legal</u></p> <p>Applications must be assessed against relevant Development Plan Policy, guidance, and Government Policy/guidance under para 70A TCPA/ Section 38(6) PCPA 2004. Adoption of CCRAT as part of validation checklist would result in schemes meeting the threshold and not submitting a self-assessment being deemed invalid under the Town and Country Planning (Development Management) Procedure Order.</p>
6.6	<p><u>Climate Change and Sustainability</u></p> <p>Both the CCPG and CCRAT are specifically designed to inform developers as to how their schemes can better mitigate climate change impacts, and to enable the developer to 'self assess' their scheme before it is submitted for determination by the DM Service.</p>
6.7	<p><u>Conservation and Enhancement of Biodiversity</u></p> <p>The CCPG contains a section on 'securing enhanced green infrastructure, natural capital and biodiversity net gain'; the CCRAT (which 'scores' proposals based on whether various climate change-related elements have been taken into account) also includes scoring for the inclusion of biodiversity enhancement elements, with a subsection devoted to 'securing enhanced green infrastructure'.</p> <p>The CCPG and CCRAT were developed prior to the enactment of the Environment Act 2021 (which contains requirements for most planning applications to deliver 10% BNG uplift) and published in 2022, <i>before</i> the actual implementation of the Act in 2024: schemes should be assessed against the biodiversity section of the CCRAT notwithstanding any separate legal requirements for the delivery of BNG.</p>
6.8	<p><u>Consultation</u></p> <p>As neither document is proposed to be formal 'SPD' no public consultation is considered necessary: Member approval for both documents would mean that both were uploaded to DM webpages for use by developers, immediately.</p>

6.9	<u>Risk Assessment</u> Not applicable.
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Mark Trillo
Executive Director (Governance & Regulatory Services)

**Web Links and
Background Papers**

<https://www.derbyshire.gov.uk/environment/planning/planning-policy/planning-and-climate-change/planning-and-climate-change-guidance-and-assessment-tool.aspx>

<https://www.highpeak.gov.uk/article/7203/Climate-Change-Emergency-Declaration#:~:text=High%20Peak%20Borough%20Council%20declared,High%20Peak%20as%20a%20whole.>

https://www.highpeak.gov.uk/media/6680/High-Peak-Climate-Change-Action-Plan/pdf/High_Peak_-_Climate_Change_Action_Plan_Part_1.pdf?m=1697187796670

https://www.highpeak.gov.uk/media/7096/High-Peak-Climate-Change-Action-Plan-Part-2/pdf/High_Peak_-_Climate_Change_Action_Plan_-_Part_2.pdf?m=1719413364823

Contact details

Ben Haywood
Head of Development Services
ben.haywood@highpeak.gov.uk

7. Detail

Vision Derbyshire

7.1 Vision Derbyshire is a collaboration of local authorities across Derbyshire delivering priority projects which have a positive impact on people's lives and achieve greater council efficiency. It was established in 2020 to further a number of workstreams collaboratively between DCC and constituent Tier 2 Local Planning Authorities. One of these related to climate change mitigation across the County.

7.2 Since 2020 Planning Officers from the Council have contributed to the climate change working group of the Vision Derbyshire climate change workstream (a partnership of LPAs in Derbyshire including Derbyshire County Council and HPBC). The group agreed to the production of "joint" generic planning guidance and readiness assessment tool to assist DM services across Derbyshire in the light of the climate change emergency. In November 2022 this was finalised and published on the DCC website: <https://www.derbyshire.gov.uk/environment/planning/planning-policy/planning-and-climate-change/planning-and-climate-change-guidance-and-assessment-tool.aspx> . Individual LPAs in Derbyshire were invited to apply/adopt both documents as desired.

HPBC Climate Action Plans

7.3 In 2019 Members declared a climate change emergency. The terms of the

Declaration include “*. to Make High Peak Borough Council carbon neutral in its internal operations and the services it delivers by 2030, and work with partners to achieve this target across High Peak*”. Subsequently the Council has published two climate change plans in 2021: Part 1 explains how the Council will contribute towards High Peak becoming carbon neutral by setting deliverable targets that will reduce the Council’s (direct and indirect) carbon emissions; Part 2 goes beyond this, focussing on everyone who lives, learns or works in High Peak, providing information, support and guidance about carbon reduction. It is split into 7 sections: ‘the way we live’ / ‘the way we travel’ / ‘the way we work’ / ‘the way we make energy’ / ‘the way we look after our environment’ / ‘the way we manage waste’ / ‘the way we can help change to occur’ and includes the Vision for “*the Council to become carbon neutral in its internal operations and the services it delivers, by 2030, and to work with partners to help achieve this target for the High Peak as a whole*”. Council Actions for each of the seven areas are often accompanied by commitments to partnership working or showcasing.

7.4 Planning law sets out that planning applications must be assessed against the adopted (and emerging) Development Plan, and any other ‘material considerations’ (including any local guidance and Government Policy/guidance). The current High Peak Local Plan was adopted in April 2016, and contains a number of policies dealing with sustainable development (including carbon mitigation measures and how to determine applications for renewables). The abovementioned Climate Change Action Plans postdate the adoption of the Local Plan.

7.5 The review of the 2016 High Peak Local Plan has commenced with an ‘early engagement’ consultation already having been undertaken in 2023; further stages are programmed before final ‘publication’ in 2026. The publication by DCC of both the CCPG and CCRAT therefore provides an opportunity for the Council to utilise within the DM service, in advance of the adoption of a new Local Plan.

The CCPG for Derbyshire

7.6 According to the CCPG its purpose is “*..to assist in the development and review of planning policy at all levels, including neighbourhood and local plans, and to assist Development Management officers in making informed decisions. The guidance has been drafted by, and for, the Derbyshire Planning Authorities, to provide information to help underpin future policy and development management decision making which will aim to address the causes of climate change..*”

7.7 The CCPG: introduces the issue of the international climate change emergency; international and national legal and policy contexts; sets out examples of ‘good practice’ Local Plan policies across England; sets out existing and proposed low carbon energy sources across Derbyshire. The document then comprehensively deals with how developers can address a number of intersecting climate change-related issues: a section on ‘The built environment, energy efficiency, building design and layout’ sets out how various design/layout measures can mitigate carbon impacts of development; with further sections on ‘Historic Built Environment’; ‘Reducing the need to travel and promoting sustainable development’; ‘Securing enhanced green infrastructure, natural capital & biodiversity net gain’; ‘Managing the water environment’; ‘Sustainable approach to minerals and waste developments’; and ‘Promotion of renewable energy technologies’.

The CCRAT

7.8 The CCRAT is intended for applicants to 'self- assess' their schemes before submission to an LPA for assessment. It is a broadbrush assessment in the form of a spreadsheet which provides an overall percentage score of the climate change readiness of a proposal, in a broad red-amber-green banding; however it does not attempt to establish the GHG emissions of savings through mitigation as such. It is broken down into a number of sections, each of which poses a series of questions of the applicant as to whether a particular climate change issue has been considered. The sections are: built environment / commercial / green infrastructure / energy generation / travel / water environment / minerals /waste . Residential, and non-residential schemes are assessed slightly differently, with a mean of percentage scores for applicable sections being provided in each case for an overall score. It should also be noted that, were a question (or section) deemed 'not applicable', the tool does not penalise the applicant score-wise. Rather than setting a percentage score that proposals must satisfy, the CCRAT is intended to draw attention of both applicants/DM officers of 'failings' and whether climate change mitigation 'improvements' can be made to a proposal.

Application

- 7.9 Officers at the Economy and Regeneration Section in DCC have advised that:
- *"..[DCC] are revising our own validation list and intend to include both the guide and metric [CCRAT] in support or a requirement for a climate change statement setting out the ways in which the proposal actively seeks to reduce its impact on climate change.." -although at this stage possibly limited to major County Matter applications only; and*
 - *" while other Derbyshire LPAs haven't yet adopted the documents, they are being used as a reference to assist in DM work and policy formulation/ evidence base.. [we are] also informed that Woking Borough Council are also using the CCPG as a reference document, with a view to drafting their own version."*
 - *"Both documents are listed as case studies of best practice on the TCPA website."*

Status and Next Steps

7.10 Councils can prepare both planning 'guidance', and supplementary planning documents (SPDs) for use in the determination of planning applications. Legislative requirements have changed over the years; however currently under the Town and Country Planning (Local Planning) (England) Regulations 2012, formal SPDs must undergo a period of public consultation, and must also relate to one or more specific Development Plan policy (but cannot introduce new planning policies into the development plan). Whereas planning 'guidance' can be more informal in nature/scope and can be adopted at any time through appropriate Council procedures. It is intended that both the CCPG and CCRAT would be 'planning guidance', obviating the legislative requirements placed upon SPD preparation/adoption; additionally the CCRAT would be uploaded to the DM website

and included in any future review of the validation checklist and consequently this would place an expectation upon applicants that their scheme must have been pre-evaluated through the CCRAT. DM officers would then assess each scheme in the normal way under para 70A TCPA/ Section 38(6) PCPA 2004, and additionally having regard to any scheme deficiencies identified by CCRAT scorings. Adoption of CCRAT as part of validation checklist would result in schemes meeting the threshold and not submitting a self-assessment being deemed invalid under the Town and Country Planning (Development Management) Procedure Order.