Advice from Climate Team to Planning

Reference: PL/2023/04996
Address: Land West of Millbourne, Malmesbury, Wilts
Proposal: Outline planning application (all matters reserved except access) for erection of 92 dwellings (including 40% affordable housing) together with associated access, parking, pedestrian and cycle routes, public open space, play space, landscaping, drainage and associated infrastructure.

Applications for planning permission must be determined in accordance with the relevant policies of the development plan unless material considerations indicate otherwise (ref: Section 38(6) of the Planning and Compulsory Purchase Act 2004). Section 19 of this Act places a legal duty on development plan documents, taken as a whole, to include policies designed to secure development that contributes to the mitigation of, and adaptation to, climate change.

Development Plan:

At paragraph 1.3 of the Wiltshire Core Strategy (WCS) key principles that underpin the strategy to help build more resilient communities are identified including:

- *"Providing for the most sustainable pattern of development that minimises the need to travel and maximises the potential to use sustainable transport."*
- *"Managing development to ensure that jobs and the right infrastructure are delivered at the right time to ensure that out commuting, in particular to areas outside of Wiltshire, is not increased"*
- *"Working towards lowering Wiltshire's carbon footprint through the appropriate location of development, and through renewable energy and sustainable construction."*

Paragraph 1.10 states: *"**The overarching priorities are to help build and protect resilient communities through….. tackling the causes and effects of climate change**"*

Paragraph 2.10 states: *"**Climate change is a central issue to be addressed by the WCS**….. The basis of this strategy is to achieve sustainable patterns of development in order to reduce carbon emissions."*

The WCS sets out that addressing climate change as a strategic objective stating at paragraph 3.5 that: ***"Climate change is possibly the greatest long-term challenge facing the world today."***

Paragraph 6.32 sets out that the strategy will contribute to tackling climate change through a number of different areas of policy, such as:

- focusing growth at the larger settlements to help minimise the need for travel,
- ensure new development can withstand future changes in climate and add minimally to carbon emissions,
- provide a network of green infrastructure; and
- ensure more sustainable forms of transport.

Core Policy 41 seeks to help to reduce Wiltshire's contribution to climate change through improved design and construction methods. The policy states that: *"New development, building conversions, refurbishments and extensions will be encouraged to incorporate design measures to reduce energy demand. Development will be well insulated and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer."*

Furthermore, the policy requires major applications to be submitted with a Sustainable Energy Strategy.

Core Policy 60 sets out that *"the council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods."* It sets out a number of means to achieve this including planning development in accessible locations, and promoting alternatives to the private car. These aims are further supported by CP61, CP62, CP63, CP64, CP65 and CP66.

In addition, the Wiltshire Core Strategy contains specific policies in relation to **biodiversity (CP50), green infrastructure (CP52), high quality design (CP57), flood risk (CP67)** and **water resources (CP68)**. These all relate to reducing Wiltshire's contribution to climate change and/or adaptation. To be compliant with these policies regard should be had to the implications of the development on climate change. As set out previously climate change is the central issue to be addressed by the development plan.

Other material considerations:

As set out above planning legislation establishes that **other material considerations** should be taken into account in the determination of planning applications. As such, these need to be kept in mind as developments are planned and formulated. Other material considerations may include other local planning policy and guidance, the emerging Wiltshire Local Plan Review, UK government legislation or Written Ministerial Statements and national planning policy and guidance such as the National Planning Policy Framework.

The Council is carrying out a **Local Plan Review**. A draft version has now been approved by cabinet and full council to proceed to the Regulation 19 stage of public consultation. This remains at a relatively early stage. A suite of ambitious new and replacement policies to further reduce Wiltshire's contribution to climate change and foster better community resilience to impacts from climate change are now emerging. The direction of travel is reflective of wider strategic policy already adopted by Wiltshire Council, such as the **Wiltshire Climate Strategy, adopted February 2022**. This builds on the Council's February 2019 resolution to acknowledge a **climate emergency and subsequent commitment to seek to make the county carbon neutral by 2030**.

To further underline this the **Climate change act 2008 (2050 Target Amendment) Order 2019** raised the **duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline** (previously 80%).

The **National Planning Policy Framework (July 2021)** (NPPF) sets out the UK government's position on planning in England.

Paragraph 7 of the NPPF states: *"The purpose of the planning system is to contribute to the achievement of sustainable development"* and paragraph 8 makes it clear that **mitigating and adapting to climate change is a core planning objective**.

Paragraph 152 states: *"The planning system should support the transition to a low carbon future in a changing climate…. 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."*

Paragraph 154 states that: *"**New development should be planned for in ways that:***

a) ***avoid increased vulnerability to the range of impacts arising from climate change.*** *When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
b) ***can help to reduce greenhouse gas emissions, such as through its location, orientation and design****. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards."*

Paragraph 157 goes on: *"In determining planning applications, local planning authorities should* ***expect new development to…… take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption****"*

In terms of transport paragraph 104 states that "transport issues should be considered from the earliest stages of plan-making and development proposals, so that….. opportunities to promote walking, cycling and public transport use are identified and pursued".

In terms of the future national direction of travel the **10 Point Plan**, **Net Zero Strategy**, **Heat and Buildings Strategy** and the **Sixth Carbon Budget** are very clear. The intentions include:

- More journeys by public transport, walking and cycling;
- More electric cars; and
- More renewable energy and storage technologies.

Comments on the submission:

The climate team actively and strongly encourages developers of all scales to put the mitigation of and adaption to climate change as a golden theme to run through their development project. This will mean different things depending on the scale of the project, but to support the transition to a low carbon future, radical reductions in greenhouse gas emissions over the existing status quo will be required.

As set out above, s19 of the Act places a statutory duty for development plan documents, taken as a whole, to include policies designed to secure development that contribute to the mitigation of, and adaptation to, climate change. The Wiltshire Core Strategy achieves this through its locational, sustainable transport, sustainable construction and various climate adaptation related policies. If these policies are not addressed then the proposal will not contribute to addressing climate change.

The applicant is looking to address locational conflicts with the development plan. In these circumstances, one way to mitigate this conflict would be to take a more ambitious approach in relation to other climate change issues, such as providing a clear strategy to go above and beyond usual expectations on sustainable construction, sustainable transport and climate adaptation.

Extant development plan Core Policy 41 sets a requirement for this scheme to be submitted with a Sustainable Energy Strategy. The developer should be invited to submit this prior to determination. Whilst Code for Sustainable Homes has been effectively scrapped, this policy requirement is an opportunity for encourage the developer to be ambitious and show a genuine commitment to addressing climate change. Currently it appears that the developer is just targeting meeting building regulations and this can carry only neutral weight and not offset the locational conflict that the scheme has with the development plan.

The Sustainable Energy Strategy should address issues of sustainable construction including operational carbon, embodied carbon and water efficiency. It should also address issues of sustainable transport and climate change adaptation.

In terms of operational carbon, the illustrative masterplan for the site is quite encouraging. It appears to show a form of development that could employ high levels of roof mounted solar PV panel arrays on roof slopes within 30 degree orientation of south. If the developer were to target high levels of thermal efficiencies and air tightness (above building regulations) and combine this with air source heat pumps for heating and hot water needs, then a net zero in operation development could be achieved. This would be a natural progression from the adjoining development that achieved CfSH L4 and prove highly marketable.

In terms of water efficiency the recent letter to local authorities from Minister Double highlights that in water stressed locations such as this that a higher water efficiency standard can be secured of 110l/p/d. This has been promised in the submission and so a condition to require this standard will not be contentious and compliance can then be achieved through building regulations Part G. This would improve the sustainability of the development.

In terms of embodied carbon, it is acknowledged that this is harder, especially at outline where the principle is being addressed and we have no policy target in place. However, this is an emerging area of policy and so I would encourage the developer to set out their approach to minimising carbon through their design of the substructure, superstructure and external finishes. This should be expressed in kg/sqm of carbon. I would support the developer to be ambitious and attempt to be innovative over and above their standard practices. If they do not know this information as a land promoter then that should be expressed clearly and be assessed as a neutral consideration.

Turning to sustainable transport then the infrastructure provision to support walking and cycling appear positive and should be appropriately secured. Furthermore, convenient and secure cycle parking needs to be provided for every unit and committed to in principle. In addition, a strategy for electric vehicle charging should be outlined at this stage to ensure every dwelling, whether it has in curtilage parking or not, has access to a charge point associated with their own secure energy supply. This could be afforded some positive weight in any planning balance if it can be secured.

In terms of climate change adaptation, the indications seem to be positive with a number of nature-based solutions shown on the illustrative masterplan such as open SuDS and good levels of trees located to provide shade and cooling. Ideally a commitment to various climate change adaptation measures should be set out either in the Sustainable Energy Strategy or the DAS so that it can be appropriately conditioned and thus transferred into any reserved matters application and given some positive weight in any planning balance.

In summary, currently I object to the proposals due to a lack of Sustainable Energy Strategy (CP41 conflict) and its conflict with the development plan's locational policies. However, if the developer takes the ambitious approach I advocate above then I think overall the scheme might be considered to have a positive impact in terms of addressing climate change. That could be given positive weight in any planning balance and I would be happy to support the proposal.

Climate change is the central issue to be addressed by the development plan. The direction of travel since its adoption in 2015 is very clear with the Council's adopted Climate Strategy in 2022 setting a framework for reducing carbon emissions in Wiltshire and for making the county resilient to climate change. Furthermore, the NPPF states that planning needs to shape places in ways that contribute to radical reductions in greenhouse gas emissions.

Date: 26 July 2023

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