

Report of Chief Planning Officer

Report to Climate Emergency Advisory Committee

Date: 23rd October 2019

Subject: Climate Emergency and Planning

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| Are specific electoral wards affected? If yes, name(s) of ward(s): ALL | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Has consultation been carried out? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Will the decision be open for call-in? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Summary

1. The Council recognises that climate change is one of the greatest challenges facing humanity and is committed to tackling the causes of climate change in Leeds and being resilient to its impacts. As part of this, the Council is committed to making Leeds carbon neutral by 2030.
2. The Council's plans for tackling the causes of climate change include: a low carbon economy, sustainable infrastructure, improving air quality, reducing pollution, reducing emissions from buildings, promoting less waste, reducing the need to travel, reducing flooding and other risks from future climate change.
3. The statutory planning system is one of the main ways in which climate change can be mitigated and can help places be more resilient to its impacts because it has a key role in place-making by shaping the use of land and buildings through the grant of planning permission in line with a Development Plan.

Recommendations

4. That the committee notes the report and the 5 objectives, which form the initial focus of the Building, Energy and Planning Working Group.

1. Purpose of this report

- 1.1 This report sets out the role of the planning system in mitigating and adapting to climate change. It provides background on the current national and local policy framework, largely provided by the Leeds Local Plan and sets out the work programme for how planning can help achieve the Council's ambitious targets by 2030.

2. Background information

The Planning System

- 2.1 The planning system ensures that the right development happens in the right place at the right time, benefitting communities, the economy and the environment. It specifies the quantity and quality of development, what needs to be protected or enhanced in order to ensure that development is sustainable.
- 2.2 The Council can set out a vision and framework for the future development of Leeds in a Local Plan. This addresses needs and opportunities in relation to housing, the local economy, community facilities and infrastructure. It provides a degree of certainty for communities, businesses and investors, and a framework for guiding decisions on individual planning applications.
- 2.3 A Local Plan must be examined by an independent inspector whose role is to assess whether the plan has been prepared in line with the relevant legal requirements (including the Duty to Cooperate and a Sustainability Appraisal) and whether it is "sound" i.e. positively prepared, in line with national policy, justified and effective (i.e. deliverable). In demonstrating these tests Local Plans need to be supported by robust evidence bases, including on viability.
- 2.4 Decision taking must be in line with the Development Plan (the Local Plan and any Neighbourhood Plans). Supplementary Planning Documents (SPD) add further detail to policies in the Local Plan. They can be used to provide additional guidance for development on specific sites, or on particular issues, such as design and place-making.

The Legal Framework

- 2.5 There is a statutory duty on local planning authorities to include policies in their Local Plan designed to tackle climate change and its impacts. This is set out below:

| Legislation | Implications |
|---|---|
| Planning & Compulsory Purchase Act (2004) | Planning must secure that the development and use of land contributes to the mitigation of and adaptation to climate change |
| Planning Act (2008) | A duty that Plans have climate change targets and policies |
| Planning & Energy Act (2008) | Powers to require some low-carbon energy generation from new development |
| Climate Change Act (2008) | Establishes the importance of planning in securing legally binding targets |

National Guidance

- 2.6 The National Planning Policy Framework states that plans must “*pro-actively shape places in a way that contributes to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience*”. It also notes that LPAs must take account of the Climate Change Act 2008, which involves setting carbon dioxide emissions reduction targets, measuring progress on carbon dioxide emissions reduction and requiring on-site renewable energy generation.
- 2.7 The NPPF also contains policies on a wide range of other topics such as significantly boosting the supply of housing, the use of land and the importance of development being viable to willing developers. The balance between these factors is left to local planning authorities to strike through Local Plan preparation.
- 2.8 It is noted that there has been a period of instability as regards the requirements for energy efficiency of buildings and on-site generation following the cancellation of the Code for Sustainable Homes. Very recent consultation on this subject provides some clarity (see below para. 3.7).
- 2.9 The deregulation of planning through the expansion of permitted development, which leads to the conversion of commercial and other properties for housing, without planning control, is also a factor in planning for climate change.

The Leeds Local Plan

- 2.10 Climate change has been a key feature of spatial planning for the past 20 years and has been a key driver of the shape of the Leeds Local Plan, which currently comprises the following documents:
- 2.10.1 The Core Strategy (as amended 2019), sets a spatial strategy that:
- a) Focuses the majority of housing and employment development in the city centre, main urban area and major settlements so as to reduce the need for people to travel to work and enable such journeys to be by public transport (74% of housing development has been in these areas since 2012)
 - b) In some cases, in the outer areas, and reflecting the geography of Leeds, aims to meet local needs locally through sustainable development supported by new or enhanced infrastructure
 - c) Includes a carbon reduction target of 40% between 2005 and 2020
 - d) Priorities the use of brownfield land (on average 81% of all development since 2012 is on PDL)
 - e) Protects, maximises and extends a network of green infrastructure including green spaces
 - f) Secures net gains for biodiversity through habitat protection, creation and enhancement
 - g) Manages flood risk and makes space for water in new developments
 - h) Sets challenging carbon emission reduction targets above current building regulations and energy generation targets for new buildings
 - i) Encourages commercial scale renewable energy generation
 - j) Establishes and encourages heat networks and energy recovery facilities

- k) Requires electric vehicle charging points in all new developments (recently introduced)

2.10.2 The Natural Resources and Waste Local Plan (2013) elaborates on the strategic policies of the CS as well as including policies to:

- a) Encourage a more efficient use of natural resources and increase waste re-use, recycling, composting and residual waste treatment with energy recovery so that as little waste as possible is disposed of at landfill
- b) Improve air quality
- c) Protect existing railway sidings and canal wharves to encourage better use of the water and rail transportation networks for the sustainable movement of freight.
- d) Ensure that when trees must be lost through development they are replaced at a rate of three trees for every one lost.

2.10.3 The Aire Valley Leeds Area Action Plan (2017) plans for over 4,000 homes on previously developed land in a former industrial part of Leeds with a new economic hub (focused on the Enterprise Zone and the South Bank). It is set within the context of a green infrastructure plan and recommends where sites should be joined up to the heat network.

2.10.4 The Site Allocations Plan (2019) plans for:

- a) 52,000 homes in locations which have been assessed as sound and sustainable through independent examination
- b) 245ha of employment land and 830,000 sqm of office space in local and town centres
- c) over 60% of housing on previously developed land
- d) over 1,600 green spaces are designated and protected from development
- e) delivery of new schools on large allocations
- f) flood risk mitigation, landscaping, the protection of biodiversity and on site green space provision through site requirements, consistent with and necessary to respond to climate change issues.

2.11 As well as the policies in the Local Plan the Council has supplementary planning policies in Building for Tomorrow Today (2011) which provide practical guidance for design and construction projects within Leeds aiming to achieve the highest possible levels of sustainability and is accompanied by a developer checklist. Also Neighbourhoods for Living (2003) is a guide focussed on the process of achieving better urban design and place-making.

2.12 The suite of policies in the Leeds Local Plan are already ambitious when set against current national policy. In terms of bench marking the City Council's baseline position, an initial review of the London Plan, Adopted Plans within Core Cities and the Leeds City Region has been undertaken. This highlights that the London Plan has recently stepped up ambitions to reduce CO² targets, which are currently being tested at public examination. In comparison, the majority of Core Cities and those within the City Region do not have the same comprehensive suite of policies on climate change as Leeds does and the City performs well when benchmarked against other local authorities.

2.13 However, it is recognised that although strong policies exist, delivery on the ground must be more dependable and their outcomes monitored. There are a number of challenges in this regard:

- The current suite of indicators in the Local Plan are not targeting policies for climate change and they are difficult to find out e.g. the energy efficiency of new dwellings once built
- A lack of resources has meant a loss of skills on energy and climate change
- A national focus, through a “presumption in favour of sustainable development” has meant that in the absence of an up to date Local Plan and lack of a 5 year housing land supply the delivery of housing takes priority
- Guidance on the viability of schemes has been a key factor of development decision taking since the economic recession in 2008. Whilst this has been rebalanced through revisions to the NPPF it can remain a limiting factor on ambition

3. Main issues

3.1 The existing suite of Local Plan policies provides a comprehensive framework from which to progress in order to achieve more urgently the revised overall reductions in carbon emissions set out in the April Executive Board Report.

3.2 The Planning, Energy and Building Working Group (PEBWG) met on 16th September and discussed the issues raised above along with a draft action plan. They agree that there is an initial focus of planning which can be summarised around 5 key objectives as follows:

Objective 1: Increase the responsiveness of the development industry to the climate emergency and learn from industry good practice

3.3 A means of engaging with the development industry is to be established with the view of changing the current mind set of developers. An approach to this would be to establish a forum which will provide a basis for ongoing discussions with relevant stakeholders in the development industry in Leeds about achieving the roadmap to lower carbon targets in Leeds up to 2030. The forum will provide an industry view on the planning, energy and building issues arising and seek innovative ways to help achieve these targets.

3.4 Other means of engaging with industry will be considered, including: the potential to extend the Leeds architecture awards to include “best carbon saving” and “best climate resilient” categories; a Leeds Climate Change Summit and a best practice web-site showcasing exemplary delivery such as CITU.

Objective 2: Increase the knowledge of planners and plans panel members to take more effective development decisions

3.5 As noted above there is a strong policy basis from which to address climate change in Leeds, but there is recognition that its implementation needs to be

sharpened. This is more achievable now that the Council has an up to date Local Plan in place and a 5 year housing supply. Activities will focus on:

- A series of implementation guidance notes that maximises the effectiveness of current policies and ensures that they have appropriate weight in decision taking
- Improved monitoring and delivery of current policies
- A clarification of Building for Tomorrow Today and promotion of Neighbourhoods for Living which will seek to embed place-making for the climate emergency (alongside health and wellbeing and inclusive growth) in all development decisions
- Planning briefs for key sites which place climate change at the heart of development proposals at an early stage
- A training programme for officers, which is focussed on embedding and mainstreaming climate change as a core value across planning and wider City Development
- A training programme for Members

Objective 3: Lobby key agencies so as to promote national and regional change

- 3.6 As the Council works towards the roadmap to 2030 it will be important to understand the limits to carbon reduction which are placed on the planning system and Building Regulations by Government policy and the decisions of the Planning Inspectorate.
- 3.7 It is noted that MHCLG has recently launched a Future Homes Standard consultation to which the Council will respond. This sets out potential changes to Building Regulations, which set minimum levels of energy efficiency in buildings. The consultation sets out two options to uplift energy efficiency standards:
- Option 1: 20% reduction in carbon emissions compared to the current standard. This is the level Leeds currently expects (driven through Core Strategy Policy EN1).
 - Option 2: 31% reduction in carbon emissions compared to the current standard. Government anticipate this could be delivered based on the installation of carbon-saving technology such as photovoltaic (solar) panels and better fabric standards
- 3.8 By setting an ambitious minimum standard the Government recognises that the current approach to expecting individual authorities to set their own ambitious standards is inconsistent, confusing, and creates inefficiencies in supply chains, labour and outcomes. However, the Government are also proposing that once set as a minimum, local authorities would be restricted from imposing any further uplift.
- 3.9 Government have noted that after the scrapping of the 2016 Zero Carbon Homes standard, a number of local authorities (including Leeds) stepped up and used their powers to set higher energy standards - thereby usefully demonstrating to Government the viability of mandating such standards nationwide. There will be other areas in and around this agenda where a similar approach can be taken.

Objective 4: Adopt a Local Plan Review with the climate emergency at its heart

- 3.10 National guidance states that LPAs should review their plans every 5 years to see if they need updating. This process has started with a recognition that there is a need to ensure that climate change sits at the very heart of any revised spatial strategy and strategic policy framework for Leeds. The Council's Development Plan Panel is due to consider the initial headline scope of a review before the end of the year.
- 3.11 Such a review would require an updated evidence base, including on low carbon and renewable energy generation, flood risk assessments which understand climate change scenarios and consideration of the viability of development and the ability of local policies to ensure that new buildings play a key role in delivering carbon reduction targets.
- 3.12 As part of plan-making there is a need to continue to work with local communities to maximise the role of Neighbourhood Plans in mitigating and adapting to climate change. Many groups in Leeds are already engaged with local sustainability and resilience issues, such as green infrastructure provision. Many groups are keen to set policies on climate change as well as use NPs to identify projects that could be funded through local CIL and other means. The Council is in the process of building on an initial workshop with local groups supported by the Centre for Alternative Technology.

Objective 5: Develop a trajectory to 2030 which clearly evidences and monitors the roles of relevant sectors (inc. planning)

- 3.13 Working with the Climate Commission and the University of Leeds the LPA will work towards clarifying and evidencing the specific role of planning in achieving carbon reduction targets. This will be important so as to justify new policies, monitor their delivery and also to ensure that there is a clear understanding at the decision taking stage of the likely climate change impacts arising from development and how they should be minimised and/or mitigated.
- 3.14 This workstream involves recognising that the planning system has a key role to play in this agenda and a) this must be clearly set out and monitored, b) the planning system can't do everything on its own, but that barriers to delivery can be used to help influence changes via objective 3 and c) there are critical synergies that need to be made with other sectors.
- 3.15 Work is progressing on this, including exploring relationships around the following cross-cutting sectors:
- Transport/Mobility, including reducing the need to travel, walking/cycling, modal shift, public transport infrastructure, transport strategy, mass transit and managing airport growth
 - Waste Management, including reducing levels of consumption and a waste hierarchy (i.e. reduce, re-use and recycle)
 - Low carbon and renewable energy generation, energy consumption and energy hierarchies (i.e. reduce demand, improve efficiency and source need from sustainable sources)
 - Building Design & Construction, including new buildings and deep retrofitting of existing residential & commercial stock

- Biodiversity, Green and Blue Infrastructure
 - Green economy & supply chains for inclusive growth
 - Procurement
 - Sustainable Infrastructure for Climate Change Resilience
 - Taking personal responsibility
- 3.16 Within this framework there will be a need for an understanding of where the Council can take a lead, where the combined authority is best placed to lead, which partnerships can deliver better outcomes and the cost benefits of different options.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 There are no specific consultation and engagement implications pertaining to this report but consultation and engagement will be a key consideration as the 5 objectives noted in the report are delivered.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 An EDCI is not required for this report. Appropriate EDCI screenings / assessments will be undertaken in the course of the projects noted in the report.

4.3 Council policies and the Best Council Plan

- 4.3.1 The work programme set out in this report seeks to establish the clear role of planning in delivering the Council's Climate Emergency. At the same time it is important to note that many of the policy approaches to this such as good place-making will at the same time deliver on the inclusive growth and health and well-being agendas of the Council.
- 4.3.2 Planning is relevant to the delivery of all the priorities in the Best Council Plan and this role will be appraised and maximised as the projects described above are implemented.

4.4 Resources, procurement and value for money

- 4.4.1 There are no specific implications to this report. However, the objectives listed will require resources to deliver, not least a Local Plan Review. In general these will be met from within existing budgets.

4.5 Legal implications, access to information, and call-in

- 4.5.1 There are no legal implications for the contents of this report.

4.6 Risk management

- 4.6.1 The risks relating to the Climate Emergency are that the actions do not adequately address the need to reduce carbon emissions in-line with the

Council's and national objectives.

5. Conclusions

- 5.1 This report sets out a summary of the role of the planning system, the legal and national guidance framework and current situation in Leeds as regards the Local Plan policies on climate change.
- 5.2 The report sets out 5 objectives for the Planning, Building and Energy Working Group to pursue, which include a stronger focus on delivery and implementation now of the policies that the Council currently has (made easier by the up to date Local Plan and the presence of a 5 year housing land supply), working with the development industry to encourage better performance now and preparing for 2030 and reviewing statutory policies in the Local Plan to help achieve carbon emissions reductions by 2030.

6. Recommendations

- 6.1 That Members note the report and the 5 objectives which form the initial focus of the Building, Energy and Planning Working Group.

7. Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.