



Planning for Climate Change – Law and Policy Briefing

Local planning authorities in England are required to take strong, outcome-focused action on climate change, but delivery on the ground remains slow. This briefing outlines the key overarching legislative and policy requirements, with some aspects also applying in other parts of the UK and EU. In particular, it addresses:

- the law applying to Development Plan Documents and Spatial Development Strategies;
- the law relating to Strategic Environmental Assessment; and
- national planning policy and guidance.

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This briefing supports *Rising to the Climate Crisis: A Guide for Local Authorities on Planning for Climate Change*, which was produced by the TCPA and RTPI in 2018.

<https://www.tcpa.org.uk/planning-for-climate-change>

Law applying to Development Plan Documents and Spatial Development Strategies

Section 19(1A) of the Planning and Compulsory Purchase Act 2004 provides that:

‘Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change.’

This obligation – introduced through the **Planning Act 2008** alongside the **Climate Change Act 2008** – makes climate mitigation and adaptation central principles of plan-making.

Plan policies must be ‘designed to secure’ the outcomes in question, which requires a number of things in practice. In respect of emissions (‘mitigation’), these include:

- a robust assessment of the potential for local policy to achieve local emissions reductions over the plan period, taking into account the UK’s net zero commitment under the Climate Change Act;
- a local target set in accordance with that potential;
- an assessment of proposed policies’ consistency with that target; and

- a monitoring framework using relevant indicators to track the performance of adopted policies (i.e. for reporting at least annually as part of the Annual Monitoring Report process).

The same requirements flow from the obligations that apply to Spatial Development Strategies (see, for example, the **Liverpool City Region Combined Authority (Functions and Amendment) Order 2017, Schedule 1**). In particular, in exercising their planning functions, combined authorities are required to:

‘have regard to –

- (a) *the National Planning Policy Framework;*
- (b) *the effect that the proposed spatial development strategy or revision would have on –*

...

- (iii) *the achievement of sustainable development in the United Kingdom;*
- (iv) *climate change and the consequences of climate change;*
- (v) *the need to ensure that the strategy is consistent with national policies and the EU obligations of the United Kingdom ...’*

Law relating to Strategic Environmental Assessment

Equally, the requirement to assess and take into account a proposed plan's climate impacts exists under Strategic Environmental Assessment (SEA) regulations. SEA requires an environmental report (such as a Sustainability Appraisal) that identifies and evaluates the proposed plan's cumulative effects on the climate and its reasonable alternatives (see **Regulations 8 and 12 and Schedule 2 of the Environmental Assessment of Plans and Programmes Regulations 2004**).

European Commission guidance confirms that:

'An important function of SEAs is to assess the consistency and coherence between the [proposed plan] and the relevant policy objectives and targets for climate change. The SEA process should identify the policy objectives for ... climate change which may be relevant for the [proposed plan] and clearly describe whether it facilitates or contradicts their achievement.'

Policy and guidance

These duties in legislation are also supported by national planning policy and guidance – a relevant consideration in the preparation of plans under **Section 19(2)(a) of the Planning and Compulsory Purchase Act 2004**.

In particular, **Chapter 14 of the National Planning Policy Framework (NPPF)** states that:

'The planning system should ... help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions ... Plans should take a proactive approach to mitigating and adapting to climate change ... In line with the objectives and provisions of the Climate Change Act 2008.'

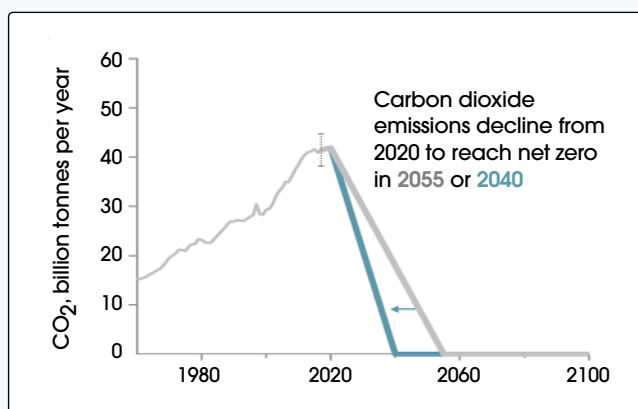
Paras 148 and 149 (including footnote 48)

The following parts of the **'Climate change' section of Planning Practice Guidance (PPG)** also provide clear support for a comprehensive and proactive approach to assessing the climate impact of local planning policy:

'In addition to supporting the delivery of appropriately sited green energy, effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. ... Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. To be found sound, Local Plans will need to reflect this principle...'

Para. 001

'Section 19(1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans 'policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change'. This will be a consideration when a Local Plan is examined. The Climate Change Act 2008 establishes a legally binding target to reduce



Global carbon dioxide emissions pathways for 1.5°C
Source: **Global Warming of 1.5°C**. IPCC, Oct. 2018.

the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels.'

Para. 002

Note that in June 2019 **this target was strengthened**, through the **Climate Change Act 2008 (2050 Target Amendment) Order 2019**, to commit the UK to reaching net zero greenhouse gas emissions by 2050.

Every area will have different challenges and opportunities for reducing carbon emissions from new development such as homes, businesses, energy, transport and agricultural related development.

- *Robust evaluation of future emissions will require consideration of different emission sources, likely trends taking into account requirements set in national legislation, and a range of development scenarios.*

...

- *The distribution and design of new development and the potential for servicing sites through sustainable transport solutions, are particularly important considerations that affect transport emissions. Sustainability appraisal should be used to test different spatial options in plans on emissions.'*

Para. 007

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