

The planning system plays catch-up

System urgently needs to bridge disconnect between politics, public and policy on climate change



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Climate change features heavily in the public mood and conscience, not least due to the extraordinary movement inspired by Greta Thunberg and worldwide protests by Extinction Rebellion. Politicians are responding.

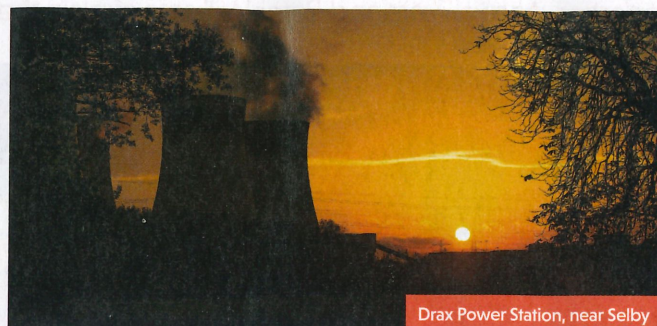
The political response

By July 2019, more than half of the UK's local authorities had declared a climate emergency. Many authorities went further and gave commitments to becoming carbon neutral by 2030 or earlier.

The picture at national level is also significant. In May 2019, the House of Commons approved a motion declaring a climate emergency, and in the last days of Theresa May's government the Climate Change Act 2008 (2050 Target Amendment) Order 2019 came into force. The effect of that Order was to amend the duty of the secretary of state in the Climate Change Act 2008 (the 2008 Act) to reduce the "net UK carbon account" (the amount of net UK greenhouse gas emissions, or GHGs) by 2050: the minimum percentage reduction was increased from 80% to 100% (compared to the 1990 baseline) – a "net zero carbon" target.

The planning response

Planning policy is some way behind. The latest National Planning Policy Framework (NPPF) was published in February 2019. Section 14 deals with climate change. Local authorities are to take a proactive approach in their local plans towards mitigating and adapting to climate change, considering the long-term implications in line with the objectives of the 2008 Act. However, local authorities are



Drax Power Station, near Selby

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not required to achieve those objectives. In addition, although the NPPF covers energy infrastructure, energy consumption and flood risk, climate change remains no more than a material consideration.

Local plans – to the extent that they have been brought forward in the light of the NPPF – tend to reflect the same position; in general, they do not afford climate change a special status in the considerations that are relevant to planning applications.

The overarching National Policy Statement for Energy (EN-1) was published in 2011, when the 80% 2050 reduction target in the 2008 Act was in force. EN-1 establishes the need for new low-carbon energy infrastructure, but it openly acknowledges the important role fossil fuels will continue to play in the energy mix. EN-1 also expressly states that GHGs are a significant adverse impact of some forms of energy generation which cannot be totally avoided and that GHGs do not constitute a reason to prohibit the consenting of such projects.

The Airports National Policy Statement (NPS) was also published at a time when the 80% 2050 reduction target was in effect (in June 2018). This is significant for two reasons:

■ Although the 2050 target excludes international aviation emissions, the government must take them into account. The Committee on Climate Change has taken this to mean that in practice any target needs to include these emissions; the government has accepted this.

■ In expressing support in EN-1 for the third runway at Heathrow, the government expressly concluded that the runway was deliverable within its legal obligations under the 2008 Act (as they then were).

Planning in practice

Three recent practical examples highlight the difficulties that this older policy position can cause on the issue of climate change:

■ On 4 October 2019 the secretary of state granted development consent for the re-powering of the Drax Power Station near Selby, against the recommendation of the Examining Authority (ExA). The ExA assessed the need for the development against the three objectives of EN-1 (security of energy supply, energy affordability and decarbonisation) and in view of the changes in energy generation since its publication. The ExA found that GHGs from the power station would increase substantially compared with a baseline scenario without re-powering and conflicted with the decarbonisation objective, while making only a neutral contribution to security of supply and affordability. The secretary of state concluded that it was not for the ExA to question the need for the development because the NPS established this having considered the balance between security of supply, affordability and decarbonisation at a strategic level. On the issue of GHGs, the secretary of state considered the new net zero carbon target in the 2008 Act

but concluded that this was still compatible with EN-1 because there was a "range of potential pathways" to achieve the target.

■ Teignbridge District Council is among the local authorities to have declared a climate emergency. In light of this, in October 2019 the council resolved that improvements were needed to local plan policies on climate change but that for the next two years it would give "appropriate weight" to relevant policies in the local plan to reflect the sense of urgency of its emergency declaration. This resolution does not change the interpretation of local plan policies, but it is a strong indication of the reality for planning applications in that authority's area; the difficulty is that, without new policies, there is very little clarity about how this will impact individual proposals.

■ In September 2019, the mayor of London responded to the consultation by Heathrow for its proposed development consent order for a third runway. He indicated that the third runway would have a material impact on the ability of the UK and London to meet GHG reduction targets. The mayor's team calculated that aviation would account for 17% of London's GHGs in 2050 without expansion, but 30% if the third runway went ahead. The mayor suggested that the amended target in the 2008 Act meant that the Airports NPS was out of date with respect to climate change.

Final word

The response of the public and our politicians to the threat of climate change has quickened in the past 12 months, and planning policy needs to catch up urgently. Until it does, there will be an undesirable disconnect between politics, public opinion and policy on climate change, with negative consequences for the certainty and timeliness of the planning process.