



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

**IMPROVEMENT AND SCRUTINY COMMITTEE – CLIMATE CHANGE,
BIODIVERSITY AND CARBON REDUCTION**

MONDAY, 14 FEBRUARY 2022

Report of the Executive Director - Place

**The County Council's Role in the Development and Implementation of
Low Carbon and Sustainable Planning Policy across the County**

1. Purpose

- 1.1 The purpose of this report is to inform the Improvement and Scrutiny Committee of the continued joint work with Derbyshire partners that is taking place across Planning Services to develop up to date and meaningful policies to help tackle climate change.

2. Information and Analysis

- 2.1 The County Council has a long history of successful collaboration on strategic planning matters, plan and policy making. Local planning authorities (LPAs) are required by law to prepare local plans. In principle, planning applications for developments that accord with adopted local plan policies should generally be approved. The leading documents that are used to assess planning applications for development are the adopted Local Plans.
- 2.2 The County Council is a statutory consultee to all the Derbyshire LPAs, as set out in the Localism Act 2011, and has a duty to respond to their statutory consultations on the Derbyshire Local Plans.
- 2.3 Historically, the County Council has played an important role in co-ordinating strategic planning across the County, working jointly with all the LPAs, including Derby City and the Peak District National Park Authority. This role continues and is now more important than ever. At the heart of this is our ability to help make a long-term difference to their

areas by helping facilitate good growth in the County and in Derby City. Much of this work focuses on housing delivery, job creation and investment and strategic infrastructure through the statutory local plan process.

2.4 Effective joint working includes:

- collaboration through a range of Derbyshire-wide officer working groups, such as the Planning Policy Officer Group, Heads of Development Management Officer Group, Heads of Planning Service Group and Planning Information Monitoring Officer Group;
- drafting of a range of Statements of Common Ground on cross boundary, strategic planning and highways matters to support district and borough local plan preparation and their associated Examinations in Public (EIPs);
- supporting Duty to Co-operate responsibilities as part of the local plan preparation;
- County Council appearing jointly at local plan EIPs to provide evidence on key cross boundary strategic planning matters; and
- establishing regular meetings to discuss cross-boundary strategic infrastructure provision.

2.5 The County Council, as the Mineral and Waste Planning Authority, also has a statutory duty to prepare a Minerals Local Plan and Waste Local Plan which set out policies for sustainable minerals and waste development. These plans are being prepared jointly with Derby City and will propose policies that aim to address the impacts of climate change and adaptation.

2.6 During last 18 months, the Planning Service has, through Vision Derbyshire, been working on a “Climate Change and Planning Policy Work Theme” which is currently being progressed by Derbyshire partners. The Work Theme will provide an important context and agreed principles for the next round of Local Plan reviews that will provide support in developing consistent and robust local plan policies to address climate change mitigation and adaptation. This work also meets the key targets and actions as set out in the Derbyshire County Council Climate Change Strategy: Achieving Net Zero (2021-2025).

2.7 Climate Change is now the greatest challenge facing society. The scientific evidence of climate change is overwhelming, and the global impacts of climate change will be severe.

2.8 The UK has a legal commitment to bring greenhouse gas emissions to net zero by 2050 with a minimum 78% reduction from 1990 levels by 2035. At a local level, the County needs to play its part in this by

reducing emissions and increasing renewable energy generation. Spatial planning plays a central role in the transition to a low-carbon society, by shaping new and existing developments in ways that reduce carbon dioxide emissions, and in the consideration of renewable energy proposals.

- 2.9 This is particularly important as Derbyshire continues to be an area of high planned growth up to around 2035. There is now a good understanding of the current distribution of the growth agenda that will deliver homes, economic development and key infrastructure within Derbyshire over the next 15 years. It is timely to develop a range of planning policies that will help Derbyshire meet the necessary carbon reduction targets, but also will be embedded in helping good growth within the County. There is now an opportunity to start thinking about the next generation of growth and ask fundamental questions around what the Council would like Derbyshire to be like in the next 50 years and how shared issues can best be addressed.
- 2.10 Fundamental to this is how both climate change mitigation and climate change adaptation is addressed. Many of the adverse impacts of climate change, such as extreme heat, flooding and water scarcity, vary spatially but will result in costs to businesses and householders of Derbyshire. Solutions to these problems need to be developed locally. Planning can do this directly through, for example:
- Consenting renewable-energy developments.
 - Determining the location, scale, mix and character of development to ensure that its density, layout, building orientation and landscaping make it resilient to climate impacts.
 - Encouraging a wide range of behavioural change, such as enabling people to make personal choices through, for example, the creation of green and walkable streets.
- 2.11 LPAs are bound by the legal requirement set out in Section 19 of the Planning and Compulsory Purchase Act 2004, as amended by the Planning Act 2008, for development plan documents (taken as a whole) to include policies designed to secure that the development and use of land in the LPA's area contribute to the mitigation of, and adaptation to, climate change. This outcome-focused duty on local planning clearly signals the priority to be given to climate change in plan-making.
- 2.12 In planning for renewable energy, paragraphs 155, 156 and 158 of the National Planning Policy Framework (NPPF) encourage local authorities to take a positive approach by identifying suitable areas for renewable energy generation and its supporting infrastructure, and by maximising

the opportunities for community-led and decentralised energy production.

- 2.13 LPAs produce local plans, minerals and waste plans and transport plans and are therefore uniquely positioned to take a leading role in tackling climate change and integrate proposals for energy infrastructure through these various planning documents, helping reduce greenhouse gas emissions and encouraging renewable energy generation.
- 2.14 A planning and climate change workstream has been identified under the Vision Derbyshire ‘live and work sustainably’ theme to achieve the rapid delivery of an agreed planning policy approach across the County. Following a meeting of the Planning and Climate Change executive group, the following ‘quick wins’ have been identified:
- 1) Climate Change Supplementary Planning Document (SPD) (or similar) – umbrella document to drive consistent planning policy across the County.
 - 2) Review of Derbyshire Local Plan Climate Change related policies – consider good practice across Derbyshire or UK.
 - 3) Review of Renewable Energy Development – what has been developed and approved.
 - 4) Developing Climate Change Guidance for Derbyshire Neighbourhood Plans.
 - 5) Presentations to all D2 (Derby and Derbyshire) Chief Executives and Leaders – ongoing learning including for officers.
- 2.15 There is already a strong, common platform of support for work in this area as each of the district, borough, County, City and National Park authorities have either declared a climate change emergency or adopted a motion to address climate change and from doing so, have also worked closely to develop the Derbyshire Environment and Climate Change Framework.
- 2.16 The existing Derbyshire Planning Policy Officers Group has commissioned a Climate Change and Planning sub-group. which meets every three weeks to drive forward this work, and is constituted of Vision Derbyshire and non-Vision Derbyshire authorities in recognition of the importance of the agenda
- 2.17 Significant work has progressed to address the five quick wins identified above. A summary of progress is contained below:
- 2.18 **Climate Change Supplementary Planning Guidance**
Ten out of 12 local plans in Derby and Derbyshire (including the Minerals and Waste Local Plans) are currently being replaced or are in

a review process and this is therefore opportune time to bring forward the development of a future policy.

- 2.19 The sub-group agreed to look at supplementary planning guidance (SPG) to provide the strategic policy framework and to that end, a draft SPG document has been prepared recently. The SPG will provide the information needed to develop and implement local plan policies that address the causes of climate change and the actions needed to adapt to the changes that are now inevitable.
- 2.20 The SPG will seek to assist in the development of robust planning policy that will:
- maximise reductions in greenhouse gas emissions from energy use, embedded energy and the creation of wastes;
 - improve community and infrastructure resiliency to the impacts of climate change;
 - avoid pollution of the air, land and water;
 - avoid noise and light pollution;
 - contribute to the health and wellbeing of Derbyshire's communities and natural systems;
 - facilitate transport choices, prioritising demand reduction, active travel and modal shift to other clean alternatives such as public transport and battery electric vehicles (BEVs);
 - conserve and enhance the natural environment and contribute to biodiversity enhancement and carbon sequestration; and
 - facilitate clean growth in the economy, taking advantage of demand for green technologies and services.
- 2.21 The SPG will address current Derbyshire Local Plan Climate Change related policies and consider good practice from across the UK. The guide will also assist in the development of local planning policy at all levels, including neighbourhood plans but will not provide draft policies, as these are to be made in light of local circumstances and priorities. The document will, however, identify a number of climate-related issues or design considerations that should be taken into account in the design and implementation of development proposals and can be included in development plan policies.
- 2.22 To support the SPG, an innovative climate change metric has been produced which quantifies the degree to which a development at planning application stage contributes to climate change mitigation. The metric does not give an indication of tonnes of greenhouse gas saved through reduced emissions but is intended to identify whether or not a number of issues or design considerations have been included in the development design process and whether they have been included

for implementation in the final proposal. The metric highlights where there are deficiencies in an application in the following areas: energy efficiency and generation, transport and active travel, design and layout, green and blue infrastructure and biodiversity.

2.23 The metric provides the opportunity for both developers and/or planning officers to assess the level to which climate change has been considered in the design of a planning proposal. As such, the SPG and metric are intended as a web-based resource.

2.24 **Review of Existing Renewable Energy Resource and Evidence of Future Potential Resource and Capacity**

The Department for Business, Energy and Industrial Strategy (BEIS) already monitors renewable energy developments on a quarterly basis. This information will be reviewed periodically by sub-group officers.

2.25 The Commissioning of part of later work it is considered that new evidence on green energy/renewable energy is considered necessary to support plan making and the development management process, because previous studies for renewable energy are piecemeal and out of date. Furthermore, there has recently been a raft of speculative large-scale solar planning applications in Derbyshire with little or nothing in current Local Plans to guide decision making on such significant developments. A renewable energy study will help authorities to strategically assess sites and applications as part of both the Local Plan and the Development Management planning processes.

2.26 As noted above, a number of local plans are currently within a review process and the time is therefore right to develop a Derbyshire-wide understanding of how much energy is needed, the type and potential scale of renewable energy technologies, where renewable energy generation developments could be located and the potential opportunities and challenges this could present, including the deployable potential energy generating capacity that may be available from renewable sources.

2.27 Successful grant submissions have been made to the Midlands Energy Hub, D2 Energy Board and Business Rate Funding, to raise £50,000 funding which is enabling a renewable energy study to be delivered, the key aims of which are:

- To provide LPAs with sufficient fine grained detail to develop an understanding of the overall energy requirement, the potential for renewable energy development in their areas; the potential energy generating capacity; and how this development might be planned for and managed through the planning system.

- The provision of robust evidence to underpin the inclusion of effective renewable energy and climate change policies into Local Plans to support both the examination in public of a local plan and the defence of a local plan policy at a planning appeal.
- To ensure that the right typology of renewable energy is delivered in the right location, given the degree of landscape sensitivity in Derby and Derbyshire and the Peak District National Park, using landscape character types as a spatial framework.
- To contribute towards a local plan evidence base in line with the National Planning Policy Framework, and in particular paragraphs 155 and 158(b).

2.28 A contract for this study work has been awarded to Scene, a specialist consultancy that has expertise in renewable energy.

2.29 **Ongoing learning:**

There are three learning streams proposed:

- Targeted, bespoke training on the climate change metric for local planning authority officers, to be facilitated in 2021. This may also be recorded on Teams as a training resource.
- A wider Derby and Derbyshire webinar training event for all members and officers with key speakers towards the end of the workstream.

2.30 One of the conditions of the Midlands Energy Hub and D2 Energy Board grant is to disseminate the 'Derbyshire' approach and Renewable Energy Study information across the Midlands Energy Hub area. The consultants appointed for the renewable energy study are also to present workshops/seminars about their work on the study

Next Steps - further work streams

2.31 Given the success of this workstream and the progress made towards its delivery, the sub-group has suggested further work with regard to the climate change agenda. These are subject to capacity and could be taken forward as part of the ongoing Vision Derbyshire workstream.

3. Consultation

3.1 In its role as a strategic planning authority, the County Council is a statutory consultee for local plan making. It also provides statutory comments on significant strategic development. It therefore has a duty to respond to statutory planning consultations and in doing so will involve a range of specialist officers in the Council.

3.2 The SPG does not require formal consultation. It has been developed through engagement with County Council officers and planning/climate change officers from Derbyshire's District and Borough Council. There is no statutory duty to engage on this document. The SPG and the metric was sent for validation and comment to the Town and Country Planning Association (TCPA), which co-authored with the Royal Town Planning Institute the publication 'The Climate Crisis: A Guide for Local Authorities on Planning for Climate Change'; and to the Tyndall Centre for Climate Change Research (a partnership of universities). Current indications are that both consultees like the approach with further comment to follow. The draft content of the SPG and metric will be shared imminently with the sub-group members for comment.

4. Alternative Options Considered

4.1 Not to continue the collaborative approach to working with all the other Derbyshire Local Planning Authorities could raise the risk of inconsistent climate change policies across Derbyshire. Without the SPG and metrics, there would be a conspicuous lack of county-focussed guidance tailored to supporting consistent policy formulation. Therefore, this option is considered to be untenable.

4.2 In developing a collaborative approach, alternative approaches to climate change planning policy were considered, and the preferred approach is continuing working closely with all the Derbyshire Local Planning Authority partners, which is considered achievable within the County Councils planning statutory duties.

5. Implications

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

6.1 Not applicable.

7. Appendices

7.1 Appendix 1 – Implications

8. Recommendation

That the Committee resolves to acknowledge the progress being made and support the ongoing activity in collaborative work with D2 partners for developing low carbon planning policies including the

development of draft Supplementary Planning Guidance and the Strategic Renewable Energy Study, that is reported on in this report.

9. Reason for Recommendation

- 9.1 This work is within the theme work streams of Vision Derbyshire and the priority actions of the Derbyshire County Council Climate Change Strategy. The Supplementary Planning Guidance and the Strategic Renewable Energy Study will both provide important strategic evidence to support development of consistent local planning policies on climate change and contribute to delivery of the Climate Change Strategy.

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Implications

Financial

- 1.1 The delivery of the work streams has been shared across the Local Planning Authority partners and has no financial implications for the Council. Successful grant submissions were made to the Midlands Energy Hub, D2 Energy Board and Business Rate Funding, to raise £50,000 funding has enabled a renewable energy study to be delivered.

Legal

- 2.1 The Council, by powers contained in the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, the Sustainable Communities Act 2007 and the Localism Act 2011 is empowered to engage with other agencies and stakeholders for helping to mitigate and adapt to climate change.
- 2.3 Local planning authorities are bound by the requirement set out in Section 19 of the Planning and Compulsory Purchase Act 2004, as amended by the Planning Act 2008, for development plan documents (taken as a whole) to include policies designed to secure that the development and use of land in the LPA's area contribute to the mitigation of, and adaptation to, climate change.

Human Resources

- 3.1 None.

Information Technology

- 4.1 None.

Equalities Impact

- 5.1 None.

Corporate objectives and priorities for change

- 6.1 The collaboration with other Local Planning Authorities supports the Council's ambition to be a net zero organisation by 2032, or sooner, and for the County to be net zero by 2050 and informs the action that needs to be taken to achieve these ambitions.

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 None.