

# english planning's darkest hour



The global impacts of climate change are truly shocking. Extreme weather in places as far afield as Canada and Germany is costing lives and will, because of the fatal inaction of governments across the globe, cost many millions more. The global spotlight is on the UK in the run-up to the crucial United Nations COP 26 Climate Change Conference – which is effectively our last chance to secure a sustainable planet. It is vital that we get strong policy leadership from the Westminster government.

That is the context for the publication on 20 July of the revised National Planning Policy Framework for England (NPPF).<sup>1</sup> The revision provided an opportunity to show how planning can play a crucial role in climate mitigation and adaptation and in building a zero-carbon and resilient future. So it is simply staggering that the new version does nothing to recognise the changing dynamics of the climate crisis.

Those re-drafting the NPPF have ignored not simply the Climate Change Committee's detailed budgetary requirements published on 9 December last year (in the Sixth Carbon Budget),<sup>2</sup> but the weight of the coalition of responses to the NPPF consultation that provided a range of detailed suggestions on how the government's approach to climate change could be improved to reduce carbon emissions.

In fact, policy within the NPPF on climate mitigation has not changed for over a decade, since the coalition government disastrously cancelled the comprehensive guidance on the delivery of a low-carbon future.<sup>3</sup> A crucial decade during which work could have been undertaken to deal with the climate crisis has been wasted.

The sense of anger at this profound dereliction of responsibility on the part of government should not distract us from being precise about what needs to be done now. The logic which the TCPA and many

other organisations have been presenting to Ministers runs like this:

- The planning system deals with a basket of issues of profound importance for tackling the climate crisis. It does this directly through planning for things such as energy systems and fossil fuel extraction. It does this indirectly through a wide range of issues concerning the way that we locate and design new development, which impacts on human behaviour in matters such as transport and includes design elements such as the sustainable drainage systems and green infrastructure provision that are vital for flood resilience and urban cooling.
- The 2008 Climate Change Act requires Parliament, on the advice of the independent Climate Change Committee, to set five-yearly overall carbon budgets and requires the Secretary of State to ensure that all regulatory frameworks deliver on these budgets. The planning system, including any national policy, must clearly deliver on this legal requirement if the budgets are to be effectively implemented. There can be no significant carbon leakage points in our regulatory approach. As a result, planning strategies and development management decisions must ensure that they deliver on carbon budget obligations.
- The current legal position is that Section 19 of the 2004 Planning and Compulsory Purchase Act, as amended by the 2008 Planning Act, creates a powerful duty to require development plans to include policy that mitigates climate change. The current NPPF makes crystal clear, in footnote 53 to paragraph 153, that plan policy must be in line with the 'objectives and provisions' of the Climate Change Act. Since the Sixth Carbon Budget is an objective and provision of the Climate Change Act it is directly relevant to plan-making. Taken together, this appears to be a powerful basis for action.

But there are three obvious and major flaws in the current approach:

- The NPPF does not give anything like the priority to action on climate change that the science demands. Mitigating and adapting to a changing climate is included at the end of a long list of objectives in the final bullet of paragraph 8, under

environmental considerations. It is given the same policy weight as the new, and bizarre, text on the fate of public statues. The most significant part of national policy on climate change is included as a footnote – an unusual way to deal with the greatest global crisis ever confronted by humanity. It is worth reflecting that previous policy on planning and climate change from more than a decade ago said this:

*'Climate change is the greatest long-term challenge facing the world today. Addressing climate change is therefore the Government's principal concern for sustainable development.'*<sup>3</sup>

## 'The most significant part of national policy on climate change is included as a footnote – an unusual way to deal with the greatest global crisis ever confronted by humanity'

- Unlike the effort now directed by the Ministry of Housing, Communities and Local Government to setting out the detail of forecasting housing demand or the complex process of viability testing, there is no policy guidance on how to handle carbon emissions reduction in Local Plans. While this is a complex question, both the knowledge base and carbon literacy in local government are growing, and it is now perfectly possible to set out a strategic approach to assessing carbon emissions. This work could be supported simply by ensuring that the soundness test of plans explicitly requires conformity with the Sixth Carbon Budget. And it is worth remembering that the practical solutions to deliver on that budget are within our grasp.
- Finally, the government should be required to apply carbon assessment to the dramatic expansion of permitted development. The current prior-approval process does not allow local authorities to consider the impact of development on climate change mitigation. This is profoundly illogical and, like the cancellation of the 2016 zero-carbon homes commitment, adds long-term costs to people and the economy. It is worth noting that the NPPF policy on heat stress, which will define the future of whether densification works in cities, is woeful and is mentioned just once.

Taken together, these major omissions help to account for why only a minority of Local Plans set out an effective approach to carbon reduction and why so many decisions which can only make the climate crisis worse continue to be made.

The government has been made aware of all of these problems – and of their solutions. It could have acted but it has not. It is unclear whether the new NPPF is lawful in relation to the obligations that the Climate Change Act places on the Secretary of State to ensure that all new government regulation contributes to the carbon budget regime. Having failed to persuade Ministers to do the right thing in the revised NPPF, we now need an urgent Ministerial Statement, published before COP 26, to fix the problem. That could be done tomorrow if there were political will. We urgently need the forthcoming Planning Bill to deliver a new legal duty which binds the climate change and planning Acts together and requires explicit consideration of the Sixth Carbon Budget in all decisions taken under the town and country planning system and the major infrastructure regime.

But if the Westminster government has left the field, then planners and communities have to fill the void. The TCPA's advice is clear. Use all the existing policy to maximum effect to support action on climate change, and begin by embedding the implications of the Sixth Carbon Budget within all future planning strategies. Grab that footnote in the NPPF and ensure that the provisions of the Climate Change Act form the basic foundation of strategic and local plans.

This is truly our last throw of the dice on climate change. We know everyone in the planning sector will commit everything they have to the delivery a zero-carbon future. The need for action now goes beyond any professional and political allegiance: it is a matter of human survival and the fate of future generations. Our leaders are fiddling while Rome burns, and we have to put out the fire.

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### Notes

- 1 *National Planning Policy Framework*. Ministry of Housing, Communities and Local Government, updated Jul. 2021. [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)
- 2 *The Sixth Carbon Budget: The UK's Path to Net Zero*. Climate Change Committee, Dec. 2020. [www.theccc.org.uk/publication/sixth-carbon-budget/](http://www.theccc.org.uk/publication/sixth-carbon-budget/)
- 3 *Consultation on a Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate*. Department for Communities and Local Government, Mar. 2010. [www.legislation.gov.uk/ukia/2010/101/pdfs/ukia\\_20100101\\_en.pdf](http://www.legislation.gov.uk/ukia/2010/101/pdfs/ukia_20100101_en.pdf)