

# Place & Resources Overview Committee

9 February 2023

## Planning for Climate Change: Interim Guidance & Position Statement, Sustainability Checklist and Listed Building guidance

### For Recommendation to Cabinet

**Portfolio Holder:** Cllr D Walsh, Planning

**Local Councillor(s):** All

**Executive Director:** J Sellgren, Executive Director of Place

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**Report Status:** Public

#### Brief Summary:

An Interim Guidance and Position Statement has been prepared to assist in decision-making for planning applications. The position statement provides commentary on the weight that can be given to climate change in decision making. It sets out what Dorset Council expects from planning applications for new buildings and stand-alone renewable energy schemes in relation to climate change, given current planning policy.

Alongside the position statement, a Sustainability Checklist has been prepared for completion by applicants. The Council's Local List requires the submission of a sustainability statement for proposals for new build and change of use (subject to certain exemptions) to demonstrate how sustainable design and construction have been addressed. This is to meet the requirements of policies relating to sustainable design and construction in the adopted local plans covering the Dorset Council area. The checklist has been prepared to ensure all relevant matters are considered.

As concerns about climate change have risen, and energy costs are increasing, many people are looking for ways to adapt and retrofit their houses to make them more energy efficient. This can be more challenging in a listed building, which has been designated as a result of its special architectural or historic interest in a national context. Local authorities have a statutory duty to have special regard to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest they possess. To assist with this a document has been prepared “Listed Buildings – what you can do for climate change” which outlines the importance of the historic heritage and issues to consider when looking at energy efficiency in Listed Buildings.

**Recommendation:**

That the committee review the Interim Guidance and Position Statement; the Sustainability Checklist and Listed Buildings – what you can do for climate change.

That the committee recommend that Cabinet agree the Interim Guidance and Position Statement, Sustainability Checklist and Listed Buildings – what you can do for climate change documents for the purpose of a six-week consultation.

That the committee recommend to Cabinet that the Portfolio Holder for Planning should be given delegated authority, after considering the results of this consultation, to approve use of the documents (Appendix 1, Appendix 2 and Appendix 3) to aid decision making on planning applications.

**Reason for Recommendation:**

To enable efforts to be taken to address the climate emergency when new buildings are proposed and to assist with decision-making for renewable energy proposals. The Interim Guidance and Position Statement and Sustainability Checklist will give clarity to developers as to the expectations of Dorset Council when considering development proposals.

The Listed Buildings document will provide guidance for owners of listed buildings when considering energy efficiency works.

Consultation enables the documents to be adjusted to reflect issues raised and therefore for weight to be given to it when making planning decisions. Should significant changes to any of the documents be considered necessary as a result of the consultation, councillors will be given the opportunity to consider revised versions prior to their use in planning decisions.

## 1. **Introduction**

- 1.1 Dorset Council has declared a climate and ecological emergency. A Climate and Ecological Emergency Strategy was adopted in 2020 and a revised strategy has been prepared. This Strategy seeks to reduce climate emissions to net zero by 2050 with reductions from the built environment being a significant contributor to achieving this target.
- 1.2 Since becoming a unitary authority, work to prepare a new Dorset Local Plan has been underway. Until adoption of the new Local Plan, the existing adopted local plans of the former district and borough councils provide the main part of the development plan for their respective areas. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.3 The new Dorset Council Local Plan will play a key role in delivering sustainable development. However, it will be some time before the emerging Dorset Council Local Plan attracts significant weight in the decision-making process. Whilst the adopted local plans provide a policy steer on sustainable design and construction, there is a need to clarify the Council's position prior to adoption of the new Dorset Council Local Plan to ensure that opportunities for addressing climate change are maximised as new development is brought forward.
- 1.4 The Council is also dealing with a significant number of applications for renewable energy schemes. There is a need to provide guidance to decision-makers on the weight to be given to the benefits of such schemes in the context of the climate emergency alongside other matters such as impacts on landscape and heritage.
- 1.5 An interim guidance and position statement has therefore been prepared to:
  - ensure that Dorset Council maximises opportunities to address the climate and ecological emergency through decision making on development proposals;
  - ensure that appropriate weight is given to the climate and ecological emergency in determining planning applications;
  - ensure that planning decisions are, as far as possible, supporting the Council's Climate & Ecological Emergency Strategy;
  - ensure that existing adopted planning policies are being applied consistently in tackling the climate emergency; and

- clarify to applicants what Dorset Council's expectations are in relation to the climate emergency.
- 1.6 This includes ensuring that the requirements of the new Dorset Council National and Local List (October 2022), principally the submission of a sustainability statement, are implemented effectively.
- 1.7 Subject to the agreement of Cabinet, the Interim Position Statement, Sustainability Checklist and Listed Buildings – What you can do for Climate Change documents will be subject to a six-week consultation.
- 1.8 It is intended that after consultation, the position statement and checklist will be in place and used in making planning decisions until the adoption of the new Dorset Council Local Plan.

## **2. Interim Guidance and Position Statement and Sustainability Checklist**

- 2.1 Climate change must be addressed across planning. Locating development sustainably, transport planning, planning for landscape and ecology and environmental adaptation are all key factors that interplay and will be addressed through the new Local Plan. Whilst buildings contribute to climate change through their location, construction and how they are used, the focus of the position statement is on the sustainable design and construction of buildings rather than location. The Interim Guidance and Position Statement does not cover ecology, flood risk and transport in detail as these issues are well covered by existing adopted policy and application requirements.
- 2.2 The Interim Guidance and Position Statement (see appendix 1) focusses on two key areas: sustainable design and construction in relation to new built development and stand-alone renewable energy generation schemes.
- 2.3 For each of these areas, a review of national and existing adopted local policy has been undertaken. A position statement for each is then provided within the Interim Guidance and Position Statement, to be taken into account by decision-makers when considering relevant planning applications.

### Sustainable design and construction (Position Statement 1)

- 2.4 This states that the climate emergency is a material consideration and will be given weight in the balance when determining planning applications. It

also confirms that Dorset's Climate and Ecological Emergency Strategy will be given weight as a material consideration and that the carbon neutral or low carbon credentials of a development will be viewed positively as part of the planning assessment against the development plan and other material considerations.

- 2.5 The Sustainability Checklist (see appendix 2) is supplementary to the Interim Guidance and Position Statement and has been developed to set out how Dorset Council is encouraging applicants to incorporate sustainable design and construction into their proposals. It will also be used as a tool to support the assessment of the sustainability credentials of a proposal.
- 2.6 The Dorset Council Local List was adopted in October 2022 and requires at paragraph 39 the submission of a sustainability statement with relevant applications. The Interim Guidance and Position Statement confirms that applicants should submit a sustainability statement, supported by a completed sustainability checklist, as a means of providing supporting information that is relevant to the existing adopted local plan policies identified. The checklist is intended to assist in the preparation of the sustainability statement, which is required to be submitted in order for an application to be considered valid.
- 2.7 The Sustainability Checklist covers the following areas, in accordance with the Local List:
  - reducing energy consumption and carbon emissions,
  - maximising the use of sustainable materials,
  - minimising waste and increasing recycling,
  - conserving water resources,
  - incorporating green infrastructure,
  - sustainable drainage and pollution, and
  - adaptation to climate change.
- 2.8 For each topic area, a number of questions or environmental performance standards are set out for consideration by the applicant. This will assist in ensuring best practice is incorporated wherever possible by providing appropriate prompts, although it does not place additional requirements

beyond adopted local plan policies. The aim of the checklist is to inform the design process by highlighting matters that are best considered at the outset of the design process, such as building orientation and green infrastructure, as well as more detailed design considerations. This is much more cost and time effective and efficient than addressing such matters later on in the planning application process or at the building stage.

- 2.9 Submitted sustainability statements and accompanying checklists will feed into the council's evaluation of development proposals under adopted planning policies. This is to assist in ensuring that the climate emergency is taken into consideration alongside other material considerations such as any impact on landscape and heritage.
- 2.10 Renewable energy schemes (Position Statement 2)
- 2.11 The Interim Guidance and Position Statement sets out the public benefits in relation to renewable energy schemes and the policy context in relation to the need for such schemes.
- 2.12 Detailed commentary is provided on the consideration of such proposals in relation to designated landscapes and heritage assets, taking into account relevant legislation and the national and local policy context.
- 2.13 Position Statement 2 states that Dorset's Climate and Ecological Emergency Strategy will be given weight as a material consideration in the determination of renewable energy planning applications.
- 2.14 It confirms that the significant public benefits of renewable energy will be given considerable weight as a material consideration in the balance of benefits against harm when making planning decisions. The position statement sets out how proposals falling within AONBs and affecting designated heritage assets will be considered, as well as those falling on best and most versatile agricultural land.
- 2.15 Renewable energy schemes are often temporary in nature and Position Statement 2 confirms that the lifetime of a proposed development will be a material consideration in decision making, balanced with a scheme's proposed benefits and its potential impacts.
- 2.16 It is intended that the Interim Guidance and Position Statement will assist decision-makers in their consideration of proposals for renewable energy schemes, by providing a review of relevant policy and by providing

guidance in relation to the key issues mentioned above. This should assist the council in making clear and consistent planning decisions and help in avoiding delay.

2.17 Listed Buildings – what you can do for climate change

2.18 The aim of this document is to provide guidance for owners of listed buildings and agents when considering energy efficiency improvements. It includes the following:

- Information on general good practice and quick wins
- Conservation principles, measures and techniques
- When listed building consent, planning permission and building control approval is required
- A table covering a variety of measures to reduce energy bills, whether they require Listed Building Consent, and comments / advice where relevant
- Information on the Council's decision making process
- Information relating to solar panels and double glazing in listed buildings, with reference to national policy.
- Case studies where works have been undertaken to listed buildings (NB one completed, two further ones to be completed prior to submission to Cabinet)
- Links to documents which provide further detailed information.

2.19 Each site is unique and dealt with in accordance with the characteristics of the listed building and its setting, but the document aims to provide general guidance and information to help owners of listed buildings develop successful applications. It also outlines improvements that can be undertaken which do not require consent.

### **Consultation**

2.20 The Interim Guidance and Position Statement, the Sustainability Checklist and the Listed Buildings – what you can do for climate change have been prepared with input from planning and sustainability colleagues. The final draft versions were circulated to various teams within Dorset Council for comment. A number of constructive comments have been received with

some of these incorporated into the versions of the documents in Appendices 1, 2 and 3. The Interim Guidance and Position Statement and Sustainability Checklist have also been reviewed by Dorset Council's legal team. The Listed Buildings document has been sent to legal for review.

- 2.21 A number of comments are yet to be reviewed and consideration given to whether there is a need to amend the documents. Where possible, officers will highlight where changes may be necessary at the committee meeting and give a suggested way forward.
- 2.22 The documents have been sent to the Dorset AONB and Cranborne Chase AONB and should responses be received these will be considered and reported to the committee.
- 2.23 All comments received as part of this circulation, and suggestions arising from this committee, will be reviewed with the necessary changes incorporated into the documents before they are taken to Cabinet for agreement to undertaking further external consultation.
- 2.24 It is intended that external consultation will take place over a six week period. The consultation will be publicised with comments invited from those individuals, agents and groups on the Local Plan consultation database.

### **Next steps**

- 2.25 The Interim Guidance and Position Statement, Sustainability Checklist and Listed Buildings – what you can do for climate change will be considered by Cabinet on 28 March with a view to their agreement for the consultation to take place as soon as practicable after that date.
- 2.26 Following this consultation, the documents will be reviewed in response to any issues raised. It is then intended that, in consultation with the portfolio holder for planning, the documents will be published and used in planning decisions. However, if significant changes to the documents is considered necessary as a result of the responses to the consultation, councillors will be given a further opportunity to consider the revised documents before their publication and use.
- 2.27 It is anticipated that the start date for the use of the documents will be notified to officers, councillors and parish and town councils prior to their implementation. Similarly, a notification will be sent to planning agents and

developers and a press statement will be released. A programme of officer/member briefings will be implemented prior to publication.

### **Dorset Local Plan**

- 2.28 The Dorset Local Plan is the correct forum for full consideration of any new policy approach in respect of sustainable design and construction and renewable energy, in collaboration with relevant stakeholders.
- 2.29 As stated at paragraph 1.8, the Interim Guidance and Position Statement and Sustainability Checklist are intended to be in place until the new Plan's adoption. As they will have been in use for a period of time before that Plan's adoption, reflection on their effectiveness will be possible.
- 2.30 It is intended that further evidence gathering will take place during the preparation of Dorset Council Local Plan policies. These draft policies will be subject to consultation enabling feedback to be received and the approach refined.
- 2.31 In the meantime however, it is hoped that the proposed position statement and checklist will make a positive contribution towards tackling the climate emergency by maximising opportunities for addressing the climate emergency through decision making.

### **3. Financial Implications**

- 3.1 There are no financial implications associated with the Climate Change Interim Guidance and Position Statement, Sustainability Checklist or Listed Buildings – what you can do for climate change. The Interim Guidance and Position Statement should give clarity to those proposing development how Dorset Council will give weight to the climate emergency.
- 3.2 The Sustainability Checklist sets out the information that Dorset Council expects those proposing development to submit alongside their planning application to enable evaluation of development proposals. This should help to speed up the validation and decision-making process for planning applications.
- 3.3 Listed Buildings – what you can do for climate change will be uploaded on the Council's website to provide information for agents and owners of listed buildings.

### **4. Environmental Implications**

- 4.1 The proposed Interim Guidance and Position Statement sets out clearly the approach Dorset Council will take in considering climate change when making decisions on planning applications. Weight will be given to the extent that developments help in achieving the net zero targets of the Climate Change and Ecological Emergency Strategy.
- 4.2 The Sustainability Checklist details the measures that will be used to evaluate the contribution development is making to achieving net zero targets. It sets out various environmental performance standards and the information that is expected to be submitted as part of the Sustainability Statement to support planning applications to demonstrate performance against these standards.
- 4.3 The Interim Guidance and Position Statement and Sustainability Checklist taken together should therefore help to deliver developments that achieve higher standards of environmental performance.
- 4.4 Listed Buildings – what you can do for climate change outlines what measures can be undertaken to help with the climate emergency. It also explains how local authorities have a statutory duty to have “special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. This duty requires an objective assessment of the impacts of any proposals on the significance of listed buildings through national and local policy.

## 5. **Well-being and Health Implications**

- 5.1 Improved building performance will have positive implications for people’s health and well-being by helping to address the health impacts of climate change.
- 5.2 Reduced energy usage in buildings will also help minimise fuel poverty.

## 6. **Other Implications**

- 6.1 Although setting high energy performance targets for new development may discourage some developers from developing in Dorset, it is important that buildings are built that minimise energy usage and minimise environmental impacts. The council will be considering this in the preparation of the local plan, and in the meantime cannot require higher standards than those set out in adopted local plan policy.
- 6.2 The Interim Guidance and Position Statement therefore sets out how environmental performance will be considered in planning applications but

does not prevent consent being granted for a development that does not meet high environmental performance standards should material considerations suggest that it is appropriate to grant consent.

## **7. Risk Assessment**

- 7.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

A final decision to implement the Interim Guidance and Position Statement and Sustainability Checklist will be made by Cabinet.

## **8. Equalities Impact Assessment**

- 8.1 An equalities impact assessment has not yet been prepared for the Interim Guidance and Position Statement, Sustainability Checklist or Listed Buildings – what you can do for climate change but an assessment will be prepared to support the documents as they pass to Cabinet.
- 8.2 It is likely that once equalities issues have been considered the Interim Guidance and Position Statement and Sustainability Checklist will be either neutral or positive for many of the protected characteristics.

## **9. Appendices**

1. Dorset Council Planning for Climate Change: Interim Guidance & Position Statement
2. Dorset Council Interim Guidance Note: Sustainability statement and checklist for planning applications
3. Listed Buildings – what you can do for climate change

## **10. Background Papers**

Dorset Council Climate & Ecological Emergency Strategy