

# Cabinet

28 March 2023

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

### For Review and Consultation

**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:

In order to clarify the approach to considering climate change in planning decisions, three documents have been prepared. These are:

- An Interim Guidance and Position Statement (IGPS) – provides commentary on the weight that can be given to climate change in decision making and sets out considerations for new buildings and stand-alone renewable energy schemes in relation to climate change, given current planning policy. (Appendix 1)
- A Sustainability Checklist – a checklist covering sustainable design and construction measures for completion by applicants. (Appendix 2)
- Listed buildings: what you can do for climate change – a guidance note outlining the importance of the historic heritage and issues to consider when looking at energy efficiency in Listed Buildings. (Appendix 3)

Drafts of the three documents were considered by Place and Resources Overview Committee on 9 February 2023.

**Recommendation:**

1. That Cabinet consider the content of the report and the Interim Guidance and Position Statement (Appendix 1), Sustainability Checklist (Appendix 2) and Listed Buildings: what you can do for climate change (Appendix 3).
2. That Cabinet agree the three documents in the appendices for consultation, as well as a related amendment to the Local List (Appendix 4), and that agreement to any minor changes that are considered necessary prior to the consultation starting can be delegated to the Portfolio Holder for Planning.
3. That, after the consultation, the Portfolio Holder for Planning can agree the use of the documents to aid in 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. Report**

### **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, the Natural Environment, Climate & Ecology 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 Local Plan will play a key role in delivering sustainable development. However, it will be some time before the emerging Dorset 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 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:
    - highlight existing local plan policies that require developments to mitigate and adapt to climate change and ensure these policies are being applied consistently in tackling the climate emergency;
    - underline that climate change is a material consideration in determining planning applications;
    - ensure that planning decisions are, as far as possible, supporting the Council's Natural Environment, Climate & Ecology Strategy;
    - introduce a sustainability checklist to be submitted alongside relevant planning applications; and
    - ensure that Dorset Council maximises opportunities to address the climate and ecological emergency through decision making on development proposals.
  - 1.6 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.
  - 1.7 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 Local Plan.

## **Interim Guidance and Position Statement, and Sustainability Checklist**

- 1.8 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.
- 1.9 The Interim Guidance and Position Statement (IGPS) (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. A review of national and existing adopted local policy has been undertaken. The document includes two position statements – one for sustainable design and construction and one for renewable energy schemes - to be taken into account by decision-makers when considering relevant planning applications.
- 1.10 The Sustainability Checklist (see appendix 2) is supplementary to the position statement on sustainable design and construction.
- 1.11 It should be noted that the Interim Guidance and Position Statement will not in itself be planning policy nor part of the statutory development plan. Instead, it will be non-statutory guidance, underlining that tackling climate change is a material consideration in decision making. It is intended to be a useful resource for decision makers and applicants. The sustainability checklist is intended to encourage best practice in sustainable design and construction.

### Position Statement 1 of the IGPS (Sustainable design and construction), and the Sustainability Checklist

- 1.12 Position statement 1 states that climate change is a material consideration and will be given significant weight in the balance when determining planning applications. It also confirms that Dorset's declaration of a climate emergency and the Council's Natural Environment, Climate and Ecology Strategy will be given weight as a material consideration. It states 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.

- 1.13 The Sustainability Checklist has been developed to set out how Dorset Council is encouraging applicants to incorporate sustainable design and construction into their proposals. It can be used to help guide the preparation of planning applications.
- 1.14 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.
- 1.15 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.
- 1.16 For each topic area, a number of questions or environmental performance standards are set out for consideration by the applicant. The standards, where not reflected in adopted local plan policies, will not be mandatory; instead, they are intended to ensure best practice is incorporated wherever possible by providing appropriate prompts. 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.

- 1.17 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 climate change is taken into consideration alongside other material considerations such as any impact on landscape and heritage.
- 1.18 It is intended that the requirement to submit a completed sustainability checklist to inform the sustainability statement will be added into paragraph 39 of the existing Local List. For this reason, this amendment to the Local List will form part of the proposed six-week consultation. The proposed wording for paragraph 39 of the Local List is set out in appendix 4.

#### Position Statement 2 of the IGPS (Renewable energy schemes)

- 1.19 The Interim Guidance and Position Statement sets out public and other benefits in relation to renewable energy schemes and the policy context in relation to the need for such schemes.
- 1.20 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.
- 1.21 Position Statement 2 states that Dorset's Natural Environment, Climate and Ecology Strategy will be given weight as a material consideration in the determination of renewable energy planning applications.
- 1.22 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.
- 1.23 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.
- 1.24 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.

### **Listed Buildings – what you can do for climate change**

1.25 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
- Links to documents which provide further detailed information.

1.26 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**

1.27 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, sustainability, landscape and heritage colleagues. The position statement and sustainability statement were also sent to the Dorset AONB, Cranborne Chase AONB and South-West

Energy Hub for comment. A number of constructive comments were received and these have been addressed where appropriate.

- 1.28 The Interim Guidance and Position Statement, Sustainability Checklist and Listed Buildings document have also been reviewed by Dorset Council's legal team.
- 1.29 It is intended that external consultation on the three documents will take place over a six week period. Paragraph 39 of the Local List, has been amended in draft form to reflect the introduction of the sustainability checklist, will also be subject to consultation. The consultation will be publicised with comments invited from those individuals, agents and groups on the Local Plan consultation database.

### **Place and Resources Overview Committee**

- 1.30 Draft versions of the three documents were presented to Place and Resources Overview Committee on 9 February 2023. An extract of the minutes from this committee in relation to the above is attached at Appendix 5.
- 1.31 A number of amendments have been made to the three documents since Place and Resources Overview Committee as a result of the consultation highlighted in paragraph 1.27 above and for editing purposes. The comments made at the committee are reflected in the amended documents.

### **Next steps**

- 1.32 The Interim Guidance and Position Statement, Sustainability Checklist and Listed Buildings – what you can do for climate change will be subject to public consultation, for a six period. It is suggested that this will begin in April.
- 1.33 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.
- 1.34 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**

- 1.35 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.
- 1.36 As stated at paragraph 1.7, 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.
- 1.37 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.
- 1.38 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 change through decision making.

## **2. Financial Implications**

- 2.1 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.
- 2.2 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.
- 2.3 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.

### **3. Environmental Implications**

- 3.1 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 Natural Environment, Climate and Ecology Strategy.
- 3.2 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.
- 3.3 The Interim Guidance and Position Statement and Sustainability Checklist taken together should therefore help to deliver developments that achieve higher standards of environmental performance.
- 3.4 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.

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

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

### **5. Other Implications**

- 5.1 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.

- 5.2 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.

## **6. Risk Assessment**

- 6.1 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.

## **7. Equalities Impact Assessment**

- 7.1 An equalities impact assessment has been prepared to support the documents and the consultation. This is being reviewed by the Equality, Diversity and Inclusion Officer and various suggestions have been made to enable the documents and consultation to be accessible to those who have protected characteristics. The final assessment will be available online prior to the start of the consultation. The following overview has been produced for this report.
- 7.2 The equalities impact assessment states that the Interim Guidance and Position Statement, Sustainability Checklist, and Listed Buildings guidance will have a positive public impact in potentially resulting in more energy efficient (and less energy costly) homes and buildings being built, and more energy efficient listed buildings. The documents will publicly raise awareness of climate change and its relevant associated planning considerations.
- 7.3 The documents and consultation will be produced in a fully accessible format, and it will be possible to respond in a number of ways. Access to the consultation and documents will be limited to digital and online, and therefore this may negatively impact those without access to the internet. However, information and guidance will be available from Planning Policy Officers throughout the consultation, including by telephone. Customers will be able to use local libraries to access the consultation online, and print documents if needed.

- 7.4 Publicity for the consultation will take place largely online but will be advertised to Town and Parish Councils, the local press, and to those currently on the Planning Policy contacts database. It is hoped this will ensure that news of the consultation is widespread. Briefing sessions will be held with Town and Parish Councils during the consultations to provide further guidance relating to the documents.
- 7.5 The equalities impact assessment concludes that the Interim Guidance and Position Statement and Sustainability Checklist are either neutral or positive for many of the protected characteristics. It is anticipated that any negative impacts will largely be addressed through the action plan detailed within the assessment.

## **8. 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
4. Draft amended Paragraph 39 of the Dorset National and Local List of Requirements
5. Extract from draft minutes of Place and Resources Overview Committee on 9 February 2023

## **9. Background Papers**

Dorset Council Natural Environment, Climate & Ecology Strategy