

**Name of meeting:** Cabinet

**Date:** 22<sup>nd</sup> June 2021

**Title of report:** Planning Applications Climate Change Guidance

**Purpose of report:** To seek Cabinet approval of Climate Change Guidance to support the planning applications process. The Guidance will provide clarity about the content of a Climate Change Statement to be submitted as part of future planning applications.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Yes/ no or Not Applicable</b> Yes.  <b>If yes give the reason why</b> Affects all electoral wards
<b>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u></b>	<b>Key Decision – Yes</b>  <b>Private Report/Private Appendix – No</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Yes</b>
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	<b>David Shepherd (Strategic Director - Growth and Regeneration) (10th June 2021)</b>
<b>Is it also signed off by the Service Director for Finance?</b>	<b>Eamonn Croston (Service Director – Finance) (7th June 2021)</b>
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Julie Muscroft (Service Director – Legal, Governance and Commissioning) (9<sup>th</sup> June 2021)</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr McBride</b>

**Electoral wards affected:** All

**Ward councillors consulted:**

The following ward councillors have been consulted/briefed on this item:

- Portfolio Holder briefing: Cllr McBride, Cllr Mather, Cllr Davies (22<sup>nd</sup> February 2021)
- Portfolio Holder briefing: Cllr Simpson was briefed in his new role as Portfolio Holder for Culture and Greener Kirklees (24<sup>th</sup> May 2021).
- Leadership Management Team (Cabinet members) (24<sup>th</sup> May 2021)
- Climate Change Guidance circulated and briefing offered to political party leaders: Green Party, Conservative Party, Independents and Liberal Democrats.

**Public or private:** Public

**Has GDPR been considered?** Yes, there is no personal information contained in this report.

## 1. Summary

The purpose of this report is to seek Cabinet approval of the 'Planning Applications Climate Change Guidance' (referred to in the remainder of this report as 'Climate Change Guidance'). The Climate Change Guidance will provide clarity about the content of a Climate Change Statement which is to be submitted as part of future planning applications. It will therefore provide clarity for the community, officers, elected members and developers about how climate change has been considered as development proposals have been formulated.

## 2. Information required to take a decision

### Background

In the context of the climate emergency, the Climate Change Guidance will inform the content of a Climate Change Statement which applicants will be required to submit as part of all planning applications. The requirement for such a Statement will also be included in a revised validation checklist (which set out documents required as part of planning application submissions).

The Climate Change Guidance focuses on the current planning process and the policies within the Kirklees Local Plan and therefore cannot introduce new policy requirements. It is meant to ensure the climate change factors considered through planning applications can be easily reviewed by officers, members and the community. The intention is also to ensure all aspects of climate change have been considered by applicants as proposals are devised.

The Climate Change Guidance details how applicants should consider climate change throughout the whole process of development and post development including advice relating to:

- Minimising carbon emissions and waste during the development process
- Renewable and low carbon energy
- Building design and layout for carbon reduction
- Minimising flooding impacts
- Minimising water usage
- Landscaping
- Air pollution

The Climate Change Guidance identifies Essential Considerations (where these are referred to within a Local Plan policy) and Desirable Considerations (where further actions are encouraged which are beyond the scope of the Local Plan or beyond the scope of the planning system but still represent best practice). The information required in the Climate Change Statement relates to Local Plan policies and will therefore be used to determine whether Local Plan policy requirements relating to climate change have been met. On the basis that the Climate Change Statement provided by developers will be assessed against the weight of the Local Plan policies, the use of Cabinet approved guidance is appropriate and it is not anticipated that a formal Supplementary Planning Document will be required, but this will be kept under review.

The Climate Change Guidance has been considered at Portfolio Holder briefings, the latest of which was on 22<sup>nd</sup> February 2021 and involved Cllr McBride, Cllr Mather and Cllr Davies. Feedback from Portfolio Holders has resulted in changes to add more clarity about 'Essential Considerations' and 'Desirable Considerations'. Cllr Simpson was also briefed on 24<sup>th</sup> May 2021 in his new role as Portfolio Holder for Culture and Greener Kirklees.

Proposed changes were received from Cllr Cooper in relation to specific details to add further clarity to the content of the Climate Change Guidance. Officers have reviewed these comments and changes resulting from the comments have been agreed with Portfolio Holders (Cllr McBride, Cllr Mather, Cllr Davies and Cllr Simpson) and are incorporated in the final Climate Change Guidance. The final Climate Change Guidance for approval can be found in Appendix 1 of this report.

### Options

The council has prepared this Climate Change Guidance to improve clarity about how climate change has been considered by applicants as they prepare planning applications. This also seeks to ensure that climate change is considered at the earliest stage of proposals.

An alternative option was to prepare a formal Supplementary Planning Document but as this Climate Change Guidance is implementing existing Local Plan policies, this was not deemed necessary. A further alternative would be to not approve any guidance but this would not provide the required clarity where all climate change information is set out in one place, namely the Climate Change Statement. That approach would also not achieve the aims of ensuring climate change is considered at all stages of development proposals, including actions which are desirable but are not necessarily in the scope of the planning system.

### Expected Outcomes

The main implications for the council in producing the Climate Change Guidance are the promotion of greater clarity; consistency; and improved certainty in relation to the implementation of climate change related Local Plan policies. This should enable more effective decision making through the planning application process, from pre-application enquiries through to implementation of proposals.

## **3. Implications for the Council**

### **• Working with People**

The Climate Change Guidance will enable communities to more clearly understand how the council's expectations regarding the consideration of climate change, as set out in the Kirklees Local Plan, have been addressed by new development proposals.

### **• Working with Partners**

The Climate Change Guidance will enable housebuilders, developers, agents and external partners to further understand the council's expectations regarding the consideration of climate change in new development proposals.

### **• Place Based Working**

The consideration of climate change is a district wide approach to be applied to all new developments although the specific considerations will depend on the circumstances of each site (e.g. if a site is in an Air Quality Management Area). The Climate Change Guidance seeks a Climate Change Statement which will set out how development proposals have considered climate change based on Local Plan policies. The Local Plan policies were subject to consultation and independent examination prior to the Local Plan adoption in February 2019.

### **• Climate Change and Air Quality**

The Climate Change Guidance will ensure further clarity on how applicants have considered climate change policies set out in the adopted Kirklees Local Plan. It also provides further suggestions about how climate change mitigation can be considered as development proposals evolve.

### **• Improving outcomes for children**

The Climate Change Guidance aims to improve the quality of all developments in Kirklees by encouraging developers to consider climate change as they formulate their proposals.

- **Other (eg Legal/Financial or Human Resources)**

**Financial** - This Climate Change Guidance provides further clarity in relation to the implementation of Local Plan policies which were viability tested through the Local Plan process. The work is included in the Local Development Scheme (LDS) (Planning Policy documents timetable) and therefore it has been undertaken within existing budgets.

**Human resources** - The Climate Change Guidance is identified in the Local Development Scheme and as such existing staff resources have been used to prepare it. Once adopted, the document will be used as part of the existing Development Management process.

**Communications** - The Climate Change Guidance will be published on the council's webpage and the council will ensure applicants are made aware of the requirements which will include an update to the list of documents required as part of planning applications (Validation Checklist). The Climate Change Statement for new planning applications will also be published on the council's webpage as part of planning applications.

#### **Do you need an Integrated Impact Assessment (IIA)?**

An Integrated Impact Assessment (Stage 1) has been undertaken in relation to the 'Planning Applications Climate Change Guidance'. This revealed that a Stage 2 assessment was not required. The Integrated Impact Assessments can be viewed at:

<https://www.kirklees.gov.uk/beta/delivering-services/integrated-impact-assessments.aspx>

#### **4. Consultees and their opinions**

- **Internal (officers)** - Consultation has taken place internally with council officers who input into planning applications (e.g. Energy & Climate Change) and officers who determine planning applications (Development Management).
- **Internal (members)** - the following briefings have occurred:
  - 19<sup>th</sup> February 2020 – Cllr McBride and Cllr Mather briefed on the Guidance.
  - 22<sup>nd</sup> February 2021 – Portfolio Holder briefing (Cllr McBride, Cllr Mather and Cllr Davies) were briefed on the updated Guidance and the proposal to seek a Cabinet decision to approve the Guidance. Further amendments to the Guidance were agreed during and following this session.
  - 24<sup>th</sup> May 2021 – Cllr Simpson was briefed on the Guidance in his new role as Portfolio Holder for Culture and Greener Kirklees.
  - 24<sup>th</sup> May 2021 – Cabinet member briefing (Leadership Management Team) – gave support for the Guidance to proceed to Cabinet for approval
  - The Climate Change Guidance was circulated to Party Leaders including an offer of a briefing. Cllr Cooper proposed some changes to the document to add clarity and the changes proposed as a result have been agreed with Cllr McBride, Cllr Mather, Cllr Davies and Cllr Simpson.

#### **5. Next steps and timelines**

Following Cabinet approval of the Climate Change Guidance, it will be published on the Councils website and used to inform the information required as part of new planning applications.

## 6. **Officer recommendations and reasons**

It is recommended that the Cabinet:

- 1) Approve the 'Planning Applications Climate Change Guidance' appended to this report (Appendix 1).

**Reason:** The proposed document will provide improved clarity for the community, officers, elected members and developers on how climate change has been considered within each planning application, in accordance with the Kirklees Local Plan. Once approved the Climate Change Guidance will be published on the council's website and will apply to new planning applications.

- 2) Delegate authority to the Strategic Director for Growth & Regeneration to make any further minor modifications to the Climate Change Guidance that relate exclusively to factual updates, grammatical and formatting corrections for the purposes of publishing the Guidance.

**Reason:** To ensure that the council has up-to-date, accurate guidance.

## 7. **Cabinet Portfolio Holder's recommendations**

Cllr McBride was briefed on 22<sup>nd</sup> February 2021 and supports the officer recommendation that the Cabinet should approve the 'Planning Applications Climate Change Guidance'.

## 8. **Contact officer**

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## 9. **Background Papers and History of Decisions**

- Appendix 1 of this report: 'Planning Applications Climate Change Guidance'
- Kirklees Local Plan ([www.kirklees.gov.uk/localplan](http://www.kirklees.gov.uk/localplan))

## 10. **Service Director responsible**

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