

Appendix 12.3 - Planning Policy Context

- 12.1.1 This appendix identifies and describes legislation, policy and guidance of relevance to the assessment of the potential climate impacts associated with the construction and operation of the Proposed Development. Legislation, policy and other relevant guidance has been considered on international, national and local levels.

International Legislation

- 12.1.2 The international and legislative framework for the consideration of climate change and GHG emissions established the basis for the approach to the assessment methodology. The legislative background is briefly set out below, along with the approach to the legislative requirements through policy.

Kyoto Protocol

- 12.1.3 This is an international agreement which is linked to the United Nations Framework Convention on Climate Change (UNFCCC) and was signed in Kyoto, Japan in December 1997. This agreement committed its Parties to set internationally binding emission reduction targets. Under Article 4 of the Kyoto Protocol, the EU created an Effort Sharing Regulation that requires the setting of individual binding GHG emission reduction targets for each of its Member States. The current Effort Sharing Decision (ESD) commits the UK to a 37% reduction in greenhouse gas (GHG) emissions for the period 2021 to 2030 (Regulation (EU) 2018/842, 2018)¹.

Paris Agreement

- 12.1.4 The Paris Agreement² sets out a global framework to avoid dangerous climate change by limiting global warming to well below 2 degrees Celsius (°C) and pursuing efforts to limit it to 1.5°C. It also aims to strengthen countries' ability to deal with the impacts of climate change and support them in their efforts.
- 12.1.5 The Paris Agreement is the first-ever universal, legally binding global climate change agreement, adopted at the Paris climate conference ('COP21') in December 2015.
- 12.1.6 The EU and its Member States are among the 190 Parties signed to fulfilling the obligations of the Paris Agreement. The EU formally ratified the agreement on 5 October 2016, thus enabling its entry into force on 4 November 2016. For the agreement to enter into force, at least 55 countries representing at least 55% of global emissions had to deposit their instruments of ratification.

¹ European Environment Agency (2018) Regulation (EU) 2018/842. Available from: <https://www.eea.europa.eu/policy-documents/regulation-eu-2018-842>

² United Nations Climate Change (2015): The Paris Agreement. Available from: <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>

Directive 2011/92/EU on the Assessment of the Effects of Certain Public and Private Projects on the Environment (the EIA Directive)

- 12.1.7 European Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (the EIA Directive³) provides the overarching legislative framework for assessing the significance of impacts and effects from schemes on the environment.
- 12.1.8 Under an amendment to the EIA Directive (2014/52/EU⁴) EIAs must now identify, describe and assess the direct and indirect significant effects of a project on climate (Article 3). It also stipulates that the information to be included within the ES should include “the impact of the project on climate (for example the nature and magnitude of GHG emissions) and the vulnerability of the project to climate change” (Annex IV). This Directive has been fully transposed into UK law through the EIA Regulations 2017¹.

National Planning Policy

UK Climate Change Act

- 12.1.9 The Climate Change Act 2008⁵ established a legal requirement for an 80% reduction in the GHG emissions of the UK economy by 2050 in comparison to a 1990 baseline. The Act also created the Committee on Climate Change, with a responsibility for:
- Setting five-year carbon budgets, covering successive periods of emissions reduction to 2050;
 - Advising and scrutinising the UK Government’s associated climate change adaptation programmes; and
 - Producing a national adaptation plan for the UK Government to implement.
- 12.1.10 In 2019, the target was revised to achieve 100% reduction (net zero) GHG emissions by 2050⁶.
- 12.1.11 In line with the recommendation from the Climate Change Committee, the UK’s sixth Carbon Budget⁷ set a target in law to cut GHG emissions by 78% by 2035, which will help the government to achieve its objective of reaching net zero emissions by 2050.
- 12.1.12 The existing UK carbon budgets are used to determine significance of GHG emissions from the Proposed Development.

³ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the Assessment of The Effect of Certain Public and Private Projects on The Environment. Available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0092>

⁴ Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of The Effect of Certain Public and Private Projects on The Environment (2014). Available from: <https://eurlex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:32014L0052&from=EN>

⁵ HM Government (2008) Climate Change Act 2008. Available at: <http://www.legislation.gov.uk/ukpga/2008/27/introduction>

⁶ The Climate Change Act 2008 (2050 Target Amendment) Order 2019 (Statutory Instrument 2019 No.1056)

⁷ UK Government (2021) The Carbon Budget Order 2021. Available from: <https://www.legislation.gov.uk/uksi/2021/750/contents/made>

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

12.1.13 The EIA Regulations 2017⁸ were enshrined in UK legislation in line with EU Directive 2014/52/EU. This Directive amended EU Directive 2011/92/EU, which sets out how to undertake an Environmental Impact Assessment.

Building Regulations

12.1.14 Part L1A⁹ 'Conservation of fuel and power in new dwellings' of the Building Regulations determines the energy efficiency and carbon emission standards required for new dwellings. The requirements detailed within these standards that are relevant to this chapter include those for:

- Insulation values of buildings elements;
- The allowable area of windows, doors and other opening;
- The air permeability of the structure;
- The heating efficiency of boilers;
- Hot water storage and lighting;
- Mechanical ventilation and air conditioning systems;
- Space heating controls;
- Airtightness testing of larger buildings; and
- Requirements for Carbon Index ratings.

National Planning Policy Guidance on Climate Change

12.1.15 National Planning Policy Guidance on Climate Change, published by the Department for Levelling Up, Housing and Communities and the Ministry of Housing, Communities and Local Government¹⁰, describes how to identify suitable mitigation and climate adaptation measures to incorporate into the planning process. It states that *"effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases"* and that *"Planning can also help increase resilience to climate change impact through the location, mix and design of development"*.

12.1.16 The guidance promotes adaptation of developments to climate change through:

- "identifying no or low cost responses to climate risks that also deliver other benefits, such as green infrastructure that improves adaptation, biodiversity and amenity;

⁸ UK Government (updated 2020) Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations') Available from: <https://www.legislation.gov.uk/uksi/2017/571/2020-12-24>

⁹ UK Government (2010) 'The Building Regulations – L1A Conservation of fuel and power in new dwellings'. Available from: <https://assets.publishing.service.gov.uk/government/building-regulations/PartL1A>

¹⁰ HM Government (updated 2019) 'Guidance Climate change'. Available from: <https://www.gov.uk/guidance/climate-change>

- building in flexibility to allow future adaptation if it is needed, such as setting back new development from rivers so that it does not make it harder to improve flood defences in future; and
- the potential vulnerability of a development to climate change risk over its whole lifetime".

12.1.17 In relation to mitigating impacts of new development on climate change, the guidance advises that *"the distribution and design of new development and the potential for servicing sites through sustainable transport solutions, are particularly important considerations that affect transport emissions"*.

Infrastructure Carbon Review

12.1.18 In 2013, the UK government published the Infrastructure Carbon Review¹¹ which aimed to "release the value of lower carbon solutions and to make carbon reduction part of the DNA of infrastructure in the UK". This review highlighted the importance of assessing GHG emissions early in the lifecycle of an infrastructure scheme when there is the greatest carbon reduction potential.

12.1.19 To help achieve the objectives within the Infrastructure Carbon Review, the British Standards Institution (BSI) produced a 'Carbon management in infrastructure' (PAS 2080:2016¹²) document in 2016. The standards within this document can help new developments to achieve the following climate change-related objectives:

- Reduced carbon and reduced cost infrastructure; and
- Effective carbon management in infrastructure to make an important contribution towards tackling climate change and leave a positive legacy for future generations.

National Planning Policy Framework

12.1.20 The Revised National Planning Policy Framework (NPPF¹³) (July, 2021) sets out the core planning principle of *"moving to a low carbon economy"*: Chapter 9: Promoting Sustainable Transport, encourages the pursuit of *"...opportunities to promote walking, cycling and public transport"* and states that *"Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes."*

12.1.21 In accordance with NPPF Chapter 14: Meeting the challenge of climate change, flooding and coastal change; the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in GHG emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

¹¹ HM Treasury (November, 2013); Infrastructure Carbon Review.

¹² British Standards Institution (2016) Carbon management in infrastructure. Available from: <https://shop.bsigroup.com/products/carbon-management-in-infrastructure>

¹³ Ministry of Housing, Communities and Local Government (July, 2021) National Planning Policy Framework. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

Sales of New Petrol and Diesel Cars to End in the UK by 2030

12.1.22 On November 18th 2020, the UK Government announced that the UK will stop selling new diesel and petrol (gasoline) cars and vans from 2030¹⁴. The vehicle ban represents an acceleration of prior targets; UK authorities had previously said the sale of new petrol and diesel vans and cars would end in 2040:

- Step 1 will see the phase-out date for the sale of new petrol and diesel cars and vans brought forward to 2030; and
- Step 2 will see all new cars and vans be fully zero emission at the tailpipe from 2035.

12.1.23 Between 2030 and 2035, new cars and vans can be sold if they have the capability to drive a significant distance with zero emissions (for example, plug-in hybrids or full hybrids), and this will be defined through consultation.

12.1.24 As the policy is not yet enshrined in legislation, to ensure the phase-out dates are met and to support interim carbon budgets, the Department for Transport intends to publish a green paper on the post-EU regulatory regime for CO₂ emissions from new road vehicles. This will consider both overall fleet efficiency and how to best deliver the transition to 100% zero emission sales for cars and vans. A consultation on the phase-out of new diesel heavy goods vehicles (HGVs) to put the UK in the vanguard of zero emission freight will also be launched.

Electric Vehicle Charging Points

12.1.25 On the 22nd November 2021, the UK Government announced that all *“new homes and buildings such as supermarkets and workplaces...will be required to install electric vehicle charge points from next year”*. Furthermore, *“As well as new homes and non-residential buildings, those undergoing largescale renovations which leaves them with over 10 parking spaces will be required to install electric vehicle charge points”*¹⁵.

12.1.26 This legislation is being introduced with a view to preparing the UK for 2030 when the sale of new petrol and diesel cars will end.

Local Planning Policy

Greater Manchester Combined Authority

12.1.27 Greater Manchester Combined Authority (GMCA) declared a climate emergency on 26th July 2019 and produced a 5-Year Environment Plan¹⁶ in the same year. This Plan recognises the need to both

¹⁴ UK Government (2020) Government takes historic step towards net-zero with end of sale of new petrol and diesel cars by 2030. Available from: <https://www.gov.uk/government/news/government-takes-historic-step-towards-net-zero-with-end-of-sale-of-new-petrol-and-diesel-cars-by-2030>

¹⁵ Department for Business, Energy & Industrial Strategy (2021) 'PM to announce electric vehicle revolution' Available from: <https://www.gov.uk/government/news/pm-to-announce-electric-vehicle-revolution>

¹⁶ GMCA (2019) '5-Year Environment Plan' Available from: <https://www.greatermanchester-ca.gov.uk/what-we-do/environment/five-year-environment-plan/#:~:text=The%20Global%20Covenant%20of%20Mayors%20for%20Climate%20and%20Energy%20requires,reduction%20between%202005%20and%202030.>

mitigate against and adapt to climate change. It also sets the aspiration to be carbon neutral city region by 2038.

12.1.28 The key priorities with this Plan include:

- Decarbonising the energy supply;
- Reducing fossil-fuel based transport;
- Reducing heat demand in homes and businesses;
- Managing waste sustainably; and
- Embedding climate change resilience and adaptation in all policies.

Manchester City Council

12.1.29 Policy EN 8 ‘Adaptation to Climate Change’ in the Manchester City Council (MCC) Core Strategy Development Plan¹⁷ states that *“All new development will be expected to be adaptable to climate change in terms of the design, layout, siting and function of both buildings and associated external spaces. In achieving developments which are adaptable to climate change developers should have regard to the following, although this is not an exhaustive list:*

- *Minimisation of flood risk by appropriate siting, drainage, and treatment of surface areas to ensure rain water permeability;*
- *Reduction in urban heat island effect through the use of Green Infrastructure such as green roofs, green walls, increased tree cover and waterways;*
- *The need to control overheating of buildings through passive design;*
- *The opportunity to provide linked and diverse green space to enhance natural habitats which will assist species adaptation; and*
- *Developers will be permitted to use green infrastructure elements such as green roofs, green walls, street trees and waterways to contribute to compliance with CO₂ mitigation under Policy EN6, subject to sufficient evidence to quantify their contribution to compliance”.*

12.1.30 Further to the above, Spatial Objectives 01 and 06 of this Plan set out a framework for which the city can contribute to halting climate change and mitigating and adapting to climate change.

12.1.31 Manchester City Council (MCC) have committed to reducing their carbon emissions by 35-45% by 2025 and produced a Climate Change Action Plan¹⁸ to help meet this aim. This Plan includes specific commitments to reduce CO₂ emissions associated with MCC’s operational estate; waste vehicle fleet etc.

¹⁷ MCC (2012) ‘Core Strategy Development Plan’ Available from:

https://www.manchester.gov.uk/downloads/download/4964/core_strategy_development_plan

¹⁸ MCC (Updated 2022) ‘Climate Change Action Plan’ Available from:

https://www.manchester.gov.uk/info/500002/council_policies_and_strategies/3833/zero_carbon_manchester/3

12.1.32 MCC have set yearly carbon budgets to help achieve emissions reductions, however, it is considered that these budgets specifically relate to MCC operations and are not applicable to the private sector.