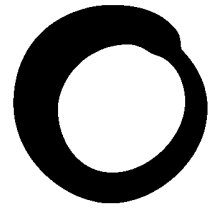


February 2008



**Friends of
the Earth**

Briefing

Climate Change and the Planning Bill

The Planning Bill should provide for a good fit with the Climate Bill, ensuring that the process of approving major infrastructure taken as whole is capable of delivering on two important objectives:

- Fully considering climate change impacts in decision making by ensuring methodologies and expertise for estimating carbon foot-printing etc are robust
- Ensuring that full consideration is given to meeting the UK's national and *international obligations on carbon reduction in decision making*

Introduction

The UK has to take long-term infrastructure decisions which secure sustainable development and in particular support the transition to a progressive low carbon economy. The decision-making around major infrastructure such as roads, rail, waste and energy should be made more efficient but not at the expense of proper scrutiny, accountability and public engagement.

The Planning Bill must deliver improvements to the system by ensuring democratic accountability, a duty to reduce carbon emissions, and the retention of people's rights to be heard.

Friends of the Earth inspires solutions to environmental problems, which make life better for people.

Friends of the Earth is:

- **the UK's most influential national environmental campaigning organisation**
- **the most extensive environmental network in the world, with almost one million supporters across five continents and over 60 national organisations worldwide**
- **a unique network of campaigning local groups, working in over 200 communities throughout England, Wales and Northern Ireland**
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Friends of the Earth has a positive vision of development and has closely engaged in the planning reform process. However, the needs of communities and the opportunities for simpler and more cost effective means of securing development have not been fully considered.

Long term challenges ahead

Moving to a low carbon Britain means that we need to address:

- Climate change: by ensuring that National Policy Statements are required to be drafted to achieve climate change mitigation and so that major infrastructure which minimises carbon emissions is properly planned
- Energy: by setting out a vision for a low carbon energy production by strong encouragement for renewable technology
- Environment: by ensuring that our infrastructure does not rely on the destruction or use of natural resources from overseas, and that the environment and biodiversity in the UK are protected and enhanced.

Climate Bill and Planning Bill

At present it is hard to see how the general provisions of the Climate Change Bill relate to the detailed functions set out in the Planning Bill. There are no duties for the Secretary of State or the Infrastructure Planning Commission (IPC) that relate to consideration of climate change issues. It is clear that the Climate Change Bill does not automatically have any clear linkage with decisions made, for example, by a non-governmental body such as the IPC.

Instead the Climate Bill requires the Secretary of State to establish a process for managing the reduction of all carbon emissions (this is qualified in relation to international aviation). The Secretary of State must do this by:

- Receiving advice from the Committee on Climate Change on the level of carbon budgets that should be set. Initially this advice will relate to the first three budget periods. The Bill sets out that this advice will start on the 1 September 2008.
- Having studied this advice and consulted with devolved administrations the Secretary of State must set the necessary budget through secondary legislation. Budgets must be in line with established reduction targets for 2020 and 2050. This has to be achieved by 28 February 2009.
- As soon as practicable after setting the budget the Secretary of State must set out policies and proposals on how to meet the budget. This document would, we assume, have to deal with the contribution of National Policy Statements (NPS) to the targets.
- The Secretary of State then has a duty to ensure budgets are not exceeded and ensure the 2050 target is not compromised. There is a duty to report on progress annually.

The point about this process is that while it places an overall duty on Government to manage carbon emissions from across the economy; it does not place any specific duty on any Secretary of State to reduce carbon in a particular sector. Budgets will be broken down by sector but it is not clear, for instance, how a Secretary of State for Transport would translate this into a National Policy Statement (NPS).

While we assume Ministers would wish to ensure climate is considered there is a need for a firm obligation by which more detailed mechanisms can ensure that carbon budgets by sector are fully delivered in National Policy Statement (NPS). This is important where multiple NPS may be prepared for one sector such as energy or transport.

Duty on Secretary of State for National Policy Statements

The effect of a duty would be to require the Secretary of State to consider climate issues in the National Policy Statement in line with the provisions of the Climate Bill/strategy and carbon budgets. There would also need to be requirements to report on how this had been achieved.

A duty on the Infrastructure Planning Commission

The principle of a duty on local decision makers to fully consider climate change is already established in the Bill. Its application to the Infrastructure Planning Commission (IPC) is critical for three reasons:

- The IPC is a non-governmental body and so there is no clear line between the requirements of the Climate Bill and the powers and functions of the IPC. While we might all expect the IPC to consider climate issues it is necessary to have certainty on such a critical issue. One important result of this duty is that the IPC would be required to understand the full carbon profile of the proposed development and ensure that this is embedded in scheme development.
- Some have argued that a duty on the Secretary of State to consider climate in NPS provides enough guidance for the IPC on the issue. This argument is flawed in two ways. First the IPC does not have to approve applications in line with the provisions of NPS where there are good reasons for this. Second the IPC is a body which has to understand the detailed carbon impacts of a project and to judge whether these are acceptable or not. An NPS by its nature is unlikely to be able to have resolved such detailed issues
- There is an important culture change issue in dealing with carbon and climate change. The issue remains novel to many professionals and its status as a material consideration remains uncertain. A duty to consider climate change signals the weight to be given to climate issues more effectively than any other measure.

It is important to stress that the IPC's duty to consider climate change does not provide for an inflexible obligation to refuse any development with a positive carbon profile. It does require that such a decision is transparent and informed by a rigorous understanding of carbon impacts.

AMENDMENT 1: Require the Secretary of State to consider climate change when drawing up National Policy Statements

Part 2, Section 9	Introduce new section 9A 'Climate Change'
What is the current wording?	None
Why is an amendment needed?	To require the Secretary of State to consider Climate Change in the preparation of National Policy Statements.
What is the proposed solution? Amendment	Introduce new section: "9A: Climate Change (1) A statement may only be designated under section 5 if the Secretary of State is satisfied that (taken as a whole) the policies in the statement contribute to the mitigation of, and adaptation to, climate change. (2) A statement designated under section 5 must contain a statement to the effect that it is the Secretary of State's view that the requirement of subsection (1) is satisfied.

AMENDMENT 2: Require the IPC to consider climate change when making individual decisions

<p>Part 6 Chapter 5 Section 97 (2)</p>	<p>Introduce new subsection 97(2)(d)</p>
<p>What is the current wording?</p>	<p>In deciding the application the Panel or Council must have regard to—</p> <p>(a) any national policy statement which has effect in relation to development of the description to which the application relates (a “relevant national policy statement”),</p> <p>(b) any matters prescribed in relation to development of that description, and</p> <p>(c) any other matters which the Panel or Council thinks are both important and relevant to its decision.</p>
<p>Why is an amendment needed?</p>	<p>To require the Infrastructure Planning Commission to consider climate change in the decision making process</p>
<p>What is the proposed solution?</p> <p>Amendment</p> <p>Consequential amendment</p>	<p>Amend clauses</p> <p>Clause 97, page 49, line 25 Insert after end of clause 94(2)(c) - ‘; and (d) the desirability of contributing to the mitigation of, and adaptation to, climate change.’</p> <p>Clause 97, page 49, line 24 Delete ‘and’</p>