



EXECUTIVE BOARD DECISION

REPORT OF:	Executive Member for Growth and Development
LEAD OFFICERS:	Strategic Director of Growth & Development
DATE:	Thursday, 12 October 2023

PORTFOLIO/S AFFECTED:	Growth and Development
WARD/S AFFECTED:	(All Wards);
KEY DECISION:	Y

SUBJECT: Climate Impacts Framework (CIF) Supplementary Planning Document (SPD) public consultation

EXECUTIVE SUMMARY

The Council have declared a Climate Emergency, and the Council's Corporate Plan includes a mission to 'deliver our climate emergency action plan' (CEAP). The CEAP includes an action to ensure that plans and strategies address climate change objectives, and that 'sound decisions' are made, ensuring that the Council will account for emissions in all decision making.

The emerging new Local Plan (2021-2037), a key plan for the future of the borough, contains a series of planning policies which seek to achieve sustainable development. The Local Plan includes a specific policy, Policy CP5: Climate Change, which sets out an expectation for new development to contribute to mitigating and adapting to climate change. To demonstrate the extent to which the design of new development addresses climatic (and other environmental) considerations, Policy CP5 confirms a commitment to introduce a 'Climate Impacts Framework' (CIF) assessment tool which will act as both i) a design tool and ii) an assessment tool.

The CIF assessment tool will ensure that:

1. The climate change impacts of development, mitigation of those impacts, and adaptation, are fully considered by applicants at the design stage of developments;
2. The climate emergency is fully, clearly and transparently embedded into all key planning application decisions, made by the Council, giving decision makers a much clearer overview and ability to assess the following aspects of development: locational and transport access issues; natural environment issues; water, flooding and drainage issues; and energy efficiency issues; and
3. The Council delivers on its Climate Emergency Action Plan commitment to account for emissions in decision making.

The CIF is bespoke to Blackburn with Darwen Borough Council in terms of its format and structure, as it relates directly back to policies set out in the new Local Plan, and the National Planning Policy Framework, and the Council's ambitions for carbon neutrality. It does not set significant new burdens on applicants, but is a means of demonstrating greater transparency of the application of planning policy. The CIF will not apply to all 'development' as defined under the Town and Country Planning

Act 1990. It will be applicable to certain types of development only, as specified within Policy CP5 and its supporting guidance which is the subject of this report.

The Local Plan confirms that the CIF tool, and its accompanying guidance, will form the basis of a Supplementary Planning Document (SPD), which will carry material weight in decision making once adopted. As required by national legislation, an SPD must be publically consulted upon for a statutory period of 4 weeks. The SPD does not introduce new policy, it just clarifies the implementation of existing policy set out in the emerging new Local Plan.

This report seeks approval to consult on a draft of this SPD. Consultation will commence by the end of October, and subject to successful adoption of the new Local Plan a final revised SPD is expected to be brought back to Executive Board in February 2024 to seek approval to adopt.

2. RECOMMENDATIONS

That the Executive Board:

- Approves the proposed Climate Impacts Framework Supplementary Planning Document (CIF SPD) for public consultation.

3. BACKGROUND

3.1 The Council have declared a Climate Emergency, and the Council's Climate Emergency Action Plan (CEAP) sets out our objectives and actions to respond to the crisis. This includes ensuring that plans and strategies address the climate change objectives and that 'sound decisions' are made, based upon accounting for carbon emissions.

3.2 The Council are currently preparing a new Local Plan (2021-2037) for the Borough. The plan was submitted to the Secretary of State for examination in August 2022. Following the appointment of two Planning Inspectors, a series of public examination hearings took place in early 2023 and the Council have recently concluded consultation on a series of 'main modifications' to the Local Plan. The Inspectors will now consider all representations made on the proposed modifications, before providing their final report on the soundness and legal compliance of the Plan, which is expected later in 2023. The Council anticipates adoption of its new Local Plan in early 2024.

3.3 The Local Plan is a key strategic plan for the borough, and will guide and shape development of Blackburn with Darwen for the next 15 years, to 2037. It sets the parameters for 'balanced growth', including to ensure that the climate emergency is tackled through new development.

3.4 Buildings (new and existing) and transport are major contributors to greenhouse gas emissions in the Borough and the Local Plan is therefore a key mechanism through which the spatial aspects of decarbonisation and climate adaption can be addressed. The Council's CEAP and Adaptation Strategy both reinforce this point.

3.5 There are a number of environmental based policies within the new Local Plan which seek to address the climate emergency, but of particular relevance is the core (strategic) policy CP5: Climate Change. This seeks to ensure that all new development seeks to reduce carbon emissions and provide climatic and environmental enhancements wherever possible.

3.6 Through Policy CP5, new development will be required to contribute to both mitigating and adapting to climate change, including to help meet our ambitious targets to reduce carbon dioxide emissions. The extent to which the design of a development has considered decarbonisation and climate adaption will be considered in the assessment of each planning application, and those developments that can demonstrate this will be afforded positive weight in their determination. To

demonstrate the extent to which the design meets the policy requirements, applicants for specific new residential and commercial developments will be required to complete a new 'Climate Impact Framework' assessment tool.

3.7 The purpose of the CIF is two-fold;

- a) **A design tool:** developers are encouraged to use the SPD for design guidance, and to complete the assessment tool in the earliest stages of development design, to iteratively shape design in response to climatic and environmental considerations; and
- b) **An assessment tool:** the CIF tool will automatically 'assess' planning applications as to how well they perform against climatic-based planning policy requirements. This information will be used to inform relevant discussions around design, and to ensure that the climate emergency is given full due consideration through the determination of planning applications.

3.8 Policy CP5 confirms that the detail of the Climate Impact Framework will be set through a Supplementary Planning Document. Once adopted by the Council, SPDs carry material weight in decision making. Policy CP5 states that '*developments that can demonstrate they have considered climate mitigation and adaptation in the design of their proposed scheme will be afforded positive weight in the determination of the planning application*'. The specific weight to be applied to any CIF outputs by a decision maker will be considered on a site by site (application) basis, depending upon other material considerations that are relevant to the application. This approach, however, ensures that the climate emergency is given its full due consideration in decision making, in accordance with the Council's CEAP.

The CIF consists of three key components, each of which are attached to this report as Background Papers:

- **An SPD document**, consisting of a) guidance on how to design developments which take account of climatic mitigation and adaptation features/considerations; and b) guidance on how to complete the assessment tool
- **An Excel-based assessment tool**, which requires applicants to answer a series of thematic-based questions, with each question relating to a specific policy requirement already established in the new Local Plan. Based on the answers provided, the tool automatically assesses the responses by how well they perform against policy requirements – giving them a 'RAG' (red-amber-green) assessment. A summary table is provided, with the intention that this is included in officer reports to transparently show how the climate emergency has been considered through the design of the development, and embed that information in the determination of the planning application.
- **Bespoke mapping**, developed to help applicants answer the spatial based questions contained within the CIF. This has been designed to be as intuitive, quick and easy to use as possible. By clicking on a relevant site, the mapping displays all the relevant answers needed to complete the spatial-based questions of the CIF.

3.9 It is expected that all information can be completed using the spatial mapping, and through supporting information accompanying the planning application. It is not expected that any undue burdens will be placed on applicants.

3.10 Questions are based around the following themes:

- Sustainable Locations: 20 minute neighbourhoods, services, amenities and transport
- The Natural Environment: biodiversity net gain, trees, air quality and carbon-soils
- Water: flood risk, sustainable drainage, natural drainage, water efficiency
- Energy efficiency: energy hierarchy, renewable and low carbon energy, accreditation

3.11 The CIF SPD also provides additional information in relation to Policy DM12: Clean and Green Energy, which states that all major development proposing enhanced emissions reduction should be accompanied by an Energy Statement, with details of requirements to be set through the CIF SPD. The CIF SPD therefore clarifies when an energy statement will be required, and what should be included through the statement.

3.12 Legally, the Council are required to undertake public consultation on an SPD, prior to its adoption. Therefore, approval is sought to consult on the proposed CIF SPD. The consultation will be undertaken in accordance with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012, and the Council's Statement of Community Involvement.

3.13 All comments received through the consultation will be considered as the Council prepare the final CIF SPD for adoption. A consultation statement will be prepared, setting out who was consulted, a summary of the issues raised, and how these issues were incorporated in to the final SPD. A further report is expected to be brought to the Council's Executive Board in February 2024 seeking adoption.

3.14 Once adopted, the CIF SPD will be a material consideration in the determination of applications for development, supporting the Local Plan (2021-2037).

4. KEY ISSUES & RISKS

4.1 The CIF has been designed to ensure that new developments can demonstrate the extent to which they mitigate and adapt to climate change, and that the climatic and environmental based policies of the Local Plan are given the necessary importance and focus demanded by the joint climate and biodiversity emergencies. Without the CIF, there is a risk that insufficient consideration will be given to how new developments address the climate crisis, with the potential that the crisis continues to be exacerbated by new development.

4.2 It is important to note that the CIF does not introduce any new policy requirements itself. It is therefore not expected to place any undue additional burdens on applicants. There will however be a sliding scale of impact for developers and applicants depending upon the size and type of any proposed development. For this reason, policy CP5 currently specifies that the CIF will only apply to 'specific new residential and commercial developments', further suggesting that applicants for all new residential dwellings and major commercial schemes (more than 1000sqm of new floorspace) should adhere. The proposed SPD provides further details and suggests transition periods. The Council is keen to seek views on the proposed approach through the consultation process.

4.3. It is important also to note that the new Local Plan (and policy CP5) remains under examination, with the Inspectors final report due towards the end of 2023. The Council are in receipt of a post-hearings letter which confirms the Inspectors agree with the Council's general strategies for 'balanced growth', but that their final conclusions will be set out in their final report. The CIF was discussed in detail at the public hearings earlier this year, and, in response to comments made by the Inspectors, Policy CP5 has been modified, with those modifications consulted on during the recent 'Main Modifications' consultation in August-October 2023. Officers consider that the modifications address the points raised by the Inspectors, but there remains a risk that the Inspectors may make their own decisions on the CIF – including to amend or delete the policy requirement. The preparation of the CIF SPD is being timetabled so that it can be adopted soon after the adoption of the new Local Plan subject to the outcomes of the examination process, as the Inspectors have made clear the need to have guidance in place for applicants as soon as possible. By consulting on a draft SPD now, then should any changes be requested to the CIF through the Inspector's report, the timings will allow for any necessary changes to be accommodated alongside responses to the consultation, prior to preparation of the final CIF SPD. This will be detailed in the future consultation statement and executive board report (referenced in paragraph 3.13).

5. POLICY IMPLICATIONS

5.1 There are no direct policy implications, as the requirement for the CIF SPD is set by the emerging Local Plan (2021-2037) and Policy CP5: Climate Change. Policy CP5 sets out the commitment to produce a CIF SPD, and any failure to do so would fall foul of the proposed policy requirements.

5.2 It is intended that the CIF will be required for the following planning applications:

- Major residential schemes (more than 10 dwellings)
- Major commercial schemes (more than 1000sqm of new floorspace)
- Minor residential schemes (1-9 dwellings), following a transition period (see below)

5.3 The CIF will be a validation requirement for those application types, meaning a completed assessment tool must be received for the planning application to be validated for determination.

5.4 The CIF SPD proposes a transitional introduction, with the CIF required on all major applications from the point of adoption of the SPD, and all minor applications 6 months from the adoption of the SPD. This is to allow any issues with its roll-out to be addressed through the majors, before the CIF is rolled out to all minor schemes.

5.5 However, the consultation will ask a series of questions to gauge opinion on the CIF, including whether the CIF assessment tool should be completed by minor residential schemes. It may be 'easier' for the CIF to be completed by major schemes, as generally those applicants would be expected to be 'better-versed' in the variety of planning requirements. Introducing it to minor schemes may generate complexities in its completion. However, the CIF has been designed to be as easy to use as possible, and so this should not prevent use by applicants of minor schemes. As all dwellings are responsible for a significant proportion of carbon emissions, it is considered that all new dwellings should show the extent to which they have considered the climate emergency in their design. Cumulatively, these will have the same impact on emissions as larger schemes.

5.6 The Council will use the consultation responses it receives to reach an informed decision on all aspects of the CIF, including transitional periods and whether minor applications should ultimately be required to complete the CIF.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications for the CIF. The cost of consultation will be met through the existing Local Plan budget.

7. LEGAL IMPLICATIONS

7.1 The Council are required to undertake public consultation on an SPD by the Town and Country Planning (Local Planning) (England) Regulations 2012, and in accordance with the Council's Statement of Community Involvement.

7.2 Approving the CIF SPD for consultation will ensure the Council is continuing to meet its legal requirements.

8. RESOURCE IMPLICATIONS

8.1 As identified under financial implications, no budget will be required to complete and adopt the CIF SPD. The CIF has been developed 'in-house', and officers will continue to develop the SPD guidance, assessment tool and mapping in response to relevant comments received through the consultation.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

10.1 This report seeks approval to undertake public consultation on the CIF SPD, in accordance with all legal and Council requirements. A variety of methods will be used to publicise the consultation. In accordance with statutory requirements, the consultation period will be for 4 weeks.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION:	Rev3
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CONTACT OFFICER:	PMO
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DATE:	October 2023
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**BACKGROUND
PAPER:**

1. CIF Supplementary Planning Document
2. CIF Assessment Tool (Excel-based)
3. CIF Mapping ([on-line map link](#))