

Somerset West and Taunton Council

Executive – 24 February 2021

Approval of Climate Positive Planning: Interim Guidance Statement on planning for the Climate Emergency

This matter is the responsibility of Executive Councillor Mike Rigby (Planning and Transportation)

Report Author: Graeme Thompson, Strategy Specialist

1. Executive Summary / Purpose of the Report

- 1.1 Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (the Statement) has been produced in response to the Council's Climate Emergency declaration and identification of an action within the Carbon Neutrality and Climate Resilience (CNCR) Action Plan. It has been produced as an interim measure to help clarify when the Council is able to apply existing adopted planning policies to the best of their effect in tackling the climate emergency, before a new Local Plan makes sufficient progress to attract significant weight in the decision making process. Following public consultation, a final draft has been produced which is now being presented to Executive Committee for approval. The Statement does not in itself contain any planning policies, or amendments to existing policy, and will not form part of the development plan or be in itself able to act as a material consideration. That being the case, the Statement itself will hold no weight in the decision making process. The purpose of the Statement is explicitly to provide additional explanation and guidance, underlining that the Climate Emergency itself is a material consideration, and identifying how the requirements of existing, adopted development plan policy may be viewed in assessing development proposals. It will be a useful resource of guidance for planning officers, Members of the Planning Committee, and planning applicants alike. This report recommends that the Statement is approved as a "live" document that can be updated quickly and easily to reflect changes in national legislation and policy, and keep explanation and guidance relevant. The recommendations propose arrangements and thresholds for delegation and approval of subsequent updates in line with the Councils constitution.

2. Recommendations

- 2.1 That Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (the Statement) is approved as additional explanation and guidance to support existing adopted planning policies.

- 2.2 That approval of future updates to the Statement are delegated as follows:
- (a) Minor amendments including textual and visual changes and enhancements to be delegated to the Director for Development and Place in consultation with the Portfolio Holder for Planning and Transportation.
 - (b) Updates relating to changes in national Government legislation and guidance, or the need to reference or update reference to other local or national evidence or strategy documents to be delegated to the Portfolio Holder for Planning and Transportation in consultation with other fellow Executive Members.
 - (c) More significant updates beyond those listed above to be delegated to Executive Committee.
- 2.3 That Members note that the Statement is purely to provide additional explanation and guidance to support existing adopted planning policies it is not policy in itself, and that the status of the document for approval will hold no weight in the decision making process on planning applications. Any alterations to existing adopted planning policy, or proposals for new planning policies relating to planning for the Climate Emergency will be brought forward through formal processes associated with Local Plan review and production of the Local Plan to 2040.

3. Risk Assessment

- 3.1 The Corporate Risk Register contains a risk associated with not achieving carbon neutrality by 2030. Development of this Statement is identified as an immediate action within the Carbon Neutrality and Climate Resilience (CNCR) Action Plan and should help the Council to maximise the use of its existing, adopted planning policy towards bringing forward sustainable development, cognisant of and responding to the Climate Emergency. Approval of the Statement cannot guarantee that all development will come forward in precise alignment with the policies of the adopted development plan or the guidance included in the Statement because planning decisions are made on a case-by-case basis. Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Existing planning policies were prepared prior to the Council's declaration of a Climate Emergency and prior to development of the Somerset Climate Emergency Strategy and SWT's own CNCR Action Plan. The CNCR Action Plan identifies a number of potential actions to be taken forward in relation to planning which will be required to meet our target of carbon neutrality. However, in many cases, these will require changes to policy which can only be made through adoption of a Development Plan Document (DPD) – (for instance the action to “*Develop Local Plan policy requiring all new development to be zero carbon and climate resilient as soon as practically possible*”). Neither existing adopted policies or the Statement can be used to require zero carbon development, and the reasons for this are clearly articulated within the Statement. Such policy changes can only and will be explored through the new Local Plan to 2040. In the meantime, this Statement is designed to provide explanation and guidance on how the Council can apply existing adopted planning policies to the best of their effect in tackling the Climate Emergency.
- 3.2 The Corporate Risk Register also contains a risk associated with failure to have an up to date Local Plan or to demonstrate that the district has a five year land supply or sufficient Housing Delivery Test score. Failure of the above points could lead to housing policies of the district's local plans being considered out of date and application of / fall back on the presumption in favour of sustainable development. This would lead to unplanned development and likely less sustainable patterns of development. It should be recognised that this Statement does not override the general

presumption in favour of sustainable development emanating from the National Planning Policy Framework and the subject of local policies. Sustainable development is a multi-dimensional concept, and refers to economic, social and environmental factors. As such, this Statement must be read in conjunction with the development plan as a whole. Due to the multiple pressures on the planning system, which include the delivery of housing to meet the national housing crisis and the provision of infrastructure such as roads, schools and open space to meet the demands of new housing, coupled with the need to ensure that development remains viable, it can be difficult to ensure that issues of greater environmental sustainability receive the same attention as economic and social sustainability arguments. However, mitigation and adaptation to climate change should not be seen as an obstacle to the achievement of these other aims. The declaration of a Climate Emergency addresses this difficulty by pushing the environmental sustainability of development back up the priority list, to be considered alongside issues of economic and social sustainability. The Statement provides additional explanation, context, justification and guidance in relation to existing adopted planning policies. It does not set new policy or new burdens on the viability of development.

- 3.3 The NPPF and PPG explain how viability should be addressed primarily at the plan making stage. Prior to their adoption, all existing policies were viability tested through plan production and Examination including through the Taunton Deane CIL Charging Schedule Examination for former Taunton Deane policies. By successfully being found sound at Examination, the policies of the plans have been judged to be viable, the plans deliverable, and to avoid risk to the overall development of the area. As such, viability should not be used to justify a reduction in the attention given to environmental considerations. Where the need for a viability assessment at the application stage is properly justified, the Council will need to consider the various policy requirements of the development plan, taken as a whole, to determine whether and how development can be brought forward in a viable way. If, as a result of this process, there arise issues relating to the sustainability of a development proposal, then there is the potential for the proposal to be viewed more critically, although, as with any planning application, the determination will depend on an evaluation of the proposal in terms of all relevant planning policies and material considerations.
- 3.4 The Council must, therefore be aware of the risk that, in cases where viability is a justified concern, then insistence upon full compliance with policies dealing with responding to the Climate Emergency will necessitate reductions in other policy / infrastructure requirements. However, a nuanced and case-specific consideration will be required to understand what the correct balance of requirements should be to result in sustainable development. Careful consideration of impacts upon five year land supply and Housing Delivery Test compliance will be required as part of this in determining planning applications.
- 3.5 There are costs associated with complying with our own local planning policies that need to be borne by our own developments (as any other development). However, the Statement does not add any new costs, and many of our own developments such as Firepool are already aiming to be exemplars in environmental standards and sustainability.
- 3.6 Consultation on the Draft Statement highlighted areas for potential challenge, should the Council attempt to bring new planning policy forward via a route other than a Development Plan Document (DPD), or attempt to place weight on the Statement itself in the decision making process. If the Council attempts to use the Statement as policy

or apply weight to it in determining planning applications then there is a risk that the decisions will be appealed and appeals granted with costs against the Council. Whilst the Draft Statement included plenty of text explaining that it does not and cannot include new planning policy or amendments to existing policies, the final version has been tightened up further to improve clarity on this subject. The name of the Statement has been amended from “Interim *Policy* Statement” to “Interim *Guidance* Statement”. The two main sections of the document have been renamed as Interim Guidance Statement 1 and 2. Various sections of text have been amended to ensure the correct status is implied and to avoid the Statement either actually or being perceived as setting requirements in itself. Training on the Statement and the subject matter it covers will be arranged shortly for Members of the Planning Committee, officers in Development Management and other interested Members and officers.

4. Background and Full details of the Report

Context

- 4.1 The Statement responds to the fact that the Council has declared a Climate Emergency, and a specific action identified within the Councils Carbon Neutrality and Climate Resilience (CNCR) Action Plan. For further context please review the paper presented to Executive in November relating to the Draft Statement.

Purpose and Intentions

- 4.2 The Interim Guidance Statement seeks to clarify existing planning policy requirements within the district with regards to planning for the Climate Emergency by providing additional explanation and guidance to support existing adopted planning policies.
- 4.3 Existing, adopted planning policy was clearly drafted with the intention of improving the assessment by the Council of the sustainability credentials of development proposals within the district. However, shifts of emphasis within national policy have led to potential confusion over the applicability and effect of certain policies. The Council’s declaration of a Climate Emergency has led to a renewed aspiration to improve the sustainability of development within the district, and an increased recognition of the importance of this objective. The Council has begun work on a new Local Plan to 2040, however, it will be some time before the emerging new Local Plan attracts significant weight in the decision making process. In the meantime, this Statement is designed to provide explanation and guidance on how the Council may apply existing adopted planning policies to the best of their effect in tackling the Climate Emergency.
- 4.4 The Statement does not in itself contain any planning policies, or amendments to existing policy, and will not form part of the development plan or be able to act as a material consideration. Applying relevant law and the NPPF, applications will be determined in accordance with the development plan unless material planning considerations indicate otherwise, with the weight to be applied to material considerations being a matter for the local planning authority as decision maker. The purpose of the Statement is explicitly to provide additional explanation and guidance, underlining that the Climate Emergency itself is a material consideration, and identifying how the requirements of existing, adopted development plan policy may be viewed in assessing development proposals. The Statement will be a useful resource of guidance for planning officers, Members of the Planning Committee, and planning applicants alike.
- 4.5 It should be recognised that this Statement does not override the general presumption in favour of sustainable development emanating from the National Planning Policy

Framework and the subject of local policies. Sustainable development is multi-dimensional, and refers to economic, social and environmental factors. As such, this Statement must be read in conjunction with the development plan as a whole.

Structure

- 4.6 The Structure of the Statement remains the same as the Draft Statement reported to Executive Committee in November. It provides national and local context in terms of the issues at hand, legislation, policy and guidance, viability context and a section clarifying what the Statement does not do. Some of these sections have been updated following consultation responses and updates to the national policy landscape.
- 4.7 The Statement then has two main parts:
- IGS 1 – General relevance of the Climate Emergency in determining planning applications; and
 - IGS 2 – Relevance and justification of Policy DM5 (Use of resources and sustainable design) of the Taunton Deane Core Strategy.
- 4.8 Appendix 1 accompanies the Statement summarising the issues in relation to specific planning policies across the adopted development plan as well as referencing where relevant guidance or evidence exists or is in development.
- 4.9 Appendix 2 provides a useful list of abbreviations used within the document.
- 4.10 IGS 1 is applicable across the Somerset West and Taunton Local Planning Authority area (i.e. excluding Exmoor National Park). IGS 2 is applicable solely within the former Taunton Deane Borough Council area (excluding Exmoor National Park) in so far as policy DM5 is concerned. However, the Council will encourage applicants in the former West Somerset Council area (excluding Exmoor National Park) to follow the guidance when responding to policies NH13 and B/9. IGS1 and IGS2 are not policies of the Council.

Impacts on and role in decision making

- 4.11 Once approved, alongside changes to the local validation list (due for consultation in the coming months), the Statement should provide planning officers and the Planning Committee with more confidence to seek (and where applicable insist upon) improved climate mitigation and adaptation measures from new development, in line with local and national legislation and policy.
- 4.12 IGS 1 confirms that the Climate Emergency will be generally material to planning applications, and will have specific relevance to the following types of development:
- New dwelling houses (including replacement dwellings);
 - New non-residential floorspace;
 - New mixed-use developments;
 - New infrastructure developments (including roads, rail, utilities, energy generation/storage installations).
- 4.13 IGS 1 further proposes to require submission of a completed Climate Emergency Checklist that applicants will need to submit alongside other documents at validation stage. The checklist is a series of questions where the answer should be an elaboration on what is essentially either “yes” or “no”. Officers will not be able to require the answer to these questions to be “yes”, but it will become a prompt for the applicant to think about how their development is/could respond to the Climate Emergency. The

answers to the questions will also not be scored or given any particular weighting, although they will bear relation to the Council's evaluation of the proposal under adopted planning policies. The need to answer these questions may also identify opportunities for the applicant to explore and/or the Council to look to instigate negotiation around, which would not have come forward otherwise. It will also aid the planning officer to determine whether or not, on balance, the development in question is sufficiently responding to the Climate Emergency and current requirements of local and national policy. Introduction of this requirement will require amendment to the local validation list (due for consultation in the coming months). Until a new local validation list is adopted (which includes this item), then officers will not be able to insist upon its submission.

- 4.14 IGS 2 indicates that in determining relevant planning applications, the Council may in appropriate cases be able to apply Policy DM5 of the Taunton Deane Core Strategy as development plan policy. It confirms that where relevant, applicants should submit a Sustainability Checklist and Energy Statement (these are separate requirements to that set out for the Climate Emergency Checklist above, but may be contained within the same document) setting out how they consider the policy requirements are met by the proposal. An appendix has been added to the Statement containing an example contents of a Sustainability Checklist and Energy Statement to help guide applicants.
- 4.15 The majority of policy DM5 (and importantly, key elements of it) remain valid, sound and as such are a vital tool in ensuring new development and in particular new buildings themselves in the former Taunton Deane area are sustainably designed, energy efficient and respond to the Climate Emergency.
- 4.16 Policy DM5 technically does not cover the former West Somerset area. However, Policy NH13 of the West Somerset Local Plan to 2032 and saved policy BD/9 of the West Somerset Local Plan 2006 cover similar issues, though lack explicit requirements to comply with specific standards. On this basis, the Council cannot require developments in the former West Somerset area to comply with policy DM5, but it is suggested that we will in appropriate cases be in a position to encourage applicants in the former West Somerset area to formulate proposals which reflect the requirements of policy DM5, which sets a reasonable and proportionate interim way forward for development.
- 4.17 Importantly, the Statement should not be used to justify the ignoring of the wider aspects of sustainable development in determining planning applications. All planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, whilst this Statement provides explanation and guidance on where and when improved responses may be sought, it does not mean that compliance with the adopted policies referred to in the Statement render other adopted policies of the development plan less important. Planning decisions should guide development towards sustainable solutions, bearing in mind the economic, social and environmental objectives of sustainable development and accounting for character, needs and opportunities of local circumstances. It is the responsibility of the planning system to balance these factors appropriately, whilst bearing in mind the legal duties placed on local authorities around mitigation of, and adaptation to, climate change.
- 4.18 The Council will expect areas not yet benefitting from outline or reserved matters approval, to respond to the Climate Emergency and the Taunton Garden Town Design Charter and Checklist.

Public consultation on the Draft Statement

- 4.19 In November 2020, the Council published “Climate Positive Planning: Draft Interim Policy Statement on Planning for the Climate Emergency” for public consultation (the Draft Statement). Consultation ran from 23rd November 2020 to 4th January 2021.
- 4.20 The purpose of the consultation was:
- (a) To raise awareness of existing adopted planning policies in relation to planning for the Climate Emergency, what the Council expects in relation to these policies, and where further guidance can be accessed;
 - (b) To raise awareness of the limitations of existing planning policies in light of national policy;
 - (c) To provide notice to the development industry, that the Council’s declaration of a Climate Emergency will influence planning decisions where it is a material consideration;
 - (d) To seek views of stakeholders in relation to existing policy and its application as well as additional explanation and guidance which the document aims to provide.
- 4.21 Bodies and persons identified within the Council’s Local Plan consultation database were emailed with details of the consultation. A press release was also published on the Council’s website and posts publicising the consultation were made by the Council’s social media accounts on Facebook, Twitter and LinkedIn. Responses to the consultation were encouraged by completing the online survey hosted on the Council’s consultation portal, by email and by post.
- 4.22 In light of the Coronavirus pandemic and associated restrictions and guidance, as well as the non-statutory nature of the document, a proportionate approach was decided upon. As such, hard copies were not made available at Council offices or public libraries as would normally be the case in the majority of Council planning policy consultations. The Council offices remained closed throughout the consultation period to protect the community and staff while still delivering critical services and ensuring residents are fully supported. It was not felt appropriate to use the available appointments service to facilitate viewing of hard copies of the Draft Statement for the purposes of this consultation.
- 4.23 Similarly, the team would often have arranged in-person events to widen participation in the consultation, however this was felt to be inappropriate in the current circumstances. An officer attended the regular Agents Forum meeting held online on Friday 11th December 2020 to present on the Draft Statement and take part in the associated Q&A session. A total of 36 participants joined this online-hosted forum. The presentation was positively received but no questions were asked. The Agents Forum is held generally on a six-monthly basis, and is a chance for the development industry including planning agents and developers to keep abreast of pertinent issues relevant to the Local Planning Authority, and a chance for the Council to discuss and consult with the development industry on key issues including policy development.
- 4.24 Overall there were 32 responses to the consultation: 15 via the online survey, 15 by email, 0 by post and 2 by social media. The Consultation Report appended as Appendix B to this report summarises the representations received and provides an officer response to some of the main issues/questions raised and how the document has been amended in response.

- 4.25 Comments were made by a range of different persons and bodies. There was a general theme of approval for the Council looking to address and respond to the Climate Emergency. This was tempered for some by frustration at how far the document went (wishing in some cases for it to go further or in others to be pulled back). Officers have considered all comments received and applied professional judgement as to whether or not they merit changes. In some cases this has resulted in specific changes, in others it has resulted in a shift of emphasis. However, not every comment was deemed to require a change to be made.
- 4.26 A number of comments from the development industry raised issues with the status of the document, the way that it would be used, and concern about the process involved in its production. In particular there were claims that the Draft Statement was essentially trying to bring forward new/amended policy outside of proper processes. The Town and Country Planning (Local Planning) Regulations 2012 set out that any document containing new or amending existing planning policy must be prepared as a “local development document” in line with the regulations (including specific criteria surrounding consultation, publication, examination and adoption). In response, a number of minor amendments have been made to the document to clarify that its content is intended as guidance, rather than as planning policy in its own right. Changes included the renaming of the document from Interim *Policy* Statement to Interim *Guidance* Statement to this effect. Members should bear in mind the content and nature of the comments received, as detailed in the Consultation Report, and be cognisant of the potential for challenge should planning decisions attempt to go beyond adopted planning policy or inappropriately apply the Statement itself in decisions.
- 4.27 Various other specific points have been responded to. The “You said, We did” chapter of the Consultation Report (see Appendix B to this report) should be read to understand the changes that have been made and responses to other key issues.
- 4.28 The Statement has been reformatted into landscape format, text broken up in places, chapters numbered, and chapters clearly demarcated by alternating teal/white margins to aid legibility and navigability.

Adoption/approval and future iterations of the Statement

- 4.29 A key purpose of the Statement is to provide guidance in the analysis of planning issues which have been the subject of Government policy issued over a number of years, in a situation where the understanding of the subject matter, such as in relation to carbon reduction and the energy performance of dwellings, is regularly evolving. In such a situation, there is the clear potential for the Statement and the Guidance to be rendered out of date, not only as a result of national changes (Government guidance and policy, as well as the progress of the Environment Bill and the Future Homes Standard*), but also as a result of more local changes (including updating of SUDS guidance and Travel Planning guidance). Therefore, it is proposed that the Statement be approved in its current form, on the basis that it can be amended in future via delegated decision taken at officer level. This arrangement is intended to enable the updating of the Statement so that it can remain “live” and respond to changing circumstances. The proposed thresholds for delegating approval of updates are:
- (a) Minor amendments including textual and visual changes and enhancements to be delegated to the Director for Development and Place in consultation with the Portfolio Holder for Planning and Transportation.
 - (b) Updates relating to changes in national Government legislation and guidance, or the need to reference or update reference to other local or national evidence or

- strategy documents to be delegated to the Portfolio Holder for Planning and Transportation in consultation with Informal Executive.
- (c) More significant updates beyond those listed above to be delegated to Executive Committee.

* Future Homes Standard

- 4.30 The Government has recently published its [response to the Future Homes Standard](#) (FHS) consultation. Key points arising from this response include:
- The FHS will be implemented via Building Regulations from 2025 – requiring a 75% reduction in CO2 emissions over current Building Regs. This will mean that from 2025 there will be no new homes connected to fossil fuel heating.
 - The proposal to bring in an immediate uplift from 2020 is now going to come in through new regulations proposed to be made in December 2021. This will deliver a 31% reduction in CO2 emissions over current regulations. This will likely supersede the 20% reduction referred to in IGS2 of this Statement. This highlights the importance of the Statement being a “live” document able to be updated as things change.
 - There will be a transitional period of 1 year, applying to any building control notice/ initial notice submitted before June 2022. However the transitional arrangements will apply to individual homes rather than entire development sites – so a developer won’t be able to lock all of a large strategic development in to what would in time become outdated Regulations. The transitional arrangements do mean that it could be some time before the updated Regulations bite though, which means there is still merit in seeking to achieve a 20% reduction through policy DM5 in the meantime.
 - The Government will not enact changes to the Planning and Energy Act 2008, (which would have stopped local authorities from going above and beyond Building Regulations on energy performance standards for dwellings) in the “immediate term”. But it will clarify the role of local authorities through the new planning reforms.
- 4.31 For information, SWT’s response to the FHS consultation submitted in February 2020 can be found [here](#).
- 4.32 Government has recently also published [consultation on further changes to Building Regulations relating to new and existing non-domestic buildings, existing domestic buildings, and avoiding overheating](#). Amongst other points, the consultation proposes changes to be brought in in December 2021 that would require non-domestic buildings to achieve a 27% carbon reduction over 2013 Building Regulations Part L. It also proposes a “Future *Buildings* Standard” which will ensure that from 2025 non-domestic buildings are futureproofed and ‘zero carbon ready’, though at present does not identify a specific % reduction over existing Regulations. This, again, highlights why it is important that the Statement is approved as a “live” document.

5. **Links to Corporate Strategy**

- 5.1 Addressing climate change is identified as the Council’s primary objective in the Corporate Strategy. The Annual Plan for 2020/21 refers to the approval of a Carbon Neutrality and Climate Resilience (CNCR) Action Plan and progression of actions to reduce the Council’s and the District’s carbon footprint, support biodiversity and increase resilience to more extreme weather events. The CNCR Action Plan identifies development of an Interim Policy Statement as an “immediate” action. The Annual Plan

also refers to the production of a Draft Local Plan to 2040, consultation and subsequent submission to the Secretary of State. With the timetable for Local Plan production under review, this Statement provides a route to maximising use of existing policy in the meantime.

6. Finance / Resource Implications

- 6.1 There are no direct financial implications associated with the Statement. The future implementation of the Statement in the planning service will need to be accompanied by officer and Member training, which may have financial costs associated with it, should external support be necessary. Though details of this are not yet known and there is no financial request associated with this report.
- 6.2 There are costs associated with complying with our own local planning policies that need to be borne by our own developments (as any other development). However, the Statement does not add any new costs, and many of our own developments such as Firepool are already aiming to be exemplars in environmental standards and sustainability.

7. Legal Implications

- 7.1 The Statement includes an evaluation of the national legislative and policy context, which has been informed by discussion with SHAPE, as the Council's legal service.
- 7.2 Section 19 of the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008) states that "*Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change*". The Climate Change Act 2008 (as amended) legally binds the UK to a target of 100% carbon reduction by 2050. The National Planning Policy Framework (NPPF) is guidance, as opposed to statute, but at paragraph 149 states that "*Plans should take a proactive approach to mitigating and adapting to climate change... In line with the objectives and provisions of the Climate Change Act 2008*". Combining the statutory requirement of the PCPA 2004 (above) with this policy requirement from the NPPF places a specific duty on local planning authorities in this regard.
- 7.3 The Statement is not a Local Development Document under the meaning of the Town and Country Planning (Local Planning) (England) Regulations 2012 and as such cannot set such policies, nor does it attempt to. Provided that the Statement is clearly defined as a document which does not contain planning policy or represent a specific material planning consideration, and provided its status in the context of local and national planning policy is clear, then it can provide a useful framework for understanding and interpreting the Council's broad obligations in addressing climate change issues in relation to proposals for development.

8. Climate and Sustainability Implications

- 8.1 The Statement has been produced with the express purpose of maximising use and impact of existing planning policies with regards to the climate and sustainability implications of new development within the district (with the exception of Exmoor National Park, as a separate Local Planning Authority). What the Local Planning Authority can require of new development in this regard is limited by legislation, regulation, national policy and adopted local planning policy.

8.2 As an example of these limitations, the Somerset Climate Emergency Strategy and the CNCR Action Plan identify the need to move towards requiring zero carbon homes as soon as possible. However, this Statement is unable to set such a requirements as set out within the Statement.

9. Safeguarding and/or Community Safety Implications

9.1 No safeguarding and/or Community Safety Implications are envisaged.

10. Equality and Diversity Implications

10.1 The Statement does not seek to alter existing or bring forward new planning policy. It simply provides additional explanation, guidance and context in relation to existing adopted planning policies. There are therefore, no additional adverse equality impacts anticipated as a result of these clarifications.

10.2 Groups representing those with protected characteristics were invited to comment on the Statement as part of the consultation process.

10.3 The legibility of the document has been improved from its draft format to its final version, including through the inclusion of alternative text for images to improve accessibility.

11. Social Value Implications

11.1 The Statement identifies how new development should respond to existing planning policies in the context of the Climate Emergency. Holistically planned and delivered sustainable development drives social value in and deriving from new development.

12. Partnership Implications

12.1 None anticipated.

13. Health and Wellbeing Implications

13.1 Delivering on many of the existing planning policy requirements aimed at mitigating and adapting to climate change is also likely to have co-benefits for health and wellbeing (e.g. prioritising active travel, ensuring warm and energy efficient homes, avoiding overheating, access to multifunctional and bio-diverse green infrastructure).

14. Asset Management Implications

14.1 The Statement deals with existing adopted planning policies which apply to all new development within the local planning authority area, including that on land owned by the Council and the Council's own developments.

15. Data Protection Implications

15.1 Consultation on the Draft Statement was carried out in line with the General Data Protection Regulation (GDPR). No personal data is reported in the Consultation Report.

16. Consultation Implications

16.1 Consultation on the Draft Statement was guided by the Council's Statement of Community Involvement and has informed the final version. The Consultation Report attached as Appendix B to this report details the responses received, officer responses to issues raised and sets out how the comments influenced changes to the Statement.

17 Democratic Path

17.1 The Draft Statement was considered by Scrutiny Committee (4th November 2020) and Executive Committee (18th November 2020) prior to consultation. Comments raised by Scrutiny can be viewed in the [report considered by Executive Committee](#), and the comments of Executive Committee are set out in the [minutes of that meeting](#).

17.2 The reports from November 2020 suggested that the final version would come back to Executive and then need to go on to Full Council for adoption. However, officers have consulted Governance and the Policy Framework defined under the Constitution about how this Statement will be implemented. As the Statement is guidance and not policy, this is not a decision for Full Council to take. In particular, the Statement is not required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000; and it does not meet the definition of the plans and strategies required by Law or decided as being relevant locally and set out in the Policy Framework. As explained in the above report, the Statement does not set new or amend existing planning policy. Therefore, to take the Statement to Full Council for adoption/approval, may suggest it has an elevated status and role in decision making on planning applications than it actually does. For these reasons, the Statement is being presented to Executive Committee for approval and does not need to progress to Full Council.

17.3 The delegation thresholds proposed in the recommendation refer to when future iterations of the Statement may need to come back to Executive Committee.

Democratic Path:

- **Scrutiny – Yes**
- **Executive – Yes**
- **Full Council – No**

Reporting Frequency: **Once only**

List of Appendices

Appendix A	"Climate Positive Planning" - Interim Guidance Statement on Planning for the Climate Emergency
Appendix B	Consultation Report

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