

DATA LABEL: SENSITIVE



ENVIRONMENT POLICY DEVELOPMENT & SCRUTINY PANEL

THE ROLE OF PLANNING IN TACKLING CLIMATE CHANGE

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION

A. PURPOSE OF REPORT

The purpose of the report is to make the panel aware of the role of planning in tackling climate change. Consideration of the role was a matter considered by West Lothian Council at a meeting on 17 March 2020.

B. RECOMMENDATION

It is recommended that the panel notes the terms of the report.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|--|
| I Council Values | Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in partnership. |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | <p>The council is legally bound to comply with duties for public sector bodies within the Climate Change (Scotland) Act 2009. The duties require that the council must, in exercising its functions, act:</p> <ul style="list-style-type: none">(a) in the way best calculated to contribute to the delivery of the targets set in or under Part 1 of the Act;(b) in the way best calculated to help deliver any programme laid before the Scottish Parliament under section 53;(c) in a way that it considers is most sustainable. <p>Actions will be screened as they are progressed to determine the need for environment, equality, health or risk assessments.</p> <p>There are no SEA issue at this stage.</p> |
| III Implications for Scheme of Delegations to Officers | None. |

IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	<p>SOA: 3 Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p>SOA: 4 We live in resilient, cohesive and safe communities.</p> <p>SOA: 7 We live longer, healthier lives and have reduced health inequalities.</p> <p>SOA: 8 We have the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
VI	Resources - (Financial, Staffing and Property)	None.
VII	Consideration at PDSP	This is the first consideration of the report by the Environment PDSP.
VIII	Other consultations	Property Management (Climate Change Manager).

D. TERMS OF REPORT

D1 Introduction

Following West Lothian Council's declaration of a Climate Emergency in September 2019, a short term, Cross-Party Working Group was established to formulate a way forward which involves the wider public, business and other public bodies. The Working Group reported back to West Lothian Council on 17 March 2020 with a set of recommendations and proposals, including a number of reports to be presented to Environment PDSP and Council Executive. This report is one of those requested and details the role of Planning in tackling climate change.

Planning is a regulatory service and as such the main role is to enforce regulations as enacted by the Scottish Government. Within West Lothian Council this is carried out in various manners by three units within Planning Services:

- Development Planning and Environment;
- Development Management; and
- Building Standards.

D2 Development Planning & Environment

Climate Change is impacted through the Strategic Development Plan (SDP) for South East Scotland (SESplan), and the Local Development Plan (LDP), both of which help to deliver the spatial strategy and policy set out in the Scottish Government's National Planning Framework (NPF) and Scottish Planning Policy (SPP).

These are the starting points for making decisions on planning applications through setting policy considerations for development and also statutory Supplementary Guidance, or non-statutory Planning Guidance, which provides further explanatory information or detail on the planning policies or proposals that are within the development plan.

D3 Development Management

Development Management deal with the process of determining planning applications in line with relevant national and/or local planning policies.

There are three classes of planning applications:

- National – designated in the NPF;
- Major – developments which fall into the descriptions in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 Reg 2 (1) and Schedule; and
- Local – all other developments which are not classed as National or Major.

The LDP policies and Supplementary/Planning Guidance are the basis on which Development Management make their recommendations in the determination of all planning applications which are either considered by elected members through Development Management Committee, or via delegated authority to the Head of Planning, Economic Development & Regeneration.

They are also the basis on which developer financial contributions are assigned to projects which meet specific criteria.

D4 Building Standards

Building Standards enforce compliance with the Building Regulations by confirming that plans are designed in accordance with the Regulations and then verifying that work on site has been completed in line with the approved plans and again comply with the Building Regulations.

This compliance is achieved by assessing proposals against either the technical handbooks produced by the Scottish Government, which are one way of showing compliance with the mandatory standards, or by determining an alternative solution which achieves the same result as that if the published guidance were followed.

D5 Legislative Framework

The outline of how this is achieved in practice is set out as follows:

The Scottish Government sets Scottish Planning Policy (SPP) on land use planning matters. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

This sits alongside the National Planning Framework (NPF) which provides a statutory framework for Scotland's long-term spatial development. The NPF sets out the Scottish Government's spatial development priorities and the SPP sets out policy that will help to deliver the objectives of the NPF. Both are currently being reviewed and the SPP will be incorporated within the revised NPF4 that is due to be laid before the Scottish Parliament in Autumn 2021.

SPP currently includes the following subject policies a number of which impact on climate change: A Successful, Sustainable Place –

- Promoting Town Centres;
- Promoting Rural Development;
- Supporting Business and Employment; and
- Enabling Delivery of New Homes.

A Low Carbon Place -

- Delivering Heat and Electricity; and
- Planning for Zero Waste.

A Natural, Resilient Place -

- Valuing the Natural Environment;
- Maximising the Benefits of Green Infrastructure;
- Promoting Responsible Extraction of Resources
- Supporting Aquaculture; and
- Managing Flood Risk and Drainage.

A Connected Place -

- Promoting Sustainable Transport and Active Travel; and
- Supporting Digital Connectivity.

Each local authority is required to produce their own local development plan (LDP) which sits below a strategic development plan (SDP) and deals with region-wide issues that cross boundaries of council areas. West Lothian has a SDP as the area is located adjacent to Edinburgh and follows the requirements of the Edinburgh and South East Scotland Strategic Development Plan (SESplan) which is required for the city region around Edinburgh.

The SDP and LDP help to deliver the spatial strategy and policy set out in the NPF and SPP. They are also the starting point for making decisions on planning applications through setting policy considerations for development and also Supplementary Guidance and Planning Guidance which provide further explanatory information or detail on the policies or proposals that are in the development plan.

D6 Main Policies within the LDP which have an impact on Climate Change

These main planning policies related to climate change issues are:

- Policy NRG 1 - Climate Change and Sustainability;
- Policy NRG 1a - Low and Zero Carbon Generating Technology;
- Policy NRG 2 - Solar roof Capacity Requirements;
- Policy NRG 3 - Wind Energy Development;
- Policy NRG 4 - Other Renewable Energy Technologies; and
- Policy NRG 5 - Energy and Heat Networks.

In addition to the above policies, the following LDP policies also have an impact on climate change:

- Policy DES 1 - Design principles;

- Policy EMP 2 - Employment Development within Settlement Boundaries;
- Policy EMP 3 - Employment Development outwith Settlement Boundaries;
- Policy EMP 5 - Office Development;
- Policy EMP 6 - Enterprise Areas;
- Policy HOU 2 - Maintaining an Effective Housing Land Supply;
- Policy HOU 3 - Infill/Windfall Housing Development within Settlements;
- Policy HOU 6 - Residential Care and Supported Accommodation;
- Policy TRAN 2 - Development Contributions and Associated Works;
- Policy TRAN 3 - Core paths and Active Travel;
- Policy ENV 2 - Housing development in the Countryside;
- Policy ENV 3 - Other Development in the Countryside;
- Policy ENV 4 - Loss of Prime Agricultural Land;
- Policy ENV 5 - Soil Sustainability Plans;
- Policy ENV 6 - Peatlands and Carbon Rich Soils;
- Policy ENV 8 - Green Network;
- Policy ENV 9 - Woodland, Forestry, Trees and Hedgerows;
- Policy ENV 10 - Protection of Urban Woodland; and
- Policy ENV 15 - Community Growing and Allotments.

D7 Conditions attached to Planning Permissions which have an impact on Climate Change

Examples of conditions Development Management attached to planning permissions (see Appendix 1), which have an impact on climate change relate to a number of issues e.g.;

- Electric Vehicle Charging (50kW) – Commercial Sites;
- Electric Vehicle Charging (7kW) – Housing Sites;
- Low and Zero Carbon Generating Technology; and
- Landscaping (Tree Replacement) and Condition of Trees.

D8 Solar Panels installation

While, as yet, there has not been a major move on Solar Panels installation, an application has been approved for the installation of solar panel arrays on the Terrace Car Park to the south of the River Almond which will result in a carbon reduction of around 100 tonnes of CO² per annum from the running of the Civic Centre.

This forms part of the council's Climate Emergency response and assists in the council's ambition of being net-zero carbon by 2045. The proposals accord with policies NRG 1 (climate change and sustainability), NRG 4 (other renewable technologies) and DES 1 (design principles) of the adopted West Lothian Local Development Plan, 2018.

D9 Mandatory Standards in Building Regulations

Examples of these mandatory Building Regulations standards are:

Mandatory Standards 6.1 - Carbon Dioxide Emissions

Every building must be designed and constructed in such a way that:

- a. the energy performance is estimated in accordance with a methodology of calculation approved under regulation 7(a) of the Energy Performance of Buildings (Scotland) Regulations 2008, and

- b. the energy performance of the building is capable of reducing carbon dioxide emissions.

Mandatory Standards 6.2 - Building insulation Envelope

Every building must be designed and constructed in such a way that an insulation envelope is provided which reduces heat loss.

D10 Possible Future Measures related to Planning & Climate Change

Going forward it may be that schemes could be agreed in conjunction with both Planning, Economic Development and Regeneration Service and developers for a voluntary planning obligations scheme such as an agreement by developers to offset carbon reduction from the site in an alternative means for which the developer could promote the site in conjunction with West Lothian Council as being 'carbon neutral'.

A similar type scheme as was previously employed for local apprenticeships and local materials / suppliers in conjunction with businesses and P,ED&R.

Planning Guidance for gathering voluntary developers' contributions towards tree planting on WLC sites and landholdings that contribute towards carbon sequestration.

These schemes would initially need to be voluntary as to be mandatory there needs to be a relationship to one of the statutory LDP policies and the obligation must be in accordance with Scottish Government current Circular 3/2012 'Planning Obligations and Good Neighbour Agreements', as interpreted by emerging case law and amended by subsequent amendments and legislation. The forthcoming review of the NPF4 and the accompanying SPP may hasten change on these climate change related issues.

More than 100 new policies and proposals to support Scotland's green recovery and help deliver a just transition to net zero have been launched by the Scottish Government at the end of 2020. They form part of the Climate Change Plan 2018 – 2032, which has been updated to reflect the world's most ambitious framework of climate targets as enshrined in Scotland's Climate Change Act 2019.

The plan, which also increases the ambition of more than 40 other policies to cut greenhouse gas emissions across all sectors, including Planning, includes:

- the launch of a £180 million Emerging Energy Technologies Fund (EETF), that, over the next 5 years, will support the development of Scottish hydrogen and Carbon Capture and Storage (CCS) industries, and support the development of Negative Emissions Technologies (NETs).
- additional funding of £120 million for zero emission buses to accelerate the decarbonisation of Scotland's bus fleet and support the Scottish supply chain.
- £50 million to support the creation of Active Freeways to provide sustainable transport links between our towns and cities.
- £50 million to transform vacant and derelict land, ensuring that this land is utilised for maximum environmental and community benefit.
- reducing the number of kilometres travelled by car by 20% by 2030 In line with the vision and priorities of the new National Transport Strategy.
- phasing out the need for new petrol and diesel cars and vans by 2030, in line with UK Committee on Climate Change advice.
- plan to help create 1 million zero-emission homes by 2030.
- a Waste 'Route map' to 2030 and beyond, including consulting on a ban on all biodegradable non-municipal waste being sent to landfill, also in line with UK Committee on Climate Change advice.

- nature-based solutions also form a key part of the updated Climate Change Plan. The Scottish Government recently announcing an additional £500 million of investment in the natural economy, with peatland restoration and woodland creation helping to enhance biodiversity and create good, green jobs whilst tackling climate change.

D11 Biodiversity and Climate Change

The Scottish Government announced in December 2020 plans to protect at least 30% of Scotland's land for nature by 2030 – and to examine options to extend this further.

A new '*Statement of Intent on Biodiversity*', sets out priorities for tackling biodiversity loss as part of a strategy to combat climate change and ecological decline.

Currently, 37 per cent of Scotland's marine environment is safeguarded, with 22.7 per cent of terrestrial land protected for nature.

Other commitments include plans to support new, locally driven projects that aim to improve ecological connectivity and the publication of a new national strategy on biodiversity within 12 months of the international climate change summit in Glasgow rescheduled for November 2021.

An emphasis on 'pocket parks' and other green spaces could help to improve access to nature as part of the 20-minute neighbourhood approach being developed through National Planning Framework 4 that will also develop *"ambitious new proposals which will deliver positive effects for biodiversity from development, without the need for overly complex metrics, and how they can support wider approaches to natural infrastructure."*

D12 Carbon Conscious Places

Finally, in 2019 the Scottish Government's Energy and Climate Change Directorate asked Architecture and Design Scotland (A&DS) - Scotland's design agency – "What will Scotland look like in 2050 if a 'whole place approach' to designing for a changing climate is adopted".

Against the backdrop of increasing climate crisis and an ambitious target to be a net-zero carbon society by 2045, they enquired how best to implement Scotland's Climate Change Plan locally – at the level of settlements, rather than individual buildings, or national infrastructure.

A&DS examined Glasgow City Council, Moray Council, Shetland Islands Council, and Loch Lomond and the Trossachs National Park for their variety – in geography, scales, issues and project stage and also considered insights from professionals with expertise in: energy, food-growing, greening, brownfield reuse, health, waste, mobility and behaviour change.

Eight clear principles emerge that support a holistic approach to developing places that reduce, repurpose and absorb carbon while adapting to the impacts of climate change:

1. A '**place-led' approach** – understanding, appreciating and working with existing assets, the surrounding landscape and the place identity – is critical. Scotland's 'Place Standard' is a useful tool that can help to identify the opportunities and assets in each location.

2. A **place of small distances** - dense and compact settlements supported by walkable neighbourhoods, mixed-use developments with everyday amenities and transport links, tend to support more carbon-conscious lifestyles.
3. A **network of small distance places** - Transport is one of the largest contributors to carbon emissions. Enabling people to live, work and play without generating unnecessary emissions will be a step towards delivering carbon-conscious places.
4. A **place designed for and with local people** - Placing people's needs at the centre of decision-making, service provision and investment as people need to be actively involved in the design process to feel a sense of ownership.
5. A **place that reuses, repurposes and considers whole-life costs** - retrofitting existing structures to be climate ready and focusing on vacant and derelict land, as planners need to consider the cost of the entire life cycle of a project, rather than its initial capital costs only.
6. A **place with whole and circular systems** - places we live in are shaped by the systems that make modern life work – heat, energy, water, transport and waste – as well as the natural systems in the landscape. Enhancing, repairing and joining up these different systems is key for systems become self-sustaining.
7. A **place that supports sharing** - sharing of assets and services has a vital part to play in the pursuit of lower-carbon living. Sharing works at all scales e.g.; sharing tools, food, bikes, electric vehicles, service provision & accommodation.
8. A **place designed in time** - time is a fundamental dimension in the emergence of places with long-term visions or short-term ('meanwhile') approaches that test out new ideas.

There is a need to embed climate action into the future spatial plans developed for villages and towns, shifting away from the current reliance on carbon-intensive developments, services and modes of transport, which requires thinking about planning and development in a more holistic, collective way. These aspects related to West Lothian can be explored spatially in the Regional Spatial Strategy as part of NPF4 and review of the Local Development Plan and its accompanying new planning policies to reflect the desire for a long term, no-carbon future to respond to the impacts of climate change.

E. CONCLUSION

There is a long standing legislative background for Planning in Scotland. This translates from the Scottish Government preparation of National Planning Frameworks and Scottish Planning Policy, through to the Strategic Development Plan, Regional Spatial Strategy and the corresponding Local Development Plan and its related statutory and non-statutory Supplementary/Planning Guidance.

Many aspects of the Planning system impact on climate change and the related planning policies and corresponding decisions on planning applications will assist in tackling climate change issues. A major vehicle for considering further climate change issues in West Lothian will be the preparation of the new LDP 2.

F. BACKGROUND REFERENCES

Climate Emergency Working Group Recommendations - West Lothian Council 17 March 2020.

Climate Emergency Declaration Motion - West Lothian Council 24 September 2019.

Scottish Government updated Climate Change Plan 2018 – 2032:

<https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/>

West Lothian Local Development Plan (2018).

Appendices/Attachments: One - Examples of conditions Development Management attach to Planning Permissions which have an impact on Climate Change.

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Appendix 1:

Examples of planning conditions Development Management attach to planning permissions which have an impact on climate change

Electric Vehicle Charging (50kW) – Commercial Sites

“One active ready to use 'rapid' electric vehicle charging point (50kW with CCS or CHAdeMO connector) shall be provided in a dedicated charging bay. The dedicated charging bay shall be physically identified for use by electric vehicles. Plans detailing who will be responsible for managing and maintaining charging infrastructure shall be submitted for the consideration and written approval of the planning authority. Details should include arrangements for managing access to EV charging spaces and arrangements for paying for the electricity used during charging.”

Reason: To comply with the council's policies and supplementary guidance on air quality.

Electric Vehicle Charging (7kW) – Housing Sites

“Prior to the start of any site servicing works, details which show that a minimum of X houses approved under permission will have an active ready to use electric vehicle (EV) charging point (7kw) installed, either in a garage or within the driveway of the property and connected to the domestic electricity supply via a dedicated circuit and the locations of the X houses, shall be submitted for the written approval of the planning authority. For all other residential units with off-street parking, the details shall show that passive provision (cabling and individual fuse boxes) will be provided to enable easy conversion to an active charging point. Thereafter, the agreed EV charging points and cabling shall be installed to the satisfaction of the planning authority.”

Reason: In the interests of environmental amenity and providing sustainable transport options for the site.

Electric Vehicle Charging

“Development shall not begin until details to meet the following requirements for electric vehicle charging have been submitted to and approved in writing by the planning authority:

- (a) Where off-street parking is provided, one in every six residential units shall have an active ready to use electric vehicle charging point (7kw) located either in a garage or in close proximity to a dedicated car parking place within the driveway of the property and connected to the domestic electricity supply via a dedicated circuit. For all other residential units with off-street parking, passive provision (cabling and individual fuse boxes provided) shall be provided to enable easy conversion to an active charging point should demand manifest itself.
- (b) For on-street parking (excluding adoptable visitor parking), one in every six spaces shall have a fully connected, active and ready to use electric vehicle charging point (7kw). Electric vehicle parking spaces should be counted as part of the overall car parking provision and not in addition to it.
- (c) Details of who will be responsible for managing and maintaining charging infrastructure, including details of managing access to charging spaces and arrangements for paying for the electricity used during charging.

Thereafter the development shall be carried out in accordance with the details as approved”.

Reason: To enable full consideration to be given to those details which have yet to be submitted, in the interests of ensuring the provision of electric vehicle charging.

Low and Zero Carbon Generating Technology (Policy NRG1a) -

"Prior to the occupation of the premises, a written statement shall be submitted to the Planning Authority that demonstrates that this development can achieve and implement at least 10% of the current carbon emission reduction (set by Scottish Building Standards) which shall be met through the installation and operation of low and zero-carbon generating technologies and shall remain as such unless otherwise agreed in writing by the Planning Authority".

Reason - To enable full consideration to be given to those details which have yet to be submitted, in the interests of environmental amenity

Landscaping (Tree Replacement)

"Prior to the start of construction works, a landscaping plan shall be submitted for the consideration and written approval of the planning authority. The landscaping plan shall show the types, standard and location of a minimum of XX replacement trees (replaced on a 2 for 1 basis – XX removed) within the XX area. Once approved, the tree planting shall be carried out in accordance with that plan in the first available planting season, unless otherwise agreed. All trees planted shall be maintained for a minimum of 5 years until they become established and with any tree which dies, is damaged or removed within that period replaced with a tree of similar standard, to the satisfaction of the planning authority."

Reason: In the interest of visual and environmental amenity

Condition of Trees

"The development shall not begin until details of landscaping (including the hedge and trees) has been submitted to and approved in writing by the planning authority. It shall include details of plant species, sizes, planting distances, methods of protection and the body that will maintain the landscaping together with a schedule of maintenance works. It shall comply with BS 3936-1 Nursery stock - Part 1: Specification for trees and shrubs and BS 4428 - Code of practice for general landscape operations (excluding hard surfaces). Thereafter the landscaping as approved shall be implemented in the first planting season following the development being occupied, or completion of the development, whichever is sooner. The landscaping as approved shall thereafter be maintained to the entire satisfaction of the planning authority. Maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the landscaping".

Reason: To enable full consideration to be given to those details which have yet to be submitted, in the interests of visual and environmental amenity.