

# Non-Statutory Interim Planning Policy Statement: Climate Emergency

Mid Devon District Council, Phoenix House, Tiverton, Devon, EX16 6PP

Final version to be published online at [MidDevon.gov.uk](http://MidDevon.gov.uk) and [SustainableMidDevon.org.uk](http://SustainableMidDevon.org.uk)

## *Version Control*

Version	Contributor initials	Approval by	Approval date
Draft 0.1	JB, IC.		
Draft 0.2	JB, IC.		
Draft 0.3	AB, JB, IC, JC, TP.		
1.0	AB, JB, IC, TP.	(Planning Policy Advisory Group)	16.09.2022
Consultation		(Cabinet)	TBC
QA Draft Final		(TP)	TBC
Final		(TP)	TBC

## *Contributors*

(JB) Jason Ball, Climate and Sustainability Specialist.

(AB) Arron Beecham, Principal Housing Enabling and Forward Planning Officer.

(JC) James Clements, Principal Planning Officer.

(IC) Isabel Cordwell, Forward Planning Officer.

(TP) Tristan Peat, Forward Planning Team Leader.

# Table of Contents

Foreword .....	3
1.0 Introduction .....	4
2.0 Purpose, Status and Content .....	5
3.0 Climate Emergency Context.....	7
Legislative Context .....	7
National and Local Policy Context .....	8
Future National and Local Policy Context .....	11
4.0 Climate Emergency – Planning Applications Checklist.....	13
5.0 Net Zero Carbon Toolkit .....	28
6.0 Net Zero Housing Assessment Tool.....	29
Appendix A Legislative, Regulatory and Policy Context .....	30

## Foreword

The Planning process is at the foundation of the Council's action to help our communities at a time of climate change crisis.

Building *what the customer wants* is about investing in a better tomorrow *today*.

- Would you buy a new house if you knew it needed a retrofit within 5 or 10 years?
- Would you choose a home with sky high bills, if a nearby neighbourhood offered a super-insulated Net Zero home meeting its own energy needs with renewables?
- Would you expect a local authority to permit a development that fails to address the climate change emergency?

Mid Devon's new homes must enable residents to enjoy a healthy, comfortable dwelling – affordable to run and designed to protect people from the extremes of heat or cold, drought or flood.

Our rural heart of Devon is a hard-working, thriving, living landscape with immense reserves of skills, knowledge and innovation. Mid Devon's communities want to feel connected, and not just to the internet, but also with their fellow neighbourhoods and local businesses.

Commercial developments seeking opportunity and growth in Mid Devon will rely on well-connected, climate-resilient, carbon-cutting communities, infrastructure services and transport. The Local Plan and effective environmental policies will actually help to cultivate those resources for growth.

Mid Devon's Local Plan asks that applicants and developers consider their climate credentials and environmental sustainability for each proposal in a holistic manner, working in ways that enhance ecosystem services, alleviate risk, and enable our Net Zero future. Our interim planning policy statement and supporting guidance helps developers understand the ambitions necessary to help us address the climate change emergency.

**Councillor Colin Slade**

**Cabinet Member for the Environment and Climate Change**

## 1.0 Introduction

- 1.1 Mid Devon District Council signed the Devon Climate Emergency Pledge on 26<sup>th</sup> June 2019 and aims to become carbon neutral by 2030 (Net Zero greenhouse gas emissions).
- 1.2 To ensure due regard is given to climate emergency considerations in all aspects of Planning, the Council has published this statement and supporting guidance.
- 1.3 **Tackling climate change is a material consideration to the planning process, to which significant weight should be attached.**
- 1.4 **Therefore the Council will view and interpret development plan policies for Mid Devon in the light of the climate change emergency.**
- 1.5 Setting the climate emergency as a top priority connects to closely-related issues such as low-carbon design, energy efficiency, infrastructure resilience, living landscapes and ecological recovery (the Council already has a statutory duty to conserve biodiversity).
- 1.6 Accordingly, the Council will encourage applicants to engage in pre-application discussions with Planning Officers to incorporate best practice. Where necessary, evidence will be required as part of the submission of planning applications, including how policy requirements and legislative standards will be met.
- 1.7 Guidance and resources to support this interim planning policy statement include three key elements:
  - a) A **Climate Emergency – Planning Applications Checklist** for all development proposals;
  - b) Guidance in the form of a **Net Zero Carbon Toolkit**;
  - c) The MDDC **Net Zero Housing Assessment Tool** to be used to compare ‘low carbon’ standards for new residential development.
- 1.8 This interim planning policy statement highlights the most relevant legislation and standards at the time of writing, and explains how these relate to Council policies. Policy context and local consultation indicates a compelling case for action to address the climate emergency at a faster pace than much of the current policy could otherwise achieve.

## 2.0 Purpose, Status and Content

### *Purpose*

- 2.1 The purpose of this interim planning policy statement is to supplement policies of the adopted Mid Devon Local Plan where these are relevant to climate change considerations, and to assist their implementation. These considerations encompass both mitigation (reductions in greenhouse gas emissions) and adaptation (dealing with the climate crisis risks). Therefore the scope goes beyond design and construction, and also seeks to address interlinked socioeconomic and ecological / biodiversity factors.
- 2.2 The Council has begun work on a new Local Plan for Mid Devon (called 'Plan Mid Devon'), which will provide an opportunity to introduce new policies to help us tackle climate change. However, this new Local Plan is not expected to be adopted until mid-2025. The current Mid Devon Local Plan has a lifespan to 2033 and remains in force as part of the statutory adopted development plan for the district together with the Devon Minerals and Waste Plans and neighbourhood plans (where these have been successful at their local referendum and 'made'). The current Local Plan includes policies for the development and use of land and buildings which are relevant to adapting to climate change and mitigating its effects. However, its content pre-dates current national planning policy, the Council's adoption of the Devon Climate Emergency Declaration in June 2019, and also more recent technical evidence intended to help inform future plan making. As a consequence, the Council took the decision in February 2021 to prepare an interim planning policy statement for the climate emergency to supplement relevant policies in the adopted Local Plan. This can also have regard to more recent national planning policy, legislation, technical information, current good practice and the Climate Emergency declaration, and will provide a stepping stone to the new Local Plan. The interim planning policy statement and use of a 'Climate Emergency – Planning Applications Checklist' is intended to raise the profile and importance, and improve the transparency of climate change and climate emergency considerations in the planning process in Mid Devon.

### *Status*

- 2.3 The interim planning policy statement does not form part of the statutory plan, alter existing or set new planning policy.
- 2.4 It will have the status of non-statutory guidance and will also be a resource which can be used by applicants to help inform the preparation of planning applications submitted to the Council for determination within the Mid Devon area. The interim planning policy statement can help clarify how the requirements of existing development plan policies can be met in relation to climate change, which can assist the assessment of planning applications, and it underlines that tackling climate change is a material consideration.
- 2.5 The climate emergency is increasingly recognised as a significant material consideration in decision-making and appeals<sup>1</sup>. As such, in April 2021 the Secretary of State recognised that **“the scale and urgency of the climate change**

---

<sup>1</sup> APP/K1128/X/20/3252613, APP/K1128/W/20/3252623. Appeal by Mr David Holloway against South Hams District Council

**emergency is such that tackling climate change is a material consideration to which significant weight should be attached”<sup>2</sup>.**

- 2.6 This is supported in a recent publication by the Royal Town Planning Institute (RTPI) and the Town and Country Planning Association (TCPA) which advocates that the climate impacts of any decisions that contradict planning policy are fully assessed, and that “development should not be approved if it would increase risks to the community or exceed established carbon budgets”<sup>3</sup>.
- 2.7 The ‘Statement’ will be applicable to all applications for the development and use of land and buildings in Mid Devon (outside the Dartmoor National Park) that are submitted to the Council for determination. However, not all of its principles / objectives may be relevant in every instance and this will need to be considered on a case by case basis. Exemptions to the use of the ‘Statement’ will include development that is subject to ‘permitted development rights’ where there is no need to apply for planning permission.

#### *Content*

- 2.8 The interim planning policy statement includes guidance and resources in the form of three key elements:
- a) A Climate Emergency - Planning Applications Checklist to be used for development proposals;
  - b) Guidance in the form of a Net Zero Carbon Toolkit;
  - c) The Council’s Net Zero Housing Assessment Tool to be used to compare ‘low carbon’ standards for new residential development.
- 2.9 The interim planning policy statement will be subject to public consultation, which will include seeking feedback from the development industry, and all comments received will be carefully considered before the documents is finalised and is adopted by the Council.

---

<sup>2</sup> APP/V2255/W/19/3233606 Secretary of State decision. Appeal by Quinn Estates Ltd and Mulberry Estates (Sittingbourne) Ltd against Swale Borough Council

<sup>3</sup> TPCA/RTPI (2021) The Climate Crisis – a guide for planning authorities on planning for climate change <https://www.tcpa.org.uk/planning-for-climate-change>

## 3.0 Climate Emergency Context

- 3.1 The Council has set an ambitious target to achieve net zero by 2030, ahead of Devon County Council's commitment to realise this by 2050 and that of the sixth Carbon Budget, which sets a legally binding target for a 78% reduction by 2035 (compared with 1990 levels)<sup>4</sup>.
- 3.2 The Mid Devon Climate Strategy 2020-2024<sup>5</sup> clearly identifies the role in that the planning system can lead in mitigating, and adapting to, climate change. To complement this, a variety of planning-related work streams are currently being implemented through the Mid Devon Climate Action Plan.
- 3.3 Due to the urgent need for action and the potential impact on delivery of housing and associated infrastructure, the Council is placing preparation for, and response to climate change at the forefront of its corporate agenda. This will ensure that environmental sustainability is considered alongside social and economic sustainability. This will, of necessity, require changes to existing planning policies, which will be explored during the preparation of Plan Mid Devon. The Plan will cover the period to 2043, set within a vision that looks ahead to 2053. Alongside this is a commitment to update the Council's Air Quality Supplementary Planning Document (SPD).
- 3.4 The planning system is set by, and subject to, a number of pieces of international, national, and local, legislation and regulation. This section identifies those currently of most relevance to this Statement and the need to plan for climate change.

### Legislative Context

#### **United Nations Sustainable Development Goals (SDGs) 2015** <sup>6</sup>

- 3.5 Formulated as part of the United Nations 2030 Agenda for Sustainable Development, the 17 UN SDGs provide an integrated framework to address a comprehensive range of issues, and are underpinned by 169 ambitious Global Targets and 244 Global Indicators. Supported by the Royal Town Planning Institute (RTPI), the SDGs provide a particular opportunity to strengthen the commitment by local planning authorities to deliver development that contributes positively to creating sustainable communities (goal 11) and adapting to climate change (goal 13). According to the UK Government, which adopted the Agenda in 2015 following involvement in its production, 65% of the Global Targets are reliant on local stakeholder involvement if they are to be achieved.

#### **Planning and Compulsory Purchase Act 2004** <sup>7</sup>

- 3.6 Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 (as amended) includes a requirement for development plan documents to include policies designed to ensure that development and land use contribute to the mitigation of, and adaptation to, climate change.

---

<sup>4</sup> <http://www.theccc.org.uk/publication/sixth-carbon-budget/>

<sup>5</sup> <https://sustainablemiddevon.org.uk/Media/sefbojtr/mddc-climate-strategy-2020-2024-v1-dec2020-ac.pdf>

<sup>6</sup> <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

<sup>7</sup> <https://www.legislation.gov.uk/ukpga/2004/5/contents>

### **Climate Change Act 2008**<sup>8</sup>

- 3.7 The 2019 amendment to the Climate Change Act 2008 contains a legally binding commitment to reduce the UK's net emissions of greenhouse gases by 100% by 2050 (relative to 1990 levels). However, in June 2021 the Government adopted the sixth carbon budget<sup>9</sup>, which sets out a target reduction of 68% by 2030, stimulating the need for rapid action.

### **Environment Act 2021**<sup>10</sup>

- 3.8 Extending the duty conferred by the Natural Environment and Rural Communities Act 2006 on local planning authorities to conserve biodiversity, the Environment Act 2021 introduces a requirement to also enhance biodiversity. This comes in the form of introducing local nature recovery strategies and an expectation that all new development deliver a minimum 10% net gain in biodiversity, which should be managed for at least 30 years. To combat the ecological emergency, there is a strong expectation by the Council that new developments should be delivering biodiversity net gain in advance of the mandatory requirement coming into force (expected in the autumn of 2023). The Act also places weight on the role of nature based solutions in addressing climate change, sets out new requirements for waste reduction, air and water quality, and emphasises the sustainable use of resources.

### **Planning and Energy Act 2008**<sup>11</sup>

- 3.9 Section 1 of the Planning and Energy Act 2008 (as amended) empowers local planning authorities to include policies imposing reasonable requirements for a proportion of energy used in development within their area to be low carbon, or derived from renewable sources in the locality of the development, and to set "energy efficiency standards that exceed the energy requirements of building regulations".

## **National and Local Policy Context**

### **National Planning Policy Framework 2021**<sup>12</sup>

- 3.10 The adopted Local Plan was prepared in the context of the 2012 National Planning Policy Framework (NPPF) and examined under transitional arrangements. Since then, the NPPF has undergone two revisions, the current 2021 version placing a greater emphasis on addressing the climate challenge as a material consideration and including reference to the UN SDGs.
- 3.11 The NPPF 2021 sets out the Government's planning policies for England and how these should be applied in relation to both plan-making and decision-making. Key sections relating to planning for climate resilience are summarised below:
- Paragraph 8 identifies the opportunity to secure net gain across interdependent economic, social, and environmental objectives. It also includes a commitment to 'mitigating and adapting to climate change, including moving to a low carbon economy'.

---

<sup>8</sup> <https://www.legislation.gov.uk/ukpga/2008/27/contents>

<sup>9</sup> The Carbon Budget Order 2021 (SI 2021/750)

<sup>10</sup> <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

<sup>11</sup> <https://www.legislation.gov.uk/ukpga/2008/21/contents>

<sup>12</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)



- Paragraph 104 states that ‘transport issues should be considered at the earliest stages of plan-making and development proposals, so that ... opportunities to promote walking, cycling and public transport are identified and pursued’.
- Paragraph 105 supports Paragraph 104, setting out that ‘significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes’.
- Paragraph 131 stipulates that existing trees are retained wherever possible, new streets are tree-lined, opportunities are sought to incorporate trees into developments and that long-term maintenance of newly-planted trees is secured.
- Paragraph 152 includes a requirement for the planning system to ‘support the transition to a low carbon future’ through ‘shap[ing] places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience’.
- Paragraph 153 states that plans should consider ‘the long-term implications for flood risk ... water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures’ on the future resilience of infrastructure and communities, establishing a clear link with the objectives and provisions of the Climate Change Act 2008.
- Paragraph 167 strengthens the requirement for development within areas at risk of flooding to demonstrate that sustainable drainage systems will be incorporated, unless clear evidence can be provided to show that this would be inappropriate.
- Chapter 15 specifically references the securing measurable net gains for biodiversity within paragraphs 179 and 180. While paragraphs 174 and 179 promote the establishment, conservation, restoration and enhancement of ecological networks.

#### **National Planning Practice Guidance**<sup>13</sup>

- 3.12 The NPPF is supported by national Planning Practice Guidance (PPG) which provides additional context and guidance on how the NPPF and other relevant statements should be interpreted. The PPG is subject to regular updating, therefore specific paragraphs are not referred to within this Statement.

#### **The Building Regulations 2021 Amendments**<sup>14</sup>

- 3.13 In anticipation of a Future Homes and Buildings Standard, the 2021 amendments to the Building Regulations came into force on 15<sup>th</sup> June 2022, followed by a 1-year transition period to allow for work subject to an existing building notice and for planning applications currently underway.<sup>15</sup>
- 3.14 The changes include the following interim uplifts to Part L ‘Conservation of fuel and power’, Part S ‘Infrastructure for charging electric vehicles’, and the introduction of Part O ‘Overheating in new residential buildings’.
- Part L strongly encourages developers to **aspire towards zero carbon**, setting out that all new homes should provide an uplift in thermal efficiency (against 2013 Building Regulations) of at least 30%, with a minimum 40% of the building footprint accommodating roof mounted solar photovoltaic panels. For non-residential buildings, a 31% reduction of baseline emissions is required.

---

<sup>13</sup> <https://www.gov.uk/government/collections/planning-practice-guidance>

<sup>14</sup> <https://www.legislation.gov.uk/ukxi/2010/2214/contents/made>

<sup>15</sup> Circular Letter 02/2021, <https://www.gov.uk/government/collections/building-regulations-circulars>

- Part O seeks to ensure that new homes are designed to **reduce overheating** through minimising solar gain and removing excess heat. This is to be achieved through restricting the amount of glazing allowed in a single room, in combination with consideration of cross-ventilation and orientation.
- Part S requires that where car parking provision is made, all new residential development must have a **minimum of one electric vehicle charging point per dwelling**, irrespective of whether communal or private parking spaces are provided.

#### **National Design Guide 2019 and National Model Design Code 2021** <sup>16</sup>

- 3.15 The National Design Guide sets out the ten characteristics of a well-designed place that need to positively address environmental issues affecting climate. The National Model Design Code reflects this through a requirement for codes to cover sustainability, which includes nature based solutions, energy efficiency, net zero alignment and climate resilience.

#### **UK Climate Change Risk Assessment 2022** <sup>17</sup>

- 3.16 Published in January 2022, the UK Government's third Climate Change Risk Assessment identifies 8 priority risk areas. With an onus on achieving net zero (mitigation) and climate resilience (adaptation), these include risks to:

- terrestrial and freshwater biodiversity;
- soil health from increased flooding and drought;
- nature-based carbon sequestration and storage;
- supply chains and distribution networks;
- energy system failures; and
- overheating of buildings.

- 3.17 There is an emphasis on avoiding 'locking in' the need for future remedial actions in relation to new housing or infrastructure.

#### **Net Zero Strategy: Build Back Greener 2021** <sup>18</sup>

- 3.18 The Government's Net Zero Strategy contains a raft of commitments. These include increasing onshore wind, solar and other renewable energies; banning the sale of petrol and diesel cars from 2030, and for all cars to fully zero emission capable by 2035. Funding to enable half of all journeys within urban areas to be walked or cycled by 2030; and to create integrated, zero emission public transport fleets and infrastructure is also pledged.

---

<sup>16</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1009793/NMDC\\_Part\\_1\\_The\\_Coding\\_Process.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1009793/NMDC_Part_1_The_Coding_Process.pdf)

<sup>17</sup> <https://www.gov.uk/government/publications/uk-climate-change-risk-assessment-2022>

<sup>18</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1033990/net-zero-strategy-beis.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033990/net-zero-strategy-beis.pdf)

### **Heat and Buildings Strategy 2021** <sup>19</sup>

- 3.19 Taking a whole lifecycle system, fabric first approach to decarbonising buildings, the Heat and Buildings Strategy sets out the Government's plan to decarbonise the UK's 30 million homes and workplaces. Key elements include a commitment to update the Building Regulations (which were enacted in June 2022), outlaw the installation of new and replacement gas boilers by 2035, and advocate installation of heat pumps and heat networks.

### **Written Ministerial Statement (HCWS258) on Improving Water Quality and Tackling Nutrient Pollution July 2022** <sup>20</sup>

- 3.20 In March 2022, Natural England advised the Council<sup>21</sup> that any "additional residential and commercial development that will result in a net increase in population served by a wastewater system, including new homes, student and tourist accommodation" within the catchment area of the Somerset Levels and Moors Ramsar will require an appropriate assessment<sup>22</sup>. This is to determine the potential impact on water quality from increased phosphorus levels from new development, which can lead to nutrient enrichment creating unfavourable conditions for habitats sites with subsequent loss of biodiversity. Threats such as this are interlinked and possibly cumulative in effect alongside the risks to ecological systems from climate change. A Written Ministerial Statement published in July 2022, announced details of a forthcoming nutrient mitigation scheme, to be delivered by Natural England.

### **Devon Minerals Plan 2011 – 2033** <sup>23</sup>

- 3.21 Adopted in February 2017, the Devon Minerals Plan provides a policy framework to maintain the supply of minerals from local reserves, through safeguarding sites and encouraging re-use of construction materials.

### **Future National and Local Policy Context**

- 3.22 Mid Devon's new Local Plan - Plan Mid Devon – will introduce new policy, and the proposed structure sets the climate crisis as an overarching priority. Future policies will be subject to the reasonable expectation that they are robust and 'fit for purpose' with due regard to being capable of delivering statutory obligations and contributing to the achievement of legally binding targets, in the local context. Assessments of the likely capacity of planning policy and targets in relation to – for example – achieving Net Zero homes can be undertaken – as has been the case for the Cornwall Climate Emergency Development Plan Document<sup>24</sup>.

---

<sup>19</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1036227/E02666137\\_CP\\_388\\_Heat\\_and\\_Buildings\\_Elay.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1036227/E02666137_CP_388_Heat_and_Buildings_Elay.pdf)

<sup>20</sup> <https://questions-statements.parliament.uk/written-statements/detail/2022-07-20/hcws258>

<sup>21</sup> DfLUHC (16 March 2022) Nutrient Pollution: Neutrality, Support and Funding

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1061531/Chief\\_Planner\\_Letter\\_about\\_nutrient\\_pollution\\_\\_March\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1061531/Chief_Planner_Letter_about_nutrient_pollution__March_2022.pdf)

<sup>22</sup> <https://www.legislation.gov.uk/uksi/2017/1012/regulation/63>

<sup>23</sup> <https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/devon-minerals-plan/>

<sup>24</sup> Etude (2021). *Technical Evidence Base for Policy SEC 1 – New Housing*. <https://bit.ly/3C5xDH9>

### **Future Homes and Buildings Standard** <sup>25</sup>

- 3.23 Following on from the 2006 Code for Sustainable Homes, the Future Homes and Buildings Standard will comprise of a set of standards to complement the Building Regulations. It will aid in reducing carbon emissions from new homes constructed from 2025 by 75-80% (based on those delivered under the 2013 requirements of Part L of the Building Regulations). Scheduled to come into force in 2025, it will also address carbon reductions in new non-domestic buildings and existing homes.

### **Levelling Up Bill 2022** <sup>26</sup>

- 3.24 During May the Government published the Levelling Up Bill which aims to set out how opportunity will be spread more equally across the UK through support of the decarbonisation agenda and recognition that changes to the planning system are required in order to support the transition to net zero. As part of this, the introduction of an additional clause to neighbourhood development plans is proposed for the Planning and Compulsory Purchase Act. This would require that neighbourhood development plans must be designed to ensure that development and land use within the neighbourhood forum area contributes to the mitigation of, and adaptation to, climate change.

### **Local Electricity Bill 2021** <sup>27</sup>

- 3.25 The Council has recently carried a motion to support the Local Electricity Bill 2021. Should this bill become law, it will enable producers of local generated renewable energy to become local electricity suppliers. The benefits include simplifying licensing conditions and ensuring that application costs are proportionate to the size of an applicant's business. In theory, this could incentivise local entrepreneurs, stimulate local economies and supply communities with clean energy.

### **Devon Carbon Plan** <sup>28</sup>

- 3.26 Based on detailed assessments of the county's greenhouse gas emissions, the Devon Carbon Plan seeks to outline how net zero emissions will be achieved throughout Devon by 2050. Key areas to target are food production; renewable energy supply; reduced energy consumption; sustainable travel; the built environment; carbon capture and storage; and circular economy principles.

---

<sup>25</sup> <https://www.gov.uk/government/consultations/the-future-buildings-standard>

<sup>26</sup> <https://bills.parliament.uk/bills/3155>

<sup>27</sup> <https://bills.parliament.uk/bills/3039>

<sup>28</sup> [https://www.devonclimateemergency.org.uk/interimcarbonplan/?cat\\_id=2572](https://www.devonclimateemergency.org.uk/interimcarbonplan/?cat_id=2572)

## 4.0 Climate Emergency – Planning Applications Checklist

### *Validation Checklist*

- 4.1 The Council's current Validation Checklist for planning applications submitted for determination requests the following information which is relevant in the consideration of matters relating to climate change:

#### **All types of development**

- Flood Risk Assessment
- Surface Water Drainage Strategy
- Tree survey and report
- Pollution Impact Assessment and Mitigation Scheme
- Transport Assessment / Travel Plan / Traffic Pollution Assessment / Low Emission Assessment (where significant levels of vehicle movement are likely)
- Environmental Statement (where an Environmental Impact Assessment is required)

#### **Major development only**

The National Planning Policy Framework defines 'major development': *"For housing, [as] development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m<sup>2</sup> or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015."*

Planning proposals for major development require:

- Carbon Reduction Statement setting out how landform, layout, building orientation, massing and landscaping have been considered in relation to minimising energy consumption
  - Waste Audit Statement setting out anticipated wastes arising from the construction and operational stages of the development. Focus should be on reuse, recycling, including careful selection of materials and – where possible – how existing features such as buildings, hard surfacing and topography will be incorporated
- 4.2 It is intended the Validation Checklist will be updated. This will provide an opportunity to include greater emphasis on climate change and climate emergency matters, and can assist the Council in meeting its target of reducing carbon emissions to net zero by 2030.

### *Climate Emergency – Planning Applications Checklist*

- 4.3 This Non-Statutory Interim Planning Policy Statement introduces a 'Climate Emergency – Planning Applications Checklist', which will be used by the Council for the purpose of helping to inform pre-application discussions, and also in the consideration of planning applications that have been submitted for determination. The Climate Emergency – Planning Applications Checklist includes principles and objectives derived through a scoping of policies relevant to climate change in the

adopted Mid Devon Local Plan, and has expanded these as guidance in the form of measures for consideration.

- 4.4 The Interim Planning Policy Statement will be relevant to proposals for the development and use of land and buildings in Mid Devon in relation to climate change considerations. **Applicants for planning permission will be expected to have regard to the principles and objectives contained in this Interim Planning Policy Statement and show how these have been considered and used in preparing planning applications, and these principles and objectives will be used by the Council, alongside relevant development plan policies and policies of the National Planning Policy Framework to assist the consideration of planning applications that are submitted for determination.**
- 4.5 The Climate Emergency – Planning Applications Checklist [will be / is] available as a separate document under the [Planning](#) section of the Council’s website. Appendix A provides tables demonstrating how current legislation, regulation and policy support the checklist.

### Climate Emergency - Planning Applications Checklist

Principle	Objectives	Measures for consideration in relation to relevant policy and legislative requirements	Has this been addressed through the planning proposal?	
			If yes, please outline how	If not, please explain why
<b>CP.1 Sustainable development</b>	CP.1.1 Benchmarking and quality	Participation on a recognised environmental accreditation scheme, such as LEED, BREEAM, or Building for Nature or through application of the Net Zero Carbon Toolkit		
<b>CP.2 Increasing accessibility, reducing the need to travel, and efficient movement of goods</b>	CP.2.1 Density and adaptability	Optimise (achieve a significant uplift) in densities of dwellings in town centres and other locations which are well served by public transport		
		Building design to allow for future adaptation, including for new technologies and battery storage		
		Other (please state):		
	CP.2.2 Permeability and walkability	Active frontages/edges with opportunities for natural surveillance		
		Use of sensory features and opportunities to stand and stay, places to sit and stand utilising views and sun		
		Pedestrian friendly – no obstacles, good surface, access for all, crossings, good sightlines, appropriate lighting, interesting facades		
		Signposting to local facilities		
Appropriate block sizes to location				
Local facilities accessible through walking/cycling (within 800m of new developments)				

Principle	Objectives	Measures for consideration in relation to relevant policy and legislative requirements	Has this been addressed through the planning proposal?	
			If yes, please outline how	If not, please explain why
		Maximising the number of internal pedestrian routes through the site		
		Maximising the number of pedestrian external routes in and out of the site linking to the wider area		
		Other (please state):		
	CP.2.3 Integrated active travel	Accessible range of transport modes with overall low impact on the environment		
		Signposting of active travel routes and facilities		
		Provision of travel packs for new residents		
		Easy transition from cycling and walking to public transport		
		Well lit travel facilities and appropriate crossings for pedestrians and cyclists		
		Other (please state):		
	CP.2.4 Cycling	Secure changing facilities provided in non-residential developments		
		Covered, well-located and secure cycle storage facilities		
		Green corridors, off-road cycle routes and public rights of way		
		Direct links for cyclists		
		Cycle routes linking to wider area		



Principle	Objectives	Measures for consideration in relation to relevant policy and legislative requirements	Has this been addressed through the planning proposal?	
			If yes, please outline how	If not, please explain why
		Segregated cycle lanes		
		Other (please state):		
	CP.2.5 Planning for the car	Car-free, limited and timed zones at certain times and/or locations		
		<u>Residential development</u> Inclusion of a minimum of 1 electric vehicle charging point per dwelling (statutory requirement through Part S of the Building Regulations)		
		<u>Non-residential development</u> Provision of electric vehicle charging points as set out for non-residential uses in Policy DM5		
		Car clubs or demand responsive transport		
		Co-ordinated traffic calming approaches		
		Other (please state):		
	CP.2.6 Freight and logistics	Allow for the efficient delivery of goods (e.g. freight consolidation opportunities, mobility hubs, loading bays to accommodate deliveries without blocking roads/causing congestion)		
		Other (please state):		
<b>CP.3 Improving energy efficiency</b>	CP.3.1 Minimising energy consumption	<u>Residential development</u> Please refer to CP.3.2 below		

Principle	Objectives	Measures for consideration in relation to relevant policy and legislative requirements	Has this been addressed through the planning proposal?	
			If yes, please outline how	If not, please explain why
		Use of on-site or locally sourced reclaimed materials, and incorporation of existing structures into new development		
		Opportunities for repurposed buildings and structures prioritised over new construction		
		Soft-edges to footpaths and cycle-paths		
		Plot and block orientation, and position windows to optimise solar gain		
		Natural ventilation and easy to regulate ventilation (air tight when needed)		
		Use of vegetation for shade in summer		
		Private outdoor space for food growing and composting (agricultural land classification required)		
		Community food growing opportunities, such as allotments, orchards and foraging (agricultural land classification required)		
		Other (please state):		
CP.3.2 Using energy more efficiently	<u>Residential development</u> Provision of key details of the energy efficiency and carbon standards for the proposed design	Net Zero Carbon Toolkit		

Principle	Objectives	Measures for consideration in relation to relevant policy and legislative requirements	Has this been addressed through the planning proposal?	
			If yes, please outline how	If not, please explain why
		<p>through the use of the Net Zero Carbon Toolkit and the Net Zero Housing Assessment Tool.</p> <p><b>The MDDC Net Zero Housing Assessment Tool should be used as the preferred method of presenting a summary of the following information. The completed tool should be submitted as part of a Carbon Reduction Statement.</b></p> <ol style="list-style-type: none"> <li>1. Operational Standards: <ol style="list-style-type: none"> <li>a. The applicable Building Regulations minimum standard (such as Part L, Future Homes and Buildings Standard)</li> <li>b. The minimum Fabric Standard (performance standard), measured in kWh/m<sup>2</sup>/year. (kilo-Watt-hours per square metre per year)</li> <li>c. The Carbon Standard (such as Net Zero, or a % improvement on the Part L in force)</li> </ol> </li> <li>2. A target Embodied Carbon standard: tCO<sub>2</sub>e/m<sub>2</sub> benchmark (tonnes of CO<sub>2</sub> equivalent per square metre)</li> <li>3. Calculate the Embodied, Operational Lifetime, and Total Lifetime tCO<sub>2</sub>e (tonnes of CO<sub>2</sub> equivalent)</li> </ol>		
			Net Zero Housing Assessment Tool	

Principle	Objectives	Measures for consideration in relation to relevant policy and legislative requirements	Has this been addressed through the planning proposal?	
			If yes, please outline how	If not, please explain why
		<p><u>Non-residential development</u></p> <p>Provision of key details of the energy efficiency and carbon standards for the proposed design.</p> <ol style="list-style-type: none"> <li>1. Operational Standards: <ol style="list-style-type: none"> <li>a. The applicable Building Regulations minimum standard (such as Part L, Future Homes and Buildings Standard)</li> <li>b. The minimum Fabric Standard (performance standard), measured in kWh/m<sup>2</sup>/year. (kilo-Watt-hours per square metre per year)</li> <li>c. The Carbon Standard (such as Net Zero, or a % improvement on the Part L in force)</li> </ol> </li> <li>2. A target Embodied Carbon standard: tCO<sub>2</sub>e/m<sup>2</sup> benchmark (tonnes of CO<sub>2</sub> equivalent per square metre)</li> <li>3. Calculate the Embodied, Operational Lifetime, and Total Lifetime tCO<sub>2</sub>e (tonnes of CO<sub>2</sub> equivalent)</li> </ol>		
		External/internal lighting management systems with low carbon or energy efficiency technology e.g. solar		
		A higher level of fabric standards/insulation than required by the Building Regulations		

Principle	Objectives	Measures for consideration in relation to relevant policy and legislative requirements	Has this been addressed through the planning proposal?	
			If yes, please outline how	If not, please explain why
		Low carbon road surface options which are unlikely to be adopted by Devon County Council, e.g. <ul style="list-style-type: none"> <li>• Primary and secondary roads: low temperature asphalt</li> <li>• Tertiary roads: permeable paving</li> </ul>		
		Other (please state):		
	CP.3.3 Using cleaner energy	Renewable energy generation and supply, including on-site where feasible		
		Infrastructure to connect renewable energy systems to the grid (distribution network operator may need to assess)		
		Battery storage or flexibility systems such as V2G (vehicle to grid)		
		Other (please state):		
	<b>CP.4 Adapting to higher temperatures</b>	CP.4.1 Shade and ventilation	Application of a cooling hierarchy to moderate the indoor climate through passive measures	
Other (please state):				
CP.4.2 Use of cool materials		Use of materials that minimise heat gain in summer e.g. cool roofs and paving		
		Other (please state):		
CP.4.3 Green infrastructure		Beneficial habitat features e.g. trees in landscaping, parking areas and open spaces		

Principle	Objectives	Measures for consideration in relation to relevant policy and legislative requirements	Has this been addressed through the planning proposal?	
			If yes, please outline how	If not, please explain why
		Relationship between vegetation and building to optimise natural ventilation		
		Green and blue infrastructure in private outdoor space, e.g. trees, hedgerows, hedges, green/brown/blue roofs, vertical climbers, water features and landscaping		
		Other (please state):		
<b>CP.5 Mitigating flood risk, and water resource resilience</b>	CP.5.1 Sustainable urban drainage systems (SuDS)	SuDS such as rain gardens, swales, natural water courses, communal soakaways, filter strips, retention and detention basins		
		Other (please state):		
	CP.5.2 Water efficiency and rainwater harvesting (ways to reduce demand on water utilities)	Water efficiency designed into specifications, e.g. toilet flush systems, shower and tap flow rates.		
		Coordinated greywater recycling and reuse systems		
		Rainwater collection and reuse systems		
		Other (please state):		
	Permeable surfaces for roads, parking areas, hard surfacing and pavements			

Principle	Objectives	Measures for consideration in relation to relevant policy and legislative requirements	Has this been addressed through the planning proposal?	
			If yes, please outline how	If not, please explain why
	CP.5.3 Reducing the risk of flooding	Nature-based solutions, natural vegetation of habitats, e.g. green/brown/blue roofs, communal basins and ponds, green spaces within blocks, and green verges		
		Undertake a Flood Risk Assessment (FRA) if the site is within: <ul style="list-style-type: none"> <li>• Flood Zone 1: for locations within a critical drainage area, or potentially affected by flooding from surface water, reservoirs, etc., or where the site is larger than 1 hectare (ha)</li> <li>• Flood Zones 2 and 3</li> </ul> Use the latest <a href="#">climate change allowances</a> , pertinent to the lifetime of the development		
		Other (please state):		

Principle	Objectives	Measures for consideration in relation to relevant policy and legislative requirements	Has this been addressed through the planning proposal?	
			If yes, please outline how	If not, please explain why
<b>CP.6 Resilience of natural systems and resources</b>	CP.6.1 Protecting existing Natural Capital and biodiversity	For development within the Somerset Levels and Moors Ramsar catchment area (phosphorus nutrient neutrality):		
		1. Does the development generate wastewater from overnight use?		
		2. Is wastewater likely to be discharged into the catchment		
		3. Is there a change to the land use or drainage area?		
		4. Does any part of the existing land use drain into the catchment area?		
5. Does the development result in a net increase in nutrients to the catchment?				
	Avoidance and mitigation measures for other pollution of landscapes, soils, ecosystems and water – such as nitrates, transport, agricultural or industrial emissions			
	Light pollution avoidance, design and mitigation hierarchy, limit impacts of lighting. Conservation and enhancement of dark zones to benefit nature e.g. bats and other sensitive species.			
	Retention of existing open water features			
	Retention of existing habitat features such as trees, scrub, hedgerows, refugia, hibernacula.			



Principle	Objectives	Measures for consideration in relation to relevant policy and legislative requirements	Has this been addressed through the planning proposal?	
			If yes, please outline how	If not, please explain why
		Protection of existing trees, hedges and hedgerows during site preparation, demolition and/or construction works (for ecological value, carbon sequestration and amenity value)		
		Other (please state):		
	CP.6.2 Creating and enhancing biodiversity	<p>Ecological impact assessment, mitigation and enhancements.</p> <ol style="list-style-type: none"> <li>1. Has an ecological baseline been established? (e.g. preliminary ecological appraisal)</li> <li>2. Has an Ecological Impact Assessment been recommended or undertaken?</li> <li>3. Has a mitigation hierarchy been followed?</li> <li>4. What enhancements have been proposed?</li> <li>5. Have climate change implications been considered in ecological assessments and management plans?</li> </ol> <p>Biodiversity Net Gain (BNG):</p> <ol style="list-style-type: none"> <li>1. Which BNG Biodiversity Metric was used to assess proposals and calculate net gain?</li> <li>2. Have you submitted the completed metric spreadsheet? (evidence of calculation)</li> <li>3. How will a statutory minimum 10% net gain be delivered, either on-site or off-site?</li> <li>4. How will management of the site be secured for a minimum of 30 years?</li> </ol>		

Principle	Objectives	Measures for consideration in relation to relevant policy and legislative requirements	Has this been addressed through the planning proposal?	
			If yes, please outline how	If not, please explain why
		<p>5. How will this be monitored and reported?</p> <p>Reference: Devon Planning Guidance for Biodiversity Compensation and Net Gain  <a href="https://www.devon.gov.uk/environment/wildlife/wildlife-and-geology-planning-guidance">https://www.devon.gov.uk/environment/wildlife/wildlife-and-geology-planning-guidance</a></p>		
		Restoration or new planting of hedges, hedgerows and trees (for habitat value and carbon sequestration, ecological and amenity value)		
		Planting of native or non-intrusive species for pollinators and other insects		
		Installation of green infrastructure such as green/brown/blue roofs and green/vegetated walls (including climbing and trailing plants)		
		Inclusion of one or more: bird boxes, bat boxes/bricks, amphibian kerbs, hibernacula, hedgehog holes/highways, wildlife-friendly/accessible ponds or other water features		
		Other (please state):		
		Proximity to nature recovery areas and networks		

Principle	Objectives	Measures for consideration in relation to relevant policy and legislative requirements	Has this been addressed through the planning proposal?	
			If yes, please outline how	If not, please explain why
	CP.6.3 Nature recovery and wildlife networks	Creation of connective habitat features e.g. hedges, ditches, tree lines for wildlife to commute and migrate		
		Trees incorporated into primary street frontages (for habitat value, carbon sequestration and vehicle emissions filtration, ecological and amenity value)		
		Creation of pocket parks		
		Wildlife nodes at junctions and street corners		
		Green/blue buffers adjacent to wildlife areas		
		Other (please state):		

## 5.0 Net Zero Carbon Toolkit

- 5.1 The Local Government Association (LGA) [Housing Advisers Programme](#), has been designed to support councils seeking to innovate in meeting the housing needs of their communities. The Programme has funded the development of a Net Zero Carbon Toolkit. This contains the latest design approach and good practice within the field of Net Zero buildings, and has been developed by leading technical experts from Etude, the Passivhaus Trust, Levitt Bernstein and Elementa Consulting.
- 5.2 The Net Zero Carbon Toolkit is introduced as part of this Non-Statutory Interim Planning Policy Statement. It explains how net zero carbon developments can be delivered through construction, and takes into account embodied carbon and operational energy requirements. The Net Zero Carbon Toolkit includes advice on different methods of design and construction to achieve and maintain a healthy and comfortable indoor climate. It can also be applicable to the retrofitting of existing homes and where work does not require planning permission.
- 5.3 The Net Zero Carbon Toolkit [will be / is] available as a separate document under the [Planning](#) section of the Council's website and can be used alongside the Net Zero Housing Assessment Tool. Applicants for the development of new homes will be expected to make use of the Net Zero Carbon Toolkit in the preparation of planning proposals. In doing so, this can help show how the following principles and objectives of the Climate Emergency – Planning Applications Checklist, where relevant to new build homes, can be met:
- Principle CP.1 Sustainable development
    - Objective CP.1.1 Benchmarking and quality
  - Principle CP.2 Increasing accessibility, reducing the need to travel, and efficient movement of goods
    - Objective CP.2.1 Density and adaptability
  - Principle CP.3 Improving energy efficiency
    - Objective CP.3.1 Minimising energy consumption
    - Objective CP.3.2 Using energy more efficiently
    - Objective CP.3.3 Using cleaner energy

## 6.0 Net Zero Housing Assessment Tool

- 6.1 Mid Devon District Council has developed a “Net Zero Housing Assessment Tool” with the University of Exeter. This can be used alongside the Net Zero Carbon Toolkit to evaluate the costs and benefits of various ‘low carbon’ standards for new housing developments.
- 6.2 The Net Zero Housing Assessment Tool is prepared for use in a spreadsheet format. It is intended to enable a greater understanding of how sustainable design and low carbon technologies can be implemented within developments, and will also help the Council and applicants for planning permission better understand the carbon emissions arising from proposals. It provides the ability to test different approaches and to evaluate the effect of these in terms of both reducing carbon emissions and the resultant cost uplift, which can be factored into more detailed development appraisals.
- 6.3 The Net Zero Housing Assessment Tool calculates carbon performance (based on regulated emissions from Part L of the Building Regulation, and embodied carbon) of 4 dwelling typologies: detached, attached, 1-bed flats and 2-bed flats for a range of fabric and building services specifications. The tool then sizes the required PV array to meet Part L, and any further improvements. The next stage establishes the cost uplift to achieve user-selected performance standards, compared to the lowest cost means to meet the minimum requirements of the 2021 Building Regulations amendments.
- 6.4 The Net Zero Housing Assessment Tool [will be / is] available as a separate document under the [Planning](#) section of the Council’s website. Applicants for the development of new homes are encouraged to make use of the Net Zero Housing Assessment Tool in the preparation of planning proposals. In doing so, this can help show how the following principles and objectives of the Climate Emergency – Planning Applications Checklist, where relevant to new build homes, can be met:
- Principle CP.3 Improving energy efficiency
    - Objective CP.3.1 Minimising energy consumption
    - Objective CP.3.2 Using energy more efficiently

## Appendix A Legislative, Regulatory and Policy Context

<b>National Requirements</b>	<b>Corresponding Objective</b>
Environment Act 2021	CP.6.1; CP.6.2; CP.6.3
UK Climate Change Risk Assessment 2022	CP.4.1; CP.4.2; CP.4.3; CP.5.1; CP.5.2; CP.5.3; CP6.1; CP.6.2; CP.6.3
NPPF 2021	CP.2.1; CP.2.2; CP.2.3; CP.2.4; CP.3.1; CP.3.2; CP.3.3; CP.4.1; CP.4.2; CP.4.3; CP.5.1; CP.5.2; CP.5.3; CP6.1; CP.6.2; CP.6.3
Part L 'Conservation of fuel and power' of The Building Regulations etc. (Amendment) (England) Regulations 2021	CP.2.1; CP.3.2
Part O 'Overheating in new residential buildings' of The Building Regulations etc. (Amendment) (England) Regulations 2021	CP.4.1; CP.4.3
Part S Infrastructure for charging electric vehicles' of The Building Regulations etc. (Amendment) (England) Regulations 2021	CP.2.5
Written Ministerial Statement (HCWS258) on Improving Water Quality and Tackling Nutrient Pollution July 2022	CP.6.1
Net Zero Strategy: Build Back Greener 2021	CP.2.2; CP.2.3; CP.2.4; CP.2.5; CP.3.2; CP.3.3; CP.6.1; CP.6.2; CP.6.3
Heat and Buildings Strategy 2021	CP.2.1; CP.3.2; CP.3.3
National Design Guide 2019 / National Model Design Code 2021	CP.2.1; CP.2.2; CP.2.3; CP.2.4; CP.2.5; CP.3.1; CP.3.2; CP.3.3; CP.4.1; CP.4.2; CP.4.3; CP.5.1; CP.5.2; CP.5.3; CP.6.1; CP.6.2; CP.6.3

<b>County Requirements</b>	<b>Corresponding Objective</b>
Devon Minerals Plan 2011 - 2033	CP.3.1

<b>Mid Devon Local Plan 2013 – 2033 Policy</b>	<b>Corresponding Objective</b>
Policy S1 Sustainable development priorities	CP.2.1; CP.2.2; CP.2.3; CP.2.4; CP.2.5; CP.4.3; CP.5.3; CP.6.2; CP.6.3
Policy S8 Infrastructure	CP.2.1; CP.2.2; CP.2.3; CP.2.4; CP.2.5
Policy S9 Environment	CP.3.2; CP.4.2; CP.4.3; CP.5.1; CP.5.2; CP.5.3; CP.6.1; CP.6.2; CP.6.3
Policy S14 Countryside	CP.6.2
Policy DM1 High quality design	CP.2.1; CP.2.2; CP.2.3; CP.2.4; CP.2.5; CP.3.1; CP.5.1; CP.5.3; CP.6.3
Policy DM2 Renewable and low carbon energy	CP.6.2

<b>Mid Devon Local Plan 2013 – 2033 Policy</b>	<b>Corresponding Objective</b>
Policy DM5 Parking	CP.2.5
Policy DM9 Conversion of rural buildings	CP.3.1
Policy DM20 Agricultural development	CP.5.3; CP.6.1
Policy DM27 Protected landscapes	CP.6.2; CP.6.3