

Name	Paula Orr
EiP Hearing Matter no	Matter 1
Section	Issue 1
Specific Strategy, Policy or Question	Question 1.10
Test of soundness failed	Not justified; not positively prepared; not effective; not consistent with national policies

Matter 1 Procedural and legal requirements including the Duty to Co-operate

Issue 1: Whether the Council has complied with relevant procedural and legal requirements.

- 1.10 Does the NSP accord with s19(1A) of the Planning and Compulsory Purchase Act (2004) (as amended) by including policies that are designed to secure that the development and use of the land in the Borough contribute to the mitigation of, and adaptation to, climate change?

Legal requirements for development plans to contribute to climate change mitigation and adaptation

Southwark Council has a legal duty under section 19(1A) of the Planning and Compulsory Purchase Act 2004 to ensure that climate change mitigation and adaptation are core objectives integrated across all local planning policy. These duties include setting targets and policies based on the local potential to reduce emissions, and that are at least in line with the UK's Climate Change Act. The Climate Change Act 2008 committed the UK to an 80% reduction in net greenhouse gas emissions relative to the levels in 1990, to be achieved by 2050. This target was extended to "at least 100%" in June 2019. And at the end of last year, the Prime Minister announced a new UK target to reduce greenhouse gas emissions by 68% by 2030 as part of the UK's Nationally Determined Contribution (NDC) under the Paris Climate Agreement. This is intended to ensure rapid progress towards meeting longer-term goals.

Furthermore, Section 14 of the National Planning Policy Framework, 2019 (NPPF) states that: '*The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*'

I consider that the NSP fails to meet Southwark Council's legal obligation under the PCPA 2004 because climate change mitigation and adaptation are not core objectives of the plan and the NSP therefore cannot integrate these objectives across all planning policy in the borough. The NSP does

not set out clear targets for reducing emissions in line with the UK Climate Change nor does it contain a set of policies to achieve emissions reductions.

In March 2019 the Council declared a Climate Emergency and made an ambitious commitment to achieve net zero carbon emissions by 2030. The Foreword to the Plan states that the Council has included a number of policy additions help to achieve the ambition set out in the Climate Emergency Declaration. However, the New Southwark Plan Schedule of changes document (EIP27D) states clearly that the changes to Strategic Policies 5 Healthy active lives and 6 Cleaner, greener, safer are ‘minor’. The change to SP4 Strong local economy is limited to including a reference to jobs in the environmental sector to address the Climate Emergency. There is only a fleeting mention of the climate emergency in the NSP Strategic Vision.

The Council’s 2020 amendments to the NSP included the addition of Strategic Targets, with two targets under the heading **Working towards cleaner energy and protecting the environment:**

- All developments must reduce their carbon emissions.
- Retain all Metropolitan Open Land, Borough Open Land and Other Open Space.

The first target is so general that it is unmeasurable. The second does not appear to be a target as it refers to retaining open land designations that already exist. These targets therefore fail to provide direction and a means of monitoring and assessing the achievement of climate change objectives.

The NSP Foreword offers instead a commitment to develop ‘a specific supplementary planning document focussed on the climate emergency in line with the findings from Southwark’s Climate Summit’. A supplementary planning document is not an appropriate instrument for this purpose: SPDs do not set policy, they give detailed guidance on how policies or proposals in development plan documents will be implemented. The problem is that the NSP does not put forward a climate change policy.

Energy policy and carbon emissions objectives

The Council’s Energy Policy Background Paper, dated June 2020 (EIP59) provides three energy policy objectives, broadly based on the Energy Hierarchy principles:

- Reduce consumption
- Produce or use energy efficiently
- Generate energy cleanly

These objectives align with the GLA energy policy objectives, except that the crucial fourth principle of monitoring and reporting on performance is missing from the Energy Policy Background Paper. The New Southwark Plan should provide a baseline of emissions and a requirement for ongoing monitoring of energy consumption, production and use and of emissions across key plan areas (housing development and functioning, business, commercial and industrial activities, transport and infrastructure) so that the Council can assess progress towards achieving targets and understand which policy measures are contributing to reduce emissions and where further action is needed to ensure targets are met.

The energy principles do not appear to be applied in the NSP beyond the Energy Policy (P69). They do not provide a means of integrating action on climate change across the borough. Housing policy which is key for reducing carbon emissions, has not seen even minor amendments to refer to climate change objectives. Emissions associated with the built environment account for

approximately 75% of estimated emissions in Southwark, with about one-third of these coming from domestic uses (Energy Policy Background paper, EIP59).

The Council's draft Climate Change Strategy has already identified opportunities for measuring and mitigating emissions resulting from construction:

"Enforce the inclusion of emissions and embodied carbon from construction in net zero targets on developments. Alongside this, introduce a cap on emissions produced throughout the construction process and building lifecycle" (p41).

The NSP should be updated to include this policy as one means of complying with legal requirements. I believe that it is now feasible to require the minimisation of loss of embodied carbon from the construction process through the use of recycled or low carbon construction materials.

Another policy that has gained support is to require developers to consider options for reusing or repurposing existing buildings as a preferred alternative when preparing site development plans. This is intended to reduce the number of buildings being demolished and the associated loss of embodied carbon. BREEAM UK¹ states that the construction industry accounts for approximately 55% of materials consumption, with buildings (including their operation) contributing 50% of total CO2e (carbon dioxide equivalent) emissions.

Assessing the carbon impact of NSP policies

For the NSP to meet the requirements of the PCPA, preparation of the plan would have involved the assessment of the plan policies' carbon impacts. While the Energy Policy Background paper provides projections of the impact of selected energy policies as compared with Business As Usual, there is no assessment of the carbon impacts of other policies such as P16 Tall buildings or P28 Strategic protected industrial land.

The lack of an assessment of the carbon impact of its policies means that Southwark Council is not able to show that its planning policies are designed to secure the borough's contribution to the full decarbonisation of the UK, as required. This will mean that those deciding planning applications will be unclear as to whether proposed developments they are considering are consistent with the borough's carbon reduction objectives.

The Royal Town Planning Institute (RTPI) has emphasised that "without adequate planning systems and policies, there is no realistic way to progress to zero carbon" and that "nothing should be planned without having successfully demonstrated it is fit to take its place in a net-zero emissions future"².

Proposed amendments to the NSP

To make the NSP compliant with the requirements of the PCPA (2004), Southwark Council should:

¹ BREEAM UK New Construction non-domestic buildings technical manual 2014 - Mat 06 Material efficiency: https://www.breeam.com/BREEAMUK2014SchemeDocument/content/09_material/mat06.htm

² RTPI, 2019. Planning for a smart energy future. <https://www.rtpi.org.uk/smartergy>

- Set a local carbon target framework, with a baseline of CO₂ emissions within the borough and an indication of the intermediate targets to achieve the final goal, with timings, so that progress can be measured.
- Include policies from the Draft Climate Change Strategy. Southwark Planning Network's Climate Emergency Working Group provided a response to the 2020 NSP consultation that included a list of policies from the Draft Climate Change Strategy that should be incorporated into the NSP. I support this proposal.
- Demonstrate the consistency with the carbon target framework of relevant NSP policies.
- Monitor performance on at least an annual basis using relevant indicators.