



**PUBLIC EXAMINATION OF MID SUSSEX DISTRICT COUNCIL'S DRAFT SITES ALLOCATION DPD
SUBMISSION BY CPRE SUSSEX AS TO THE NEED FOR THE DISTRICT PLAN TO INCLUDE A POLICY
SETTING OUT THE DISTRICT'S OVERALL CLIMATE CHANGE MITIGATION STRATEGY**

1. In our submission the Council's failure to introduce an overall climate change mitigation strategy causes the District Plan, as proposed to be supplemented by the Sites Allocation DPD, to fail all four tests of soundness.
2. Mitigating the impacts of global warming and loss of biodiversity caused by human activity and behaviour are THE most serious and urgent challenges faced by us all. We are consuming and destroying nature faster than it is able to renew. We have to reverse that, or ultimately we die too. Inconvenient, but true. Only behavioural change will achieve that. That challenge requires a serious and sustained response by all those with the power of influence, including local planning authorities (LPAs).
3. An authoritative report¹ on the required role of LPAs in effecting climate mitigation was published by the Committee on Climate Change (CCC) in December 2020 as part of the evidence supporting the CCC's advice to Government on the setting of the sixth carbon reduction budget towards 2050 Net Zero emissions, and the changes required to achieve that set level of reduction between now and 2035. That report identifies that the place-shaping powers and actions of LPAs potentially influence around a third of UK carbon emissions principally in the buildings, transport, waste and land-use sectors. It emphasises that their role in delivering Net Zero through place shaping is crucial through a range of existing levers that can be used to deliver local action to reduce emissions and prepare local areas to a changing climate. It identifies actions that fall within LPAs' powers to shape spatial planning, land use², resilient building, emissions reduction, energy efficiency and ecological support. It makes clear that national policy and legally binding emissions reduction targets can only be achieved with LPAs' active participation.
4. Mid Sussex District Council is not exempt from that shared LPA responsibility. But its development plan framework lacks the necessary comprehensive strategy to respond effectively to the imperative of meeting the demands of the emissions reduction timetable which the Government has legally pledged to achieve, or organising the necessary resources to do so. Nor is it clear that the Council is co-operating with West Sussex County Council or other

¹ Local Authorities and the Committee on Climate Change's Sixth Carbon Budget Report. <https://www.theccc.org.uk/publication/local-authorities-and-the-sixth-carbon-budget>

² For CCC's recommendations on necessary changes to land use policies see CCC's January 2020 report: Land Use Policies for a Net Zero UK. <https://www.theccc.org.uk/publication/land-use-policies-for-a-net-zero-uk/>

neighbouring District/Borough Councils to implement a co-ordinated approach to climate mitigation.

5. We acknowledge that direction and guidance from national Government to local authorities on the use of their powers is in too many respects absent or conflicting (not least within the NPPF); but that is all the more reason for the Council to show leadership of its own by developing an over-arching strategic climate change mitigation framework for the use of its own powers, one of sufficient flexibility to adapt to changing legal and national requirements. To sit on one's hands awaiting future direction from on high is to sit and watch Rome (and Mid Sussex) burn. It is not justifiable policy.
6. MSDC's adopted District Plan recognises that there is a challenge for the District in terms of its ability to adapt to climate change (para 2.9) and identifies that as a key strategic objective (para 2.14). When it comes to policies to give effect to that objective, the Plan falls way short: all we find is a ragbag of miscellaneous individual references to climate change:
 - In the context of policy DP37, that trees, woodlands and hedgerows play a part in increasing resilience to climate change with a policy expectation that on-site tree planting opportunities will be taken up (pp.90) – 91);
 - Within policy DP39 (Sustainable Design & Construction), planning applicants must show how their site design and layout plans address the risks of future climate change (p.94);
 - Policies DP40 (Renewable Energy), DP41 (Flood Risk and Drainage) and DP42 (Water Infrastructure and the Water Environment) are expressed as responding to the strategic objective to adapt to climate change.
7. These miscellaneous piecemeal provisions in the District Plan fall way short of a strategic approach to the leadership required of the Council though the effective use of the Council's planning and other powers to ensure that all development within the District has a clear and primary focus on mitigating the effects of global warming.
8. A District Plan with only these miscellaneous provisions and no over-arching strategic climate change mitigation policy is not consistent with national policy:
 - 8.1 The Climate Change Act 2008 is the main baseplate on which the structure of national climate change policy currently rests, though the Environment Bill, when enacted will supplement it in important ways. Amongst other things, the 2008 Act requires Government to set binding 5 yearly reducing emissions targets measured against a 1990 baseline based on CCC advice, with current targets running to 2030. Legislation is promised this year to implement into law a 78% target reduction in carbon emissions by 2035 in line with the CCC's most recent advice. These binding targets are unachievable without behavioural changes and actions which it lies within the purview of local planning authorities to manage.
 - 8.2 The legal underpinning for local strategic plans to plan for climate change sits with Section 19 (1A) of the Planning and Compulsory Purchase Act 2004, a section inserted into that Act by the Climate Change Act 2008. Section 19(1A) requires 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."

- 8.3 The UK is a signatory party to the 2015 Paris Climate Change Accord and committed to support global efforts to limit temperature rise to 1.5⁰.
- 8.4 Numerous policy initiatives purposed on different aspects of the requirement to mitigate climate change impacts have been issued in recent years that involve LPAs in one way or another. Amongst many others we reference the 25 Environment Plan, the Clean Growth Strategy, and the 2019 Government pledge to pledge to halve the energy use of new-build homes by 2030. More climate change policy initiatives can be expected in the run-up to, and following, November 2021's Glasgow Conference of the Parties to the 2015 Paris Accord (COP21).
- 8.5 The NPPF expects all these initiatives to be reflected in LPAs' strategic plans: Para 20 provides that *"Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision [In line with the presumption in favour of sustainable development] for (d) ... planning measures to address climate change mitigation and adaptation."* Para 20 is reinforced in more detail by Chapter 14, particularly paras 148-154 which mandate that LPAs take a proactive approach to climate change adaptation and mitigation. MSDC's District Plan miscellaneous ragbag of climate change references fall short of that required coherent, integrated policy strategy.
- 8.6 There can be no doubt that it is national policy that climate change mitigation is an urgent national priority and that local planning authorities must use all the tools in their boxes to influence behaviours to that end. Many authorities, but not MSDC, have since the adoption of MSDC's District Plan recognised that fact by declaring a climate emergency within their areas and pledged to make their areas carbon neutral by (usually 2030 or 2035).
- 8.7 Other LPAs have climate change policies within their strategic plans. For example, East Sussex CC/Brighton & Hove CCC and the South Downs National Park Authority have had a policy (WMP24) within their joint waste and minerals plan since 2013, and are in the process of strengthening it. Hastings Borough Council introduced a climate emergency strategy in 2020 aimed at achieving carbon neutrality by 2030. Further afield, Greater Manchester has proposed a well worded policy, supported by CPRE, in its draft Spatial Framework Publication Plan that is up for examination. That policy has sections that address sustainable development, carbon & energy, heat and energy networks, resilience, flood risk and the water environment, clean air, and resource efficiency. It is a policy that seeks to deliver a route to achieve Manchester's aim to be a leading green city region by 2038. MSDC, by contrast, offers no policy target to achieve carbon neutrality by any date, yet alone a planning strategy to achieve it.
- 8.8 The significance of the work required of LPAs to contribute to climate change adaptation, and the urgency of that task, with increasing legal and policy requirements, have become more apparent since the examination of MSDC's District Plan. MSDC and its District Plan are now out of line with national climate change mitigation policy which, given its urgency and overwhelming importance, is a serious failure of soundness.

9. A District Plan with no over-arching strategic climate change mitigation policy is not a positively prepared plan: MSDC's plan fails to include any comprehensive strategy to apply its planning powers to meet to the objectively assessed need of Mid Sussex to minimise the local and other effects of our warming climate in line with legally-set national emissions reduction targets.
10. A District Plan with no over-arching strategic climate change mitigation policy is not a justified plan: alternative strategy/policy options as to how the Council's planning powers should best be used across the board to ensure that climate mitigation is a core priority in all planning decisions are nowhere canvassed; and it is not a reasonable alternative for the Plan to have no overall policy on this crucial issue.
11. A District Plan with no over-arching strategic climate change mitigation policy is not an effective plan: there is no evidence before the Inspectorate as to how, if at all, MSDC has been co-operating with neighbouring LPAs, including WSCC, to deliver an effective co-ordinated climate change planning policy across the wider area and the range of issues that planning powers can influence.
12. To deny the need for a strategic policy governing the exercise of the Council's considerable powers to mitigate the grave effects of climate change, and to adapt to that change, is to deny that climate change is happening, or to pretend that your Council has no role to play. Neither position is sustainable. The absence within the District Plan framework of a strategic policy across the range of the Council's place making and planning powers to secure appropriate carbon etc emission reductions and adapt to climate change, or a target date to achieve net zero emissions, and the failure to use the SADPD as an opportunity to address that shortcoming, renders the SADPD unsound for the reasons explained here.
13. If the Inspector does not consider it to be practical for the SADPD to be put on hold until a detailed climate change policy has been drafted and examined, CPRE Sussex would call on the Inspector to recommend in his report that a specific climate change policy is required within the District Plan Framework as part of the Plan review process in order to maintain its soundness. That policy needs to set a target to net carbon neutrality in West Sussex alongside neighbouring authorities. It also needs to set out the actions required by the Council to extend to the positive exercise of its planning, land use and procurement powers to influence the behaviour of those dealing with the Council for climate adaptation, mitigation and resilience. The Council should consult widely on its preparation, including but not limited to neighbouring authorities.

14th May 2021