



Northern Ireland  
Assembly

## Research and Library Service Briefing Note

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# ‘Climate Change’ within planning legislation

The following paper looks at the inclusion of climate change in planning legislation in other jurisdictions such as England, Scotland and the Republic of Ireland.

There does not appear to be any provisions covering climate change in planning legislation in Scotland i.e. the Planning etc. (Scotland) Act 2006, and in the ROI i.e. the Planning and Development Act 2000. However, in England, climate change is mentioned in the following legislation in relation to planning:

### **England: Planning Act 2008**

This is an Act to establish the Infrastructure Planning Commission and make provision about its functions; to make provision about the authorisation of projects for the development of nationally significant infrastructure; to make provision about town and

country planning; and to make provision about the imposition of a Community Infrastructure Levy.<sup>1</sup>

Aspect of Act	Clauses
National policy statements (Part 2)	<p><b>5</b></p> <p>(7) A national policy statement must give reasons for the policy set out in the statement</p> <p>(8) The reasons must (in particular) include an explanation of how the policy set out in the statement takes account of Government policy relating to the mitigation of, and adaptation to, <b>climate change</b></p>
National policy statements (Part 2)	<p><b>10 Sustainable development</b></p> <p>(1) This section applies to the Secretary of State's functions under sections 5 and 6.</p> <p>(2) The Secretary of State must, in exercising those functions, do so with the objective of contributing to the achievement of sustainable development.</p> <p>(3) For the purposes of subsection (2) the Secretary of State must (in particular) have regard to the desirability of—</p> <p>(a) mitigating, and adapting to, <b>climate change</b>;</p> <p>(b) achieving good design.</p>
Changes to existing planning regimes (Part 9 ch2)	<p><u>Climate change</u></p> <p><b>181 Regional spatial strategies: climate change policies</b></p> <p>(1) Section 1 of PCPA 2004 (regional functions: regional spatial strategies) is amended as follows.</p> <p>(2) After subsection (2) insert—</p> <p>“(2A) The RSS must include policies designed to secure that the development and use of land in the region <b>contribute to the mitigation of, and adaptation to, climate change.</b>”</p> <p>(3) In subsection (3) for “subsection (2)” substitute “subsections (2) and (2A)”.</p> <p><b>182 Development plan documents: climate change policies</b></p> <p>In section 19 of PCPA 2004 (preparation of local development documents) after subsection (1) insert—</p> <p>“(1A) 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 <b>contribute to the mitigation of, and adaptation to, climate change.</b>”</p>

## The climate Change Act and PPS1

The Climate Change Act prompted a look to the planning system to deliver a large effort to meet the emission targets. As a result, the government published a supplement to PPS1 'Planning Policy Statement: Planning and Climate Change, Supplement to Planning Policy Statement 1' (2007)' dealing with this.<sup>2</sup>

<sup>1</sup> Planning Act 2008 [http://infrastructure.independent.gov.uk/wp-content/uploads/2009/08/ukpga\\_20080029\\_en.pdf](http://infrastructure.independent.gov.uk/wp-content/uploads/2009/08/ukpga_20080029_en.pdf)

<sup>2</sup> DCLG,(2007) *Planning Policy Statement: Planning and Climate Change, Supplement to Planning Policy Statement 1* <http://www.communities.gov.uk/documents/planningandbuilding/pdf/ppsclimatechange.pdf>

PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. The PPS on climate change supplements PPS1 by setting out how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences.

The policies in this PPS should therefore be fully reflected by regional planning bodies in the preparation of Regional Spatial Strategies (p.12 of supplement paper), the Spatial Development Strategy (p.10), and by planning authorities in the preparation of Local Development Documents (p.14). Similarly, applicants for planning permission should consider how well their proposals for development contribute to the Government's ambition of a low-carbon economy and how well adapted they are for the expected effects of climate change. The policies in this PPS are capable of being material to decisions on planning applications.